F I 16/8/99

CONFIDENTIAL.

[Encl. 16]

500—12-6-99.

Financial (1899) Department.

ORDINARY MS.

G.O., No. 900

DATED 15-8-99

INDEXED. 12/12

[Despatch Abstract.]

Permitting European Head constables J. H. Carter and T. Fitzgerald of Trichinopoly and Vizagapatam respectively to draw Exchange compensation allowance!

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BACK PAPERS.

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

FURTHER PAPERS.

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

Judicial (1897) Department.

CURRENT No. 3072

To The Jud Dept (ao)

SECRETARIAT
27 JUL 1899
GOVERNMENT OF MADRAS

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8.11.7.99
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7.8.99.

Original
Cert
Put up
submitted to CA.
4/11

Ref. 28/7/98.

From Pet with the recmd
permn to
same cases of Fuller
& Carstairs which
Pet Carstairs wrote J. A Sullivan Esq
Sec to Govt of Bl
Madras

Order Pet Cert
Sl.

No. 2914.

Original of this Go
returned for necessary
CAS in connection
with priority of publi-
cation of "Cert"

Dated 25th July 1899.

Received } 27th July 1899.
Registered }

Enclosures 2

Spare copies . .

SUBJECT.

Submitting for the orders
of Govt the claims of Messrs
Carter & Fitzgerald Sub-
Head Constables for the grant of
Exchange Compensation allce &c.

BACK PAPERS.

BACK PAPERS.

G.O.	No.	Department	Date.
PS	779-80	Jud	4-7-88
Ns	173	Jud	28-1-88
—	Corr	—	28-11-88
A. 247 25/2/98			

FURTHER PAPERS.

G.O.	No.	Department.	Date.

OFFICE OF THE SUPERINTENDENT OF POLICE
16 FEB 1899
CALCUTTA

(2)

EXCHANGE COMPEN. TION ALLOWANCE.

Questions to be answered by—

(i) Officers claiming the allowance who were appointed in England.

(ii) Those appointed in India prior to 1st April 1897, who have not been admitted to the allowance under the rules in force previous to that date.

(iii) Those who, having previously been appointed in India and admitted to the allowance under the rules in force prior to 1st April 1897, obtain an increase of salary after that date, and claim a continuance of the allowance.

Name of claimant James Henry Carter

Office European Head Constable of Police

Questions.	Answers.
1. Were you born and are you domiciled within the dominions of Her Majesty in India of parents habitually resident in India and not established there for temporary purpose only?	No
2. Are you a European?	Yes
3. Of what nationality was your father?	Englishman
4. Of what nationality was your mother?	Englishwoman
5. In what country were they married and when?	England 25th March 1848
6. In what country were you born and when?	England 29th June 1849
7. In what country or countries were you educated and for how long in each?	England to the best of my recollection from my 5th to 14th Year — England
8. In what country or countries did you reside before appointment to the service of Government and for how long in each?	
NOTE.—If appointed in England and No. 2 is answered in the affirmative, questions 9 to 17 need not be replied to.	
9. In what country was your father born?	Godmanchester, Huntingdonshire

Questions.	Answers.
10. In what country or countries was he educated and for how long in each?	Godmanchester.
11. In what country or countries, and for how long, did he reside—	
(i) before you were born?	—Do—
(ii) since your birth to the present time?	—Do— till 1878 when he died.
12. If he was ever in India, state—	No.
(i) when?	
(ii) for how long?	
(iii) in what capacity?	
(iv) (*a*) how often did he leave this country?	
(*b*) when?	
(*c*) for how long?	
(*d*) in what capacity?	
(*e*) in what countries did he reside during the periods of absence?	
13. If your father is dead, state in what country he died and when?	In 1878 at Godmanchester

4

If your father is living, these questions need not be replied to.

Questions.	Answers.
14. In what country or countries, and for how long, did your mother reside?	Godmanchester—
(i) before you were born?	Do—
(ii) since your birth to the present time?	Do—
15. If she was ever in India, state—	no-
(i) when?	
(ii) for how long?	
(iii) in what capacity?	
(iv) (*a*) how often did she leave this country?	
(*b*) when?	
(*c*) for how long?	
(*d*) in what capacity?	
(*e*) in what countries did she reside during the periods of absence?	
16. If your mother is dead, state in what country she died and when?	Alive at Godmanchester—

Questions.	Answers.
17. If not born in India, how did you come to be in that country on appointment to the service of Government, and when did you arrive in India?	Enlisted in the Royl Artillery at Peterborough on 20.6.71. Arrived in India on 10.11.71.
18. To what office, service, or department were you first appointed and when?	Driver in H.M. Royal Artillery C. Battery 9th Brigade on 20th June 1871
19. Are you still serving in the same office and department? If not, give the names of the departments and offices in which you have since served and in which you are now serving with dates. NOTE.—In cases in which complete information for questions 18 and 19 is obtainable from the History of services of Gazetted officers, a reference to the page and date of that publication will suffice.	No - I was Pensioned from the Army on 12th June 1890. I was Enlisted as Ex H. Constable in the Madras Police on 3rd October 1890 I resigned on 20th March 1893. I was a Sergeant in the Military Lawrence Male Asylum School from 1st April 93 till 31st January 1894 and again Enlisted in the Police on 2nd February 1894
20. Is your present appointment permanent?	Yes
21. If your present appointment is not permanent— (i) is it for a specified duty only? (ii) under what regulation or authority are your allowances fixed?	
22. If appointed by contract / agreement, please forward your contract / agreement for inspection.	
23. Is your appointment under your contract / agreement preliminary to employment in one of the regular services of Government? NOTE.—If your answer to this question be in the affirmative please adduce proof of your statement.	
24. If not a member of any regular service, but employed in a professional capacity, are you debarred from the private exercise of your profession? Quote the rule so debarring you.	

Questions.	Answers.
25. Is any portion of your salary fixed in sterling? If so— (i) how much? (ii) at what rate of exchange is it convertible into Indian Currency? and (iii) under what rule?	No
26. Have you been specially permitted to count any deputation allowance as salary for the purpose of calculating your leave allowances? If so, please give a reference to the authority.	
27. State your grounds, and quote any authority you may be able to refer to for holding— (i) that European qualifications are held by the Government of India to be indispensable for the office to which you have been appointed; or (ii) (*a*) that a proportion of Europeans is held by the Government of India to be indispensable in the Service / Department to which you belong; and (*b*) that you were appointed as a European for the purpose of maintaining that proportion.	

I certify on honour that the foregoing answers are quite correct.

STATION, Trichinopoly
Date 20 January 1899

J. H. Carter No 609
Signature of claimant.
European H Constable

entitled to the allowance—

1917 Ist

Carter.

Yes, Ceu H.C. & Rob

Statutory Rates.

EXCHANGE COMPENSATION ALLOWANCE.

Questions to be answered by—

(i) Officers claiming the allowance who were appointed in England.

(ii) Those appointed in India prior to 1st April 1897, who have not been admitted to the allowance under the rules in force previous to that date.

(iii) Those who, having previously been appointed in India and admitted to the allowance under the rules in force prior to 1st April 1897, obtain an increase of salary after that date, and claim a continuance of the allowance.

Name of claimant Thomas Fitzgerald

Office European Head Constable.

Questions.	Answers.
1. Were you born and are you domiciled within the dominions of Her Majesty in India of parents habitually resident in India and not established there for temporary purpose only?	Born & domiciled within the dominions of Her Majesty in India of parents resident in India for temporary purposes only.
2. Are you a European?	Yes.
3. Of what nationality was your father?	Irish.
4. Of what nationality was your mother?	Irish.
5. In what country were they married and when?	Married in Ireland. 1848.
6. In what country were you born and when?	India. St. Thomas' Mount. 3-11-50.
7. In what country or countries were you educated and for how long in each?	Educated in Madras in the Military male orphan Asylum for ten years. '58 to '67.
8. In what country or countries did you reside before appointment to the service of Government and for how long in each?	India. Was in England from '78 to '82 as a soldier in the Artillery.
NOTE.—If appointed in England and No. 2 is answered in the affirmative, questions 9 to 17 need not be replied to.	
9. In what country was your father born?	Ireland.

Questions.	Answers.
10. In what country or countries was he educated and for how long in each?	Ireland. Up to his 15th year.
11. In what country or countries, and for how long, did he reside—	Ireland & India
(i) before you were born?	Ireland
(ii) since your birth to the present time?	India, up to the date of his death in 1858.
12. If he was ever in India, state—	
(i) when?	1850 to 1858
(ii) for how long?	8 years
(iii) in what capacity?	Soldier in the Artillery
(iv) (a) how often did he leave this country?	He came to India in 50, and died in 58, in India
(b) when?	—
(c) for how long?	—
(d) in what capacity?	—
(e) in what countries did he reside during the periods of absence?	—
13. If your father is dead, state in what country he died and when?	Died in India at Bandar in 1858.

Questions.	Answers.
14. In what country or countries, and for how long, did your mother reside?	Ireland & India
(i) before you were born?	Ireland
(ii) since your birth to the present time?	India up to the date of her death '56.
15. If she was ever in India, state—	
(i) when?	1850 & 1856.
(ii) for how long?	6 years.
(iii) in what capacity?	Wife of a Soldier.
(iv) (a) how often did she leave this country?	She came to India with her husband in 1850 and died that year 1856.
(b) when?	—
(c) for how long?	—
(d) in what capacity?	—
(e) in what countries did she reside during the periods of absence?	—
16. If your mother is dead, state in what country she died and when?	Died at St. Thomas's Mount India. Died in 1856.

If your father is living, these questions need not be replied to.

Questions.	Answers.
17. If not born in India, how did you come to be in that country on appointment to the service of Government, and when did you arrive in India?	Born in India. Gunner. Royal Artillery.
18. To what office, service, or department were you first appointed and when?	Pensioned as a gunner on 17.3.89. Warder in Annamalai Asylum Madras from April to Septr. 89. Warder in Central Jail Coimbatore from Octr 89 to July '90. Enlisted the Police on 29.7.90 as an European Hd Constable. Permanent.
19. Are you still serving in the same office and department? If not, give the names of the departments and offices in which you have since served and in which you are now serving with dates.	
NOTE.—In cases in which complete information for questions 18 and 19 is obtainable from the History of services of Gazetted officers, a reference to the page and date of that publication will suffice.	
20. Is your present appointment permanent?	
21. If your present appointment is not permanent—	
(i) is it for a specified duty only?	
(ii) under what regulation or authority are your allowances fixed?	
22. If appointed by $\frac{\text{contract}}{\text{agreement}}$, please forward your $\frac{\text{contract}}{\text{agreement}}$ for inspection.	
23. Is your appointment under your $\frac{\text{contract}}{\text{agreement}}$ preliminary to employment in one of the regular services of Government?	
NOTE.—If your answer to this question be in the affirmative please adduce proof of your statement.	
24. If not a member of any regular service, but employed in a professional capacity, are you debarred from the private exercise of your profession? Quote the rule so debarring you.	

Questions.	Answers.
25. Is any portion of your salary fixed in sterling? If so—	Rs. I get a pension of a shilling a day from the Military Dept.
(i) how much?	My pension is paid at the current rate of exchange fixed by the Pension Department.
(ii) at what rate of exchange is it convertible into Indian Currency? ....d	
(iii) under what rule?	
26. Have you been specially permitted to count any deputation allowance as salary for the purpose of calculating your leave allowances? If so, please give a reference to the authority.	
27. State your grounds, andquote any authority you may be able to refer to for holding—	
(i) that European qualifications are held by the Government of India to be indispensable for the office to which you have been appointed; or	P.O No 239
(ii) (*a*) that a proportion of Europeans is held by the Government of India to be indispensable in the $\frac{\text{Service}}{\text{Department}}$ to which you belong; and	
(*b*) that you were appointed as a European for the purpose of maintaining that proportion.	

I certify on honour that the foregoing answers are quite correct.

STATION, Vizagapatam
Date 9th Jany: 1899.

J. Fitzgerald.
Signature of Claimant.
E. H. C. No 477

B

~~Did~~ Had his father taken his discharge before his death? If so, where did he settle?

Hy
14/3

permanent domiciled, only temporarily in India - entitled

14/7 Hy

Cir 16 C 3072 Jul 98

No. O-49.

CURRENT NO. 3072 /14

DEPARTMENT.

No. 2914. CHIEF OFFICE OF THE INSPECTOR-GENERAL OF POLICE,

MADRAS, 25th July 1898.

FROM W. J. A. Sullivan
~~M. HAMMICK, I.C.S.,~~ ESQ.,

Ag. INSPECTOR-GENERAL OF POLICE,

Madras,

To

THE Chief Secretary
to Government,

Ootacamund.

SIR,

ENCLOSURES.

With reference to rule 21 of the Government
A of India resolution contained in G.O. No. 1081-70
dated 19th November 1898, I have the honour to
submit for the orders of Government the
claims of Messrs. J.H. Carter and J. Fitzgerald,
European Head Constables, for the grant
of exchange compensation allowance.

2. I enclose the usual form filled in by
these officers in regard to their claim to
the allowance. They are not statutory
natives of India and I consider that
they are entitled to the allowance.

3. The allowance, if sanctioned by
Government, will cease on their absorption
into the revised scale, sanctioned

in G. O. No. 173. J. D., dated 28th January 1898. R wfo No 247 Finl, XV 0/28.2.99

I have the honour to be,
Sir,
Your most obedt. Servt.,

Douglas Robertson
for Ag. Inspector General of Police.

16

[G / 24]
500-28-6-99

Financial DEPARTMENT.

Jud. C. No. 3072 From the I.G. of Police, No. 2914, dated 25-7- 1899.
" " " " " " 189 .
" " " " " " 189 .
" " " " " " 189 .

FOR ORDERS

The I.G. of Police submits the claims of two European Head Constables for the grant of exchange compensation allowance. As regards the official eligibility of this class of Police officers, attention is solicited XXV to paragraph 5 of the note in G.O.No.779 Finl., d/ the 11th July 1899, and to L paragraph 2 of that order, from which it will be seen that European Head Constables are officially eligible and that Govt. has ruled that to such of them as are personally eligible, the allowance may be paid from the 1st April 1897 but will cease on their absorption into the re- XV vised scale sanctioned in G.O.No.173, Judl., d/ the 28th Jan. 1898.

pages 2-6 of the current

2. As regards personal eligibility, it will be seen that the first Head Constable, J.H. Carter, was born in England.

He

He therefore cannot be a statutory native of India. His claim subject to the conditions mentioned above may, it is submitted, be admitted.

3. The second Head Constable, T.Fitzgerald whose replies to the usual questions are contained on pages 8-12 of the current, was born in India in 1850 and was in England from 1878 to 1882 as a soldier in the Artillery. He was pensioned in 1889, was employed as a warder in the Lunatic Asylum, Madras, and in the Central Jail, Coimbatore, from October 1889 to July 1890, when he entered the Police in his present capacity. His father was born in Ireland and his mother apparently also. They were married in Ireland and came out to India in 1850. They both died in India, the father in 1858 and the mother in 1856. Technically constable Fitzgerald inherited an Indian domicile from his father but this Indian domicile he appears to have destroyed by enlisting as a soldier and serving in England for 4 years. He seems moreover to satisfy the condition (b) of clause III of the general principles laid down in a recent resolution of the Govt. of India flagged XXIII viz. he was out of India for an appreciable period (not less than a year) after the age of ten and before he entered Govt. service. Constable Fitzgerald seems to be personally eligible for the allowance.

4. It may be noted that the condition laid down in clause III (b) of

of India's general principles gives a very wide interpretation to a non Indian domicile. For under that ruling, every young man whose parents, and probably grand parents, have been resident in India for the whole of their lives, would by being educated in England for two years after the age of ten destroy his Indian domicile

Cus. 19.8.21

Mayhew Undersecy. Cus.

[G. 175] p.
20m—19-9-98.

Financial DEPARTMENT.

(1) ~~G. No.~~ Read again G.O. 779/80 Finl: of 11. July 1899. (2).

(2) From the C. No 3072 D of Police, No 2914, dated 25. 7. 1899.

" " " " " 189 .

" " " " " 189 .

" " " " " 189 .

K
17.8.99

Order This No. 900 of 15.8.99.
European Head Constables J. H Carlin + P. Fitzgerald will be ~~admitted to the~~ permitted to draw Exchange compensation allowance on the conditions laid down in para. 2 of G.O No. 779 Finl: of the 11th July 1899.

Chief Sec. 11.8.99

17/8/99.

D of Police (of 1(2) + 0)
Accountant (a of (2) 70)
Treasr. Dept. (a of (2) 70)

copies sent 17/8/99.
Dispd 18.8.99

× not enclosures.

When given for copying _____
When copied _____
When examined _____
When signed _____
} 189

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

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.								

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