Date taken out.	For what purpose.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			

Judicial (1895.) Department.

ORDINARY MS.

G.O., No. 2464.

Dated 27" Nov: 1895.

INDEXED.

[Despatch Abstract.]

MR. J. D. JACOBS.

Directing that--, late European Attendant of the Madras Lunatic Asylum, be restored to his appointment, the period he was out of employ being treated as suspension without allowances.

BACK PAPERS.

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

FURTHER PAPERS.

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

IV

Jud/ Judicial Deptt.

CURRENT NO. 2966.

To

The Chief Secretary
Government of Madras
Madras

The humble appeal petition of J. D. Jacobs, Late European attendant of the Lunatic Asylum Madras

Dated — 17th June 1895
Despd — 18 June 1895
Recd. —
Regd 21-6-95

20 JUN. 1895

Enclosures — A

Submitting a duplicate copy of his petition,

Appealing against the Order of the Surgeon-General with the Government of Madras, dismissing the appellant from his post of European attendant Government Lunatic Asylum. Madras.

To await the receipt of the orgl petn

JH
24/6/95

Duplicate CURRENT NO. 2966

To

HIS EXCELLENCY

THE RIGHT HONORABLE BEILBY BARON WENLOCK G. C. I. E.

GOVERNOR & PRESIDENT IN COUNCIL

OF FORT St. GEORGE,

MADRAS.

The humble appeal of J. D. Jacobs,
late European Attendant, Government
Lunatic Asylum, Madras.

MOST HUMBLY & RESPECTFULLY SHOWETH,

That the petitioner most humbly and respectfully begs to lay his deplorable case before Your Excellency, and prays that Your Excellency will deign to do him justice which has been denied to him by the Surgeon-General with Your Excellency's Government.

2. That on the 21st February 1895, the petitioner was in the Madras Lunatic Asylum serving as a European Attendant, when a warder named Rathnam, with a few patients, was ordered to clear the brushwood which had grown around the tank situated between the superior cottages and the dead house. Mr. Rochefort, a patient, who happened then to be out, on seeing the warder, ran after him with a club; the warder raised an alarm whereupon the petitioner ran to his assistance and tried to pacify Mr. Rochefort, but to no purpose. Thereupon European Attendant Locke was ordered to have the patient locked up with the assistance of other European Attendants, and accordingly two other European Attendants, Menniss and Brady, were sent for to render assistance. The petitioner was then standing near Mr. Rochefort's room awaiting the arrival of the said European Attendants. Mr. Rochefort on seeing them, rushed at the petitioner with the club and lifted it up to inflict a blow on his (the petitioner's) head, when he (Petitioner) instinctively gave him a couple of strokes with a light stick in pure self-defence.

3. That Surgeon-Major Elcum, Superintendant of the Asylum, thereupon recommended the petitioner's dismissal; and the Surgeon-General with Your Excellency's Government, accordingly dismissed the petitioner.

4. That the petitioner appealed to the Surgeon-General to re-consider his case on its merits and to re-instate him, but that officer refused to alter his orders.

5. That the charge against the petitioner is, to use the words of Surgeon-Major Elcum that he (the petitioner) "struck him (Mr. Rochefort) with a light stick on the left arm".

6. That Surgeon-Major Elcum states in his No. 250 (herewith attached) that he inquired into the matter as noted in the diary, and that the evidence of the other European Attendants did not bear out the petitioner's plea of self-defence; but Surgeon-Major Elcum failed to submit to the Surgeon-General the recorded evidence, if any, to corroborate his charge against the petitioner; and the charge, as it is, the petitioner submits is uncorroborated, while on the other hand, true copies of letters herewith attached, those of the European Attendants, Messrs Menniss and Brady, do not at all bear out the Superintendent's statement.

Vide Enclosure 3.

7. That Surgeon-Major-Elcum in his No. 193 (herewith attached and addressed ~~and~~ to the Surgeon-General) describes Mr. Rochefort as "a troublesome patient and a powerfully-built young man". Had Surgeon-Major Elcum used the word *violent* instead of "troublesome" he would have, the petitioner submits, more accurately described Mr. Rochefort's disposition. However, it cannot be denied that it took the petitioner, three other European Attendants and a few Native Warders to take Mr. Rochefort into his quarters on the day in question.

5. That Surgeon-Major Elcum omitted to state what the petitioner should have done, when in a moment of irrational excitement, Mr. Rochefort "a powerfully-built young man," lifted up his club to inflict a blow upon his (the petitioner's) head. The petitioner however respectfully begs to state that when he found himself in such a critical position, he struck the patient in self-defence, and this act on the petitioner's part, was purely instinctive, on the spur of the moment, and not deliberate; for he had no time to think what he should or should not do under the circumstances. The petitioner could not have struck Mr. Rochefort from any malicious motives, nor is it proved that he did so. It is not possible that he could bear malice against an insane person. By striking him and thus disarming him of his club, he succeeded not only in protecting himself but also others who were about him. Mr. Rochefort raised the club to bring it down on the petitioner's head, when he (the petitioner) aimed a couple of strokes with a light stick at his fingers, which unfortunately caught him on the arm.

8. That Surgeon-Major Elcum states that the petitioner at first denied that he struck Mr. Rochefort. The petitioner admits that he did so, but begs to explain that when he was suddenly confronted by Surgeon-Major Elcum, he became nervous and was thrown off his guard, and thoughtlessly denied the charge, but recovering himself soon after, he admitted having struck the patient.

9. That Surgeon-Major Elcum in the last para of his letter No. 193, states :—"In my opinion Mr. Jacobs is not a man I should have placed in his present employment, as he does not appear to me of good physique"—This statement deserves to be noticed. The petitioner struck Mr. Rochefort with a light stick in self-defence causing thereby two marks on his left arm; and Surgeon-Major Elcum is therefore of opinion that the petitioner was not of good physique. It would appear according to Surgeon-Major Elcum that petitioner's inability to overpower "a powerfully-built young man" when the latter attempted to strike him with a club, without inflicting any injury on his person, is proof of his (the petitioner's) bad physique. The petitioner most respectfully begs to enquire if this is a safe test for ascertaining the quality of his physique? Again Surgeon-Major Elcum states, "I have not had to find fault with him in the discharge of his work in any grave matter, but I am not able to commend him for any special good quality". This statement too deserves to be noticed. If it is not in a "grave matter" that a "special good quality" is needed, Surgeon-Major Elcum should have stated in what matter such a quality is required for the information and guidance of the European Attendants of the Asylum. The petitioner has noticed these statements inasmuch as they are misleading and most damaging to him, and most respectfully begs to draw Your Excellency's particular attention to them. These condemnations, being irrelevant to the subject of the enquiry, serve to shew that Surgeon-Major Elcum viewed the petitioner's case from a bitterly prejudiced point of view, thereby exaggerating a matter which, if anything at all, might have been disposed of by the Superintendent himself by a mere warning or censure or by a fine, a procedure usually adopted in the public service, a report to the head of the department being made only when the warning or censure has had no effect.

10. That the petitioner is 29 years of age. He served Government as a Sub-Jailor at Chingleput for a period of 4½ years; and having given satisfaction in that capacity, he was recommended for the post of a European Attendant in the Asylum. His dismissal will consequently not only cause the loss of his nearly 6 years' service, but will also ruin his future prospects in life.

11. That under these circumstances, the petitioner most humbly and respectfully prays that Your Excellency will deign to do him justice by considering his case on its merits and ordering his re-in-statement in the same or in some other post.

And the petitioner shall, as in duty bound,

EVER PRAY.

Madras,
17th June 1895.

Jnv: D. Jacobs
Late European Attendant
Lunatic Asylum
Madras

opinion, Mr Jacobs is not a

Madras 21st February 189

No 193

Enclosure – 1 (Contains 6 minute

To

The Secretary to the Surgeon-General
with the Govt. of Madras

Sir

I have the honour to report for the information of the Surgeon-General & for his Orders thereon the Conduct of European Attendant J. D. Jacobs who was reported to me today as having struck a patient Mr Rochefort with a stick.

2. I have enquired into what took place and find that Mr Rochefort who is a troublesome patient & a powerfully built young man would not come into his quarters when told to do so, and that he had to be carried with the assistance of other European attendants. When he was just being brought in Mr Jacobs struck him with a light stick on the left arm: I have examined him & find two marks such as might have been caused in the manner stated. Mr Jacobs, who, at first denied that he struck him, afterwards says that he did but in self defence – but I do not think this is borne out by the statements of the other European attendants present.

3. I am suspending Mr Jacobs from his post & making arrangements to secure another attendant in his place pending the Surgeon-Generals Orders.

4 In my opinion, Mr Jacobs is not a

man I should have placed in his present employment as he does not appear to me of good physique. I have not had to find fault with him in the discharge of his work in any grave matter but I am not able to commend him for any spec good quality.

I have &c
(Sd) D. Elam M.D
Surgeon Major
Supdt. Lunatic Asylum

II

No 1938

To, The Superintendent
Lunatic Asylum, Madras

Please obtain & forward his explanation to your minute I

2. Return requested.

(By Order)

Madras
4th March 1895

(Sd) H. Thomson
Surgeon Captain
Secretary, Surgeon General
with the Government of Ma

III

No $\frac{240}{6.3.95}$

Forwarded to European attendant Jacobs who is requested to enter his explanation below this.

(Sd) D. Elam M.D
Surgeon Major
Superintendent Lunatic Asylum

IV

With reference to your letter No 193 D/21st Feby & in obedience to the Order Conveyed in minute II from the Secretary to the Surgeon-General I beg to submit the following Explanation of my Conduct.

On the 21st February/95 at about 9 A.M a warder named Ratinam with a few patients were ordered to clear the brushwood, grown abundantly around the tank between the superior Cottages and the dead-house. Mr Rochefort was then out & near where they had to work. On their approaching, Mr Rochefort ran after the Native attendant with a club, with the intention of assaulting him. The Warder gave an alarm, when I immediately ran to his assistance & tried to pacify Mr Rochefort but to no purpose. He was bent on preventing the Native attendant from performing his duties. European attendant Locke with the permission of the Superintendent was ordered to have him locked up. Consequently E.A Menniss & E.A. Brady were sent for to render assistance. I was then standing alone near his room awaiting their arrival. Mr Rochefort perceiving them made a rush at me with a Club he had in his hand; fearing it may end seriously with me I had no other alternative but giving him two strokes with the intent of frightening him and from committing murderous assault as he was then in a most excited state. When he dropped the Club he had, thereby enabled us to have him secured without any further molestation.

and directs that he should be dismissed from the Asylum from the date of his suspension, and that he should be furnished with a copy of this correspondence

2 Return requested.

(By Order)

Madras
14th March 1895

(Sd) H. Thomson
Surgeon Captain
Secy to Surgeon General

"True Copies"

(Sd) C.H. Leet Palk MB
Surgeon Captain
Superintendent, Govt. Lunatic Asylum

(True Copy)

Jno: D. Jaedes

True Copy of the letter sent by me to Messr
Menzies & Brady, the other European attendan
who helped to lock up Mr Rochefort

1895
Jud Dept
Enclos. No 1
To
C. No 2966

Enclosure - 2.

Madras
20th March 18

You are aware, I am sure, of the order received from the Surgeon-General on the report of the Superintendent about me.

Since it has come to that end, I feel necessitated to appeal. But as the Superintendent states in his letter to the Surgeon-General that you & Mr Brady, do not bear out my statement of having struck Mr Rochefort in self-defence, I now request you to be good enough to let me know if it is true that you deposed that I struck the patient as he was being brought to his room & without his making a rush at me.

I am sure you will as gentlemen do me the justice of stating the truth as to the cause that led to my striking Mr Rochefort. I ask this much from you as you were both there at the time & saw everything.

An early reply will oblige

Yours &c
(Sd) J. D. Jacobs

(True Copy).

Jno: D. Jacobs

1895
Jud Dept.
Enclos. No 2
To
C. No 2966

True Copy of the reply received from Messr
M'Minnies & Brady in reply to my letter of
the 20th March 1895.

Enclosure 3

21st March 1895

In reply to your letter d/ 20th March 95 we have to state that we were not questioned as regards to when patient Rochefort was struck. We were simply asked if he was struck & with what; to which our reply was that you did strike him with a light stick on the left arm.

It is a fact that on Mr Rochefort observing our approach, he ran up with the intent of attacking me (Minnies) when you were then standing on his Verandah. On perceiving you, he made a rush at you with the club he had in his hand, when just then we saw you give him two strokes with a stick you had in your hand. We immediately rushed & locked him up.

Yours &c
(Sd) B. Minnies
&
(Sd) S. J. Bradey

(True Copy)

Jn. D. Jacobs

1895
Jud Dept
Enclos. No 3
To
C. No. 2966

Office of Surgeon-General
With the Government of Madras
Madras. 25th April 1895

No 3457 Enclosure 4

To

Mr J. D. Jacobs

With reference to your appeal petition dated the - April 1895. The Surgeon-General having reconsidered the case sees no reason to alter the orders passed in minute No 2351 of the 14th March 1895

(By Order)

(Sd) D. Simpson MB
Surgeon Captain
Secretary, Surgeon General
with the Government of Madras

(True Copy)

Jno: D. Jacobs

1895
Jud Dept
Enclos. No 4
To
C. No. 2966

CURRENT NO. 3064

Judicial (1895) DEPARTMENT.

Current No 740 of 1895

From

SURGN. MAJOR-GENL. C. SIBTHORPE, F.R.C.P.I.,
SURGEON-GENERAL WITH THE
GOVERNMENT OF MADRAS,
~~Madras~~,

To

CHIEF SECRETARY
27 JUN. 1895
GOVERNMENT OF MADRAS

No. 347

ENCLOSURES. 7

Dated 26th } June 1895.
Recd 27th }

No.

Subject.

Transmits, with remarks, appeal from Mr. J. D. Jacobs, late a European attendant of the L. A. Madras against his dismissal [with the intimation that it cannot be recommended for favorable consideration]

13 S.G.—500 9-3-95.

CS

Endorsement No. 1567

Returned to the Surgeon-General with the request that the instructions in Rule (i) of the rules printed in G.O. of 13th Dec 1886. No 2596, Public, may be complied with in the present case.

6/7/95. (By order)

Lionel Davidson
Ag. Under Secretary

Ootacamund }
8th July 1895 }:

2/7/95.
To the Surgeon-General.

To

HIS EXCELLENCY

THE RIGHT HONORABLE BEILBY BARON WENLOCK G. C. I. E.

GOVERNOR & PRESIDENT IN COUNCIL

OF FORT St. GEORGE,

MADRAS.

OFFICE OF SURGEON-GENERAL
18 JUN 95
WITH GOVT. OF MADRAS.

The humble appeal of J. D. Jacobs,
late European Attendant, Government
Lunatic Asylum, Madras.

MOST HUMBLY & RESPECTFULLY SHOWETH,

That the petitioner most humbly and respectfully begs to lay his deplorable case before Your Excellency, and prays that Your Excellency will deign to do him justice which has been denied to him by the Surgeon-General with Your Excellency's Government.

2. That on the 21st February 1895, the petitioner was in the Madras Lunatic Asylum serving as a European Attendant, when a warder named Rathnam, with a few patients, was ordered to clear the brushwood which had grown around the tank situated between the superior cottages and the dead house. Mr. Rochefort, a patient, who happened then to be out, on seeing the warder, ran after him with a club; the warder raised an alarm whereupon the petitioner ran to his assistance and tried to pacify Mr. Rochefort, but to no purpose. Thereupon European Attendant Locke was ordered to have the patient locked up with the assistance of other European Attendants, and accordingly two other European Attendants, Menniss and Brady, were sent for to render assistance. The petitioner was then standing near Mr. Rochefort's room awaiting the arrival of the said European Attendants. Mr. Rochefort on seeing them, rushed at the petitioner with the club and lifted it up to inflict a blow on his (the petitioner's) head, when he (Petitioner) instinctively gave him a couple of strokes with a light stick in pure self-defence.

3. That Surgeon-Major Elcum, Superintendant of the Asylum, thereupon recommended the petitioner's dismissal; and the Surgeon-General with Your Excellency's Government, accordingly dismissed the petitioner.

4. That the petitioner appealed to the Surgeon-General to re-consider his case on its merits and to re-instate him, but that officer refused to alter his orders.

5. That the charge against the petitioner is, to use the words of Surgeon-Major Elcum that he (the petitioner) "struck him (Mr. Rochefort) with a light stick on the left arm".

6. That Surgeon-Major Elcum states in his No. 250 (herewith attached) that he inquired into the matter as noted in the diary, and that the evidence of the other European Attendants did not bear out the petitioner's plea of self-defence; but Surgeon-Major Elcum failed to submit to the Surgeon-General the recorded evidence, if any, to corroborate his charge against the petitioner; and the charge, as it is, the petitioner submits is uncorroborated, while on the other hand, true copies of letters herewith attached, those of the European Attendants, Messrs Menniss and Brady, do not at all bear out the Superintendent's statement.

Surgeon Majo
Elcum ha
retired

*Vide Enclosures Nos: 3 & 4 - in original & duplicate.

7. That Surgeon-Major-Elcum in his No. 193 (herewith attached and addressed to the Surgeon-General) describes Mr. Rochefort as "a troublesome patient and a powerfully-built young man". Had Surgeon-Major Elcum used the word *violent* instead of "troublesome" he would have, the petitioner submits, more accurately described Mr. Rochefort's disposition. However, it cannot be denied that it took the petitioner, three other European Attendants and a few, Native Warders to take Mr. Rochefort into his quarters on the day in question.

5. That Surgeon-Major Elcum omitted to state what the petitioner should have done, when in a moment of irrational excitement, Mr. Rochefort "a powerfully-built young man," lifted up his club to inflict a blow upon his (the petitioner's) head. The petitioner however respectfully begs to state that when he found himself in such a critical position, he struck the patient in self-defence, and this act on the petitioner's part, was purely instinctive, on the spur of the moment, and not deliberate ; for he had no time to think what he should or should not do under the circumstances. The petitioner could not have struck Mr. Rochefort from any malicious motives, nor is it proved that he did so. It is not possible that he could bear malice against an insane person. By striking him and thus disarming him of his club, he succeeded not only in protecting himself but also others who were about him. Mr. Rochefort raised the club to bring it down on the petitioner's head, when he (the petitioner) aimed a couple of strokes with a light stick at his fingers, which unfortunately caught him on the arm.

8. That Surgeon-Major Elcum states that the petitioner at first denied that he struck Mr. Rochefort. The petitioner admits that he did so, but begs to explain that when he was suddenly confronted by Surgeon-Major Elcum, he became nervous and was thrown off his guard, and thoughtlessly denied the charge, but recovering himself soon after, he admitted having struck the patient.

9. That Surgeon-Major Elcum in the last para of his letter No. 193, states :—"In my opinion Mr. Jacobs is not a man I should have placed in his present employment, as he does not appear to me of good physique"—This statement deserves to be noticed. The petitioner struck Mr. Rochefort with a light stick in self-defence causing thereby two marks on his left arm ; and Surgeon-Major Elcum is therefore of opinion that the petitioner was not of good physique. It would appear according to Surgeon-Major Elcum that petitioner's inability to overpower "a powerfully-built young man" when the latter attempted to strike him with a club, without inflicting any injury on his person, is proof of his (the petitioner's) bad physique. The petitioner most respectfully begs to enquire if this is a safe test for ascertaining the quality of his physique? Again Surgeon-Major Elcum states, "I have not had to find fault with him in the discharge of his work in any grave matter, but I am not able to commend him for any special good quality". This statement too deserves to be noticed. If it is not in a "grave matter" that a "special good quality" is needed, Surgeon-Major Elcum should have stated in what matter such a quality is required for the information and guidance of the European Attendants of the Asylum. The petitioner has noticed these statements inasmuch as they are misleading and most damaging to him, and most respectfully begs to draw Your Excellency's particular attention to them. These condemnations, being irrelevant to the subject of the enquiry, serve to shew that Surgeon-Major Elcum viewed the petitioner's case from a bitterly prejudiced point of view, thereby exaggerating a matter which, if anything at all, might have been disposed of by the Superintendent himself by a mere warning or censure or by a fine, a procedure usually adopted in the public service, a report to the head of the department being made only when the warning or censure has had no effect.

10. That the petitioner is 29 years of age. He served Government as a Sub-Jailor at Chingleput for a period of 4½ years ; and having given satisfaction in that capacity, he was recommended for the post of a European Attendant in the Asylum. His dismissal will consequently not only cause the loss of his nearly 6 years' service, but will also ruin his future prospects in life.

11. That under these circumstances, the petitioner most humbly and respectfully prays that Your Excellency will deign to do him justice by considering his case on its merits and ordering his re-in-statement in the same or in some other post.

And the petitioner shall, as in duty bound,

EVER PRAY.

Madras,
17th June 1895.

Ant. D. Jacobs
Late European attendant of
Lunatic Asylum. Madra

1895
Jud^l Dep^t
Enclos. No 1
To
C. No 3064

[illegible]

CURRENT NO. 3064

No. Tour
Encl. 347
From

OFFICE OF SURGEON-GENERAL
WITH THE GOVERNMENT OF MADRAS,
Ootacamund ~~Madras~~, 26th June 1895

SURGEON MAJOR-GENERAL C. SIBTHORPE, F.R.C.P.I.,
SURGEON-GENERAL WITH THE
GOVERNMENT OF MADRAS,

To
THE Hon'ble the Chief Secretary to Government
Judicial Department.
~~Madras~~,

SIR,

I have the honor to transmit an appeal from Mr. J. D. Jacobs, late a European attendant of the Lunatic Asylum Madras against his dismissal.

2. The circumstances which led to his dismissal are fully explained in the correspondence which accompanies the appeal.

3. It may be that Mr. Jacobs struck the insane in self defence, but an attendant who possesses such irritable temper and loses it with his patients cannot in my opinion be considered fit for his appointment. He could have surely saved himself from the alleged attack of the insane without striking him. Under these circumstances I regret that in the interests of the Asylum and of its unfortunate inmates I cannot recommend the appeal for the favorable consideration

of Government.

I have the honor to be
Sir,
Your most Obedient Servant.

C. Sibthorpe.
Surgeon-Major-General.
Surgeon-General with the Govt. of Madras

[G/9]
2,000—2-4-95.

Current No. 3897.

Judicial DEPARTMENT.

From Mr John D. Jacobs
19, Thoppa Mudelliar street,
Bangalore Cantonment

No. –

Dated 13th } August 1895
Received 15th }
Regd 16th }
Enclosures "

SUBJECT.

Enquiring whether original of his appeal submitted through the Surgeon General, from the Lunatic Asylum, has reached Govt.

To encl. Nos 2966, 3064 & 3560/95

Refce No 1840/95

Pr

Endt No. 1942
19-8-95

~~Mdt~~
E (Refr.)

DESPATCH

The petr. will be informed that the orgl. copy of his appeal petn. has reached Govt.

17-8-95

17/8/95
To the petr. (x 20)

Despd 19/8.

O.W. – copy
N – issued
19/8/95

Bangalore
13th August 95

15 AUG 95

CURRENT NO. 3897

To
The Chief Secretary
Madras Government

Honored Sir

I most respectfully beg to know, whether the original copies of my appeal addressed to the Government, through the Surgeon-General, from the Lunatic Asylum, has reached you

It is now more than two months since I have appealed, and no reply.

Begging to be excused for my intrusion

I beg to remain
Honored Sir
Your Most Obdt: Servant
John. D. Jacobs
19 Thoppa Mudelliar Street
Bangalore Cant:

---

ce: No. 1567/95
+ papers
(Nos 2966. 3084 & 3160.

adras

Subject.

Forwarding an appeal from Mr J. D. Jacobs late European Attendant to the Lunatic Asylum Madras against his dismissal with the intimation that it cannot be recommended for favourable consideration.

19 S.G.—400—13-4-95.

Judicial (1895) DEPARTMENT.

Refce: No. 1567/95
+ papes
(Nos 2966. 3064 & 3160

For orders

From

SURGN.-MAJOR-GEN. C. SIBTHORPE, F.R.C.P.I.,
SURGEON-GENERAL WITH THE
GOVERNMENT OF MADRAS,
~~Madras~~,

To

24 JUL 95

No. 7/486

ENCLOSURES. C No. 3064 with encs: retd.

Dated 25th
Received 25th
Regd 26th
July 1895.

No.

Subject.

Forwarding an appeal from Mr J. D. Jacobs late European Attendant to the Lunatic Asylum Madras against his dismissal with the intimation that it cannot be recommended for favourable Consideration.

19 S.G.—400—13-4-95.

Transmitting an appeal
from Mr J. D. Jacobs late
European Attendant to the
Lunatic Asylum Madras
against his dismissal with
the recommendation that the
[illegible] needs [illegible] of
[illegible] consideration

CURRENT NO. 3560.

No. 3/486

Encl.

OFFICE OF SURGEON-GENERAL

WITH THE GOVERNMENT OF MADRAS,

~~Madras~~, Ootacamund, 25 July 189 .

From

SURGEON-MAJOR-GENERAL C. SIBTHORPE, F. R. C. P. I.,

SURGEON-GENERAL WITH THE

GOVERNMENT OF MADRAS,

Madras,

To

THE HONOURABLE THE CHIEF SECRETARY TO GOVERNMENT,

Judicial DEPARTMENT.

SIR,

I have the honor to transmit an appeal from Mr J. D. Jacobs late a European attendant of the Lunatic Asylum Madras against his dismissal.

2. The circumstances which led to his dismissal are as follows:-

In February last the Superintendent of the Asylum reported to me that Mr Jacobs struck a patient named Rochefort with a stick on the left arm and that on examination he found two marks such as might have been caused in the manner stated. Mr Jacobs, the Superintendent added, at first denied the charge but subsequently admitted it on the plea that it was done in self defence. a fact not borne out by the statements of the other European attendants present. He therefore recommended Mr Jacobs' dismissal from the service — Especially as he was not satisfied that he was a suitable man for the appointment he held.

3. On receipt of this report, I requested the Superintendent to obtain and forward Mr Jacobs' Explanation to enable me to dispose of the case.

4. The explanation submitted urged the plea of self defence under the following circumstances.

On the 21st February 1895 — Mr Rochefort who was out and near where a Native attendant was clearing brushwood ran after him with a club. The man having given an alarm Mr Jacobs ran to his assistance and tried to pacify Mr Rocheford but to no purpose. The latter however made a rush at him with the club he had in hand and Mr Jacobs fearing that it might seriously end with had no other alternative than giving him two strokes merely to frighten him and keep him back from the assault.

5 The Superintendent in forwarding this Explanation remarked that he enquired into the matter at the time as noted in the Diary and the evidence of the other European attendants did not bear it out. He did not therefore see his way to modifying his original report.

6. Mr Jacobs explanation appeared to me very unsatisfactory especially as there was nothing to show that his version of the affair was correct. I accordingly sanctioned his dismissal and directed the Superintendent to furnish him with a copy of the correspondence

7. It may be that Mr Jacobs struck the insane in self defence but an attendant who possesses such irritable temper and loses it with his patients cannot in my opinion be considered fit for his appointment. He could have surely saved himself from the alleged attack of the insane without striking him. Under these circumstances I regret that in the interests of the Asylum and of its unfortunate inmates, I cannot recommend the

appeal

peal for the favorable considera-
on of Government.

I have the honor to be,
Sir,
Your most Obedient Servant

C. Sibthorpe
Surgeon Major General
Surgeon General with Govt: of Madras

Aldis

[G/69]
1,000—18-3-95.

Chief Secretariat, Madras.

Jud^l DEPARTMENT.

[~~7el. No~~ 3897/25]

Memorandum.

No 1840 (Crossed out)
~~27-8-95~~

Read the following

With advertence to his letter d 25 July 95, No I/486, the S.G. is requested to forward, for the perusal of Govt., the record of the enquiry held by Surgeon-Major Elcum in Jacob's case. If there is no record, explanation should be afforded as to why no enquiry was made.

D/6/8/95

820/7/8

Ht
4/8/95

To the S. G. – Desp^d
8/8.

Extract from the Superintendent's Diary

OFFICE OF SURGEON-GENERAL
20 AUG. 95
WITH GOVT. OF MADRAS.

21—2—95 — European Attendant J. D. Jacobs was reported to me as having struck Mr Rochfort today with a stick. There appears to have been a difficulty in getting Mr Rochfort to go into his room, and he had to be forcibly carried to his quarters with the assistance of two other European Attendants, & subsequently Mr Locke Mr Minnis, Mr Beady and Mr Jacobs were all taking part in getting him in. Mr Jacobs appears to have struck him then with a thin stick on the left arm near the shoulder; I see two marks on the arm such as might have been caused by a stick. Mr Jacobs owns that he did strike him & states it was in self defence From the account given by Mr Minnis & Mr Locke I do not think this statement is borne out". Mr Jacobs at first denied having struck him, and stated that there was a struggle and that in the struggle Mr Rochfort struck himself against the door.

I have suspended Mr Jacobs and reported

the matter to the Surgeon General for his orders.

"True Copy"

C.H. Lee Falk. M.S.

Surgeon-Captain,
Supt. Govt. Lunatic Asylum.

4104

CURRENT No. 4104

No. 7/653
Encl.

Office of Surgeon-General
with the Government of Madras,
~~Madras~~, Ootacamund 28th August 1895.

From

Surgeon-Major-General C. Sibthorpe, F.R.C.P.I.,
Surgeon-General with the
Government of Madras,

To

The Hon'ble the Chief Secretary to Government,
Judicial Department.

Sir,

With reference to Judicial Department Memorandum No. 1840 dated the 8th August 1895, I have the honor to forward an Extract from the Superintendent's Diary regarding European attendant Jacob's case.

2. When reporting the case for my orders in February last, Surgeon Major Elcum stated that he had enquired into the matter and taken the statements of the other European attendant. The present Superintendent reports that these were purely verbal statements and have not been recorded.

I have the honour to be,
Sir,
Your most obedient Servant,
C. Sibthorpe
Surgeon-Major-General,
Surgeon-General with the Govt. of Madras.

CURRENT No. 4104

Refd No. 1942 + 1840/95
+ papers.

Judicial (1895) DEPARTMENT.

From

SURGEON-MAJOR-GENERAL C. SIBTHORPE, F.R.C.P.I.,
SURGEON-GENERAL WITH THE
GOVERNMENT OF MADRAS,
Madras,

To
The Hon'ble the Chief Secy to Govt.

No. 2/158

ENCLOSURE.

Dated 28 } August 1895.
Received

Regd. 29

CHIEF SECRETARY
No.
28 AUG. 1895
GOVERNMENT OF MADRAS

SUBJECT.

Forwarding an Extract from the Diary of the Supdt., Lunatic Asylum, Madras, regarding European Attendant Mr. J. D. Jacobs' Case

Rcd 29/8
5.30 p.m.

[9 / 25]
600—23-7-95.

Judl. DEPARTMENT.

C. No.s 2966, 3064 & 3580 + 4104

FOR ORDERS.

C No 3580 sets out the facts of the petr's case.—

Enclosure no. (3) - the statements of the other Europeans present - bears out the appellant's plea of self-defence & Surgeon-Major Eleum originally only wrote "I do not think ~~that~~ this (appellant's "plea) is borne out by the statements "of the other European attendants "present" He has retired & his account of what they deposed to him is presumably not on record as the S.G. does not mention any written statements.

It is submitted that the appellant has received unduly harsh treatment & that a period of suspension would be a sufficient punishment

D
2-8-95

C. 4104 contains the Surgeon-General's to the ~~enquiry~~ call

H.S.
31/7/95

for the records of Enquiry. These consist of an extract from the Supdt's Diary, the material portion of which was

"Mr Jacobs owns that he "did strike him & states it was "in self defence. From the account "given by Mr Minniss & Mr Locke ✕ "I do not think this statement "is borne out"

There is no other record of the Enquiry; Surgn. Major Elcum should have taken written statements from the other two attendants; in the absence of these it is difficult to say whether ~~they are~~ Mr Minniss is telling the truth now in supporting Mr Jacobs' plea of self defence

D
3-9-95

The appellant seems to have been dismissed on insufficient grounds. No doubt the attendants in the Asylums should be very careful not to strike the lunatics but what is a man to do if a lunatic armed with a club as this one seems to have been rushes at him with it? Is he not to defend himself. If he ran away he certainly ought ~~to have~~ been turned out.

The worst feature of the case as regards "the rule is his" denial in the first instance. Should further enquiry be ordered. The native attendant was apparently not examined HP
4/9/95

C579
6/9

Re. The Dismissal of an European Attendant of the Madras Lunatic Asylum

FOR ORDERS.

✕ note
Brady is the name of the other attendant mentioned by Jacobs

H. M.

I think we had better have a further enquiry with the statements made by the W.s reduced to writing, as should have been done in the first instance

B.L.
5/9/95

[G./24.]
500—23-7-95.

Jud. DEPARTMENT.

Papers to be read in proceedings:—

Again G.O., dated 189 , No.
Again G.O., dated 189 , No.
Current No. 2966 3064 of 1895, dated 17 Jn 26 June from Petn. The S. S.
& " " 3560 " 1895, " 20 July, " — do.
" " 4104 " 1895, " 28 Aug. " — do.

C.S.

ORDER. (Refer.) No. 2142
dt 12.9.95

The S. S. will be requested to cause a further enquiry to be made into the case of the late European Attendant Jacobs and report the result to Govt. The statements of the witnesses examined should be reduced to writing, as should have been done in the first instance ~~and copies thereof should be forwarded~~.

D 9-9-95

(From orders)

R
9/9/95

Dt 7/9/95
To the S. S. — Desp'd
12/9.

Jml/

5173

Judicial (1895) DEPARTMENT.

Refe 2142: 12-9-95

From

SURGN. MAJOR-GENL. C. SIBTHORPE, F.R.C.P.I.,
SURGEON-GENERAL WITH THE
GOVERNMENT OF MADRAS,
Madras,

To

The Hon'ble the Chief Secy to Govt:
Judicial Departt.

No. 476

ENCLOSURES. 1

Dated 1st. } November 1895.
Recd 2 }
Regd 4th

No.

Subject.

Forwarding the Statements of witnesses in the further Enquiry made in Mr Jacobs' case, late an European Attendant in the Lunatic Asylum Madras, and stating his inability to change the view taken in the case by him.

13 S.G.—500 - 9-3-95.

1st class European Attendant Locke states:—

On February 20th about 9 a.m. insane Rochford was near the tank. Native Attendant Rutnam was in charge of a batch of insanes close by. Suddenly when going into my quarters I heard Rutnam sound his whistle, & on running out I saw him running away towards the mortuary & insane Rochford following with a big stick. I ran out immediately & saw Mr Cooper (Junior Apothecary) who had also come out of his quarters. When insane Rochford saw us, he stopped chasing Rutnam & went back to his usual place under a tree. I then returned satisfied that everything was quiet, & on my going to the Kitchen at breakfast time I reported the occurrence to Mr Judge (Deputy Supdt.) while in the Kitchen. Jacobs (2nd class European Attendant) sent for me saying he had been ordered to ask for my assistance regarding locking up insane Rochford. I went towards insane Rochford's quarters at once & saw him under the tree where he usually sat, and noticed that he was excited waving a stick & talking about killing & cutting anyone who ~~come~~ came near him. At this time 1st class European Attendant Minniss & 2nd class European Attendant Brady also arrived – Minniss called to insane Rockford to come into his room, whereupon Rockford ran towards Minniss with an uplifted stick, Minniss stepped back a few yards & Rockford ran round towards the front of his quarters and stood guard over them defying anyone to come near him. A native Attendant who had been also summoned came up to Rockford from behind & caught him round the shoulders, then myself, Minniss, Brady & Jacobs came forward to assist the native attendant. Rockford was then carried into his quarters between us & locked up. I did not see Jacobs strike Rockford, but I noticed he had a thin stick in his hand.

1st class European Attendant Locke when cross examined by Jacobs says:–

I saw Rockford shew a threatening attitude towards Jacobs from a distance.

When Rockford was in close proximity I did not observe him try to strike Jacobs.

(Sig) R. Locke. E.A.

1st class European Attendant Minniss states:–

On ~~February~~ 21st between 9 & 10 a.m. Eu: Attendant Locke sent for me saying he wanted me to assist in locking up Rockford as he had been ordered to do so. On arrival at Rockfords quarters I stood on a small grass plot opposite his quarters & called to Rockford who was then on the tank bund. On hearing my voice he picked up a big club like a root of a tree & ran up & stood on the steps opposite his door. Locke, Brady & Jacobs were standing near – Jacobs was on the verandah at the time – At the other extreme to Rockford's room. Rockford on seeing Jacobs ran towards him with an uplifted club, and Jacobs as he approached hit him on one of his arms with a small stick which he had in his hand. On myself, Locke, Brady & some native servants seeing this we ran up & caught hold of Rockford and locked him up.

(Sd) B. Minniss
E. A.

2nd class Native Attendant Gulam Dustagheer states:—

On 21st February I was working at the "two rooms" when European Attendant Locke called out to me from the direction of Rockford's quarters – when I was within about 30 yards of Rockford's quarters. I saw Eu: attendant Lock, Minniss & Jacobs, they were standing at the corner of Rockford's quarters while Rockford was in front of his door with a club in his hand. Lock signalled to me to pinion Rockford from behind & I went to the back of him & caught him round the chest. Then Locke, Minniss

&

& Jacobs rushed up in a body & carried him into his room & then told me to go. I dont remember seeing a stick in any of the European attendants hands nor do I remember seeing Rockford struck by any one.

On being cross examined by Mr Jacobs states:—

I did not see Rockford threaten to strike you.

(Sd) Gulam Dustagheer
2nd C. N. A.

2nd class European Attendant A. Brady states:—

On 21st February between 9 & 10 a.m. I was on duty in the nine rooms, when European Attendant Locke sent for me from Rockford's quarters. I went at once & on arrival I saw European Attendants Locke, Minniss & Jacobs.

Minniss was outside standing on the ground to the East of Rockford's quarters. Jacobs was in the verandah about 12 yards from Rockfords door. Rockford was outside under the tree on the Tank Bund. Minniss called to Rockford to come in, & Rockford in return used threatening language, came up to his quarters with a big club in his hand & seeing Jacobs in the verandah near his door. Rockford went up to within a yard or so of him & attempted to strike him with the uplifted club. Jacobs in return gave Rockford one of two cuts across the arms with a thin cane he had in his hand. After this we all rushed on Rockford and locked him in his room.

Judl

Chas G. Brady.

5173a.

2nd C. Ev: A.

The above are true copies of depositions made in my presence and signed by the witnesses

C. H. Metcalfe. M.

Surgeon-Captain,
Supt. Govt. Lunatic Asylum.

21 Oct 1895

5173

OFFICE OF SURGEON-GENERAL
WITH THE GOVERNMENT OF MADRAS,

No. 476

Encl.

Madras, 1st November 1895

From

SURGEON MAJOR-GENERAL C. SIBTHORPE, F.R.C.P.I.,
SURGEON-GENERAL WITH THE
GOVERNMENT OF MADRAS,
Madras,

To

THE Honorable the Chief Secretary to Government
Judicial Department.

CHIEF SECRETARY
2 NOV. 1895
GOVERNMENT OF MADRAS

SIR,

With reference to your memorandum No. 2142, Judicial, dated the 12th September 1895, I have the honor to state that, in compliance with the orders of Government, a further enquiry was made into the case of the late European attendant Jacobs and the statements of the witnesses, recorded in writing by the Superintendent, are herewith enclosed for the information of Government.

2. The evidence of European attendants Minniss and Brady supports the plea put forward by Jacobs that he used the stick in self defence - but this fact is not borne out by the depositions of the other two witnesses. However, the fact remains on Jacob's own admission that he did strike insane Rockford. There does not therefore appear to be

any sufficiently strong evidence in favor of Jacob's to enable me to change my previous view of his case.

3. The Superintendent reports that the delay× in the submission of the result of enquiry has been due to the fact that one of the witnesses was sick and only able to make his deposition on the 19th October 1895.

× more than six weeks

I have the honor to be,
Sir,
Your most obedient Servant,

C Sibthorpe
Surgeon-Major General
Surgn.-Genl. with the Govt. of Madras.

G
25
600—23-7-94.

Jnl. DEPARTMENT.

C. No. 5173 of 95

FOR ORDERS.

I don't like overruling the Head of a Dept in such a case, but I think this man has been too severely dealt with. He should be reinstated, the period of his absence from duty being treated as suspension as a punishment, that is, without any pay. I think this will be a sufft. warning to attendants in the Lunatic Asylum that they must keep their hands off patients

22/11/95

Subd with refce to H. E.'s remarks on the note for orders under cover of Reference of 12. Sept. 95, No 2142.

Ho
7/11/95

12.11.95

The evidence is certainly conflicting but it goes to show that the insane Rochefort was armed with a club. On the other hand however there were more than enough men to overpower him and granting what those who speak in the appellant's favour to be true there seems to have been no need to strike the insane in self defence. But one does not always in the heat of the moment think of things of this kind. The blows given were very slight and I do not consider that what was done merited so severe a punishment as dismissal. It would surely have been enough – as no previous misconduct appears to have been alleged against

Jacobs to have either fined him Or suspended him for a short period

Hd
26/11/95

Re Jacobs case.

FOR ORDERS.

H.M.

C 21/11
R 22/11

[G / 24]
200—5-12-95.

Jud. DEPARTMENT.

Papers to be read in proceedings :—

C.

Again G.O , dated 189 , No.
Again G.O., dated 189 , No.
Current No. 2966 of 1895, dated 17 Jun, from J. D. Jacobs
" " 3064 " 1895, " 26 Jun, " I.G.
— 3560 — 25 July — do
" " 3877. " 1895, " 13 Augt, " J. D. Jacobs.
— 4106 — 28 Augt — I.G.
— 5173 — 1 Nov — do

ORDER. 27 Nov /95 No 2464
Misc.

After a careful perusal of the foregoing papers, the Govt. is of opinion that dismissal is too severe a punishment for the fault the petr. ~~had~~ committed and is accordingly pleased to direct that he be restored to his former appointment, the period he was out of employ being treated as suspension without allowance.

2. The petr. will be refd. to the I.G. who has recd. orders in his case.

W. Irving (Fm orders).

25/11/95

Hd
26/11/95.

Copied 29/11

To the I.G.
" " Acct. Genl. } Pro.
" Petr. (through

Re Jacobi ca

FROM ORDERS.

C. S.

for copying ———
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Statement with ditto.

Papers not filed up, being meant for despatc
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