

Est (1915) Department.

Mini SERIES.

G.O. No. 339⁺
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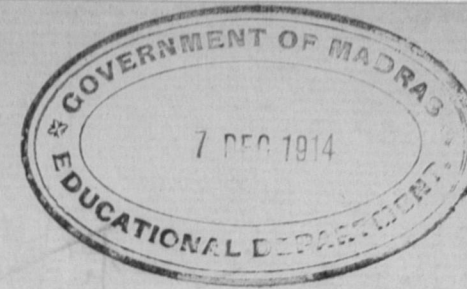
DATED 24-3-15

[Despatch Abstract.]

Subsistence allowance

Addressing the Govt. of India in
reply to the ———— account paid on
behalf of three children of her Disembury
who were admitted into the Lawrence
Memorial School, Goba campus.

Asylums.



C. 3804 Eol

Army 33.

7. 12. 14

No. 20872/5(A.G.7)

GOVERNMENT OF INDIA.
ARMY DEPARTMENT.

Simla, the 2nd December 1914.

FROM

THE HON'BLE MAJ.-GENL. W. R. BIRDWOOD,
C.B., C.S.I., C.I.E., D.S.O.,
SECRETARY TO THE GOVERNMENT OF INDIA,

TO

THE SECRETARY TO THE GOVERNMENT OF MADRAS,
Educational Department.

SIR,

I am directed to refer to the correspondence ending with your letter No.829-Edl.-Mis., dated the 14th July 1914, relative to the erroneous payment of Rs.221-8-3 to the Lawrence Memorial School, Lovedale, in respect of subsistence allowance for the three children of Mr. H. J. D. Lissenburg.

2. It appears that on the 12th February 1909 two children of Lance Corporal Lissenburg, 2nd Battalion, King's (Liverpool) Regiment, were admitted to the Lovedale School, on an application from the Principal Medical Officer, Bangalore and Southern Brigades. The children were removed by the parents on the 23rd February 1910. So far, the transaction was quite regular, and under Rule 41 of the Lovedale School Rules, the two children were educated and maintained in that School for the period from 12th February 1909 to 22nd February 1910, without the payment of any fees as Mr. Lissenburg was then an effective soldier. The School was paid

ARMY DEPARTMENT
GOVERNMENT OF INDIA

THE HONORABLE MAJOR-GENERAL W. R. BIRDWOOD
C.B., C.S.I., D.S.O.
SECRETARY TO THE GOVERNMENT OF INDIA

From

To

8th

Put up

paid the subsistence allowance on account of the two children for that period in accordance with paragraph 660(e), Army Regulations, India, Volume I.

Mr. Lissenburg was discharged from his regiment on the 3rd December 1910, and having thus become non-effective he forfeited, from that date, his claim to subsistence allowance from Government for his children and also to their free education in the School. The irregularity dates from the 14th February 1911 when the two children of Mr. Lissenburg were re-admitted to the Lovedale School on the first application and a third child was also admitted. After the children were thus admitted the Principal of that School claimed subsistence allowance for them from the Military Accounts Department. That Department, however, through an error, passed the allowance to the School for the first time without the necessary last subsistence certificate. The allowance continued to be regularly paid to the School till the end of July 1913, on the authority of a certificate furnished monthly by the Principal and Secretary of that institution to the effect that the children were alive and that their father was effective. The fact that Mr. Lissenburg was non-effective and working in the Police was discovered in August 1913 by the Controller of Military Accounts, 9th (Secunderabad) Division. The latter has suggested that the amount, viz, Rs. 221-8-3, erroneously paid to the Lovedale School in respect of subsistence allowance for the three children in question, may be written off.

3. The Government of India, as at present advised, are unable to accept the Controller's suggestion without any explanation from Mr. Lissenburg to prove that he acted in good faith in respect of the subsistence allowance that was paid to the Lovedale School for his children after they had ceased to become eligible for it. From a letter written in July 1909 by Mr. Lissenburg to the Principal Medical Officer, Bangalore and

Southern

Answered
28/8/13
17/11

3 4

Southern Brigades, regarding his discharge from the Army, an extract from which is sent herewith, it is apparent that he was familiar with the rules of the Lawrence School, Lovedale, under which his children were not only ineligible for subsistence allowance but also for free education in that Institution from the date he took his discharge from the Army.

4. Before calling upon Mr. Lissenburg to refund the amount erroneously paid by Government on behalf of his children, I am to request that, with the permission of His Excellency the Governor of Madras in Council, the Government of India may be furnished with any explanation the father may wish to give together with the views of the Principal of the School thereon. The Government of India would also be glad to have the opinion of the Madras Government in regard to the extent to which Mr. Lissenburg should be held responsible and whether he should now be called upon to refund the amount, or a portion of it, from his present pay. (as)

I am,

Sir,

Your most obedient servant,

R. Hallway

Colonel,
for Major-General,

Secretary to the Govt. of India.

Copy of the foregoing forwarded, for information, to:-

- The Department of Education.
- The Financial Adviser, Military Finance.
- The Controller of Military Accounts, 9th (Secunderabad) Division, with reference to his letter No.P.G./56, dated the 28th April 1914.

Bangalore,
1st July 1909.

To

The PRINCIPAL MEDICAL OFFICER,

Bangalore and Southern Brigades.

Sir,

X X X X X
X X X X X

My pension not being enhanced by the promotion to any appreciable degree, I having now nearly 16 years' service and hoping to leave the Army on a modified pension a couple of years hence, and my promotion not improving my present circumstances, as the additional pay of Rs.26/- or so per mensem drawn at Secunderabad would be claimed by the Lawrence Asylum as fees for my two girls, thereby leaving me with practically the same pay for performing the more responsible duties of Head clerk at Secunderabad as I am getting here in Bangalore in a subordinate appointment.

I am now paying the subsistence allowance viz Rs.5/- per mensem only, for my children as I am drawing pay as a "Private", whereas I would have to pay about Rs.30/- or so per month - according to salary - as a Serjeant. Although my promotion to the rank of Corporal now will not better my pension, still, I will not have to pay anything more to the Lawrence Asylum, as the fees are the same for a "Corporal" as for a "Private" and my present circumstances will be ameliorated to a considerable degree.

X X X X X

I respectfully beg to remain, &c.
(Sd.) H. Lissenburg, Lce. Cpl., (Local Serjeant)
2nd clerk, P. M. O's office, Bangalore.

3
Southern Brigades regarding his discharge from the Army, an extract from which is sent herewith. It is reported that he was familiar with the rules of the Lawrence School, Bangalore, under which his children were not only ineligible for sub- sistance allowance but also for free education in that insti- tution from the date he took his discharge from the Army.

4. Before calling upon Mr. Lissenburg to return the amount erroneously paid by Government on behalf of his obli- gation, I am to request that, with the permission of His Excell- ency the Governor of Madras in Council, the Government of India may be furnished with any explanation the father may wish to give together with the views of the Principal of the School thereon. The Government of India would also be glad to have the opinion of the Madras Government in regard to the extent to which Mr. Lissenburg should be held responsible and whether he should now be called upon to refund the amount, or a portion of it, from his present pay.

I am,

Sir,

Your most obedient servant,

H. Lissenburg

Colonel,
Lawrence School, Bangalore.

Secretary to the Govt. of India.

Copy of the foregoing forwarded, for information, to:-

The Department of Education,
The Financial Adviser, Military Branch,
The Controller of Military Accounts, 2nd (Secunderabad) Division, with reference to his letter No. P. G. 56, dated the 28th April 1909.

Memo No. 3804-1, Eol, d. 12.12.14.

A copy of letter no. 20872/5
(A.G.7) dated The 2nd December 1914
from the Govt. of India, Army Dept.
is communicated to the D.P.I. and
he is requested to obtain and submit
to the Government, at an early date,
the explanation of Mr. Lissenburg
called for in para. 4.
with reference to para. 3 of that
letter, together with the views of
the Principal of the Lawrence
Memorial School, Ootacamund,
thereon.

Done
10.12.14
L.S.
11.12.14

[Signature]
12/12/14

Notes in 103,
14/1/14

To the D.P.I. with copy of ex. no.
3804 with-enclosure -

[Signature]
12/12/14

...Bangalore, 1st July 1908.
The Principal Medical Officer,
Bangalore and Southern Brigades.
...
My pension not being enhanced by the promotion to any
appreciable degree, I having now nearly 16 years' service and
hoping to leave the Army on a modified pension a couple of
years hence, and my promotion not improving my present circum-
stances, as the additional pay of Rs. 20/- or so per annum drawn
at Secunderabad would be claimed by the Lawrence Asylum as fees
for my two girls, thereby leaving me with practically the same
pay for performing the more responsible duties of Head clerk at
Secunderabad as I am getting here in Bangalore in a subordinate
appointment.
I am now paying the subsistence allowance viz. Rs. 5/- per
man per month, for my children as I am drawing pay as a "Private",
whereas I would have to pay about Rs. 30/- or so per month
according to salary - as a Sergeant. Although my promotion to
the rank of Corporal now will not better my pension, still, I will
not have to pay anything more to the Lawrence Asylum, as the fees
are the same for a "Corporal" as for a "Private" and my present
circumstances will be ameliorated to a considerable degree.
I respectfully beg to remain, Sir,
(Sd.) H. Lissenburg, M.O. (Local)
Sergeant
And clerk, P. M. O's Office Bangalore

Page No. _____

Mem. no 3804-12nd 12/12/14
& contd papers

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O.F.—20.

E d u c a t i o n a l

DEPARTMENT.

Received

191

Registered

1915

Subject.

Submitting letter from the Principal, Lawrence Memorial School, Ootacamund, C.No. 5130, dated 1st January 1915 with reference to Govt. Memo. No. 3804-1 Edl., dated 12th December 1914.

ENCLOSURES

No. _____

N. Ref. on Cur.

No. 11070/14,

Spare copies _____

Station Madras, Dated the 7th January 1915

From (Name) The Hon. Mr. J.H. Stone, M.A.F.R.H.S.C.I.E.

(Designation) Director of Public Instruction.

To The Secretary to the Government of Madras,

E d u c a t i o n a l

Department.

Sir,

29

Lawrence Memorial School.
~~GOTACAMUND LAWRENCE ASYLUM.~~

C. No. 5/30

LOVEDALE P.O.

Nilgiri District, 1st January 1915

FROM

THE REVEREND W. H. G. PADFIELD, M.A.,

PRINCIPAL AND SECRETARY,

~~GOTACAMUND LAWRENCE ASYLUM.~~

Lawrence Memorial School.

TO

The Director of Public Instruction,

MADRAS.

SIR,

I have the honour to submit herewith in original the explanation from Mr. Lissenburg called for in your No. 11070 dated 18th December 1914.

The only intimation received from Mr. Lissenburg that he had left the Army was contained in a letter from Mrs. Lissenburg in August 1913, stating that her husband was now employed in the Police. This fact was immediately communicated to the Deputy Controller of Military Accts. IXth Division.

The recommendation roll of the first two children was signed by Col: Currathers I.M.S; P.M.O of the Bangalore and 8th Brigades on the 21st August 1908 and that of the third child admitted was signed by Lt.Col: L.Nicholson Commanding 2nd Battalion, The King's, at Ambala on the 11th December 1909; and in these rolls, the officers concerned certified that the children were entitled to Rs.2-8-0 per mensem subsistence allowance.

I have the honour to be,

Sir,

Your most obedient Servant,

W. H. G. Padfield

Principal and Secretary.



Madura.

28th December, 1914.

To,
The Principal and Secretary,
Lawrence Memorial School,
Lovedale.

Sir,

As desired in your endorsement No 4784, dated 23rd December 1914, I respectfully beg to offer the following explanation called for in para 4 of letter No 20872/5, A.S. 7, dated 2nd December 1914, from the Secretary to the Government of India, Army Department, Simla, to the Secretary to the Government of Madras, Educational Department:—

In October 1908, I applied to the Principal, Lawrence Memorial School, for admission of my two daughters Kathleen and Lily into the School, and I was furnished with two blank forms of application for admission, the reverse of which contained a scale of fees with rules, one of which laid down that "children of soldiers of the rank of 'Corporal' or 'Private' or pensioners holding those ranks on discharge, shall be admitted free of charge." However, after admission of the children in the School in February of the following year, I was called upon to pay school fees at the rate of Rs 13/- per men: for my children, as the pay I was then in receipt of amounted to a sum between Rs 90 and 100 per men; but, as my permanent rank was only that of a "Private" and the pay included an office allowance of Rs 30/- per men; ration money, messing allowance and subsistence allowance for wife and children the subsistence allowance of Rs 5/- only, i.e., Rs 2-8- per men for each child was claimed by the School, and was continued to be drawn by the school until the end of February, 1910 when, on relinquishing my appointment in the office

p3 supra

The rule in 1908 was as follows — Rule 41. +
"The children of soldiers of the rank of corporal or private, or of pensioners who are drawing only the pay of those ranks shall be admitted free of charge."

to be.

of the Principal Medical Officer usangan
Brigades and return to regimental duty with the 2nd
Bn, The King's (Lpool Regiment) at Sabathu, South India
the children from the school and took them with me
to Sabathu.

2 In August 1910 I was appointed as 3rd Grade Sergeant
on Rs 80/- per mensem, sub: pro: tem: for 6 months in the
Special Police Force at Malappuram, and obtained
3 months leave pending discharge from the Army with
hopes of being granted an extension of another 3
months, so as to maintain a lien on the Army in the
event of my not being confirmed in the Police, and
if on the other hand I was confirmed in the Police
after 6 months, to obtain a years furlo' from the Police
without allowances, return to the Army and secure
the modified pension of 10d per diem after completing
18 years; and in the following October my wife ap-
plied to the Principal for readmission of the children
into the school together with our third daughter, who
was then of age to be admitted into the school; but
I had been compelled by the Officer Commanding the
2nd Bn, The King's (Lpool Regiment) to take my discharge
in December 1910 on expiry of the 3 months furlo' granted
me by him after having served for 17 years and 26
days in the Army, as, through circumstances beyond
my control I was unable to comply with the alternative
offered to me by him of rejoining the Battalion for
duty at the termination of the 3 months leave, which
he stated he was debarred from extending by a recent
amendment to the regulations, viz: para 263, Volume
II Army Regulations, India.

3 As in the event of my having served in the Army
for 18 years I would have been entitled to the modified
pension of 10d per diem and have come within the
provisions of the ruling on the reverse of the form of
application for admission of a pupil into the Lawrence
Memorial School, referred to above, I submitted a petition

to the Right Honble, the Secretary of
London, Through the General Officer Commanding
(Lahore) Division on the 24th December 1910, praying that
either my discharge from the Army may be cancelled
and that I may be posted for duty to the nearest British
Infantry Battalion, so that I may have a chance of
earning the permanent modified pension of 10d per
diem after 18 years service, or, in the event of this being
impossible I may be granted some compensation for
the loss of pension, which, through circumstances
beyond my control I had been compelled to forego after
rendering 17 years good service.

However, having in the meanwhile fallen into ill
health at Malappuram, and being unable to obtain
a transfer from that Station or to leave it on leave
on medical grounds, owing to my having then been
only temporary and not yet confirmed in my ap-
pointment in the Police, I was compelled to resign
my appointment and left Malappuram at the same
time that I had placed my 3 daughters in the School,
and was out of employment until the 13th June 1911
when I was re-entertained in the Police and posted
as 3rd Grade Sergeant on Rs 80/- per mensem: sub. proban
on 6 months probation to the Town Police at Negapatam
from which place I was transferred to Madura in
August 1911.

Pending receipt of a reply to my petition, which
was received by me from the Deputy Assistant Adjutant
General 3rd (Lahore) Division in August 1911, informing
me (as directed in Government of India Army Depart-
ment letter No 6900/1 (AG.7) dated Simla 12th August
1911) that the Right Honble, the Secretary of State for
India was unable to comply with either of the prayers
in my memorial dated 24th December 1910, and to a
subsequent petition dated 8th January 1912 (vide
Annexure B) praying for the grant of a compassionate
allowance instead, which, in addition to my small

p 15 infra

of Rs 80/- per men ^{per} would be of great assurance to me in maintaining my large family, whereon I was informed by that Officer in February 1912 that my case was considered by His Majesty's Secretary of State for India who was unable to comply with either of the prayers in my memorial of 24th December 1910, and no new facts had been brought to light which could justify a reconsideration of the above decision; - I made no reference to the School regarding payment of fees for my children neither did I receive a reference from that institution on the subject up to 25th September 1913 when I was called upon to pay at the rate of Rs 16/- per men: for my three daughters in the Asylum as my monthly income was Rs 80/- and that this scale should be in force from August 1913 when the subsistence allowance ceased to be drawn by the School after my report which was submitted to the Principal of the School in reply to a Post Card from him in August 1913 demanding information as to the amount of salary that I was then in receipt of, and, I beg to submit that in view of the fact that I ceased to be borne on the pay of the Divisional Disbursing Officer 9th (Secunderabad) Division with effect from the date of my return to regimental duty with the 2nd Battalion The King's (Lpool Regiment) from the office of the Principal Medical Officer, Bangalore and Southern Brigades, i.e. in February 1910, and I had been finally settled up with by the Divisional Disbursing Officer 3rd (Lahore) Division on my discharge in December 1910, it would appear strange that the subsistence allowance has been admitted by the 9th Divisional Accounts Department for two and a half years from February 1911 up to July 1913 without question, and of which fact I was totally unaware until the receipt of the communication from the Principal Lawrence Memorial School dated 25th September 1913, referred to above.

Since

10/11/14

Since I am not in receipt of a pension, I have been informed by the Brigade Major Southern Brigade (vide Annexure A") in reply to a letter from me asking to be furnished with certain information to enable me to avail myself of the opportunity of re-enlisting under para 3 of the draft India Army Order sanctioned in Army Department letter No. H. 2180, dated 25th November 1914, with a view to securing a pension at the termination of the War, that there is no rule under which I can be enlisted owing to the fact of my being in Government employment and that in accordance with a subjoined copy of an additional Army Head Quarter decision "men in Government employ are not to be accepted for enlistment under Special India Army Order" of 14th November 1914 unless they obtain the permission of the Heads of their Departments to do so", which permission, so I am given to understand, will not be accorded to me owing to my not having held full non-commissioned rank at the time of my discharge; and I have not drawn any gratuity for 11 years of the 17 that I have served in the Army, having been paid deferred pay for 6 years only of the 17, as I elected to come under the new messing rules at the end of the 6th year of my Army Service, and in view of the fact that owing to my straitened circumstances, the Committee have very kindly resolved that I might pay school fees at Rs 2-8- per mensem for each of my children from August 1913 until I get promotion or an increase of pay, and I have not been promoted nor have prospects of promotion in the near future, it would be a terrible hardship to me if I were compelled to refund the amount of subsistence allowance drawn from Government by the School on behalf of my children from February 1911 to July 1913 (two and a half years). I respectfully beg to request that His Excellency the Commander in Chief in India may kindly be moved to recommend me for the grant

p 15 infra

of the compassionate allowance prayed for in
my petition dated 8th January 1912 (vide copy Annexure
"B") whereby I may be enabled to pay for my children
in accordance with the sanctioned scale of fees and to
refund the amount of subsistence allowance in question
or, in the event of this being impossible to grant me
a gratuity at least for the latter eleven years of my
Army Service, out of which the amount may be de-
ducted; or failing this latter alternative that the
Government of India may kindly be moved to accord
their sanction to the amount of subsistence allowance
erroneously paid by Government on behalf of my
children being written off as a charge against the
State.

I respectfully beg to remain,

Sir,

Your obedient Servant,

H. J. Jansenburg.

Town Police Sergeant
Madura.

for 11 years of the 17 that I have served in the
haverghem said department for 6 years
17 as I elected to come under the new arrangement
at the end of the 6th year of my Army Service
now other fact that in to my present
stances the Committee have very kindly
that I might pay school fees at Rs 2-8-
for each of my children from August 1913 until
retirement or an increase of pay and I have
been promoted nor have prospects of promotion
near future it would be a terrible hardship
if I was compelled to refund the amount of
allowance drawn from Government by the School
on behalf of my children from February 1911
two and a half years) I respectfully beg to
that His Excellency the Commissioner in Chief
may kindly be moved to recommend me for the

Copy of a Memorandum No 641/21 (A) dated 27 December 1914, from the Brigade Major Southern Brigade, Wellington, to Police Sergeant H. Liezenburg Town Police - Madras.

In reply to your letter of the 18th instant again applying for enlistment, you are informed that there is no rule under which you can be enlisted, you being in Government employment. The following additional Army Head Quarter decision is forwarded for your information:-

"Men in Government employ are not to be accepted for enlistment under Special India Army Order of fourteenth November unless they obtain the permission of the Heads of their Department to do so.
"Men who resign appointments under Government for the purpose of becoming eligible for enlistment are not to be accepted."

True Copy.
Through the Commanding 3rd (Lahore) Bn. and the Government of India, Mr. Liezenburg Sergeant (497), dated Simla, 12 August 1914, your ship was unable to comply with either of Madras.

Your petitioner humbly begs to submit that the circumstances in connection with this case were briefly as follows:-

In August 1910 your petitioner was granted 3 months' pending discharge and proceeded from Sabat Simla Hills to Malappuram, South Malabar, and took up an appointment as Police Sergeant (probation for 6 months) at the latter station.

In October 1910 your petitioner applied to

(to) H. Liezenburg.

Police Sergeant

Copy of a Memorial dated 8th January, 1912 from
Mr H. Lissenburg, Town Police Sergeant, Madura (late
No 8477 Private H. Lissenburg, 2nd Bn The King's (Liverpool
Regiment, to the Right Honorable, The Secretary of State
for India, London.

The humble petition of Police Sergeant H. Lissenburg
Madura Town Police Force (late No 8477 Private H.
Lissenburg, 2nd Bn The King's (Liverpool Regiment) respect-
fully sheweth:-

That on 24th December, 1910, Your petitioner submitted
a memorial to Your Lordship praying that, - either his
discharge from the Army, may be cancelled and that he
may be posted for duty to the nearest British Infantry
Battalion so that he may have a chance of earning the
permanent modified pension of 10d per diem after 18 years
service or in the event of this being impossible he may
be granted some compensation for the loss of the pension
which through no fault of his own he has been compelled
to forego after rendering 17 years good service; and in
August last he received a reply through the General Officer
Commanding 3rd (Lahore) Bn and the Government of India
(Government of India, Army Department, letter No 6900/1
(A.G. 7), dated Simla, 12th August, 1911) that your Lord-
ship was unable to comply with either of your petitioner
prayers.

Your petitioner humbly begs to submit that the cir-
cumstances in connection with his case were briefly as
follow:-

In August 1910 your petitioner was granted 3 months
furlough pending discharge, and proceeded from Subatha
Simla Hills, to Malappuram, South Malabar District
and took up an appointment as Police Sergeant (on
probation for 6 months) at the latter station.

In October 1910 your petitioner applied to the Adjutant
(to) H. Lissenburg.
Town Police Sergeant, Madura.

2nd Bn. The King's (Lloyd Regiment) Subaltern for an extension of his furlough from 10th November 1910 to 28th February 1911 - an indulgence which he believes has been extended to many previous similar cases - so that he may retain a lien on the Army in the event of his not being confirmed in his appointment as Sergeant of Police, and, in the other contingency, viz., of his being confirmed in February 1911, he may be entitled to avail himself of 9 months leave without allowances from the Police Department under para 339 Civil Service Regulations, return to regimental duty for the latter period to complete 18 years with the Colours and thereafter be able to rejoin his Police appointment with a life pension from the Military Department.

On 1st November 1910 your petitioner received a reply from the Adjutant 2nd Bn. The King's Regt: to the effect that under para 263, Volume II, Army Regulations India, as amended by India Army Orders of 1910 the extension asked for was inadmissible and that your petitioner was to submit an application for his discharge with effect from 12th November 1910 or return to duty on conclusion of his present leave, and that no further applications from your petitioner would be attended to. Nevertheless your petitioner subsequently telegraphed to that officer, first, to be posted for duty to the Detachment 1st Bn. Oxford and Bucks Regiment at Malappuram, and, on this request being negatived he again telegraphed to be transferred to the Oxford and Bucks Regiment permanently, but this alternative also was denied him.

Being a married man with 4 children, and, as in the event of his having had to return to the 2nd Bn. The King's Regiment, Subaltern, with his family, your petitioner would be required to do so at his own expense as well as refund the cost of the forward journey (which occupies 8 days) from Subaltern to Malappuram, and

(do) H. Lissenburg.
Town Police Sergeant - Madurai.

para 67, Volume X, Army Regulation
he could not leave his family behind
regiment alone. There being no time
arrangements for their disposal, and
them at Malappuram as they would
to remain in the Police quarters, and
found for them in the village which
one, and even had he been able to return
his family he would not have been able to
as he would immediately have been placed
until the cost of the two journeys, i.e. from
Malappuram and vice versa had been repaid,
he was compelled to apply for his discharge.

Had your petitioner been aware, before
of the amendment to para 263, Volume II
of the Regulations India, under which the Commandant
would be precluded from granting him for
2 months, he would not have accepted his appointment
in the Police Department, but would have applied to
the Inspector General of Police, Madras, to defer
petitioner's appointment for another 15 months
which time he would have completed 18 years
and been entitled to a modified pension of 40 a
but the very pressing orders of the Regimental
having compelled him to take his discharge he
his chances of earning a pension after having
17 years good conduct service which includes 10
in China during the Boxer outbreak in 1900 in
most excruciating circumstances - vizt - Your petitioner
had hardly recovered from the effects of a fall from
horse at Botacamund, at which station he was
as a clerk in the office of the late Deputy Adjutant
General, Madras Command, in March 1900, where
sustained severe injuries to his head and concussion
of the brain, bleeding from the ears, nose and mouth.
He was picked up unconscious and carried

(to) H. H. H. H.
Town Police Sergeant

the King's (Lancashire) Regiment for the
tenor of his field from 1st November 1910 to 27 February
1911 - an indulgence which he believes has been extended
to many previous similar cases - so that he may return
to his home in the event of his not being re-
formed in his appointment as Sergeant of Police and
in the other contingencies of his being reformed
in February 1911 he may be entitled to avoid himself
of 9 months leave without allowances from the Police
Department under para 263 Civil Service Regulations
return to his appointment for the latter part of the
next 18 years with the Colonel and thereafter be able
to enjoy his Police appointment with a life pension
from the Military Department.

On 1st November 1910 your petitioner received a copy
from the Adjutant General of the King's (Lancashire) Regiment
that under para 263, Volume II, Army Regulations
which as amended by Indian Army Order of 1910 the
extension asked for was inadmissible and that your
petitioner was to return to his appointment for the latter
part of the field from 1st November 1910 to return to duty on
completion of his present leave and that no further
extension from your petitioner would be attended to.
Your petitioner's subsequent telegraphic communication
that Officer first to be posted for duty to the District
Headquarters of the Police Department at Malappuram
and on this request being refused he again telegraphed
it to be transferred to the District and back to the
Headquarters but this alternative was also refused.

being a married man with 4 children and as in
the event of his leaving back to return to the 2nd
the King's Regiment, Subaltern with his family, your
petitioner would be required to do so at his own expense
as well as refund the cost of the forward journey, which
recurses 8 days) from Subaltern to Malappuram
(to) H. H. H. H.
Town Police Sergeant

Bartholomew's Hospital where he lay
for over two weeks. In June follow-
to proceed on field service to China
the Chief of the Staff, China Expedition
appearing before the doctor - Major C.
who was then Civil Surgeon and in
Bartholomew's Hospital at Ootacamund
tended on your petitioner during his in-
animation as to his medical fitness for
and, as his head did not trouble him
climate of the hills, he assured that Off
was alright and was alright and was
medically fit for field service; but owing
privation and frequent removals from place
from Ootacamund to Peking, thence again
and return to Peking his head was in a
aching the whole time in consequence of which
unable to perform his office work satisfactorily
was remanded to India in December of that year
as inefficient.

Having been passed as medically fit for service
and the accident having occurred off duty,
petitioner was proceeding from his home to
field where he had been requested to play
by Major E Reay then Deputy Assistant Adjutant
General, Madras Command, your petitioner
complains and has had to endure the many
in his subsequent career as a soldier clerk in con-
sequence of his disability. Unfortunately for your petitioner
illness owing to his accident was not entered
medical history sheet, as that document was
time with the 1st Bn Dorset Regiment at Novoshe
court of enquiry into the circumstances under which
his injuries were sustained was held, and the records
of St Bartholomew's Hospital at Ootacamund having
destroyed after 3 years, no documentary evidence

(So) H. J. J. J.
Town Police Sergeant

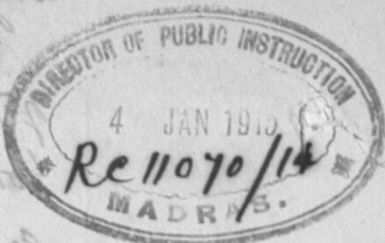
accident exists, and consequently he is
 unable to substantiate his complaint after having
 with a view to being brought before
 for discharge from the Army as medical
 even at the present time your petitioner
 long exposure to the sun or any heat
 Wherefore your petitioner humbly prays
 of the overwhelming circumstances attending
 Your Lordship may, in mercy, have him
 grant him a compassionate allowance
 be of great assistance to him hereafter in
 and educating his large family, as owing
 disability he has little hope of ever attaining
 a position which will render him independent
 the little assistance of which he now stands in
 such great need.

For which act of commiseration your petitioner
 as in duty bound, will ever pray for your
 long life and prosperity.

Witness my hand and seal at
 St. Petersburg, 11th October 1871
 Town Police Sergeant,
 Madras

...has been requested to be
 by Major E. Keay, then Deputy Assistant
 General Madras Command, your petitioner
 complain and has had to endure the same
 in his subsequent career as a soldier due to
 of his disability. Unfortunately for your petitioner
 the medical history sheet is that document was
 time with the 10th Dr. Bn. Depot Regiment at
 Court of Enquiry into the circumstances of the
 his injuries were sustained was held at
 St. Bartholomew's Hospital at Madras
 destroyed after 3 years.

7920



N. Ref. on Cur. No. 11070/14, dated 7 January 1915.

Submitted to Government with reference to their
Memorandum No. 3804-1 Edl., dated 12th December 1914.

[Signature]

for Director of Public Instruction.

P.V.S.

47/14

NOTES

C. No. 3804, from the Govt. of India, No. 20872/5, dated the 2-12-1914.

C. No. 91. from the D.P.I. No. 11070, dated the 7-1-1915.

Subject.

Regarding erroneous payment to the Lawrence Memorial School, Ootacamund, in respect of subsistence allowance for the children of Mr. H. J. D. Lissenburg.

Mr. H. J. D. Lissenburg who is at present

Town Police Sergeant, Madura, was formerly employed

as a Lance Corporal in the Indian Army. After a

service of about 17 years he was discharged from

the Army on the 3rd December 1910 without pension

as he had not put in the minimum period of service

required. He petitioned the Secretary of State

without success twice --once in December 1910 and

again in January 1912--for the grant of compensation

for loss of pension or a compassionate allowance.

2. Two of Mr. Lissenburg's children were admit-

ted into the Lawrence Memorial school, Ootacamund,

on the 12th February 1909, the recommendation roll

having been signed on the 21st August 1908 by the

Principal Medical Officer of the Bangalore and

Southern Brigades. The children were removed by

the parents on the 23rd February 1910. In October

1910

para 2 on p. 9 and
para 2 on p. 10 & 2 CF

p. 14 & 18 CF

para 2 on p. 1 CF

p. 7 CF

para 2 on p. 1 CF

para 2 p 9 CF

para 2 on p 2 CF

p 7 CF

Slip ①

p 125 of vol I

22 43
1910 Mrs Lissenburg applied to the Principal of the school for the readmission of the two children and also for fresh admission of the third child. The first two children were re-admitted on the 14th February 1911 on the ~~2nd~~ first application, while the third child was admitted on the same date, the recommendation roll in this case having been signed by Lt. Col. Nicholson, Commanding the King's 2nd Battalion, at Ambala on the 11th December 1909.

3. Under rule 41 of the rules of the Lawrence Memorial School (in force before July 1911) the children of soldiers of the rank of corporal "or private or of pensioners who are drawing "only the pay of those ranks shall be admitted " free of charge", and under paras 656 (a) and 660 (e) of the Army Regulations Vol. I, a subsistence allowance of Rs. 8-8-0 per mensem is admissible to each legitimate child of an effective soldier serving in India, even though the child may be withdrawn from the control of its parents and placed in an educational institution. In ~~accordance~~ accordance with these rules Mr. Lissenburg's children were eligible for ~~the~~

free

23⁰ 24.

free education in the school and subsistence allowance from the Military Department only ~~was~~ for the period from ^{the} 12th February 1909 to the 22nd February 1910 and not for the period from the 14th February 1911 to the end of July 1913, as Mr. Lissenburg was discharged from the Army on the 3rd December 1910 and thus ceased to be an effective soldier from that date. The Principal however claimed subsistence allowance for the latter period also from the Military Department as he had no intimation of the discharge of Mr. Lissenburg until August 1913. The Controller of Military Accounts, 9th Secunderabad Division, passed the allowance through an error, and he now ^{recommends} ~~recommends~~ to the Government of India that the sum of Rupees 221-8-3 thus erroneously paid may be written off.

4. From a letter written by Mr. Lissenburg to the Principal Medical Officer, Bangalore, and Southern Brigades, regarding his discharge from the Army, it is ^{apparent} ~~was~~ that he was familiar with the rules of the school under which his children were not only ineligible for subsistence allowance but also for free education in

14 CF

para 3 on p/2 + 3 CF

4 24

para 3 on p 2 CF

para 4 on p 3 CF

M 8473 CF

M 10011 CF

in that institution from the date of his ~~was~~ discharge from the Army. The Government of India are therefore unable to accept the Controller's suggestion to write off the amount in question without any explanation from Mr Lissenburg to prove that he acted in good faith in respect of the subsistence allowance that was paid to the school for his children after they had ~~he~~ ceased to be eligible for it. Before however calling upon him to refund the amount that Government ask (1) for his explanation together with the views of the Principal of the Lawrence Memorial School thereon, and also (2) for the opinion of this Government in regard to the extent to which Mr. Lissenburg should be held responsible and whether he should be called upon to refund the amount or a portion of it from his present pay.

5. The explanation of Mr. Lissenburg is contained in his letter dated ^{the} 28th December 1914, in particular in para. 5 which runs as follows:-

" Pending receipt of a reply to my petition ~~the~~
 " [which was received by me from the Deputy Assistant
 " Adjutant General 3rd (Lahore) Division in August 1911
 " informing me (as directed in Government of India

" Army Department letter No. 8900/1 (A.G.7) dated Sim-
 " la 12th August 1911) that the Right Hon'ble the
 " Secretary of State for India was unable to comply
 " with either of the prayers in my memorial dated 24th
 " December 1910, and to a subsequent petition dated
 " 8th January 1912 ~~praying for~~ praying for
 " the grant of a compassionate allowance instead, which
 " in addition to my small pay of Rs. 80/per mensem ~~was~~
 " would be of great assistance to me in maintaining my
 " large family, whereon ~~was~~ I was informed by that ~~was~~
 " officer in February 1912 that my case was considered
 " by His Majesty's Secretary of State for India who
 " was unable to comply with either of the prayers in
 " my memorial of 24th December 1910 and ^{no} ~~new~~
 " facts had been brought to light which could justify
 " a reconsideration of the above decision. ⁷ I made
 " no reference to the school regarding payment of
 " fees for my children. ^{Neither} did I receive a re-
 " ference from that institution on the subject up to
 " 25th September 1913 when I was called upon to pay
 " at the rate of Rs. 16 per mensem for my 3 daughters
 " in the Asylum as ~~was~~ my monthly income was Rs. 80
 " and that this scale should be in force from August
 " 1913 when the subsistence allowance ceased to be
 drawn

" by the school after my report which was submitted
 " to the Principal of the school in reply to a post-
 " card from him in August 1913 demanding informa-
 " tion as to the amount of salary that I was then in
 " receipt of, and I beg to submit that in view of the
 " fact that I ceased to be borne ~~on~~ on the pay
 " of the ~~Divisional Disbursing~~ ^{Divisional Disbursing} Officer 9th (Secunda-
 " rabad) division ~~with~~ with ~~effect~~ ^{effect} from the
 " date of my return to ~~duty~~ ^(regimental) duty with the 2nd
 " Battalion The King's (Liverpool Regiment) from the
 " Office of the Principal Medical officer, Bangalore
 " and Southern Brigades is., in February 1910 and I
 " had been finally settled up with by the Divisional
 " Dis⁶² ~~Disbursing~~ ^{Disbursing} Officer 3rd (Lahore) Division on my
 " discharge in December 1910, it would appear strange
 " that the subsistence allowance has been admitted
 " by the 9th Divisional Accounts Department for 2½
 " years from February 1911 up to July 1913 without
 " question and of which fact I was totally unaware
 " until the receipt of the communication from the
 " Principal, Lawrance Memorial School, dated 25th
 " September 1913 referred to above.

In the concluding portion of his letter

foot of p 12 + p 13 CF

7. 27 28

he requests " that His Excellency the Commander in
" Chief in India may kindly be moved to recommend
" me for the grant of the compassionate allowance
" prayed for by me in my petition dated 8th Jan-
" uary 1912 ~~XXXXXX~~ whereby I
" may be enabled to pay for my children in accord-
" ance with the sanctioned scale of fees and to
" refund the amount of subsistence allowance in
" question and in the event of this being impossi-
" ble, to grant ~~me~~ me a gratuity at least for the
" latter 11 years of my Army service out of which
" the amount may be ~~deducted~~ ^{deducted}, or failing this
" latter alternative that the Government of India
" may kindly be moved to accord their sanction
" to the amount of subsistence allowance erroneously
" ly paid by Government on behalf of my children
" being written off as a charge against the State."

p 7 CF

8. The Principal of the school forwards the
explanation without expressing his own views
thereon. So far as the payment of fees to the
school is concerned, Mr. Lissenburg in his
explanation states that he awaited the ~~order~~ ^{orders}
of the Secretary of State on his second peti-
tion

petition. If this statement is to be believed, he should have written to the Principal at least in February 1912 when he got the orders of the Secretary of State ~~on~~ his second petition. This he did not do, and his wife wrote to the Principal about the employment of her husband in the Police only in August 1913. Nor was Mr. Lissenburg unaware of the rules of the school, since he himself admits that in the reverse of ~~the~~ ^{the} application form given to him for filling, was found the rules of the school, one of which laid down that "the children of soldiers of the rank of corporal or private or pensioners holding those ranks on discharge shall be admitted free of charge". Mr. Lissenburg did not therefore appear to have acted in good faith in this respect.

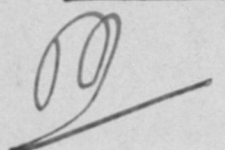
As for the subsistence allowance paid to the school on behalf of his children he states that he was totally unaware until the receipt of a communication from the Principal in September 1913. This statement may perhaps be believed if he had intimated to the Principal about the payment of fees at least in February 1912 after the receipt

page 5 of 8
829 2d 3 11th 14-7-14

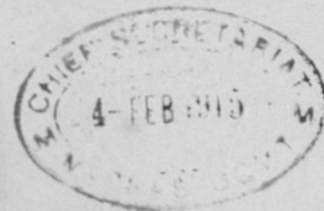
18CF

9. 29

~~XXXXXXXXXX~~ of the Secretary of State's decision on his second petition. In these circumstances, it is for consideration whether the Government of India may be informed that, in the opinion of this Government, Mr. Lissenburg should be held responsible for the sum of Rs. 221-8-3 wrongly paid on behalf of his children. The question whether he should now be called upon to refund the amount or a portion of it from his present pay will have to be considered in the Judicial Department as he is now employed as Town Police Sergeant in Madura. That department may therefore be consulted u.o. on ~~XXXX~~ the point.

Yes. The letter to India should be clear.


With just plain facts in this part?

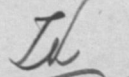


T. Miller

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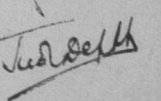
xxx 4/2 4/2/15


 4/2/15

138
 1-2-15

 2.2.15

CURRENT NO.
 0354
 JUDICIAL-A

Regd. 4-2-15



Judicial Deptt.

u.s.

The case is set forth fully in the Govt of India's letter on pp. 1-3 CF.

The question referred to the Jnd. Deptt. for remarks is as to whether Mr. Lissenburg should now be called upon to refund the sum of Rs 221-8-3, wrongly paid on behalf of his children as subsistence allowance from the 14th February 1911 till the 31st July 1913. Mr. Lissenburg was entertained in the police deptt. on the 13th June 1911 as third grade Sergeant on six months' probation. His pay on entertainment was Rs 80 pm. and he is drawing the same pay now. It is not known whether his financial circumstances are such as would permit of any deductions being made from his pay. As the amount ^{involved} is small, this Deptt. may perhaps suggest that the amount be written off. Perhaps the remarks of the 2.9. may be invited u.s.

For orders. The point is referred to

ARK. the I. G. of Police u.s.

15.2.15

17.7.15



Secretary's marginal note on p. 9. ante.

cf Sub para 2. p. 2 CF.

cf para 4. p. 10 CF.

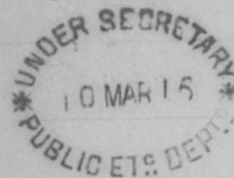
put up
by list of subordinate officers
in the Madras Police.
(pp. 128-129)
② see put up to 1st October 1914
(from list of subordinate officers
in the Madras Police)
(put up).

* Rs 221-8-3.

quid 40 35 1/2 A-1

17-2-15

(with copy of Lawrence
Anglin mls. to be
returned)



Retained v.o. In my opinion the Sargent could not afford any deductions from his pay without suffering very great hardship. His pay is Rs. 80 and he has a wife and five children to support. He has been trying to get a transfer from Madras on account of the high cost of living there. I recommend that the amount be written off. 8/3/15

Jud. Dept.

u.o.

Please see Lg's note above. Sub? that his ^{recommendation} may be supported in this dept. and the file returned to Educational

u.o.

Akk.

10.3.15

10.3.15

10.3.15

S. C. H. 12.3.15

Edu

[Signature]



Edu Dept

A draft letter to the Govt. of India is submitted for approval.

132

18.3.15

[Signature] 18.3.15

[Signature] 2.15 P

I saw
24/3/55

33

Educational Department.

34

C.No.3804, Edl., from the Govt.of India, Army Dept., No.20872/5(A.G.7), dated the 2nd December 1914.

C.No. 91, " from the D.P.I., No.11070/14, dated the 7th January 1915.

Order no 339 New d 24-3-15
The Govt of India will be addressed.

LETTER:--no 340 New d 24-3-15

To

The Secretary to the Government of India,

Army Department.

Sir,

As desired in your letter No.20872/5

(A.G.7), dated the 2nd December 1914, I

am directed to forward the explanation

H.P.D.
 of ~~Mr~~ Lissenburg relative to the

~~amount~~ payment of Rs.221-8-3 to the

Lawrence Memorial School, Ootacamund,

in respect of the subsistence allowance

for his three children, and also the

Principal's letter thereon.

2. In his explanation Mr.Lissenburg

admits that he was aware of the rules

of the school, but he states that he

awaited the orders of the Secretary of

State

*Depy Secy to Govt
 with copy of this
 Commr's report to
 Hg
 24/3/15*

*Depy Secy to Govt
 16/3/15*

+ Mr 8579 cf

h7cf

34 35

State for India on his second petition before informing the Principal of his liability to pay school fees for his children. If this statement is to be admitted as correct, he should have written to the Principal at least in February 1912 when he got those orders. This he failed to do and it is *difficult* to believe that he acted in good faith in regard to the non-payment of school fees.

3. As regards ^{*the erroneous payment*} subsistence allowance ^{*WM*} he says that he was totally unaware of it ~~and no payment~~ until the receipt of a communication from the Principal in September 1913. This statement ^{*Can*} be ^{*only*} accepted ^{*Can be held to have*} if Mr. Lissenburg ~~had~~ acted in ^{*^*} ~~and~~ good faith in regard to the non-payment of school fees. ~~*His Excellency*~~

The Governor in Council is ~~*of*~~ ^{*of*} opinion that Mr. Lissenburg should be held responsible for the erroneous

35 36

payment of the subsistence allowance of Rs.221-8-3 on behalf of his three children. But since ^{Mr L's} ~~his~~ present pay of Rs.80 per mensem in the Police Department is hardly sufficient to maintain a large family consisting of a wife and five children, ^{the} His Excellency in Council considers that it will be a ~~great~~ hardship if ^{the officer is} ~~he~~ should now ~~be~~ called upon to refund the whole or any portion of the amount ^{due} from his pay, and ^{he} accordingly agrees with the suggestion of the Controller of Military Accounts, 9th (Secunderabad) Division, that the amount ~~must be~~ be written off.

I have etc.

Recd
24.3.15

BG
18.3.15

JL
19.3.15

21.3.15

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

191 .

REAR AGAIN G.O. No. _____
 191 . DATED

CURRENT No. _____

ENCLOSURES TO G. No. _____

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STAMP WITH DITTO

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 IN ORIGINAL.

V.E.—
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