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MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	<u>657 1172</u>	Press Mis.
Dated	<u>19</u>	18 <u>77</u> .

Not to be folded or roughly handled

Q
24-8-77

PUBLIC DEPARTMENT.

Governor's Band.

No. 459.

FROM

THE OFFICIATING CHIEF SECRETARY TO GOVT.,
FORT ST. GEORGE,

TO

THE SECRETARY TO THE GOVT. OF INDIA,
FINANCIAL DEPARTMENT.

SIR,

I am directed by His Grace the Governor in Council to forward, for submission to the Government of India, the accompanying copy of Proceedings of this Government of this day and papers connected therewith, and an original agreement with Mr. Eugene Stradiot, Superintendent of the Governor's Band; and to submit the recommendation of this Government that the special terms of the covenant in question may be guaranteed to Mr. Stradiot, in respect to the retiring pension therein stipulated to be assigned to him.

I have the honor to be,

Sir,

Your most obedient servant,

FORT ST. GEORGE,

6th April 1877.

Offg. Chief Secretary.

Ed. T. D. Ryan.

1877.

PUBLIC DEPARTMENT

From

The Offg. Chief Secretary to Govt.,
Fort St. George,

To

The Secy. to the Govt. of India,
Financial Department.

Dated 6th April 1877.

Issued

Recd.

NO. 458.

Enclosure.

Governor's Band.—Forwarding papers relating to Mr. Eugene Stradiot's engagement as Superintendent of the Governor's Band, and to his claims to a retiring pension.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

6th April 1877, No. 458.

Governor's Band.

Read the following papers:—

No. 37. From Major B. HOBART, Military Secretary to His Grace the Governor, to the Chief Secretary to Government, dated Madras, 4th December 1876.

With reference to the accompanying agreement, drafted by the Government Solicitor, with the concurrence of His Grace the Governor and the assent of Mr. Stradiot, Superintendent of the Governor's Band, for a renewal of his service, I have the honor, by direction of His Grace, to request that you will be so good as to appoint a convenient day to have it executed, when Mr. Stradiot will be desired to wait on you at the Government Office.

2. You will observe that this is the first occasion on which the agreement of the Superintendent of the Governor's Band has been drawn as being with the Secretary of State. It is drawn to have retrospective effect from 7th June 1869, as in the opinion of the Government Solicitor the validity of the agreement for pension would otherwise be vitiated.

No. 38. From Major B. HOBART, Military Secretary to His Grace the Governor, to the Chief Secretary to Government, dated Madras, 30th January 1877, No. 163.

With reference to your memorandum, No. 2,086, of 8th December last, I have the honor to send herewith the original copy (to be returned) of the agreement entered into by Mr. Stradiot on his first entertainment as Superintendent of the Governor's Band.

2. As the Superintendent of Details is the Officer under whose charge the above Band was prior to its transfer to the Military Secretary to Governor, I have applied to that Officer for the copy of the agreement of the late Bandmaster Mr. Itgen, and that Officer replies that he is unable to furnish it, as it is not to be found in the records of his office.

No. 39.

No. 142.

Ordered that the foregoing letters be referred to the Accountant-General and Controller of Military Accounts for joint report.

2. The Bandmaster, not being a Military man, is not entitled under Military Rules to the pension of a Conductor, and it is not understood on what grounds the agreement with Mr. E. Stradiot was drawn up in 1869.

3. The agreement which it is now proposed to adopt cannot be sanctioned by this Government as under Section 12 of the Civil Pension Code "An officer who is appointed for a limited time only, or for a specified duty, on the completion of which he is to be discharged, has no claim to pension or gratuity."

4. Mr. Stradiot's claim for pension must be governed by the Civil Pension Code so far as Government are concerned.

8th February 1877.

(Signed) W. HUDLESTON,
Chief Secretary.

No. 40. From L. C. PROBYN, Esq., Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 7th March 1877, No. 893.

I have the honor to forward in original the letters of the 13th and 27th ultimo, Nos. 3030 and 3174, respectively, received from the Controller of Military Accounts, with reference to G.O., of the 8th February 1877, No. 142, and to state that, as pointed out in the above Government Order, the proposed agreement with Mr. Stradiot, Superintendent of the Governor's Band, cannot be sanctioned by this Government.

2. The original agreement and that proposed to be adopted are herewith returned. It is suggested that the matter be referred to the Government of India, in view to the special sanction of the Secretary of State being obtained to the guarantee of a pension which was apparently promised to Mr. Stradiot when the first agreement was made in ignorance of the fact that no pension was admissible under rule.

ENCLOSURE No. 1.

From Colonel T. GILLILAN, Controller of Military Accounts, to the Officiating Accountant-General, dated Fort St. George, 13th February 1877, No. 3030.

With reference to the Order of Government, Public Department, dated 8th February 1877, No. 142, directing us to submit to Government a joint report on the case of Mr. Stradiot, Superintendent of the Governor's Band, I have the honor to state that this office is not in a position to offer any opinion in regard to the proposed agreement therein referred to; but I may mention that in the case of Mr. Itgen, late Superintendent of the Garrison Band, he was in Proceedings of Government, dated 21st July 1864, No. 2509, allowed the pension of a Deputy Assistant Commissary on his retirement, his pay having amounted to Rupees 250 including personal allowance of Rupees 79-8-0 per mensem, and this was confirmed by the Secretary of State for India in paragraph 13 of his Despatch, dated 16th December 1864, No. 124, recorded in Proceedings of Government, dated 30th January 1865, No. 409.

2. Subsequently on Mr. Itgen going to Europe, he submitted an application, supported by a medical certificate, for permission to retire from the service, which was granted—vide Proceedings of Government, dated 23rd September 1865, No. 3554.

ENCLOSURE No. 2.

From W. DONALD, Esq., Officiating Accountant-General, to the Controller of Military Accounts, dated Fort St. George, 22nd February 1877.

The undersigned has the honor to forward the original agreement entered into with Mr. Stradiot and that proposed to be now adopted since received from the Government Office and Military Secretary to His Grace the Governor, and to inquire whether, with reference to them, your report of the 13th instant, No. 3030, will require any amendment.

ENCLOSURE No. 3.

From Colonel T. GILLILAN, Controller of Military Accounts, to the Accountant-General, dated Fort St. George, 27th February 1877, No. 3174.

In returning the agreements with Mr. Stradiot (original and that now proposed) received with your memorandum of 22nd instant, I have only further to observe that this office is not aware of the authority under which the former was entered into, as in the cases cited in my previous communication no pension seems to have been guaranteed to Mr. Stradiot's predecessors, their claims at the close of their services having been specially disposed of, nor is it apparent why a different course has been adopted in the present instance.

No. 41. ORDER THEREON, 6th April 1877, No. 458.

These papers relate to Mr. Eugene Stradiot's engagement as Superintendent of the Governor's Band, and to his claims to a retiring pension on completion of a service of twenty-one years.

2. It appears from the original engagement entered into with Mr. Stradiot, which has been forwarded for information with Major Hobart's letter of the 30th January 1877, that the services of the Superintendent were secured for the Band when it was a Military charge as the Band of the Garrison, and was under the orders of the Staff Officer of Fort St. George. The covenant was executed on the one part by Mr. Stradiot and on the other part by the Right Honorable the Governor of Madras: it is dated 7th June 1869, and is witnessed by Lieutenant-Colonel Baldock then Staff Officer of Fort St. George. The deed binds Mr. Stradiot to serve for six years from 7th June 1869 on a salary of Rupees 170-8-0 per mensem with free quarters, and guarantees to him, after twenty-one years' service, the pension of a Conductor, payable in England at £75 per annum, or Rupees 100 per mensem if paid in India.

3. Referring to former correspondence, it appears that the Superintendent of the Garrison Band was either a Conductor in the Ordnance Department, or in the position of such a warrant officer. In August 1824, on the death of Conductor Bishop, who

had been employed as Superintendent of the Garrison Band, the then Town Major of Fort St. George, whose office has now merged in that of the Brigade Major, addressed Government on the difficulty of replacing the deceased Conductor's services, as the Honorable the Court of Directors had prohibited the employment of Conductors in any other situation than in the Ordnance Department, and asked for special sanction to engage a Superintendent on such pay and allowances as would put him as heretofore

on the footing of a Conductor; and sanction was granted by Government accordingly. In 1854, an application was made

Extract Minutes of Consultations, 31st August 1824, Military Department.
Memorandum by the President, 12th April 1824.
Extract Minutes of Consultations, 27th April 1824, No. 1242, Military Department.
Letter to the Honorable Court of Directors, 27th April 1824, No. 74, Military Department, paragraph 4.

on behalf of Mr. Itgen, a German, who was serving as Superintendent of the Garrison Band, to increase his personal allowance so as to raise his income to Rupees 250 per mensem, as that amount of salary was

being drawn by the German Bandmaster of the Artillery at St. Thomas' Mount. This application was at first refused by the Honorable Court, as they considered Mr. Itgen's pay and allowances of Rupees 170-8-0 per mensem, viz., Rs. 118 the pay of a Conductor of Ordnance, and Rupees 52-8-0 the Band allowance, as quite sufficient for the purpose; but on a renewed application, the Honorable Court were pleased in 1855 to increase Mr. Itgen's personal allowance from Rupees 52-8-0 to Rupees 79-8-0, which raised his total allowances to Rupees 250 per mensem. And from the letter of the Controller of Military Accounts to the Accountant-General, dated 13th February 1877, which forms one of the enclosures of the Accountant-General's letter above recorded, it appears that when Mr. Itgen retired he was allowed the pension of a Deputy Assistant Commissary, and that this was confirmed by the Right Honorable the Secretary of State in his Despatch, dated 16th December 1864, No. 124, paragraph 13.

4. It thus appears that Lord Napier's Government proceeded upon former established practice in engaging Mr. Stradiot as Superintendent of the Garrison Band on the footing of a Conductor and guaranteeing to him the pension of a Conductor on Financial Proceedings of Government of India, 22nd July 1871, No. 2265. G.O., Madras Government, 19th August 1871, No. 357, Financial Department. G.O., Madras Government, 20th September 1871, No. 468, Financial Department. G.O., 5th November 1874, No. 3613, Public Department. completing a service of twenty-one years. In the year 1871, however, under instructions from the Government of India, the constitution of the Band underwent a change: its chief expenses became a charge against the Civil Department; its designation was afterwards changed from "the Garrison Band" to that of "Governor's Band," and its command and management were transferred from the Staff Officer of Fort St. George to the Military Secretary to His Excellency the Governor. As a consequence, Mr. Stradiot's position as a Warrant Officer became affected; so that when an application was made to extend to him the revised scale of pay and allowances sanctioned by Her Majesty for the several grades

	RS.	A.	P.
Pay and allowances of Conductor.	160	0	0
Band allowance	52	8	0
Total	212	8	0

G.O., 20th November 1876, No. 1289, Public,

Band, including the salary of the Superintendent, had become a charge against the Civil Department, they could not extend to Mr. Stradiot the operation of a Military Order relating to Conductors in the Ordnance Department.

5. The fact, however, remains that Mr. Stradiot was engaged on the footing of a Conductor and on the assurance that he would receive a Conductor's pension after a service of twenty-one years, and that he has been serving as Superintendent of the Governor's Band ever since 7th June 1869, having completed the first six years and entered upon the second period in reliance on the terms of the agreement entered into with him by Lord Napier's Government; this Government feel, therefore, that he has

every claim to be assured the position under which he originally took, and ten months since renewed his service with them, and that the terms of his agreement should be maintained in good faith without regard to any change in the constitution of the Band. Mr. Stradiot's case is an exceptional one. His Grace the Governor in Council resolves, therefore, to forward the original agreement to the Government of India, with the recommendation that the special terms of that engagement be ratified by the Supreme Government, or, if necessary, by the Right Honorable the Secretary of State, so that Mr. Stradiot may be guaranteed the retiring pension stipulated in his covenant after a service of twenty-one years, viz., a pension of £75 per annum payable in England, or of Rupees 100 per mensem if paid in India.

(True Extract.)

D. F. CARMICHAEL,
Offg. Chief Secretary.

To the Military Secretary to His Grace the Governor.
" Accountant-General.
" Controller of Military Accounts.

Exd. T. D. Ryan.

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GOVERNMENT OF MADRAS.
PUBLIC DEPARTMENT.

23rd August 1877, No. 1134.

Governor's Band.

Read the following paper :—

No. 93. Despatch from the Most Honorable the Secretary of State for India.

INDIA OFFICE, LONDON,
5th July 1877.

Financial.
No. 233.

MY LORD,—I have considered in Council your Financial letter, dated the 24th May last, No. 142, regarding the engagement of Mr. Eugene Stradiot as Superintendent of the Band of His Grace the Governor of Madras.

2. You state that the Government of Madras entered into the agreement with Mr. Stradiot without authority, but, as you do not think it proper now to disallow the unauthorised concession, I shall not withhold my sanction to the concession which you recommend.

I have, &c.,
SALISBURY

His Excellency the Right Honorable
The Governor-General of India in Council.

No. 2485.

Copy forwarded to the Government of Fort St. George, with reference to their letter in the Public Department, No. 459, dated 6th April 1877.

2. Copy also forwarded to the Accountant-General, Madras.

(By Order.)

SIMLA,
16th August 1877.

(Signed) E. J. SINKINSON,
Offg. Under Secy. to the Govt. of India.

No. 94. ORDER THEREON, 23rd August 1877, No. 1134.

Communicated to the Military Secretary to His Grace the Governor in continuation of G.O., 6th April 1877, No. 458.

(True Extract.)

D. F. CARMICHAEL,
Chief Secretary.

D. F. Carmichael

Acting Under Secy. to Govt.

To the Military Secretary to His Grace the Governor.
" Accountant-General, } with G.O., No. 458-459.
" Pension Department, }

Exd. W. H. French.

Governor's Band.—Papers relating to Mr. Eugene Stradiot's engagement as Superintendent of the Governor's Band, and to his claims to a retiring pension, forwarded to the Government of India.

APRIL.
Nos. 37-42.

G.O. 6th April 1877, No. 458.

Recd.
Issued
Dated April, 6th.

To
THE MILITARY SECRETARY TO
HIS GRACE THE GOVERNOR,
&c.,

PUBLIC.

Govt. of Madras.

Madras 1877

Received 1877

Sept 5/74
Obbt. of (1877) 3010735.

PUBLIC.

To
THE MILITARY SECRETARY
TO HIS GRACE THE GOVERNOR,
&c., &c., &c.

Dated August, 23rd.

Issued — 28

Recd.

Recd.

G.O., 23rd August 1877, No. 114.

AUGUST.
Nos. 93-94.

Governor's Band.—Communicating endorsement
of Government of India forwarding copy of des-
patch from Secretary of State sanctioning the
agreement entered into by this Government with
Mr. Strachey, Superintendent of the Governor's
Band.

Order returned 14th Sept 1877
Recd. 4/77