[F/24]
1,000—25-7-96

Financial (1895) Department.

ORDINARY MS.

G.O., No. 27-28.

DATED 12th Jany 1895.

INDEXED.

36/37

[Despatch Abstract.]

EXCHANGE COMPENSATION ALLOWANCE.-

Considering Messrs.F.G. Marshall and N.W.Parish of the Salt and Abkari Department to be entitled to--, enquiring when the fathers of Messrs. G.P. Shawe and A.C.Woodhouse retired to England, directing that the memorials to His Excellency the Governor- General in Council by Messrs. Mainwaring and Sherman be forwarded, and that certain other officers be informed that cases similar to theirs are now before the Government of India and that nothing can be done pending their disposal.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
65/95							
95/95	So 88	30-1-95					
230/95	So 101	1-2-95					
295/95							
335/95 para 2	So 122	6-2-95					
587	So 233	13-3-95					
1174/95	So 395	6 & 18/5/95					

433/11
403/08

REVENUE BOARD OFFICE
MADRAS.

Proceedings of the Board of Revenue

(Separate Revenue.)

Dated 12th November 1894

No. 4809. Mis.

Read letter from the Deputy Commissioner of Salt and Abkari Revenue, Southern Division, dated 17th October 1894, No. C. 244, submitting a petition from Mr. E. R. R. Mainwaring, Assistant Commissioner of Salt and Abkari Revenue, Negapatam Sub-Division, (addressed to the Government of India) regarding the stoppage of his exchange Compensation Allowance

Resolution:—

The Memorial received with the letter read above is submitted to Government for favorable consideration

2. Mr. Mainwaring's claim to Exchange Compensation allowance was disallowed by the Board on the ground that, at the time of his birth, his father had, by his service under the East India Company, acquired an Indian domicile. Cf.; Government Orders 2nd November 1893, No. 1076, Financial Department and 5th June 1894, No. 433, Financial Department.

(True Extract)

Assistant Secretary

To The Secretary to Government,
Financial Department.
with Memorial

E & R
17/11

REVENUE BOARD OFFICE
MADRAS.

Proceedings of the Board of Revenue

(Separate Revenue.)

Dated 29th November 1894

No. 5145, Mis.

Read letter from the Assistant Commissioner of Salt and Abkari Revenue, Chingleput Sub Division, dated 16th October 1894, No. 4183, stating that Mr. Sewell's father arrived at Madras as an Ensign in the Honorable East India Company's army in April 1857.

Resolution:—

In the letter read above, it is stated that Mr. E. H. D. Sewell's father — Colonel Jane Sewell came to India in April 1857 as an ensign in the army of the East India Company. His domicile, according to the ruling of the Calcutta High Court.

Court reported in pages 105 to 116 of volume IX of the Indian Law Reports, is therefore Anglo-Indian, and the domicile of Mr. E.H.D. Sewell who was born in 1873 is also Indian under section 7 of the Indian Succession Act (X of 1865). Mr Sewell is not, therefore, entitled to Exchange Compensation allowance.

2. The Board, however, resolves to forward this case which is typical of others for the orders of Government, as it has ascertained that Colonel Hans Sewell who is still in service in India is now an Anglo-domiciled European, drawing the Exchange Compensation allowance to which the son is not entitled because his father is or was legally presumed to be domiciled in India. It may be that on the abolition of the East India Company the father's legal domicile became changed while his actual domicile has continued to be as before in India. But, if so, it is clear that the domicile of the son, who was born long after the abolition of the East India Company, ought undoubtedly to be like that of the father, English.

(True Extract)

Assistant Secretary.

To The Secretary to Government,
Financial Department.
The Assistant Commissioner,
Chingleput Sub Division

Ex. Dt 30/11

1894

Board of Revenue.

(Separate Revenue)

Madras.

To

The Secretary to Government,

Financial Department.

Read Proceedings, dated 29th November 1894

No 5145, Mis.

Subject.

Submitting for the orders of Government the claim to Exchange Compensation allowance of Assistant Inspector Mr. E. H. D Sewell of the Cuddalore circle

fo

(8)

His Excellency the Governor
in Council
Fort Saint George.

The humble petition of H. W. Wroughton, 4th grade Inspector of Salt and Abkari Revenue, now on leave, hereby sheweth:—

1. That your humble Servant has just been disallowed exchange Compensation on the ground that his father came out in the Honorable East India Company's Services and therefore has a domicile in India, and his son's

domicile is therefore Indian
Your humble servant
would beg to lay the
facts of his case before
Your Excellency praying
for a favourable consider-
-tion of the same.

2. His original claim
to exchange Compensation,
viz, that he was a son
of an officer in the Indian
army now on duty at
home, that he was edu-
-cated in England; that
his people are in England,
that his children will
be educated in England
and that all his interests
are in England, this claim
was recognized and
passed by the Board of
Revenue without question

and your petitioner has been drawing the allow-ance up to the end of July 1894, when Board's proceedings n.s 3134 dated 20th July 1894 called upon him to state whether his father had come out in the East India Company's Service?

2. In reply he states as follows:—

"My father came out to India as a Subaltern in the East India Company on the 23rd September 1856 and his services were transferred to the Crown from the 31st Octr 1858. He subsequently joined the Indian Staff Corps (12th September 1866.

He returned to England
on the effective staff
on 26th August 1888 and
is still in that capacity
at home not having
yet retired (vide army
list.)"

4. The Board's decision
was communicated in
their proceedings no. 3622
Mis.
dated 22nd August 1894
against your petitioner's
claims as follows:—
"It has been recently
decided by Government,
following the ruling of
the Calcutta High Court
(at pages 106 to 115 Volume
4 of the Indian Law
Reports, Calcuttah Series)
that the domicile of
all European officers

who came to India in
the Service of the East
India Company is Indian.
The domicile of the margin-
-ally noted officers' fathers
who were in the Service
of the East India Company
was therefore Indian.
The domicile of the officers
following that of their
fathers is also Indian.
Their claims to exchange
Compensation allowance
already admitted are there-
-fore disallowed."

5. Your humble servant
begs to be allowed to ask
whether the High Court
ruling is really applic-
-able to his case for
the reasons hereinafter
set forth. His father
joined the Honorable

East India Company
only two years before his
services were transferred
to the Crown and at the
time when part of India
was in a state of mutiny
and it was a question
whether the English would
be able to hold their
own, so that thoughts
of a domicile in India
could scarcely have
been entertained. More-
over all the military
officers now in the service
who originally came
out in the East India
Company's service at
the same time as your
petitioner's father are
drawing compensation
There can be no doubt

therefore if your petitioner's father were in India, he would draw exchange compensation allowance and therefore he cannot have a domicile in India; on the very point on which your humble petitioner's compensation has been disallowed. It will be granted that a large proportion of the officers in the Government Service now drawing exchange compensation are the Sons of the Honorable East India Company's Servants of much older standing than petitioner's father. Petitioner's father

has now removed his
domicile to England
being on the eve of
retirement and his
technical Indian
domicile has ceased.

6. Upon this representation
your humble petitioner
craves your Excellency's
kind consideration and
begs that his claims
to exchange compensation
may again be allowed.

For which act of
kindness your petitioner
will as in duty bound
ever pray.

11th Sept 1894

A W Wroughton
13/9/94
Dep of Salt + Abk
Un grade
on leave
X of 1865

16

His Excellency
the Governor in Council
Madras

Petition from N. W. Wroughton
4th Grade Inspector Salt
and Abkari Department
praying for a reconsideration
of his claims to Exchange
Compensation Allowance for
the reasons stated therein.

REVENUE BOARD OFFICE
MADRAS.

Proceedings of the Board of Revenue

(Separate Revenue),

Dated 21st September 1894.

No. 4123. Mis

Read ~~petition~~ letter from N. W. F. Wroughton Esqre, Inspector of Salt and Abkari Revenue, Anakapalle Circle, on leave, dated 13th September 1894, forwarding a Memorial to His Excellency the Governor in Council praying for a reconsideration of his claim to Exchange Compensation allowance.

Resolution.

Submitted to Government; the case of the petitioner and of many other officers in like position appears to the Board to be deserving of favourable consideration.

2. Mr Wroughton's claim was disallowed by the Board with reference to the Government orders noted in the margin. His father had by his service under the East India Company acquired an Indian domicile and consequently the domicile of origin of Mr Wroughton, who was born on the 8th August 1860, is Indian under section 7 of Act X of 1865

× Dated 2nd November 1893 No 1076 Financial Dept.
- do - 5th June 1894 No 433 Financial Dept.

X 9 1865 (the Indian Succession Act). The fact of Colonel Wroughton's return to England on the effective staff on the 26th August 1888 does not affect his domicile of origin

(True Extract)

Assistant Secretary

To

The Government,
Financial Department
with Memorial

Ex.
OSR
29

Financial Sept

28/9/94 R No 933 Jml.
5/10/94 No 4833
2/11/93 No 1076

Board of Revenue
Separate Revenue
Miscellaneous

To

The Government
Financial Department

Read 3.10.94
Exc: 1

Proceedings dated 28th September 1894
No 4123 Mis

SECRETARIAT 3 OCT. 1894 OF MADRAS

Subject

Submitting to Government Memorial from Rev H. W. F. Wroughton appealing against the Board's decision rejecting his claim to Exchange Compensation allowance.

REVENUE BOARD OFFICE MADRAS

Proceedings of the Board of Revenue
(Separate Revenue),
Dated 28th November 1894.
No. 5747 Mis.

Read Official Memorandum from the Assistant Secretary to Government Financial Department dated 7th November 1894 No 2170.

Resolution.

With reference to the Memorandum read above the Board begs leave to report that the first appointment under Government held by Mr Wroughton was a Third Grade Assistant Inspectorship in the Salt and Abkari Department. Prior to his employment in this department he was Superintendent of a Coffee Estate in India for about 3 years: Vide Commissioner's letter No 5768 dated 23rd July 1884 (in which he was recommended for exemption from the Examination rules) disposed of in Government order dated

dated 9th August 1884 No. 458 Mis
(Educational Department)

(True Extract)

Communicated

Assistant Secretary

To

The Chief Secretary to Government,
Financial Department.

Ex 226
30/11

3,000
9-8-94.

189 .

Board of Revenue

(Separate Revenue),

MADRAS.

To

Proceedings, dated 189 ,
No.

Subject.

3,000
9-8-94.

1894.

Board of Revenue

(Separate Revenue),

MADRAS.

To

The Chief Secretary to Government,
Financial Dept.

Read
Reply 1/12

Proceedings, dated 28th November 1894.
No. 5147 Mis

Subject.

Reporting to Government that Mr. Wrayston was first employed as a 3rd Grade Assistant Inspector in the Salt and Abkari Department and that he was previously employed as Superintendent of a Coffee Estate

To

His Excellency
The Right Honourable
The Governor in Council
Fort Saint George
Madras, G.C.S.E.

Through Proper channel.

My Lord,

I most respectfully beg to request your Excellency will be pleased to forward the accompanying memorial to His Excellency the Right Honourable the Governor-General in Council with your Excellency's favourable recommendation.

I beg to remain,
My Lord,
Your Excellency's most obedient Servant

C. M. Stevenson
28-11-94

Ag Assistant Commissioner
Salt and Abkari Revenue
Chingleput Sub Division
Madras Presidency

R 5234 of 94

Rcf F 2436 of 94

From

The Ag assistant Commissioner
of Salt & abkari Revenue
Chicacole &c &c.

To

His Excellency
the Right Honorable
the Governor in Council,
Fort, St. George
madras.
G.C.D.E.

Through The Deputy Commissioner of Salt & Ak
Northern Division & the Board of
Revenue Separate Revenue

Dated 25th October 1894

No

Enclosure 1 Memorial

Subject

Submitting a memorial from Mr.
C. M. Sherman, regarding Exchange
Compensation allowance claimed
by him but disallowed by Government.

Pay & allowance

Fort
2
3180

REVENUE BOARD OFFICE
MADRAS.

Proceedings of the Board of Revenue

(Separate Revenue,)

Dated 28th November 1894

No. 5143, Mis.

Read letter from the Deputy commissioner, Northern Division, dated 29th October 1894, No. 2589, submitting the memorial of Mr C. M. Sherman to His Excellency the Governor-General of India in Council regarding his Compensation allowance disallowed by Government.

Resolution:—

Submitted to Government for favorable Consideration.

2. Mr. Sherman's claim to Exchange Compensation allowance was disallowed by the Board with reference to Government Order.

Order, dated 5th June 1894, No. 433, Financial Department. His father came to India in 1853 in the Honorable East India Company's Service and thereby acquired an Indian domicile; he was in Service until 1887. Mr. Sherman, who was born in 1863, had therefore an Indian domicile of origin which he has not changed.

(True Extract),

Examiner/Under-
Assistant Secretary.

To

The Chief Secretary to Government.
Financial Department.
with 1 enclosure in original.

Ex. 8
30/11

3,000
9-8-94.

189.

Board of Revenue

(Separate Revenue),

MADRAS.

To

Proceedings, dated 189.
No.

Subject.

3,000
9-8-94.

1894
Board of Revenue
(Separate Revenue),
MADRAS.

To

The Chief Secretary to
Government,
Financial Department.

Read 1/12
Rep 1/12

encls 2

Proceedings, dated 28th November 1894
No. 5143 Mis.

Subject.

Submitting to Government for favorable Consideration Memorial of Mr C. N. Sharman addressed to His Excellency the Viceroy regarding his claim to Exchange Compensation allowances.

Fo 582

(82)

List of Certain Officers in the Salt and Abkari Department who are considered by the Board to have an equitable claim to Exchange Compensation allowances.

No.	Name & Officer	When and where born	Where Educated	Particulars of Father's domicile	Remarks.
1	Mr. J. G. Marshall	22nd October 1857 England	England	His father came out to India in the Honorable East India Company's Service in 1840, retired in 1872 and is now living at Bournemouth, Dorsetshire.	
2	Mr. R. P. Moore	20th November 1853 England	England	His father entered the Honourable East India Company's Service in 1845, retired in 1883, and is now living in England.	
3	Mr. G. T. Kingston	February 1873 England	England	His father entered the Honourable East India Company's Service in 1857 or 1858 retired in June 1892 and is now living in England.	This case seems to show clearly the anomalous light in which Europeans appointing seems to the Department as to the position & legal domicile.

No	Name of Officer	When and where born	Where Educated	Particulars of father's domicile	Remarks.
4	Mr E.R.R Mainwaring	25th January 1859 India	England	His father came out in the Honourable East India Company's Service in 1846, finally left India in 1887 and is now residing in England.	His Memorial to Government has been submitted with Board's Proceedings dated 12th November 1894 No 4809 Mis— His brother in the Army in India draws Exchange Compensation allowance. C. No. 3058
Res 5 Rs	Mr C.B Shawe	31st August 1843 India	England	His father came out in the Honourable East India Company's Service between 1840 and 1850, returned to England on retirement and lived there till his death.	
6	Mr C.M Sherman	29th July 1863 Madras	England.	His father came out to India in the Honourable East India Company's Service in 1853, retired in 1887, and is now living in England.	His Memorial to His Excellency the Viceroy has been submitted with Board's Proceedings No 5143 Mis dated 28th November 1894 C No 3180

No	Name of Officer	When and where born	Where Educated	Particulars of father's domicile	Remarks.
7.	Mr. A.W.T Broughton	8th August 1860 India	England	His father came out to India in the Honourable East India Company's Service in September 1856, returned to England in 1888 on the effective staff and is still in that Capacity at home	His appeal to Government has been submitted with Board's Proceedings dated 21st September 1894 No 4123 Mis. C No 3178
8.	Mr. N.N Parish	16th April 1863 Burmah	England	His father came out to India about 1853 or 1854 in the Honourable East India Company's Service, retired and went to England in 1875 or 1877.	
9.	Mr. A.C Woodhouse	1865 India	England	His father came out to India on 11th September 1858 in the Honourable East India Company's Service, has retired and is now living in England.	

No	Name of Officer	When and where born	Where Educated	Particulars of Father's Domicile	Remarks
10.	Mr Dalrymple-Hay	8th January 1860 India	Partly in Scotland and partly in England	His father Came out to India in the Honourable East India Company's Service in 1847, and served in the Indian army till his death in 1881.	
11.	Mr. H Chanter	25th May 1858 India	England	At the time of his birth his father was a member of the Indian Civil Service having entered the Honourable East India Company's service prior to the 1st November 1858 His father died while on duty as Civil and Sessions judge Salem in April 1869.	
12	Mr. E.H Doveton	24th August 1852 India	England	His father was in the Honourable East India Company's service and died subsequently as British Consul in Pondicherry in 1874	
13	Mr. C.N.P St John	3rd May 1861 India	England	His father Came out to India in the Honourable East India Company's Service in 1856. He is still in the service of Government in the Military Department and draws exchange Compensation allowance.	

No	Name of Officer	When and where born	Where Educated	Particulars of Father's Domicile	Remarks
14	Mr Sewell H.D	30th September 1872 India	England	His father Came out to India in April 1857 as an ensign in the Honourable East India Company's Service. He is still in the service of Government as Superintendent of Family Payments and Pensions and draws exchange Compensation allowance	His case has been Submitted to Government by Vide Board's Proceedings No 5745 of this date 29th November 1894. x under disposal. C No. 3177.
15	Mr W.H Taylor	23rd October 1865 England	England	His father Came out to India in 1844 and entered the Honourable East India Company's Service in 1857. He retired from the Service in 1889 and returned to England but Came out again to India to take up work as Land Acquisition Officer in Connection with the East Coast Railway in the Puri District of Orissa He is drawing exchange Compensation allowance.	

Examined
Assistant Secretary

1894
Financial
Proceedings No. 1
No. 3362

(37) 3362.

REVENUE BOARD OFFICE MADRAS.

Proceedings of the Board of Revenue

(Separate Revenue.)

Dated 7th December 1894.

No. 5373 Mis.

Resolution.

In their order dated 5th June 1894 No 433, Financial Department, Government declined to refer to the Government of India the question of whether the Calcutta High Court's ruling regarding domicile should be strictly followed in dealing with claims for exchange compensation allowance, but remarked that any cases in which the application of the ruling operates hardly should be brought to notice. With reference to this order, the Board

Legs.

begs leave to append a list of certain officers who are in its opinion equitably entitled to exchange Compensation allowance but are debarred from drawing it merely on the ground that at the time of their birth the domicile of their fathers was Indian by reason of their service under the Honorable East India Company -

It will be seen from the list attached that officers Nos 1 to 3 were born and educated in England and their fathers have re-acquired an English domicile by taking up their fixed habitation in England on retirement from the Service in India, and

that

that officers Nos 4 to 9 were born in India but educated in England and their fathers also have re acquired an English domicile - Officers Nos 10 to 12 were born in India but educated in Europe; their fathers died while in service in India. Officers Nos 13 to 14 were educated in England; their fathers are still in the service of Government in the Military Department and are drawing exchange Compensation allowance.

This is a question in the Military Dept.

The list is not complete; it is submitted as a basis for deciding

on

(40)

on the applicatuns of the ruling

(True Extract)

Commissioner

Assistant Secretary

To

The Chief Secretary to Government

Financial Department

Ex Off

f°. 433 : 5-6-94 Fwd.

4,000 copies.
20-3-94.

CURRENT NO. 3362

1894.

Board of Revenue
(Separate Revenue),
MADRAS.

To

The Chief Secretary
to Government.
Financial Department

CHIEF SECRETARY
GOVERNMENT OF MADRAS

Recd 17/12
Reply 18/12

Encl.

Proceedings, dated 7th December 1894,
No. 5373. Fin

Subject.

Submitting to Government a list of certain officers of the Salt and Abkari Department in whose case the ruling of the Calcutta High Court regarding domicile, is considered to operate hardly.

Vayalur,
12 December, 1894.

To His Excellency the Right Honourable,
Beilby, Baron Wenlock, G.C.I.E.
Governor and President in Council,
Fort St. George,
Madras.

Through the Board of Revenue,
(Separate Revenue)

The humble memorial of W. C. W. P. S. D. M., Inspector of Salt and Abkari Revenue, in charge of the Vayalur circle,

Respectfully sheweth,

That your Excellency's Memorialist, son of Colonel F. C. S. D. M. (lately officiating Brigadier General, Belgaum district, and now on furlough) applied to the Board of Separate Revenue for the admission of his claim to Exchange Compensation allowance, as granted to all non-domiciled Europeans residing in India; that after certain correspondence on the subject the Board of Revenue (Separate) in its proceedings No. 4121, miscellaneous, dated 24th September, 1894 informed Your Excellency's Memorialist that his claim was inadmissible by reason of the fact that his domicile

f. 433 : 5-6-94 Enl.

following that of his
Father's must be held to
be Indian; that on a further
representation the Board
in its proceedings No 5146,
dated 28 November, 1894,
informed Your Memorialist
that he might represent his
claim to Government, and
that this Memorial is
submitted in conformity
with the above proceedings
to place before Your Excellency
the claims of Your
Memorialist to this
allowance

The Board in its
proceedings passing orders
disallowing Your
Memorialist's claim,
laid down that his
claim could not be
countenanced in view of
a ruling of the Calcutta
High Court, which fixes
the domicile of Officers
who came out to India
in the service of the East
India Company (as his
Father, Colonel F.C. St. John,
above mentioned did) as
Indian, and that Your
Memorialist's domicile
following that of his
Father is also Indian.

Your Memorialist
here begs to point out
that his Father (the above
named Colonel F.C. St. John

has been admitted and
allowed Exchange Com-
pensation, and has drawn
the same; and in view of
this fact Your Memorialist
would most respectfully
submit that his claim to
this allowance may be
admitted as his Father's
domicile cannot under
the circumstances be
Indian, and that neither
less nor more will that
of Your Memorialist's be -

Your Memorialist
therefore begs that Your
Excellency will be
pleased to consider the
above claim and Modify
the Board's orders
disallowing Your
Memorialist's claim to
this allowance.

C.L.P. St. John
Inspector of Salt Abkari
Mayaveram Circle,
Chingleput Sub-Division

From
C. C. P. Stokoe,
Inspector of Salt and Abkari,
Vizagapatam Circle.

To
His Excellency the
Right Honourable Baillie,
Baron Wenlock, G.C.S.I.
Governor,
Fort St George.

(Through the Board of Revenue)

Dated, December 12th, 1894.

Praying for the admission
of his claim to Exchange
Compensation allowance.

4
Encl
1
3449

(45)

(46)

REVENUE BOARD OFFICE
MADRAS.

Proceedings of the Board of Revenue
(Separate Revenue.)

Dated 21 December 1894.
No. 5628, this

Read Memorial from C. W. P. St Johns
dated 12 December 1894

Resolution

Submitted to Government
in original in continuation of Board's
Proceedings No 5373 this dated 7 December
1894.

(True Extract)

Communicated
Assistant Secretary

To
The Secretary to Government
Financial Department
with 1 enclosure

1894

Financial

Board of Revenue

Separate Revenue

elladras

To

The Secretary to Government

Financial Department

CHIEF SECRETARY

Proceedings dated 21 December 1894

No 5628. Rio Section 1

Submitting to Government in original in continuation of certain Board's Proceedings the Memorial of Mr C.W.P. St John, Inspector, Koyalur Circle, in the matter of the disallowance of his claim to Exchange compensation allowance by the Board

C. No. 3362.

Of the Officers mentioned in the enclosure to the Board's proceed it would appear that Messrs J. G. Marshall and N. W. Parish are entitled to ~~the~~ Exchange compensation allowance as although their fathers acquired an Indian domicile by accepting service under the E. I. Company they apparently resumed their English domiciles whilst the sons were still minors [vide definition of "minor" in sec. 1 of Act X of 1865] also Section 14 [illegible].

It should be ascertained & reported when the father of Messrs C. B. Shawe & A.C. Woodhouse retired to England.

C.S.
W.12

3058
3,000
3-8-94

1894

Board of Revenue

(Separate Revenue),

MADRAS.

To

The Secretary to Government,

Financial Department.

Encl 1.

Rec'd 19/11/94
Reg'd 24/11/94

Proceedings, dated 12th November 1894
No. 4809, Mis

CHIEF SECRETARY'S OFFICE
12 NOV. 1894
GOVERNMENT OF MADRAS

Subject.

Submitting to Government Memorial from Mr. Mainwaring appealing against the Board's decision disallowing his Claim to exchange Compensation allowance.

Put up with connected papers

To G.O.?

For Order as to whether this should be rejected under Section III, Rule 3 (3) of the B. Memorial rules. The appeal to India is against the Board's action on G.O. of 5.6.94, No. 433, but it is thought that Mr. Mainwaring should place his case clearly before this Govt. before he appeals to India. The order of 5th June 1894 was a general one & did not specify Mr. Mainwaring's case in particular. If he thinks he should be exempted from its operation he should appeal to this Govt.

CS
24/11.

27/11/94

Is there any case in which we have rejected similar cases & if so had we to take it on record before rejecting?

27/11/94

3,000
9-S-94.

189.

Board of Revenue

(Separate Revenue),

MADRAS.

To

Proceedings, dated
No. 189

Subject.

[G / 25]
200—6-S-94.

Financial DEPARTMENT.

C. No. 2524

FOR ORDERS.

There can be no doubt about the Case of Wauchope v. Wauchope in which we acted on. I think we reported to India the other day that we were acting on that case. If so, there is nothing to be done but to wait to see what they say on the question & pursue our present course.

WR
8/10/94

JG
10/10

It is a very hard case - and I must say I think this technicality is an absurd bar. I think we should press this point on India, & ask them to give the necessary relaxation. They are so long in issuing their new rules, that a little jogging can do no harm.

W.
18 Oct

Very well - Do it on

WR

This & the other case 29/10/94
may be considered as addenda to Mr. Faddon's case & India may be told ×

The case appears to be a clear one. Under the present rules Mr. Wroughton is not entitled to the Exchange Compensn. Allowance as there can be no doubt that his legal domicile is India. The case appears to be a hard one but so long as the present rules exist (and the G.of.I. are taking its time about altering them) there will be many like it.

JG
5/10/94

C.S.
31*

× that there are many other cases of the same kind.
WR

Exchange Compensation
Allowance
of Mr. Broughton

FOR ORDERS.

Further

Again written Mr Bligh C.S.
Encl. note for Mr Graham

21/1
23/1

Secy No. 2170 of 7 Nov 1894

Rec

The Bd of Revenue is
requested to ascertain & report
(a) the first appt. under Govt.
held by Mr. Broughton
(b) the circumstances under which
he received the appt. i.e. whether he
came out to India expressly to
take it up or merely came out
to India in search of employment
& subsequently succeeded in obtaining
the appt in question.

CS
26.4

JD
30/10/94

Bd of Rev (Sep. Rev) (2) despd 7/11/94

Cfwd 6/11

[G. / 25.]
57—20-9-94

(2V)

Financial Department.

C. No. 2783.

FOR ORDERS.

(3) Num 80 96/2 7-11-94

The reply from the G.G.I. to the letter re Mr. Gaddam's case has been received - C. No. 2783. Further information as required but this can be furnished from the ~~information~~ papers in the file - vide para 3 of Mr. Gaddam's letter of 10th July 1894 marked with a slip in G.O. of 4.9.94 No. 687/2.

If Mr. Broughton's case is sent up the G. of I. will probably require the same information. A reference on the point has therefore been drafted.

Draft as regards C. No. 2783 & Mr. Rowlandson's case is submitted for approval.

CS.
26.4

JD
30/10/94

Exchange Compensation

FOR ORDERS.

Messrs Gaddam, Poulden & Broughton

Hall Mr. to C.

[G. / 25.]
00—26-11-94.

Financial Department

C. Nos 3058, 3177, 3178, 3180

FOR ORDERS.

On C. No. 3058 Hm. has noted that the disposal of Mr. Manwaring's Memorial to the G.O.I. ~~should~~ had better await the reply to letter of 7.11.94 No. 963.

C. No. 3180 contains a Memorial from Mr. C. M. Sherman similarly appealing direct to the G. of I.

C. No. 3178 gives cover to Mr. Broughton's case. It was at first decided† that this case should be forwarded to the G.O.I. as an addendum to Mr. Gaddam's; further information was however required which the Board has now furnished. Mr. Broughton's case differs from that of Mr. Gaddam in that the former did not come out to India in the first instance to take up Govt. employment

In C. No. 3177, the Board brings to notice the case of Mr. E. H. D. Sewell. The question as to whether his father, Colonel James Sewell, is rightly drawing Exchange

† Vide note marked with slip.

Compensation Allowance is one for the Military Dept.

Orders are solicited as to the disposal of the enclosed.

Ch.
16.12

HS
19/12/94

Since the above was written C.No 3362 has been received from the Board giving particulars of 15 cases which it has rejected under the ruling in Wauchope v. Wauchope. Four of these cases are those referred to above - viz, those of Messrs Mainwaring, Broughton, Sherman & Sewell [Nos 4, 6, 7 & 14 in the list enclosed in the Boards Proc]; two - those of Messrs Marshall & Parish [Nos 1 & 8 in the list] - have apparently been incorrectly interpreted by the Board as the fathers of these officers seemingly resumed their English domiciles during the minority of the sons; as regards two others - those of Messrs Shawe Woodhouse [Nos 5 & 9 in the list] - sufficient information has not been furnished. Draft as regards these four cases is put up. The other seven cases those of Messrs Moore, Kingston, Dalrymple Hay, Charnier, Doveton St John & Taylor [Nos 2, 3, 10, 11, 12 13, & 15 in the list] are barred by the ruling in Wauchope v. Wauchope

FOR ORDERS.

Council

[G. 25.]
50—29-9-94

C. No.

FOR ORDERS.

The father of Mr. Kingston (No. 3 in the list) retired in June 1892 and presumably returned to England then - Mr. K. was born in July 1873 & (Act X of 1865) had attained, for the purposes of his majority when his father resumed his English domicile. Had the father retired to England 18 months earlier - i.e. when Mr. K was a minor - he (Mr. K) would have acquired an English domicile. This accident, which debars Mr. Kingston from the benefits of the allowance, is only one instance of the anomalous results arising from the G. of I's decision to make legal domicile the test for admission to the allowance.

The G. of I. does not appear to be in a hurry about replying to letter of 7. 11. 94 No. 963, & the long talked of revised rules have not yet been promulgated. The present system cann

ut give rise to a good deal of dissatisfaction & it seems advisable to urge strongly on the G. of I the necessity for a change in the present Ex. Comp. Allowance rules. The best way to do this seems to be to send up all those cases on which the information is complete.

C.B.
29.12

Ex Army Comptrs

FOR ORDERS.

Council
(10)

Mr Fox Cb.

I marked the first note for Council when Mr Price had no objection to its being taken. It seems better to take action in Council on the first question for decision as to whether the Councils should be ex. officio

29/12

Secy
31/12

Put in Council that Officers serving under Native Governments before Lord Lansdowne's time have been regarded as Domiciled in India may be the same view

In Council
31/1/95

[G/24]
200—6-8-94.

Financial DEPARTMENT.

Papers to be read in Proceedings:—

Again G. O., dated 7th Nov 1894, No. 962.3. (2)
Again G. O., dated 189 , No.
Current No. 3058 of 1894, dated 12th Nov from the Bd of Rev.
" 3177 " " 29th " " — do —
" 3178 " " 28th " " — do —
" 3180 " " 28th " " — do —
" 3362 " " 7th Dec " — do —
Current No. 3449 of 1894, dated 21st Dec from — do —

ORDER. 12th January 1895 No 27

Of the officers mentioned in the enclosure to Boards proc: 27th Dec 94, No. 5273, Messrs F. G. Marshall and N. W. Panch appear to be entitled to exchange compensation allowance, as although their fathers acquired an Indian domicile by accepting service under the East India Company they apparently resumed their English domiciles whilst the sons were still minors.

2. It should be ascertained and reported when the fathers of Messrs C. B. Shaw and A. J. Woodhouse returned to England.

3. The memorials addressed to H.E. the Gov. Genl. in Council by Messrs Manwaring & Chennan will be forwarded to the Govt of India.

4. The remaining officers mentioned in the Board's Proc read above will be informed that

that other cases similar to theirs are now before the Govt of India and that nothing can be done pending a reply from that Govt.

C.S. 10.1.95

Dy 11/1

To The Bd of Revenue (9)

DESPATCHED 17 JAN 95 IN M.S

No 28

Letter

To the Secy to the Govt of India

DESPATCHED 21 JAN 95 IN M.S

Sir,

In continuation of the Hon'ble Mr. Price's letter of the

~~With reference to the correspondence ending with my letter~~ dated 7 Nov. 94, No. 963, I am directed to forward the accompanying memorials addressed to H.E. the Viceroy & Governor General in Council by Messrs C.R.R. Mannering and C.M. Sherman in regard to their claims for exchange compensation allowance.

2. Mr Mannering, an Asst Commr in the Salt & Abkari Dept, was born in January 1859. His father came out to India in the Hon: East India Company's service in 1846 and finally left India in 1887 ~~to the~~ which they did not relinquish until after his

3

[G/24]
200—6-8-94.

DEPARTMENT.

Papers to be read in Proceedings:—

Again G. O., dated 189 , No.

Again G. O., dated 189 , No.

Current No. of 189 , dated from

Current No. of 189 , dated from

ORDER.

3. Mr Sherman, an Inspector in the same Dept, was born in July 1863. His father came out to India in the Hon: East India Company's service in 1853 and retired to England in 1887.

4. Of those two officers claims have been rejected under the rules quoted in para: 4 of this Govt's letter of the 4th Sept. 1894, No. 682, Fin., on the ground that their fathers, by accepting service under the East India Company, acquired an Indian domicile ~~and had to remain~~ ~~in England before~~ their sons attained their majority.

5. I am to add that other similar claims have been rejected pending orders of the Govt of India. (From Orders)

C.S. 10.1.95

Dy 11/1

Fin 10/1/95

[F]

given for copying ____
copied ____
examined ____
signed ____
} 189 .

IN G.O., No. 89 , DATED

OVERNMENT	A	A	A	A	A	A	A
GOVERNMENT.							
WITH DITTO.							
FILLED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.							

N.B.—
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