

In Re: in the Goods of Elliott

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SooperKanoon Citation : sooperkanoon.com/854369

Court : Kolkata

Decided On : Jun-07-1878

Reported in : (1879)ILR4Cal106

Judge : Pontifex, J.

Appellant : In Re: in the Goods of Elliott

Judgement :

Pontifex, J.

1. It being conceded by both sides that Surgeon-Major Elliott came out to India in the service of the East India Company previous to 1858, I think the case is concluded by the very careful judgment in Wauchope v. Wauchope (4 Ct. of Sess. Cases, 4th series, 945), before the Court of Session in Scotland, in which I feel certainly inclined to agree; at all events, I am not inclined to dissent from it. I must, therefore, hold that Surgeon-Major Elliott at his death had an Anglo-Indian domicile. The will is therefore not good.