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Financial (1899) Department.

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G.O., No. 1163

DATED 26-10-99

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[Despatch Abstract.]

Change compensation allowance

Admitting, under the new rules,
the claims to — of certain officers under the Rev-dept.,
+ stating that Mr. J. S. Battie, Dy conservator of Forests
is personally ineligible for the same and that orders
will issue in the Rev-dept. as regards the amount,
if any, to be refunded by Mr. Battie on acct. of the
allowance already drawn by him.

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26.10.99

BACK PAPERS.

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

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Government {1899} of Madras. FINANCIAL.

Recd.

Regd.

} 1899.

Enclosures

Spare copies

G.O., No. 1163, 26th October 1899.

OCTOBER.

Exchange Compensation Allowance.

Admitting, under the new rules, the claims to — of certain officers under the Revenue Department, and stating that Mr. J. S. Battie, Deputy Conservator of Forests, is personally ineligible for the same and that orders will issue in the Revenue Department as regards the amount, if any, to be refunded by Mr. Battie on account of the allowance already drawn by him.

GOVERNMENT OF MADRAS.

FINANCIAL DEPARTMENT.

READ—again the following paper:—

Memorandum No. 371, Financial, dated 4th February 1899.

READ—also the following papers:—

From A. STANBOROUGH, Esq., Deputy Conservator of Forests, dated Saidapet, 16th June 1899, No.—.

From D. G. HATCHELL, Esq., Deputy Superintendent in charge of No. I Survey Division (North), dated Kassimkota, 16th June 1899, No.—.

From W. F. BATEMAN, Esq., Assistant Superintendent, Madras Survey, and Special Forest Settlement-officer, Ganjám, &c., districts, dated Waltair, 17th June 1899, No. 337.

From R. L. PROUDLOCK, Esq., Curator, Government Botanical Gardens and Parks, the Nilgiris, dated Ootacamund, 20th June 1899, No.—.

From J. C. C. MACHUTCHIN, Esq., Assistant Superintendent, Madras Survey, dated Erode, 21st June 1899, No.—.

From F. N. P. GOMPERTZ, Esq., Assistant Superintendent, Madras Survey, and Special Forest Settlement-officer, Trichinopoly, dated Tuticorin, 26th June 1899, No.—.

From R. H. L. LUSHINGTON, Esq., Assistant Superintendent, Madras Survey, No. V Division, dated Pultheru, South Canara, 26th June 1899, No. —.

From C. G. DOUGLAS, Esq., Deputy Conservator of Forests, the Nilgiris, dated Ootacamund, 27th June 1899, No.—.

From C. W. MARTIN, Esq., Deputy Superintendent, Madras Survey, No. II Division, dated Bellary, 27th June 1899, No. 620.

From W. M. STANDEN, Esq., Director of the Government Cinchona Plantations, the Nilgiris, dated Ootacamund, 29th June 1899, No. 20.

Endorsement of the Accountant-General, dated 8th July 1899, No. C-6, forwarding Proceedings of the Board of Revenue (Land Revenue), Forest No. 374, Routine (Confidential No. 15), dated 7th July 1899, on letter from W. F. Bateman, Esq., Assistant Superintendent, Madras Survey, and Special Forest Settlement-officer, Ganjám, &c., districts, dated 30th June 1899, No. 33.

From H. S. MULLINS, Esq., Assistant Superintendent, Madras Survey, and Special Settlement-officer, Malabar and South Canara, dated Mangalore, 14th July 1899, F. S. Dis. on C. No. 240.

From H. R. BENTLEY TAYLOR, Esq., Deputy Superintendent, No. III Survey Division, dated Salem, 22nd July 1899, No. 887.

From G. P. GREENE, Esq., Superintendent, Madras Survey, dated Kumbakónam, 25th July 1899, No.—.

From J. W. CHERRY, Esq., Conservator of Forests, Central Circle, dated Madras, 26th July 1899, No. 109.

From J. S. BATTIE, Esq., Deputy Conservator of Forests, on furlough, dated Felixstone, England, 2nd August 1899, No.—.

From W. A. HASTED, Esq., Assistant Superintendent, Madras Survey, No. I Division (South), dated Rajahmundry, 24th August 1899, No. 568.

ABSTRACT.—Submitting information in connection with their claim to exchange compensation allowance.

ORDER—No. 1163, Financial, dated 26th October 1899.

All the officers mentioned above are entitled to draw exchange compensation allowance under the new rules, with the exception of Mr. J. S. Battie, Deputy Conservator of Forests, who is personally ineligible.

2. Further orders will issue in the Revenue Department as regards the amount, if any, to be refunded by Mr. Battie on account of the allowance already drawn by him.

(True Extract.)

G. STOKES,
Chief Secretary.

To the Revenue Department.
" Accountant-General.

Exd. A. F. Ecologist.

Memorandum No. 371, Financial, dated 4th February 1899.

FOR ORDERS.

To Under Secretary—

The Financial Department asks the several departments of the Secretariat to scrutinize, with reference to the new orders,* the claims for exchange compensation allowance of the officers referred to in the appendix to G.O., No. 482, Financial, dated 26th May 1898. It is added in the memorandum that "it seems necessary to ensure first that the officers mentioned in that list are not Statutory Natives of India."

2. The Financial order of May 1898, above referred to, was in June of the same G.O., No. 2663, Revenue, dated 23rd June 1898. year communicated for scrutiny and report to the heads of departments under the Revenue Secretariat with reference to

the following paragraph (4) of that order, viz.:—

"It is to be observed that since the Accountant-General reports that all officers in his lists drew exchange compensation allowance under the old rules they cannot be domiciled in India and therefore cannot be Statutory Natives of India. Departments and heads of departments will, however, be requested to scrutinize the lists and to make further enquiries in doubtful cases."

3. The reply to the above reference in the case of the Salt, Abkari and Customs officers was submitted by the Board of Revenue (Separate Revenue) direct to the Financial Department and the latter has since issued orders thereon. The replies received from the Board of Revenue (Land

Revenue), from the Superintendent, Madras Survey, and from the Director of the Government Cinchona Plantations will be found recorded under G.Os., No. 3344, dated 12th August 1898, No. 3019, dated 18th July 1898, and No. 3020, dated 18th July 1898. The Board (Land Revenue) contented itself with remarking that the Forest and Land Revenue officers men-

tioned in the lists "drew the allowance under the old rules and that there is no case of doubt requiring the further scrutiny contemplated in paragraph 4 of the order," while the Superintendent, Madras Survey, reported that none of the officers referred

Letter in G.O., No. 3019, dated 18th July 1898. to in the list were domiciled in India. Mr. Standen also said that there was no necessity for any further scrutiny, there being only one appointment in his depart-

ment wherein European qualifications were indispensable. None of the officers mentioned in the lists belonged to the Settlement, &c., or Inam Commissioner's departments and the Board of Revenue (Revenue Settlement, &c.) and the Inam Commissioner therefore had no report to submit.

4. The lists above referred to were first of all circulated in December 1897 and in the Revenue memorandum, No. 30, dated 7th February 1898, the opinion was expressed that all the officers mentioned therein with the exception of Messrs. Eber Hardie and Howell of the Forest Department should be given exchange compensation allowance provided they were non-domiciled Europeans and not Statutory Natives—a point on which, it was added, no information was available in this department.

The lists appended to the Government Order of May 1898 were based so far as Revenue officers were concerned on the

above memorandum. Except the assurance of the Board of Revenue and the Superintendent, Madras Survey, in the matter of the Land Revenue, Forest and Survey officers

mentioned in the list, there is therefore no information in the Revenue Department as to the circumstances under which it has been declared that the officers in question are not Statutory Natives.

5. If it be considered that no further scrutiny as to the statutory nationality of the officers is necessary, it is submitted that all of them (excluding the Separate Revenue officers whose case has been separately disposed of) are entitled to the allowance under the new rules with the exception of—

I. (a) Messrs. C. P. Howell and Eber Hardie of the Subordinate and Provincial Forest Service, and

(b) the Land Revenue Deputy Collectors Messrs. J. G. Wood and F. D. Bird (who are excepted from the concession under paragraphs 7 and 31 of the new rules).

II. Messrs. W. M. Standen and R. L. Proudlock, whose cases (or at any rate the case of Mr. Standen) do not appear to be specially provided for under the new rules.

6. As regards the Land Revenue Deputy Collectors, a separate communication for reconsidering the orders already issued is being sent to the Government of India. Mr. Proudlock is a gardener trained at Kew and who has come out to India under agreement with the Secretary of State, so that he should apparently be considered to be an "expert" whose case falls within the provisions of paragraph 19 of the new rules. It is, however, doubtful whether Mr. Standen's case can be brought under the same rule. Orders are requested as to whether a reference on the point should be made to the Government of India.

Page 7 of the Financial order in G.O., No. 4866, Revenue, dated 9th December 1898.
* Yes.
(Intld.) G.S.F.
24-4-99.
† Yes, if necessary; but I think he can be classed as a professional expert.
(Intld.) G.S.F.
24-4-99.

7. As regards the officers of the Survey Department, the Government of India has declared that in Madras "eligibility for exchange compensation allowance shall be confined to those of its European officers who were admitted to a grade not lower than that of Assistant Superintendent either direct or after a short term of training or probation." The history of the services of gazetted officers shows that all the Survey officers mentioned in the list were so admitted and are thus eligible for the allowance. It may be noted here that Messrs. Cardozo and Cook have since retired from the service.

(Intld.) P.N.M.
4-4-99.

Secretary—

The only doubtful case seems to be that of Mr. Standen. As the Government of India had his case before them and did not specifically refer to it in their special letter to us in G.O., No. 229, dated 13th February 1899, I submit he may be taken

Yes.

(Intld.) G.S.F.
24-4-99.

to be entitled to the allowance on the ground that he is a planting expert. All the other cases seem quite clear.

(Intld.) N.E.M.
6-4-99.

There seem to be some doubtful cases among the Salt Department, e.g., Leggatt, MacMaster, Shawe, and many others in that and other departments so far as I know. Did we not get statements of parentage, &c., from all these?

(Intld.) G.S.F.
24-4-99.

To Secretary—

Attention is solicited to the file of papers on the subject received from the Financial Department in which the statements of parentage in *certain cases* were received and all questions of individual claims to exchange compensation were dealt with. The Revenue Department never received these statements except in two cases and they were transferred to Financial Department at the time.

(2) The old rules of 1893 merely said that the allowance would be granted to "European and Eurasian officers of Government not domiciled in India", that in cases of doubt the local Government should decide whether an officer was so domiciled or not and that ordinarily all officers to whom the European service leave rules were applicable might be presumed to be entitled to the concession. The allowance was at first allowed to be drawn by officers under a certificate of eligibility from the Collector of the district and later on under a similar certificate from the head of the department or under a Government order.

(3) Towards the end of 1893, the Government of India declared that "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." It was also held at about the same time that in the light of a decision of the Calcutta High Court (following *Wanchope versus Wanchope*) the domicile of a servant of the East India Company, though his service was subsequently transferred to the Crown, was Indian. These two rulings disabled several officers who had previously been drawing the allowance from availing themselves of the concession thereafter and among them were the following officers of the Salt department:—

Mr. C. B. Shawe.*	Mr. E. F. Doveton.
" E. R. Mainwaring.*	" N. W. Parish.*
" C. G. Marshall.*	" B. Campbell.
" C. M. Sherman.*	" R. P. Tillard.*
" C. W. P. St. John.*	" G. D. Standen.
" V. S. F. Wilson.	" G. F. Kingston.
" W. Chamier.*	" J. V. Dalrymple-Hay.*
" H. W. F. Wroughton.*	" A. C. Woodhouse.*
" R. P. Moore.	

* Declared eligible later on.

Most of these officers protested against the rulings—the memorials of some were forwarded to the Government of India and the claims for the allowance of the following officers were admitted in 1895 by the local Government:—

G.O., No. 27, Financial, dated 12th January 1895; G.O., No. 169, Financial, dated 18th February 1895; G.O., No. 180, Financial, dated 20th February 1895; and G.O., No. 608, Financial, dated 23rd August 1895.	Mr. F. G. Marshall.
	" N. W. Parish.
	" R. P. Tillard.
	" C. B. Shawe.
	" H. W. F. Wroughton.

(4) In December 1898 the Government of India disposed of the memorials of Messrs. *Mainwaring* and *Sherman* and declared that they may be admitted to the allowance, "as they were educated in England and were only debarred by the

technical legal domicile which their fathers acquired by entering the service of the Honourable East India Company." The concession was extended in February 1899 to Mr. St. John (under instructions from the Government of India) and to Messrs. Dalrymple-Hay, Chamier and Woodhouse.

It will be seen that under the rules only doubtful cases were to be submitted for the orders of Government and there were therefore only a few cases in which statements of parentage, &c., were received and scrutinized by it.

(Intld.) P.N.M.
8-5-99.

Does Financial Department want us to get parentage, &c., statistics from those who have been already admitted?

(Intld.) G.S.F.
15-5-99.

Financial Department U.O. No. 172, dated 16th May 1899.

For the Chief Secretary—

FINANCIAL DEPARTMENT.

Submitted that Government should be supplied with the necessary information to prove that an officer is *not* a Statutory Native of India in each case in which such evidence is not already on record as regards officers appointed in India who are now drawing exchange compensation allowance. The papers in G.O., No. 1150, Financial, dated 2nd December 1898 (G.O., No. 4932, Revenue, dated 14th December 1898) show, it is submitted, that an enquiry of this nature is necessary. In several of the cases there dealt with, officers reported to be non-Statutory Natives were subsequently found to be Statutory Natives. The replies to the standard set of questions will furnish all the information that is required.

(Intld.) C.M.S.
23-5-99.

I concur. The question as to what constitutes a Statutory Native of India is one which should be examined on the same data by the same authority in all cases unless there are to be contradictory rulings.

(Intld.) G.S.
23-5-99.

To Under Secretary—

REVENUE DEPARTMENT.

Submitted for orders. If information in the form prescribed is to be obtained in G.O., No. 283, dated 18th January 1898, it is not clear why it should be confined to the officers mentioned in the list appended to the Financial order in G.O., No. 2663, Revenue, dated 23rd June 1898, and why inquiry should not be extended to other officers of the Revenue Department who may claim or be drawing exchange compensation allowance. The list is not complete.

(Intld.) P.N.M.
26-5-99.

Does the Resolution of the Government of India recently announced in the newspapers affect the question?

(Intld.) N.E.M.
29-5-99.

To Under Secretary—

It does not appear that the Resolution * will materially affect the officers in the Revenue Department who have already been granted the concession. The Resolution of 1879 referred to therein is the same as article 773 of the Civil Account Code, volume II.

(Intld.) P.N.M.
30-5-99.

Secretary—

To save further discussion and delay, it is submitted that a copy of the questions may be sent to each of the officers in the list referred to by the Financial Department, and they may be asked to submit their replies with the least practicable delay.

This cannot be avoided if they claim the allowance.

(Intld.) G.S.F.
1-6-99.

Their replies may be treated as confidential. This course will, I submit, cause a great deal of annoyance to the officers concerned to no good purpose, but apparently it is what the Financial Department desires done.

(Intld.) N.E.M.
31-5-99.

Yes; send the questions.

(Intld.) G.S.F.
1-6-99.

To Under Secretary—

A draft o.m. is submitted below.

(Intld.) P.N.M.
4-6-99.

Issue.

(Intld.) N.E.M.

To Under Secretary—

G.O., No. 2663, Revenue, dated 23rd June 1898
G.O., No. 4932, Revenue, dated 11th December 1898.

The o.m. above referred to was sent to all the Revenue officers mentioned in the appendices to G.O., No. 482, Financial, dated 26th May 1898, with the exception of—

- | | |
|--|--|
| I. Officers of the Salt department whose claims were considered in G.O., No. 1150, Financial, dated 2nd December 1898; | |
| II. 122 Mr. H. O'C. Cardozo | } retired from service; and |
| 123 „ J. H. Cook | |
| 86 „ W. C. Hayne | |
| III. 88 Mr. C. P. Howell | } declared by the Government of India to be not eligible to draw the allowance — vide page 2, <i>supra</i> . |
| 136 „ J. G. Wood | |
| 139 „ Eber Hardie | |
| 144 „ F. D. Bird | |

* Last one received on 29th August 1899. The replies received * have been tagged together in file form and with a table of contents attached are submitted below.

It is presumed that in accordance with precedents (claims of individual officers have always been considered in the Financial Department), and on the analogy of G.O., No. 4932, Revenue, dated 14th December 1898, and No. 901, Financial, dated 15th August 1899, the replies have to be dealt with in the Financial Department.

(Intld.) P.N.M.
29-8-99.

Secretary—

The papers may be transferred u.o.

(Intld.) N.E.M.
31-8-99.

No. 468, dated 31st August 1899.

To Financial U.O.

(Intld.) H.T.
31-8-99.

FINANCIAL DEPARTMENT.

NOTE.

The Revenue Department notes have reference to memorandum No. 371, Financial, dated 4th February 1899, in which the departments of the Secretariat were requested to issue orders for the examination, with reference to the resolution of the Government of India recorded in G.O., No. 1081, Financial, dated 19th November 1898, of the claims to exchange compensation allowance of the officers mentioned in the appendix to G.O., No. 482, Financial, dated 26th May 1898. Replies to the usual questions from some of the officers under the Revenue Department whose claims to exchange compensation allowance still remain to be settled have been obtained, and that these replies are now transferred to the Financial Department for orders.

2. The officers concerned may be placed in three groups, viz.:—

Vide list A in G.O., No. 482, Financial, dated 26th May 1898.

I. Mr. W. M. Standen, Director of Cinchona Plantations, and Mr. R. L. Proudlock, Curator, Government Botanical Gardens and Parks, Nilgiris;

Vide list B in G.O., No. 482, Financial, dated 26th May 1898.

II. Messrs. J. W. Cherry, J. S. Battie, C. G. Douglas and A. W. E. Stanborough, the Conservator and Deputy Conservators of the Forest Department;

Vide list B on page 7 of G.O., No. 482, Financial, dated 26th May 1898.

III. Messrs. W. F. Bateman,* F. V. P. Gompertz, G. P. Greene, W. A. Hasted, D. G. Hatchell, J. C. C. MacHutchin, C. W. Martin, H. B. Bentley Taylor, R. H. L. Lushington and H. S. Mullins† of the Survey Department.

3. In the first place it has to be considered whether these officers are *officially eligible*. In the case of Messrs. W. M. Standen and R. L. Proudlock, attention is solicited to paragraph 6 of the Revenue note, dated 4th April 1899, printed on page 2 of the notes. It is submitted that both these officers may be regarded as "experts" and be considered *officially eligible* under paragraph 19 of the new rules published in G.O., No. 1081, Financial, dated 19th November 1898.

4. As regards Messrs. J. W. Cherry, J. S. Battie, C. G. Douglas and A. W. E. Stanborough, the Conservator and Deputy Conservators of Forests forming the second group; paragraph 31 of the rules in G.O., No. 1081, Financial, dated 19th November 1898, declares all officers in the Imperial Service of the Forest Department to be eligible, if otherwise qualified. As the offices of Conservators and Deputy Conservators belong to the upper controlling staff of the Imperial Branch, the officers named should, it is submitted, be considered to be *officially eligible*.

† *Vide* remarks in list B appended to G.O., No. 482, Financial, dated 26th May 1898, opposite to the names of these officers.

Yes.

(Intld.) G.S.
10-10-99.

5. As to the officers of the Survey department who form the next group, attention is drawn to paragraph 7 of the Revenue note, dated 4th April last, printed on page 2 from which it will be seen that the officers named, who hold the appointments of Superintendent and Deputy and Assistant Superintendents, must be held to be *officially eligible*.

Yes.

(Intld.) G.S.
10-10-99.

6. The *personal eligibility* of the officers concerned has next to be considered. From a scrutiny of the replies to the usual questions it is observed that Messrs. R. L. Proudlock, J. W. Cherry, C. G. Douglas, A. W. E. Stanborough, G. P. Greene and D. G. Hatchell fulfil condition (a) of clause III of the "General Principles" printed in G.O., No. 901, Financial, dated 15th August 1899, as they were born out of India. They are accordingly not Statutory Natives and are therefore *personally eligible* for exchange compensation allowance.

7. All the others were born in India, but, with the exception of Mr. J. S. Battie, appear to fulfil condition (b) of clause III of the "General Principles" just referred to, which rules that a man is not a Statutory Native if he has been out of India for some appreciable period (not less than a year) after the age of ten and before he entered Government service. From the replies given it appears that the time spent out of India before entry into Government service by the officers now referred to was as follows:—

Mr. W. M. Standen	14½ years.
" W. F. Bateman	15 "
" F. V. P. Gompertz	17 "
" W. A. Hasted	18 "
" J. C. C. MacHutchins	11 years.
" C. W. Martin	12 "
" H. B. B. Taylor	17 "
" R. H. L. Lushington	20 "
" H. S. Mullins	..

* Period not stated; he was born in 1862; educated in England only and returned to India in 1884.

The case of Mr. Martin, who spent eleven years out of India before he entered Government service, may appear doubtful, as the condition requires that a period not less than a year should be spent out of India after the age of ten. Mr. Martin came out to India in 1877 when he was twenty years of age, so that the greater portion of the eleven years spent in Great Britain during his education must have been after the age of ten years.

Yes.
(Intld.) G.S.
10-10-99.

These officers may accordingly, it is submitted, be declared to be *not Statutory Natives* and to be *personally eligible* for exchange compensation allowance.

8. Mr. J. S. Battie appears to be a Statutory Native. He was born in India in 1859 and was educated and resided in the same place before appointment to Government service. Besides, his father as well as his mother both resided in India from his birth up to the time of their deaths, so that all of the conditions (a), (b) or (c) of clause III of the "General Principles" printed in G.O., No. 901, Financial, dated 15th August 1899, are unfulfilled in his case. It is submitted that there appears to be no alternative but to declare Mr. Battie *personally ineligible*.

(Intld.) F.A.D'C.
6-10-99.

Before, however, any final ruling is given in the cases of the officers now considered eligible, it is necessary, with reference to the correspondence in G.O., No. 1011, Financial, dated the 19th September 1899 (see especially paragraph 2 of India's letter on page 2 of that order), to ensure that they were not appointed to Government service as Statutory Natives. Most of the Forest officers in question were probably all appointed by the Secretary of State, and the Survey Department is exempt from the Rs. 200 rule—*vide* section 773 (a), of the Civil Account Code—; but it seems to be necessary that Revenue should examine the question from the standpoint. If the view above as regards Mr. Battie is accepted, orders on his case might issue in Revenue at once.

(Intld.) C.M.S.
9-10-99.

Revenue Department u.c. with reference to the last point raised.

(Intld.) G.S.
10-10-99.

REVENUE DEPARTMENT.

To Under Secretary—

Article 773 (a) of the Civil Account Code, Volume II, came into force only from 1st January 1879 (or later in Madras), and all the Forest officers referred to in paragraph 2 of the note above entered the Forest Department before that date. To their appointment or promotion therefore the Secretary of State's sanction was not required nor applied for.

Page 367, *vide* Condition (iii).
Vide also G.O., No. 1228, Public, dated 9th August 1879.

Therefore it cannot be said that they were appointed as Statutory Natives.

(Intld.) N.E.M.
 18-10-99.

In the case of Mr. Battie, it may perhaps be of interest to note that he entered the Forest Department of the North-Western Provinces and Oudh as a Ranger in 1878, rose to an Assistant Conservator-ship, 3rd Grade, by August 1884, and was transferred to Madras (on promotion to the 2nd Grade) in October 1884.

There appears in these circumstances no special point for scrutiny in the Revenue Department. Orders on exchange compensation allowance questions were till now make an exception in Mr. Battie's case.

(Intld.) H.M.P.
 12-10-99.

How about the Survey Department?

(Intld.) N.E.M.
 13-10-99.

To Under Secretary—

The Survey Department was exempted from the rule in article 773 (a) by the excepted condition iv (3) of the article.

(Intld.) H.M.P.
 13-10-99.

Secretary—

The result of all this is that all the officers whose cases are agitated in the notes above are *officially* eligible; and that all are also *personally* eligible, except Mr. Battie, who must apparently be declared a Statutory Native (paragraph 8 of Financial note on page 7 above).

If Financial accepts this result, orders may, I submit, issue accordingly in which ever department Financial wants them to issue in.

(Intld.) N.E.M.
 13-10-99.

U.O. No. 611, dated 16th October 1899.

To Financial for favour of remarks.

(Intld.) H.T.
 16-10-99.

FINANCIAL DEPARTMENT.

For the U.S.—

Draft order is submitted below for approval. This disposes of the case except in so far as concerns any refund by Mr. Battie: this question being left to Revenue. It is not clear how Mr. Battie drew the allowance under the old rules, as the domicile test would even then have excluded him. Revenue will probably like to consult the Board on the matter before passing orders, and there may be papers regarding his claims under the old rules. It is not worth while delaying the disposal of the remaining claims on this account.

(Intld.) C.M.S.
 17-10-99.

Revenue Department

Mem. No 371 Fint. dt. 4.2.99

(Circ. 1110 of 99)

For OrdersTo Under Secy

The F.D. asks the several Depts of the Secretariat to scrutinize with reference to the new orders the claims for exchange compensation allowance of the officers referred to in the App^x to G.O. 482 Fint. dt. 26.10.98. It is added in the memo that "it seems necessary to ensure that the officers mentioned in that list are not Statutory natives of India".

2. The Financial Order of May 1898 above referred to was ^{in June of the same year} communicated for scrutiny and report to the heads of Depts under the Revenue Secretariat with reference to the following para (4) of that order viz

m. l. 4866 Rev.
 9.12.98 B

m. l. 2663 Rev.
 23.6.98 A

l. 2663 Rev.
 23.6.98 A

"It is to be observed that
"since the Act General Re-
"ports that all officers in his
"list drew exchange coin-
"pensation allowance under
"the old rules they cannot
"be domiciled in India and
"therefore cannot be Statutory
"natives of India. Depts and
"heads of Depts will, however,
"be requested to scrutinize
"the lists and to make further
"enquiries in doubtful cases."

3 The reply to
the above reference in the
case of the Salt Abkari and
Customs Officers was sub-
mitted by the Board of Rev.
Sep Rev. direct to the F.D. and
the latter has since issued
orders thereon. The replies
received from the Board of
Rev. &c., from the Supt., Mad-
ras Survey and the Director
of the Govt Cutchona Plan-
tations will be found re-
corded under GO. $\frac{3344}{12. VII. 98}$,
 $\frac{3019}{18. VII. 98}$ and $\frac{3020}{18. VII. 98}$. The
Board

in P.O. $\frac{4932 \text{ Rev C}}{14. 12. 98}$

E
F & G

Para 2 of
the B.P. in
GO. $\frac{3344 \text{ E}}{12. 8. 98}$

Letter in
GO. $\frac{3019 \text{ F}}{18. 7. 98}$

Letter in
GO. $\frac{3020 \text{ G}}{18. 7. 98}$

Board, Land Rev. consulted
itself with remarking that
the Forest and Land Revenue
Officers mentioned in the lists
"drew the allowance under the
"old rules and that there is
"no case of doubt requiring the
"further scrutiny contemplated
"in para 4 of the order", while
the Supt. Madras Survey, re-
ported that, none of the officers
referred to in the list were
domiciled in India. Mr Standen
also said that there was no
necessity for any further scrutiny
there being only one appoint-
ment in his Dept wherein
European qualifications were
indispensable. None of the
Officers mentioned in the lists
belonged to the Settlements or
Swam Commission Depts and the
Board of Rev. R.S. & the Swam
Commission therefore had no
report to submit.

The lists above
referred to were first of all
circulated in Decr 1897 and
in

in the Rev. Memo. No 30 of
7th Feb. 1898 the opinion
was expressed that all the
officers mentioned therein with
the exception of Messrs Eber
Hardie and Howell of the
Forest ^{Dept} should be given ex-
change compensation allowance
provided they were non-statis-
fied Europeans and not Statis-
tory natives — a point on which
it was added, no information
was available in this Dept.
The list appended to the G.O.
of May 1898 were based so
far as the Rev. Officers were
concerned on the above basis.
Except the assurance of the
Board of Rev. and the Supt.
Madras ^{Survey} in the matter of
the Land Revenue, Forest and
Survey officers mentioned in
the list, there is therefore
no information as to the
circumstances under which
it has been decided that
the officers in question are
not Statutory natives.

H

in l.o. 2663 Rev. A
23.6.98

Submitted
that it is not
necessary
to draw
the allowance under
the old rule, or the
new rule, or the
intermediate rule
if the officers
are not Statutory
natives.
Cases.

pp 5 & 8 4
the final order
in l.o. 4866 Rev
9.12.98
B

5-38 5 If it be con-
sidered that no further
scrutiny as to the ^{Statutory} nationality
of the officers is necessary
it is submitted that all
of them (excluding the Sep Rev.
officers whose case has been
separately disposed of) are
entitled to the allowance
under the new rules with
the exception of
I (a) Messrs C.P. Howell
and Eber Hardie of the Sub-
ordinate and Provincial
Forest Service &
(b) the Land Rev. Of Colln
Messrs J.G. Wood and F.D.
Bird
II who are excepted from the
concession under paras 7
and 31 of the new rules.)
III Messrs Wm. Standen
and R.D. Pivindock, whose
cases (do not or at any rate
the case of Mr Standen) do
not appear to be specially
provided for under the new
rules.

6 as

6. As regards the Land Revenue & Colln., a separate communication for reconsidering the orders already issued is being sent to the Govt of India. Mr. Proudlock is a Gardiner trained at Kew and who has come out to India under agreement with the Secy of State so that he should apparently be considered to be an "expert" whose case falls within the provisions of para 19 of the new rules. It is however doubtful whether Mr. Standen's case can be brought under the same rule. Orders are requested as to whether a reference on the point should be made to the Govt of India.

7. As regards ^{the} Officers of the Survey Dept, the Govt of India has declared that in Madras "eligibility for ex-
"change compensation allowance
"shall be confined to those of its
"European officers who were
admitted

Para 7 of the rule
Order in P.O. 4866 Rev: B
9.12.98

Yes

Yes, if necessary: but I think
he can be classed as a
professional expert

Para 5 of the letter
on p 2 of LO. 228 Part D
13.2.99

7 "admitted to a grade not
"lower than that of Asst-
"Supt either direct or after a
"short term of training or
"probation". The history of
the Services of Gazetted officers
shows that all the Survey
officers mentioned in the list
were so admitted and are
thus eligible for the allowance.
It may be noted here that
Messrs Cardoso and Cook have
since retired from the Service.

229
4.4.99

Secy

The only doubtful case
seems to be that of Mr
Standen. As the Govt of
India had his case
before them & did
not specifically refer
to it in their special
letter to us in P.O. 229
13.2.99
I submit he may be
taken to be entitled
to the allowance on the
ground that he is
a planting expert.
All the other cases
seem quite clear.

Yes
8/2

St. m / 4 / 4

Attention is Solicited

dealt with. The R.D. never recd.
these statements except in two cases and they were transferred to F.D. at the time

merely said that the allow.

Lo

orig rules 1 & 3 on p. 2

IV I.L.A. Cal 106

(3) Towards the end of 1893 the Govt of India declared that "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". It was also held at about the same time that in the light of a decision of the Calcutta High Court (following Wanchope versus Wanchope) the domicile of a servant of the East India Company, tho' his service was subsequently transferred to the Crown, was Indian

10
 Indians. These two rulings disabled several officers who had previously been drawing the allowance from availing themselves of the concession^{thereafter} and among them were the following officers of the Salt Dept:-

Mr C.B. Shawe*	Mr E. F. Doveton
.. ER Maniwarung*	.. N.W. Parish*
.. C.G. Marshall*	.. B. Campbell
.. C.M. Sherman*	.. R.P. Tillard*
.. C.W. St John*	.. J.D. Stauden
.. V.S. F. Wilson	.. G.F. Kingston
.. W. Channis*	.. C.V. Dalrymple Hay*
.. H.W. F. Wroughton*	.. A.C. Woodhouse*
.. R.P. Moore	

most of these officers protested against the ~~above~~ rulings - the memorials of some were forwarded to the Govt of India and the claims for the allowance of the following officers were admitted in 1895 by the local Govt:-

Mr F.G. Marshall	Mr C.B. Shawe
.. N.W. Parish	Mr H.W. F. Wroughton
.. R.P. Tillard	

(4) In Decr 1898

the Govt of India disposed of the

B.P. in
 L.O. 848 Fint
 11.10.94 K

* Declared eligible later on

L.O. No 27 Fint	} had up I
12.1.95	
No 169 Fint	
18.2.95	
No 180 Fint	
20.2.95	
No 608 Fint	
23.8.95	

L.O. 115 Fint M
 18.1.99

11
 the memorials of Messrs Maniwarung & Sherman and declared that they may be admitted to the allowance "as they were educated in England" and were only debarred by the "technical legal domicile" ^{which their father acquired} by entering the service of the Hon. "East India Company". The concession was extended in Feb^r 1899 to Mr St John (under instructions from the Govt of India) and to Messrs Dalrymple-Hay, Channis and Woodhouse.

L.O. 305 Fint
 18.2.99
 N

It will be seen that under the rules only doubtful cases were to be submitted for the orders of Govt and ~~therefore~~ ^{there was} therefore only a few cases in which statements of parentage were received and ~~con-~~ scrutinized by

Does Fin. Dpt want us to get parentage statistics from those who have been ahead admitted



Fin Dpt No 172 of 16.5.99

12
Fint Dept

For the C.S.

Submitted that Govt. should be supplied with the necessary information to prove that an officer is not a Statutory Native of India in each case in which ~~such~~ such evidence is not already on record as regards officers appointed in India ~~and~~ ^{who are now} drawing ~~the allowance~~ exchange compensation allowance. The papers in G.O. N^o. 1150 Fint: d 2.12.98 (G.O. 4932 Rev. d 14. Dec 1898) show, it is submitted, that an enquiry of this nature is necessary. In several of the cases then dealt with, officers reported to be non-Statutory Natives were subsequently found to be Statutory Natives. The replies to the standard set of questions will furnish all the information that is required.

C.S.

I concur. The question

is as to what constitutes a Statutory Native of India is one which th^t

Examined in ~~the~~ ^{the} same class

by the same authority in all cases unless there are the authorities to the contrary.

22.5.99

Revenue Department

To Under Secy

Submitted for

Orders. If information in the form prescribed is to be obtained it is not clear why it should be confined to the officers mentioned in the list appended to the Fint Order in G.O. N^o 2663 Rev. d 23.6.98.

A and why ^{enquiry} it should not be extended to other officers of the Rev. Dept. who may claim or ^{be} are drawing exchange compensative allowance. The list is not complete.

Does the Resolution of the 9th recently announced in the Newspaper affect this?

29.1.99

To Under Secy

It does not appear that the Resⁿ will materially affect the officers in the R.D. who have already been granted the concession. The Resⁿ of 1879 referred to therein is the same as Art. 773 of the Civil Act Code

Vol II.

26.5.99

mail sent up

Levy

To save further discussion & delay, it is submitted that a copy of the questions (Q) may be sent to each of the Officers in the list referred to by the Finl Dept & they may be asked to submit their replies with the least practicable delay. Their replies may be treated as confidential. This course will I submit cause a great deal of annoyance to the Officers concerned & to no good purpose but apparently it is what the Finl Dept desires done.

Kth
31/1/89

Yes; send the questions

87/10

To Undersecretary

a draft answer submitted below
Jme
5/6
4/1/95

This cannot be avoided if they claim the allowance

To Under Secy

The Oms above referred to, was sent to all the Revenue Officers mentioned in the app^{es} to G.O. No 482 File of 26th May 1898 with

G.O. 2663 Rev A
23. VII. 98

10. 4932 Rev C
14. 12. 98

the exception of Officers of the Salt Dept whose claims were considered in G.O. 1150 File of 2. VII. 98
122 Mr H.O.C. Cardozo
123 .. J.H. Cook
86 .. W.C. Hayne } retired from Service

88 Mr C.P. Howell
136 .. J.G. Wood
139 .. Eber Hardie
144 .. F.D. Bird } ~~acknowledged~~ declared by the Court of India not eligible to draw the all^{ot} (see p. 5 supra)

Last one used on 29.8.99

in confidence
Cover below

The replies received have been laid together in file form, ^{and} with a table of contents ^{attached,} are submitted below.

It is presumed that in accordance with precedents (claims of individual Officers have always been considered in the **FD**) and on the analogy of G.O. 1150 File of 2nd Dec^r 1898 & 901 File of 15. VIII. 99, the replies have to be dealt with in

10. 4932 Rev C
14. 12. 98
R

in the Financial Dept

29/11/99

Secy

the pp may be

Transferred no. 468

31/11/99

To Vind no 468 dt 31-8-99

AT

31-8-99



Handwritten signature: N. M. S. S. S.

Link no No 142 dt 31-8-99

U.O. No. 142.

Note

Attention is drawn to the notes of the Rev. Dept. below which have now been put in type. It will be seen that the notes have reference to Memo. No. 371 Finl., d/4-2-99, in which the depts of the Secretariat were requested to issue orders for the examination, with reference to the resolution of the Govt. of India recorded in G.O. No. 1081 Finl. d/19th Novr. 1898, of the claims to exchange compensation allowance of the officers mentioned in the appendix to G.O. No. 482 Finl. d/ 26th May 1898; that after some discussion Replies to the usual questions from some of the officers under the Rev. Dept. whose claims to exchange compensation allowance still remain to be settled have been obtained, and that these replies which are enclosed in the confidential cover below are now transferred to the Financial Department for orders.

2. The Officers concerned may be placed in three groups, viz:-

1. Mr. W. M. Standen, Director of Cinchona Plantations and Mr. R. L. Proudlock, Curator Govt. Botanical Gardens & Parks, Nilgiris;

- II. Messrs J. W. Cherry, J. S. Battie, C. G. Douglas

Vide list A in
G.O. No. 482 Finl.,
d 26th May 1898.

Vide list B in - do -

7
Douglas and A.W.E. Stanbrough, the
Conservator and Deputy Conservators
of the Forest Dept;

III. Messrs W.F. Bateman, F.V.P. Gompertz,
G.P. Greene, W.A. Hasted, D.G. Hatchell
J.C.C. MacHutchin, C.W. Martin, H.B.
Bentley Taylor, R.H.L. Lushington and
H.S. Mullins, of the Survey Dept.

3. *In the place it has*
~~It has~~ first to be considered
whether ~~these~~ these officers are

officially eligible. In the case of
Messrs W.M. Standen and R.L. Proudlock,
attention is solicited to para 6 of the
Rev. note dated 4th April 1899, printed
on page 2 of the ~~yellow~~ notes.

It is submitted that both these officers
may be regarded as "experts" and be
considered officially eligible under
para 19 of the new rules published in
G.O. No. 1081, Finl., d/19th Novr. 1898.

4. As regards Messrs J.W. Cherry,
J.S. Battie, C.G. Douglas and A.W.E.
Stanbrough, the Conservator and Dy.

Conservators of Forest, forming the second
group, *para 31 of the* rules in G.O. No. 1081, Finl., d/19th
Novr. 1898, declares all officers in the
Imperial Service of the Forest Dept. to
be eligible, if otherwise qualified.

As the officers of ~~Conservators~~ Conservators and
Dy. Conservators belong to the upper
controlling staff of the Imperial branch,
the officers named should, it is
submitted, be considered to be officially
eligible.

5. As to the officers of the
Survey Dept. who form the next group,
attention is drawn to para 7 of the Rev.
Note d/ 4th April last, printed on page

*Vide list B on page 7
of G.O. No. 482, Finl.,
d/ 26-5-98.*

*At present Forest Settlement
Officer, Ganjam & Co.*

* *At present Forest Settlement
Officer, Malabar & S. Canara.*

*Standen was an expert on climate
and Proudlock was appointed in
England originally. He is
one of the Garden staff.*

*Vide remarks in
list B appended to G.O.
No. 482, Finl. d/26-5-98,
opposite to the names of
these officers.*

5
2 [of the yellow notes below] from
which it will be seen that the

officers named who hold the appoint-
ments of ^{Supdt.} Deputy and Assistant Supdts.,
must be held to be officially eligi-
ble.

6. *Vijay* The personal eligibility of the
officers concerned has next to be
considered. From a scrutiny of the
replies to the usual questions ~~con-~~
~~tained in the confidential cover~~
below it is observed that Messrs R.L.

8 Proudlock, J.W. Cherry, C.G. Douglas,
A.W.E. Stanbrough, G.P. Greene and D.G.
Hatchell fulfil condition (a) of

clause III of the "General Principles"
printed in G.O. No. 901, Finl. d/15-8-99,
as they were born out of India. *and They*
are accordingly not Statutory Natives *and*
~~for the purpose of the~~
They are therefore personally eligi-
ble for exchange compensation allow-
ance.

7. All the others were born in
India; but, with the exception of Mr.
J.S. Battie, appear to fulfil condi-
tion ~~(b) & (c)~~ ^(b) of clause III of the

"General Principles" just referred to,
which is not a Statutory
~~Condition requires that a man should~~
Native of the land
have been out of India for some

appreciable period (not less than a
year) after the age of 10 and before
he entered Govt. service, ~~to be~~
~~declared not a statutory native~~. From
the replies given it appears that the
time spent out of India before entry
into Government service by the

officers

Yrs. Moral.

Feb 5/1899 Before, however, any final ruling is given in the cases of the officers now considered eligible, it is necessary with reference to the correspondence in G.O. No. 1011 Feb. 7 the 19th Sept 1895 ~~and~~ see especially para 2 of India's letter on p. 2 of that order ^{to ensure they} that ~~none of~~ ^{not a} ~~them~~ ^{to full service} were app? as Stationary ^{list of the} Natives. The Forest officers in question were probably all app? to the Secy of State & the Survey Dept is exempt from

the Rs 200 rule - vide § 773 (a) of
the C. A. Code - but it seems to
be necessary that Revenue
should examine the question
from this standpoint. If the
view above as regards Mr. Battie
is accepted, orders on his case
might issue in Revenue at once.

Contd.
8/10/88

Rev. Dept. u-o...
with reference to the last
print raised.

Revenue Department

To Under Secy

Art 773 (a) of the
Civil Act Code, ^{vol II} came into
force only from 1st January
^(or later in Madras) 1879, and all the Forest
officers referred to, in the
note above, ~~had~~ entered
the Forest Dept before that
date. To their appointment
or promotion therefore the
Secy of State's Sanction was
not required, nor applied for.

In the case of
Mr Battie it may perhaps
be of interest to note that
he

have 367
vide condition iii

vide also G.O. 1228 Pub
9. VIII. 79 Z

∴ it cannot be said that they were
appd as statutory ^{nations}
13/11/88

History of the
Service of Forest
Officers p 264

he entered the Forest Dept
of the N.W.P. and Oudh as a
Ranger in 1878, rose to an
Asst Conservatorship, 3rd
grade, by August 1884, and
was transferred to Madras
~~and~~ (on promotion to the
2nd grade) in Oct 1884.

There appears in
these circumstances no
special point for scrutiny
in the R.D. Orders on ex-
Comp. Allowance questions
were till now being issued
in the F.D. and it is not
clear why ~~an~~ it is proposed
to make an exception in
Mr Battie's case.

10/11/88
12.4.99

Secy How about the

Survey Dept?

To Under Secy 13/11/88

The Survey Dept was exempted
from the rule in Art 773 (a)
by the excepted condition iii (3)
of the article.

10/11/88
13.4.99

Secy

The result of all this

is that all the Officers whose cases
are agitated in the notes above are
officially eligible; and that all are

also personally eligible except
one Battie who must
apparently be declared a
statutory native (para 8 of rule also on pp 9 & 10 above)

If rule accepts
this result, orders may I submit
be issued accordingly in whichever
Dept rule want them to
issue in

To him for favours of remarks.
13/10/99
16/10/99

Financial Dept



In the C.S.

Draft order is subd.
below for approval. This disposes
of the case except in so far as concerns
any refund from Mr. Battie,
this question being left to Revenue.
It is not clear how Mr. Battie
draw the allowance under the
old rules, as the domicile test
would seem then have excluded
him. Rev. will probably like
to consult the Board on the
matter before passing orders. There may be

papers in his claims. It is not worth while
delaying the disposal of the remaining claims on
this account.

under the old rules

26.10.99
R 26.10.99

Financial Dept

Read again Memo: No 371 Fint 7 4. 2.95. (Q)

Read also. [B.C. Read Q of all papers in the Confidential
Covering names & designations of
all officers]

Revenue for C.L.

J.M.

25.10.99

Order No. 1163 of 26-10-99

All the officers ~~above~~
mentioned above are
entitled to draw exchange
compensation allowance
under the new rules, with
the exception of Mr. J. S.
Battie, Dy. Conservator of
Forests who is personally ineligible.

2. Further orders as regards
the amount, if any, to be
refunded by Mr. Battie ~~on~~
on account of the allowance
already drawn by him will
issue in the Rev. Dept.

Issue: 26.10.99

C.S.
19.10.99

19.10.99

Rev. Dept.
Acct. Genl.

Ref. S.C. to Ex Comp. File
with notes.
Print up with

Shm prop to be filed
C.L.
26/10/99

First copy sent to Press.

Returned for signature.

Despatched in print.

READ AGAIN G.O. No.

187

DATED

CURRENT No.

ENCLOSURE TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

N.B.—

- A = Print in full.
- B = Not to be printed.
- P = Print abstract only.
- Q = Print heading only.

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Letter only.
Order complete with Letter.

15 copies of yellow notes

Print as marked & show proof
Notes to be printed on yellow paper.

29/10

Sanjay 2022
16/11/18