

Financial (1897) Department.

ORDINARY MS.

G.O., No. 705

Dated 1-9-97

INDEXED.

[Despatch Abstract.]

Exempting Mr. E. H. Gadsden of the
dept^{re} from refunding the amount
already drawn by him as Exchange
Compensation allowance, and
stating that the question of his
claim to the allowance under
revised rules will depend on the
final orders passed by the S. F.
on the reports called for in No.
4917 of 24-6-97

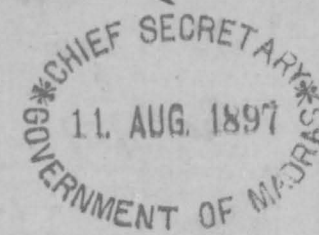
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G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
<i>Ans</i> 3837/88							

Financial (1897) Department.



CURRENT No. 2462

From The Asstt General
Madras.

Order

No. 2435

Dated 9th August 1897.

Received 21-8-97

Registered

Enclosures

Spare copies

SUBJECT.

Enquiring whether the decision of the Govt of India in regard to Mr Gadsden's claim to Exchange compensation allowance has been received and if so to request that it may be communicated at an early date.

BACK PAPERS.

G.O.	No.	Department.	Date.
50	528		26. 11. 96
80	757	Revenue + papers	3. 7. 96

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Sanctioned Audit DEPARTMENT.

FORT ST. GEORGE,
Accountant-General's Office,
9th August 1897.

No. 2435

CURRENT NO 2462

From

J. C. Harrison Esq.

ACCOUNTANT-GENERAL TO THE

GOVERNMENT OF MADRAS,

To

THE *Chief Secretary to Government,*
Financial Department.

SIR,

With reference to Government Order
No 757 R Financial dated the 9th July '96,
I have the honour to enquire whether
the decision of the Government of India
in regard to Mr Jadsden's claim to
Exchange Compensation allowance has
been received, and if so to request
that it may be communicated to this
Office at an early date as the sum
already drawn by him as Exchange
Compensation

Compensation allowance have been
long outstanding in the books of
this Office.

Have the honour to be,
Sir,
Your most obed^t. Servant,
H. Harrison
Off. Accountant General.

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Financial

Judicial (1897) Department.

CURRENT No. 2488

From

CHIEF SECRETARY
The Inspector-General of Prisons,
13. AUG. 1897
GOVERNMENT OF MADRAS
Ootacamund.

No. 3940.

Order

Dated 11th August 1897.

Received 213-8-97

Registered

Enclosures

Spare copies

SUBJECT.

Requesting sanction to the
payment of Exchange Compensation
to Mr. Gadsden being now resumed.

14-
620 PM

BACK PAPERS.

G.O.	No.	Department.	Date.
80	528		24.11.96
90	757	Fair	9.7.96R
"	2989	"	28.11.96
"	101	"	28.1.96R
"	645	"	2.7.95
"	525	"	16.7.95
"	217-3	"	7.3.95
"	194	"	26.2.95
"	88	"	30.1.95
"	962-3	"	7.11.94

FURTHER PAPERS.

G.O.	No.	Department.	Date.

681-2 Fair 84.9.94

425 u 8.6.94

+ Ex. Camp: Fair

[H. O. Form No. (4)-251-July 1896.]

CURRENT NO 2480

OFFICE OF THE INSPECTOR-GENERAL OF PRISONS, MADRAS.

Dated Ootacamund, the 11th August 1897.

No. 3940

From

A. G. CARDEW, Esq., M.A., J.C.S.,

INSPECTOR-GENERAL OF PRISONS,

MADRAS,

To

THE HONOURABLE MR. J.F.Price, C.S.I.,

CHIEF SECRETARY TO GOVERNMENT,

SIR,

With reference to G.O.No.525,dated 16th July

Enclosures.

1895,I have the honour to request sanction to the payment of Exchange Compensation to Mr.Gadsden being now resumed.

2. Mr.Gadsden was originally admitted to the Exchange Compensation allowance,and drew it up to the date of the G.O.above quoted.But as his father,Major General Gadsden,did not retire until after Mr.Gadsden attained the age of 21,it was thought that Mr.Gadsden's domicile might be Indian,and Government,therefore, referred the matter to the Government of India (G.O.

No.681,J.D.4th September 1894),and in the G.O.of 16th

July 1895 stopped payment of the allowance until the

Government

Government of India replied. Three years have elapsed without any

reply being received, and meanwhile new rules have issued entirely

sweeping away the question of domicile. I submit, therefore, that it is

now within the competence of the Government of Madras to sanction the

resumption of payment to Mr. Gadsden.

3. The question whether Superintendents of Central Jails shall, in future, be declared eligible for the Exchange allowance will

be dealt with in a separate letter. It is evident that that is quite

a different matter, as it arises under the new rules recorded in G.O.

No. 491 Financial, dated 24th June 1897, and has no connection with Mr.

Gadsden's claim to the allowance under the old rules.

4. As Mr. Gadsden's claim has already been suspended for

two years, I trust that the Government will pass separate and early

orders on it. It will be observed:-

(1). that this claim relates only to the period prior

to the application of the new rules.

(2). that its decision does not in any way depend on any

decision to become to under the new rules.

(3). that the Government of India has left the matter

for 3 years undisposed of, and has not even answered

Mr. Gadsden's Memorial which was submitted with this

office No. 2070, dated 11th April 1896. It clearly has

no intention of dealing with the matter, which is thus

left to the Local Government.

I have the honour to be,
Sir,
Your most obedient servant,

A. G. Cardew
Inspector-General of Prisons.

[26]
1,000-8-5-97.

C. No. 2462 & 2480

Financial DEPARTMENT.

SUBJECT.

(3) H. E. THE GOVERNOR.

(1) THE HON'BLE ^{Sir Henry} MR. BLISS, K.C.I.E. ✓

(2) THE HON'BLE MR. GROSE, C.I.E. ✓

Mr. Gadsden's claim to Exchange Compensation Allowance

FOR ORDERS.

The above currents relate to the claim of Mr. Gadsden to exchange compensation allowance and to the treatment of the amount drawn by him previous to its stoppage by Govt. The history of the case, is ~~many~~ as follows:-

2. The I.G. of Prisons in his letter No. 1686, dated 7th April 1894, made a general reference on the question of exchange compensation allowance and, in passing orders on the letter, the Govt. asked for fuller particulars in regard to one case. This case was that of Mr. E. H. Gadsden and the information was furnished in the I.G.'s letters No. 3538 and No. 4526, d/25 June and 30th July 1894, respectively, from which it appeared that Mr. Gadsden's father came out to India in the service of the East India Company and finally returned to England in 1837; that Mr. Gadsden himself was born in India in 1859, was sent to England in 1862 and, after receiving

G.O. No. 425 Finl., d/1-6-94

receiving his education there, went to Australia in 1878; that he remained in Australia until the following year and that he entered Govt. service in Decr. 1879. As under the ruling in Wanchope v Wanchope [I.L.R. Calcutta Vol. IV pages 106-113] ^{Co} Mr. Gadsden senior had acquired an Indian domicile, which he retained between 1859 the year in which Mr. E.H. Gadsden was born and ~~1877~~ 1877 when the latter attained his majority, and as Mr. E.H. Gadsden did not obtain employment in the service of Her Majesty or set up ⁱⁿ a distinct business or marry before 1877, his domicile is legally India under sec. 14 of Act X of 1865, Mr. Gadsden's claim to the allowance could not be admitted under the old rules. The case was accordingly reported to the Govt. of India in letter No. 682 Finl., d/ 4th Sept. 1894, it being pointed out that ^{under} the strict letter of the rules Mr. Gadsden was not eligible for the allowance; that the case, that of an European who ^{spent} ~~had spent~~ all his early years except three out of India, appeared to be exactly one which the allowance was intended to benefit; and that the exclusion of Mr. Gadsden from the allowance would be an extremely hard measure. The Govt. of India in its letter No. Ex 5266, d/ 19th Oct. 1894, asked for further information on the following points in regard to Mr. Gadsden's case :--

- (a) the appointment which he first

first held under Govt. and

(b) the circumstances under which he received the appointment.

This information was supplied in letter No 963, d/ 7th Novr. 1894 ⁱⁿ ~~and~~ the following ~~extract~~ extract from information furnished by Mr. Gadsden himself.

" I left Australia in May 1879
"because my father wrote over to say that
"he had been promised an appointment for me
"as an Asst. Supt. of Police, by the Duke
" of Puckingham, and when I arrived in
"India in June 1879 my name was on the
"Duke's list. Owing however to a disturb-
"ance in the Rumpa Hill tracts, special
"Police Inspectors were being enlisted for
"duty in the hills and I applied for, and
"obtained one of these appointments in ^{Decr.} 1879
"At the close of the disturbance I was
"given a permanent appointment as an
"Inspector and 2 years later was made an
"Asst. Supt."

^{letter}
3. In para 3 of the above ^{letter} this Govt. stated its opinion that the technicality under which officers like Mr. Gadsden were debarred from drawing the allowance was inconsistent with its objects and urged upon the Govt. of India ^{the necessity} ~~an~~ an early revision of the rules.

X 4 In para 1 of its No. 185 Ex., d/ 10th Jan. 1895, the Govt. of India enquired how Mr. Gadsden had been employed in Australia in 1878-9. This information was supplied in letter No. 210, d/ 7th March 1895, which forwarded an extract from a communication from Mr. Gadsden in which he

stated

stated that during a portion of the time he was in Australia he lived with a relative near Sydney and during the remainder with a brother in the Mounted Police, that it ^{had been} his intention to join the Mounted Police in Australia but he could not be appointed until he had attained his 21st year.

In 1895 Mr. Gadsden memorialized the Govt. of India in regard to his claim and this memorial was transmitted under cover of letter No.299 Finl., d/ 28th April 1896, in which this Govt. endorsed the views of the I.G. of Prisons that Mr. Gadsden's was a case in which the allowance should be admitted. In June 1895 the Acct. Genl requested instructions as to whether Mr. Gadsden should be permitted to continue to draw the allowance and he was informed in G.O.No. 525 Finl., d/ 16-7-95, that payment of the allowance should not be made to Mr. Gadsden pending the receipt of the decision of the Govt. of India on his claim. At the same time it was pointed out to the I.G. of Prisons that Mr. Gadsden had apparently been drawing the allowance subsequent to the 7th April 1894 on which date the I.G. of Prisons had referred his case for the orders of the Govt. Mr. Cardew was requested to state whether he had informed Mr. Gadsden of his liability to be called upon to refund the whole amount drawn as exchange compensation allowance since the above date

D in the volume
V
U G.O.No.645 Finl., d/2-9-95

date under the terms of the Govt. of India resolution recorded in G.O.No.598 Finl., d/ 3rd August 1894. The I.G. replied to this in his letter No.4735, d/10th August 1895, which enclosed a communication from Mr. Gadsden in which ^{letter} he pointed out that the amount drawn since the 7th April 1894 would amount to Rs.2,260 a sum which he was quite unable to pay. It was then decided that the consideration ^{of the question} as to whether Mr. Gadsden should refund the amount drawn by him as exchange compensation allowance since April 1894 should be deferred until after the decision of the Govt. of India on his case has been received. This decision has not yet been ^{announced} received and the Govt. of India apparently intends not to deal with these memorials separately.

7. The question as to whether Mr. Gadsden should be admitted to the allowance ^{is one} which will doubtless come up for decision in the Judicial Dept: when dealing with Jail officers in reply to para 1 of G.O. No.491 Finl., d/ 24th June 1897.

8. Orders are now solicited as ^{upon local Govt} to whether under the powers conferred in the Govt. of India resolution recorded in G.O.No.598 Finl., d/ 3rd August 1894, the amount drawn by Mr. Gadsden as exchange compensation allowance after the 9th April 1894 should be remitted. The I.G.'s letter flagged V in G.O.No. 645, d/ 2nd Sept. 1895, explains the circumstances under which Mr. Gadsden continued to draw the allowance and ^{at} this though such drawing was irregular

irregular, Mr. Gadsden himself does not seem to have been to blame.

Club
18/11/97
It is submitted that Mr Gadsden may be relieved of the expense which he is now under by being exempted the refund of the exchange contribution which he has drawn. It is pretty certain what the result of Mr Cardew's report as regards Mr Gadsden will be and that Mr Gadsden will be suitably admitted to the concession. I agree with the view taken by the S.G. of his case
20/6/97.

CS
Order No. 705 of 1st Sept 97
Mis
Under the powers conferred upon local Govts in G.O. No. 3646 of 20th July 1894 Mr. E. H. Gadsden will be exempted from refunding the amount already drawn by him as Exchange Contribution allowance.

2. The question of Mr. Gadsden's claim to the allowance under the revised rules will depend on the final orders passed by the Govt. on the reports called for in para 1 of G.O. No. 491 of 24. 6. 97.
(From Order)

A.G. (with Q)
Sd. Parsons (with Q)
Treasurer Dept (with P)
4/9/97

21/8/97
24/8/97
A.G.H.
30.9.97

Attest Madam
Please return this to the office. Please inform to the list of the file in fact to Ref. to 18/11/97
This original & all others in this file must go to the original in Reference
11/9/97

When given for copying
When copied 189
When examined
When signed

READ AGAIN G.O., No. 189

CURRENT 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.