

Financial (1895) Department.

ORDINARY MS.

G.O., No. 876

Dated 7th Nov. 1895

INDEXED

9/10

[Despatch Abstract.]

EXCHANGE COMPENSATION ALLOWANCE

Agreeing with the Board of Revenue in considering that Mr. Wilson,
Inspector of Salt and Abkari Revenue, Calicut Circle, is not entitled to

BACK PAPERS.

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

FURTHER PAPERS.

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

Questions.

Answers.

1. Are you a European or a Eurasian ?

1. European

2. What was your father's nationality ?

2. English

3. In what country was your father born, and where was he educated ?

3. Born in India. Educated from Childhood in England.

4. In what year did your father first come to India ?

4. In 1825.

5. If your father is still living, in what country is he ? If dead, in what country was he at the time of his death, and in what year did his death occur ?

5. Living in India at present.

6. What profession or service did your father follow while in India ? If he came to India before 1858, was he in the service of the Honorable East India Company or of the Crown ?

6. Army of the East India Company.

7. Did your father ever leave India after his first arrival in the country ? If so, please state (1) on how many occasions, (2) in what years, and (3) for how long on each occasion ? Did he spend these periods of absence in Europe ?

7. Yes. (1) Three
(2) In 1855 & 1869.
(3) 15 months & 2 years respectively. All in England.

8. In what year were you born ?

8. In 1859

9. Were you born in India or in Europe ?

9. In India

189

Encl. No. 1

O. N. 571

Questions.

Answers.

10. * If you were born in India, have you ever left this country? If so, please state (1) on how many occasions you have left it, (2) in what years, and (3) for how long on each occasion. In what country did you spend these periods of absence?

* Note.—It is essential that this question should be answered fully.

11. * If you were not born in India, in what year did you first come to this country? If you have ever left India since your first arrival, please state (1) on how many occasions, (2) in what years, and (3) for how long on each occasion. In what country did you spend these periods of absence?

* Note.—It is essential that this question should be answered fully.

12. In what year did you enter the public service, and in what capacity? In what Department are you now employed?

13. If any interval elapsed between your first arrival in India and your employment in Government service, please state in what profession, service, or other employment, if any, you passed this interval.

14. In what country were you educated?

15. Are you married? If so, in what country, and in what year were you married?

16. If you have any children, please state their present ages, and in what country each of them has been or is now being educated?

17. Is it your intention to settle permanently in India, or in Europe, when you retire from the service of Government?

10. (1) Left India twice. (2) In 1866 before school, college in England from 1866 till 1878; then went to Ceylon. Came to India (after typhoid fever & consequent loss of employment) in 1879 to my father and was then being in England. Went to England on the 10th in 1891 for 12 months preceding my appointment in 1892. (3) first occasion 11 years, second occasion 1 year. All in England.

11. (See 10)

12. Entered the public service 10th June 1881 as Inspector of Police, & transferred to the Salt Department in 1882. Now in the same Department.

13. Went to Ceylon as a Planter in 1878. Came to India in the end of 1879 (see 10) unemployed till 1881 (see 12)

14. Educated in England.

15. Married in England in 1892.

16. One child born in November 1894.

17. I fully intend to settle permanently in England when I retire from the service of Government. I never had the slightest intention of remaining in India one day longer than is absolutely necessary.

V. S. Yellowes Wilson

15.3.95 Inspector Salt & Akkari

Yo

His Excellency The Governor of
Fort St. George in Council
Ootacamund

The Petition of Villiers Stewart Yellowes Wilson,

Inspector of Salt and Akkari Revenue, Calicut Circle,

Humbly Sheweth,

(1) In its Proceedings No. 2716 Routine dated 23rd December 1893 the Board of Revenue at Madras admitted your Petitioner's claim to exchange compensation allowance, which was afterwards paid.

(2) Under the Resolution of the Government of India (accounts and Finance - Rates of Exchange), dated Simla, the 18th August 1893, No. 3624-A, your Petitioner is entitled to the allowance if not domiciled in India.

By virtue of the provisions of Section 7 of the Indian Succession Act the domicile of origin of your Petitioner is in the Country in which at the time of his birth his father was domiciled.

(3) Your Petitioner was born in India in the year 1859, and at that time his father C. H. Wilson (now a Major General retired and residing at Ootacamund) had his domicile in England. Your Petitioner's grandfather, the late Lieut. Genl. Francis Whish Wilson, C. B., was born in England, educated in England and Scotland, served in the East India Company's Madras Army, returned to England occasionally on leave, purchased a house in England in the year 1841, and had his fixed habitation there, and died there in the year 1853. Your Petitioner's father was born in India in the year 1829, having his domicile in England where his father the said Lt. General F. W. Wilson C. B. was domiciled as aforesaid, resided in England under education from 1833 to 1845, entered the Indian Military Service in 1846 intending to retain his English domicile, and remained in such service with such intention until and after his retirement from the service. Whether your Petitioner's

Under Whistler's
Whistler's law
domicile was
India.

As at time?
His father's domicile
was E. I. Co. service
he acquired domicile
Indian domicile
where he died
until 1841 approx.

father will ever return to England or acquire a new domicile by conforming to the provisions of sections 10 and 11 of the Indian Succession Act, your Petitioner submits is a question with which your Petitioner has no right to deal, and which cannot arise with reference to the claim of your Petitioner to Exchange Compensation allowance.

Your Petitioner is therefore not domiciled in India, and he has not only not determined to change his English domicile or to acquire a new one under Sections 10 and 11 of the said Act, but has taken, and intends if allowed to take, furlough to England, to educate his children in that country, and to reside there should he live to the age of retirement from the service. Your Petitioner will if required furnish Affidavits of the facts set forth in this paragraph.

(4) Notwithstanding your Petitioner's said status and the fact that his claim to exchange compensation allowance was admitted and paid as aforesaid, the Board of Revenue in its Proceedings No. 3622 dated 22nd August 1894 disallowed his claim, and in its Proceedings No. 887 Routine, dated 10th April 1895, declined to modify its said order disallowing such claim.

(5) In its Proceedings No. 1586 Dis. dated 4th April 1894, the Board of Revenue resolved that Messrs H. J. Simpson and W. Simpson were not entitled to compensation allowance for the reason that they had never left India, and called upon certain other Officers to report where they were born and educated. Not only is your Petitioner's domicile in England, as above shewn, but he was at School in England during the period of 11 years from 1866 till 1877, and was on furlough in England 1 year in 1891-2, when he married into an English family.

(6) For a negative definition of your Petitioner's status your Petitioner craves leave to refer to the New Rule added as Note 3 to article 41 A of the Civil Account Code as follows:—
"The domicile of an Officer born and educated in India who has never left the Country is Indian, whatever his domicile of origin may have been"

Your Petitioner submits that according to this rule also,

It cannot affect
now.

This does not constitute
a domicile. There
be set on record
intention.

This is the
point.

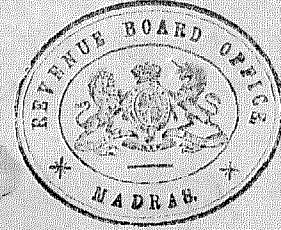
As applied to the facts, his domicile is not Indian. _____

(7) _____ Your Petitioner also submits that even if he had _____ been unable to shew that he is absolutely entitled to exchange Compensation allowance, the services of his late grandfather, _____ of his father, and of himself, might have been urged for _____ a favorable consideration of your Petitioners' case by _____ your Excellencies' Government. _____

(8) _____ Your Petitioner therefore prays that Exchange Compensation may be allowed him as heretofore and your Petitioner as in duty bound will Ever pray. —

Calicut
19th September 1895. }

V. S. S. Wilson



Proceedings of the Board of Revenue

(Separate Revenue),

Dated 3rd October 1895.

No. 4207 Mis

Read endorsement of the Assistant Commissioner, Calicut Sub Division, dated 10th September 1895, S. No. 4394 forwarding the answers of ^{Mr. V. S. F. Wilson,} the Inspector, Calicut Circle given in accordance with Board Proceedings 630 Mis dated 9th February 1895, with his petition to His Excellency the Governor of Fort Saint George in Council. ~~as required.~~

Resolution: -

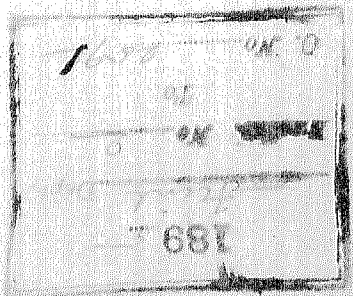
Mr Wilson's memorial will be submitted to Government for orders together with his answers to certain questions contained in the printed form regarding domicile.

2. Mr Wilson's claim to exchange compensation allowance was disallowed by the Board with reference to Government order dated 5th June 1894 No. 433 Financial Department. His father entered the Honorable East India Company's

Army

His Excellency the
Governor of Fort St. George
in Council

The Section of Mr V. S.
Wilson with reference
to his claim to Exchange Compensation
allowance



189 .
Board of Revenue
(Separate Revenue),
MADRAS.

To

Proceedings, dated 189 ,
No.
Subject.

in 1846 and thereby acquired an
law domicile which he has not changed.
He retired on the 29th December 1887 and
is residing in India (at Ootacamund).
Mr Wilson, who was born in 1859, had an
Indian domicile of origin which he has
not changed

(True Extract)

A. R. Srinivasan Iyer
Sd/- Assistant Secretary

To
The Chief Secretary to Government,
Financial Department
with two enclosures
Copy to
The Assistant Commissioner,
Calicut Sub Division

4/2/10

1895.

Board of Revenue

(Separate Revenue).

MADRAS.

To

The Chief Secretary to
Government,CHIEF SECRETARY
Financial Department.
GOVERNMENT OF MADRAS

Encl-2

Proceedings, dated 3rd October 1895.

No. 4207/1895

Subject.

Submitting to Government
with remarks, memorial
from Mr. V. S. F. Wilson appealing
against the Board's orders
disallowing his claim to
exchange compensation &
allowance.80/27/28 of 95 available only
today

Financial Department.

C.No 2591.

For Orders.It will be convenient to
denote

Mr. Wilson (Petr.) by C.

His father (Genl. Wilson) by B.

His Grandfather by A.

A was born and educated in England, entered the service of the East India Company and thus, under Wauchope V Wauchope, acquired an Indian domicile. He apparently divested himself of this domicile in 1841

B was born in India in 1829 and and as A, his father, had resumed his English domicile before he (B) attained his majority, B's domicile would change with A's but, by accepting service under the East India Company in 1845, B acquired an Indian domicile. B has retired and has settled on the Nilgiris. Even had B not entered the East India Company's service, it is questionable whether he has not acquired an Indian domicile under section 10 of Act of 1865.

C was born in India in 1859 14 years after his father (B) had acquired an Indian domicile. Under section 7 of Act X of 1865 C's domicile of origin is Indian. He was in school in England ^{from} 1866 until 1878, went to Ceylon as a planter in 1878, came to India in 1879 and entered the public service in 1881

A domicile of origin prevails until a new domicile has been acquired (section 9 of Act X of 1865). C has done nothing which would entitle him to the acquisition of a domicile other than his domicile of origin-India.

Under the rules as they now stand the Board's action in rejecting Mr. Wilson's claim appears to have been quite right.

CS.
30.10.95

h2
31/10/95

CS.
31/10/95

h2
31/10/95

ORDER 7 Nov 1895 No 876

The Govt. agrees with the Board in considering that Mr. Wilson is not entitled to the allowances

CS.
2/11/95

From Order

B^d of R. (S. R.) - (Q).
dtd 12/11

COO to the untd file
[9x. Com. A Unctas]

Exchange Comports

Mr. Wilson

For Order

h2

given for copying
copied
examined
signed

189

AIN G.O. No.
189

DATED

PRESENT No.

ENCLOSURES TO G. No

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

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

A A A A A A A

N.B. -

A = Copy in full.
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