0/9. 3,000—6-8-98.

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 4932

DATED 14th December 98

[Despatch Abstract.]

Recording G.O. Financial, passing orders on the claims of certain officers of the Sall. Abkari and Customs Dept. to exchange Compensatory Allowance.

BACK PAPERS.

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

FURTHER PAPERS.

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

Revenue Dept

Government {1898} of Madras.

FINANCIAL.

Extract No. 8426

14/12/98

Recd. 9th Dec
Regd. } 1898.

Enclosures

Spare copies

G.O., No. 1150, 2nd December 1898.

G.O. mis No. 4932 of 14th Dec 98

Recorded.

14/12/98

DECEMBER.

Note A copy of the order has gone to the Board direct from the Fin. dept.

T.P.K
12.12.98.

KD
13/12/98

Exchange Compensation Allowance.

Passing orders on the claims of certain officers of the Salt, Abkári and Customs Department to —.

GOVERNMENT OF MADRAS.

FINANCIAL DEPARTMENT.

READ—the following papers:—

Proceedings of the Board of Revenue (Separate Revenue), Mis. No. 2799, dated 13th July 1898.

Read—G.O., Mis. No. 2663, Revenue, dated 23rd June 1898.

Resolution—Mis. No. 2799, dated 13th July 1898.

Under G.O. 2663 23-6-98

Replying to G.O., No. 482, Financial, dated 26th May 1898, the Board begs to report that it has scrutinized the list of officers in the Salt, Abkári and Customs Department embodied in list B attached thereto and that it considers that (with the exception of Mr. Puddephatt) they are all entitled to the benefits of Exchange Compensation Allowance.

2. It observes that the orders of the Government of India as regards the proportion of Europeans to be employed in the department have still to be awaited before the grant of the allowance to the officers in the list referred to above can be confirmed. This means that all officers who draw less than Rs. 400 a month and who have received promotion since promulgation of the new rules continue under orders of refund. The Board would respectfully request reconsideration of these orders. The presumption that an officer who draws less than Rs. 400 a month is not eligible for grant of the allowance does not apply to this department. The number of appointments for which European qualifications are required according to the proposals which the Madras Government has accepted is more than double the number of officers named in the list, so that there can be no fear of their ultimate exclusion from the allowance, and the order of refund operates with particular hardship on these small incomes.

3. The Board takes this opportunity of submitting for disposal in accordance with G.O., No. 491, Financial, dated 24th June 1897, ten applications for admission to the allowance from officers not included in list B. The Board would urge special and early consideration of the case of the officers named in the margin. These officers have been prohibited from drawing the allowance for a period of nearly four years though they needed it as much as any, because the Scotch Courts held in *Wanchope* versus *Wanchope*, and the Calcutta High Court followed them in the case reported in Indian Law Reports, Volume IV, pages 106 to 115 of the Calcutta series, that for purposes of probate a servant of the East India Company was a native of India. In the absence of other strict definition of the term "domicile" it was, the Board presumes, found necessary to adopt that used in the interpretation of the probate law, but the application of the ruling in question to the Exchange Compensation Rules has brought about both an absurdity and a great hardship, and to prevent further hardship being inflicted on these officers for the sole reason that at the time of their birth their fathers were serving the Company the Board would request that their case be again specially brought to the notice of the Government of India with a view to their admission to the allowance henceforward and with arrears.

Mr. E. R. R. Mainwaring.
„ C. W. P. St. John.
„ C. V. Dalrymple-Hay.
„ C. M. Sherman.
„ W. Chamier.
„ E. H. Doveton.

4. With reference to the applications of Messrs. Lamb and Robinson it is hereby certified that they were appointed by the Board with a view to maintaining the proper proportion of Europeans in the department. They were not granted certificates to this effect as required by Rule No. IV of the rules communicated with G.O., No. 491, Financial, dated 24th June 1897, because the rules had not been fully brought into force at the time of their appointment.

5. The very early orders of Government are requested on these Proceedings.

(True Extract.)

(Signed) C. G. TODHUNTER,
Acting Secretary.

To the Chief Secretary to Government,
Financial Department.

Enclosure to the foregoing being information in regard to claims to Exchange Compensation Allowance supplied by the following officers of the Salt, Abkári and Customs Department:—

Mr. C. W. P. St. John, Assistant Commissioner.
„ C. V. Dalrymple-Hay, Acting Assistant Commissioner.
„ C. M. Sherman, Inspector.
„ V. S. F. Wilson, do.
„ E. H. Doveton, do.
„ F. Hodding, Assistant Inspector.
„ S. C. H. Robinson, Assistant Inspector.
„ R. W. Bickle, do.
„ F. W. Gooch, do.
„ J. A. Muller, Inspector.
„ M. H. M. Lamb, Assistant Inspector.

From T. HESKETH BIGGS, Esq., Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 29th July 1898, No. 98—I.A.C.M.

I have the honour to report that Mr. B. Hawkins, Inspector, Salt, Abkári and Customs Department, Madras Presidency, has been placed on special duty to report on the excise system in force in the Civil and Military station of Bangalore, at the request of the Resident in Mysore. For this duty a deputation allowance of Rs. 150 per mensem has been granted to him by the Government of India in addition to his pay of Rs. 350 per mensem.

Mr. Hawkins draws Exchange Cmpensation Allowance under the old rules and if the proposals contained in G.O., No. 480, Financial, dated 26th May 1898, be approved of by the Government of India, he will apparently be entitled to the allowance under the new rules also. With reference to paragraph 3 of the Government of India Resolution No. 4217-Ex., Finance and Commerce Department, dated 21st September 1897, however, I beg to enquire whether he can continue to draw Exchange Compensation Allowance.

Proceedings of the Board of Revenue (Separate Revenue), Mis. No. 3352, dated 25th August 1898.

Read—Endorsement of J. H. MERRIMAN, Esq., Deputy Commissioner, Northern Division, No. 2791, dated 9th August 1898, on the following letter from Mr. J. R. WILSON, Inspector of Salt, Abkári and Customs Department, Manginapudi Circle, to the Assistant Commissioner, Masulipatam Sub-Division:—

With reference to your letter, No. 2103, dated 11th June 1898, I have the honour to submit a form duly filled in as far as I know how and beg the Deputy Commissioner and yourself will be pleased to forward it with favourable support.

Resolution—Mis. No. 3352, dated 25th August 1898.

Submitted for the orders of Government, in continuation of Board's Proceedings, Mis. No. 2799, dated 13th July 1898.

(True Copy and Extract.)

(Signed) C. G. TODHUNTER,
Acting Secretary.

To the Chief Secretary to Government, Financial Department.

Proceedings of the Board of Revenue, (Separate Revenue), Mis. No. 3867, dated 30th September 1898.

Read—Memorandum from Government, Financial Department, No. 1883, dated 3rd September 1898.

Resolution—Mis. No. 3867, dated 30th September 1898.

With reference to the Government Order read above, the Board begs to submit a statement showing particulars of the information upon which it has arrived at the conclusion that all the officers in the Salt, Abkári and Customs department embodied in list B attached to G.O., No. 432, Financial, dated 26th May 1898 (with the exception of Mr. Puddephatt) are entitled to the benefits of Exchange Compensation Allowance. From the statement it will be seen that none of the officers referred to are Statutory Natives of India.

(True Extract.)

(Signed) C. G. TODHUNTER,
Acting Secretary.

To the Chief Secretary to Government, Financial Department.

ENCLOSURE.

STATEMENT showing particulars of claims of certain officers of the Salt, Abkári and Customs Department to Exchange Compensation Allowance admitted by the Board and the Government.

Name.	Designation.	Pay.	Reasons assigned in support of the claim.
		Rs.	
1. Mr. G. W. Brown ..	Assistant Commissioner..	600	Born and educated in England. Parents never visited India.
2. Mr. F. W. Ditmas ..	Do.	700	Born in England. His parents were also born and domiciled in England.
3. Mr. W. A. Fowler ..	Deputy Commissioner ..	1,280	Born in England. His father never came to India.
4. Mr. R. W. Kite ..	Assistant Commissioner..	500	Born in England. His father lived in England all his life.
5. Mr. A. S. Kearns ..	Inspector on special duty in Mysore.	350	Born in India, but sent home when eight years of age for education. His father came to India about 1850 as a Missionary of the S.P.G., and died at Tanjore in 1877.
6. Mr. W. C. F. Leggatt.	Assistant Commissioner..	800	Born and educated in England. He came to India only six months before he joined the department in 1879. His father was domiciled in England and has resided there since his son's birth.
7. Mr. F. G. Marshall ..	Assistant Commissioner on other duty as Acting Deputy Collector of Sea Customs, Madras.	500	Admitted by Government—*vide* G.O., No. 27, Financial Department, dated 12th January 1895.
8. Mr. B. McMaster ..	Acting Deputy Commissioner.	1,173	Born in India, but educated in England. His father came out to India in 1856 on a temporary appointment in the Madras Railway Company and returned to England in 1861. He served in Mauritius from 1861 to 1865, in South America in 1871-72 and in Belgium in 1870-71. He came back to India in 1877 as a Resident Engineer Madras Railway, and died at Cuddapah in that year.
9. Mr. J. H. Merriman.	Deputy Commissioner ..	1,400	Born in England. His parents have no connection with India.
10. Mr. C. B. Shawe ..	Assistant Commissioner..	700	Admitted by the Government—*vide* G.O., No. 180, Financial, dated 20th February 1895.

Statement showing particulars of claims of certain officers of the Salt, Abkári and Customs Department to Exchange Compensation Allowance admitted by the Board and the Government—*cont.*

Name.	Designation.	Pay.	Reasons assigned in support of the c aim.
		Rs.	
11. Mr. T. R. Barter ..	Acting Assistant Commissioner.	500	Born in India in 1862. Went to England in 1863 and returned to India in 1879. His father came out to India on business about 1858. Returned to England in 1863, came back to India in 1873 and died there in 1880.
12. Mr. I. Brown ..	Inspector	300	Born in Scotland. At the time of his birth his father was residing in Scotland. He never came to India.
13. Mr. S. H. McDCalder.	Do.	350	Educated at Harrow and Wellington; spent 27 years in England before coming to India. His father never served in India.
14. Mr. A A. Deighton ..	Assistant Inspector ..	175	Born in India in 1871, but educated in England. His father came to India in 1860, that is, two years after the Government of India was transferred from the East India Company to the Crown and was employed in the Educational Department. Went to England in 1872, 1878, 1879, 1884 and 1889 and retired in 1889. Since then he has been living in Ootacamund.
15. Mr. B. W. B. T. Flemyng.	Do. ..	175	Born in Scotland and educated in France and England. At the time of his birth, his father was residing in Scotland. His father never came to India.
16. Mr. R. L. Haden ..	Inspector	300	Born in India, but sent home when he was three years old and was educated there. He returned to India in 1881. His father came out to India in 1869. He was an Inspector of the Salt and Abkári department, and died on retirement from the service.
17. Mr. A. B. Hinde ..	Acting Assistant Commissioner.	430	Born and educated in England. His father never resided in India.
18. Mr. B. Hawkins ..	Inspector	350	Born and educated in England. His father came out to India in 1857 immediately on his return from the Crimea as an Assistant Surgeon, but returned to England almost immediately and retired from the service in 1858. He died on 4th December 1887 at his residence in Bedfordshire.
19. Mr. G.E. Johnston ..	Assistant Inspector ..	175	Born and educated in England. His father came out to India in 1863 and was a Deputy Collector for some time and afterwards a Superintendent in the Jail department and died at Rajahmundry while holding that appointment. His two brothers who are in the army receive the allowance.
20. Mr. J. H. Kenyon ..	Do. ..	150	Born and educated in England. His father never came to India.
21. Mr. E. D. Laybourn ..	Inspector	250	Born in Madras (his father was a merchant in Madras at the time). He went to England and remained there 12½ years and returned to India in 1870. His father died in 1871 at Madras about 18 months after his last return from England.
22. Mr. A. N. McLeod ..	Assistant Inspector ..	175	Admitted by Government—*vide* G.O., No 366, Financial Department, dated 8th June 1896.
23. Mr. N. W. Parish ..	Inspector now attached to the Bengal Presidency.	300	Admitted by Government—*vide* G.O , No. 27, Financial Department, dated 12th January 1895. He has been transferred to the Bengal Presidency with the Orissa Salt Department.
24. Mr. C. S. Rolland ..	Inspector	250	Born and educated in England. His father came out to India in 1866 as an ensign in the staff corps.
25. Mr. H. B. Rendle ..	Assistant Inspector ..	175	Born in Europe in 1873 and educated in England. His father never came to India.
26. Mr. A. M. Story ..	Inspector	350	Born in England. At the time of his birth, his father was domiciled in England.
27. Mr. R. M. Thurley ..	Do.	350	He was born in India in 1864, but educated partly in England and partly in India. His father resided in England after his retirement from the army in 1869. At the time of his birth his father was residing at Madras having come to India about 1836 in the ranks of the 102nd (the Royal Dublin Fusiliers) in the service of the East India Company. His claim was admitted on the ground that while he was a minor (4½ years old) his father resumed his English domicile in 1869 and that the son's domicile followed that of his father—*vide* G.O., No. 27, Financial, dated 12th January 1895.
28. Mr. R. P. Tillard ..	Do.	300	Admitted by Government—*vide* G.O., No. 169, Financial Department, dated 18th February 1895.
29. D. G. Viviani ..	Do.	250	Was born in Europe. At the time of his birth his father was residing in Europe. His father never came out to India.
30. Mr. H. W. F. Wroughton.	Do.	300	Admitted by Government—*vide* G.O., No. 608. Financial Department, dated 23rd August 1895.
31. Mr. M. G. K. Waite.	Assistant Inspector ..	175	He was born in Maidstone (country of Kent) where his father lived at the time of his birth. His father has since been in India with his regiment, but has no domicile there.

From the Accountant-General, No. 139—I.A.C.M., dated 15th October 1898.

Memorandum to the Board of Revenue, No. 2220, dated 21st October 1898.

Order—No. 1150, Financial, dated 2nd December 1898.

With reference to its Proceedings, No. 2799, dated 13th July 1898, the Board of Revenue (Separate Revenue) will be informed that the Government of India has in a recent resolution (No. 4847-Ex., dated 5th November 1898) ruled that all officers of the Salt department in this Presidency holding appointments not lower in rank than that of Assistant Inspector shall, if otherwise eligible, obtain Exchange Compensation Allowance. It has further decided in resolution No. 5040-Ex., dated 17th November 1898, that they may be admitted to the allowance with effect from the 1st April 1897 with the sanction of the local Government. The requisite sanction is now granted accordingly in the case of all officers of the classes mentioned in the Salt, Abkári and Customs department, who are not Statutory Natives of India. The allowances drawn by officers who are Statutory Natives in respect of salary for the month of September 1897 and subsequent months will be adjusted in accordance with the orders of the Government of India contained in the second paragraph of the resolution last quoted.

2. Of the officers of the Salt, Abkári and Customs department, whose cases are mentioned in the Board's Proceedings read above, the following are ineligible for the allowance owing to the fact that they are Statutory Natives of India :—

Mr. V. S. F. Wilson.
Mr. E. W. H. Doveton.
Mr. S. C. H. Robinson.
Mr. J. A. Muller.
Mr. J. R. Wilson.
Mr. A. A. Deighton.
Mr. R. L. Haden.

3. Messrs. E. R. R. Mainwaring and W. Chamier are not Statutory Natives. Further information has been called for regarding Messrs. A. S. Kearns and E. D. Laybourn in memorandum No. 2220, dated 21st October 1898. The remaining officers whose claims are mentioned in the papers read above are not Statutory Natives.

4. The case of Mr. B. Hawkins referred to in the Accountant-General's letter No. 98—I.A.C.M., dated 29th July 1898, should be dealt with in accordance with the orders contained in paragraph 1 of these proceedings.

(True Extract.)

A Edgington
for *Chief Secretary.*

To the Board of Revenue (Separate Revenue).
" Accountant-General.
" Revenue Department.

Exd. P. Seetharam.

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*When signed*_____
} 189 .

Read again G.O., No. dated 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.
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