

Public (1897) Department.

ORDINARY MS.

G.O., No. 99

DATED 4-2-97

[Despatch Abstract.]

Receiving the Surgeon General's report of the unwillingness of Surg. Genl. Col. Patterson to pay the difference between the interest derived from Mrs. Patterson's property and the actual cost of her maintenance in the Madras Lunatic Asylum according to the 1850 scale, and of the present arrangement under which the expense will be fully covered by the interest.

BACK PAPERS.

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

FURTHER PAPERS.

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

Judicial (1897) Department.

Attention is invited to the note for orders in this file. Para. 2 of this current shows that the Govt. will be put to no expense on Miss Patterson's account - so no further action is called for and the papers may be

CURRENT No. 997

997 4-2-97
Recorded.
28/1/97
Order

From
Surgeon-Major-General C. Sibthorpe,
F.R.C.P.I.

Surgeon-General with the
Government of Madras.

No. 21

Dated 23rd January 1897.

Received 24-1-97

Registered 25-1-97

Enclosures

Spare copies

UNDER SECRETARY
4 JAN 7
RECEIVED

SUBJECT.

Intimating that Surgeon-Liaut: Colone Patterson has expressed his unwillingness to pay the difference between the interest derived from Miss Patterson's property and the actual cost of her maintenance in the Lunatic Asylum, Madras.

To The Surgeon Genl with 2 Recs.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

CURRENT No 288

OFFICE OF SURGEON-GENERAL

WITH THE GOVERNMENT OF MADRAS,

Madras, 23rd January 1897 1896

No. 21

[1]

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,

K With reference to Memorandum No. 2645, Judicial, d/ the 15th December 1896, I have the honour to state that the Superintendent, Lunatic Asylum, Madras, had a personal interview with Surgeon-Lieut: Colonel Patterson last year in Scotland when the latter expressed his unwillingness to pay the difference between the interest derived from Miss Patterson's property and the actual cost of her maintenance.

2. The exact amount of the difference is Rs 108 per annum, but the Superintendent reports that as the cost of her maintenance has been reduced for some time past, the actual expense will now be fully covered by the interest accruing on her property.

I have the honour to be,

Sir,

Your most obedient Servant,

C. Sibthorpe

Surgeon-Major-General,

Surgeon-General with the

Government of Madras.

[Signature]

to.

Judicial (1896.) Department.

71

CURRENT No. 117



From

The Surgeon-General with
the Government of Madras.

Order

Ref No 2039
with ref to his letter, No

No 4408.

4408 of 25. Sep 96. The S.G. is

requested to forward, for the

Dated 25th September 1896.

for removal of Smt. The agreement

Received

executed by Mrs Dunkhill binding

Registered

herself to pay for the main.

Enclosures Two.

Remance of her daughter (Miss

Spare copies

Patterson) in the Lunatic Asylum.

Madras.

SUBJECT.

At 6.00 96

3/10/96

To the S.G.

Forwarding copies of the Orders of
the High Court, Madras, made in the
matters of H.W.S. Bacon and Mary L.M.
Patterson, inmates of the Lunatic
Asylum, Madras.

BACK PAPERS.

G.O.	No.	Department.	Date.
	696 838	prob "	27-96 9-5-96 S.C.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

[1]

CURRENT No. 4304

OFFICE OF SURGEON-GENERAL

WITH THE GOVERNMENT OF MADRAS,

Madras, 25th September 1896.

No. 448.

From

Colonel D.F. Bateman,

~~SURGEON-MAJOR GENERAL~~ ~~f~~ ~~SIBTHORPE, F.R.C.P.~~

Ag: SURGEON-GENERAL WITH THE

GOVERNMENT OF MADRAS,

To

THE HON'BLE THE CHIEF SECRETARY TO GOVERNMENT,

Judicial DEPARTMENT.

SIR,

In continuation of this Office letter No.T/216, d/ the 22nd June 1896, I have the honour to forward for the information of Government and for favour of return copies of the Orders of the High Court, Madras, made in the matter of H.W.S.Bacon and Mary L.M.Paterson, inmates of the Lunatic Asylum, Madras.

I have the honour to be,

Sir,

Your most obedient Servant,

[Signature]

Surgeon-Colonel,

Acting Surgeon-General

with the Government of Madras.

[Signature]

Judicial (1896) Department.

CURRENT No. 4627



From

The Surgeon-General with
the Government of Madras.

Order

No. 485

Dated 22nd October 1896.

Received

Registered

Enclosures One.

Spare copies

SUBJECT.

Forwarding the agreement executed by
Mrs. Durhill binding herself to pay
for the maintenance of her daughter
(Miss Paterson) in the Lunatic ---
Asylum, Madras.

BACK PAPERS.

G.O.	No.	Department.	Date.
memor	2039	Just	7 10 86
fo	1096	"	2 7 86
	838	"	9 5 86
	1213	"	8 6 86
	2645	"	3 11 86
	415	"	19 2 94
		+ R. P. P. P. P.	

FURTHER PAPERS.

G.O.	No.	Department.	Date.

[1]

CURRENT No 4634
OFFICE OF SURGEON-GENERAL

No. 485

WITH THE GOVERNMENT OF MADRAS,
Madras, 22nd October 1896.

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 your Memorandum No.2039, Judicial,
dated the 7th October 1896, I have the honour to forward the
agreement executed by Mrs.Dunhill binding herself to pay
for the maintenance of her daughter (Miss Paterson) in the
Lunatic Asylum, Madras.

I have the honour to be,

Sir,

Your most obedient Servant,

C. Sibthorpe

Surgeon-Major-General,

Surgeon-General with the

Government of Madras.

[Signature]

Re the instance of Mrs
Civil Service

[G.]
25

1,000-6-11-90

POST DEPARTMENT

C. Nos 4304 & 4634

FOR ORDERS.

Attention is invited to the
notes & orders in S.O. ⁸³⁸₇₋₅₋₉₆. The
application made in Mrs Bacon's
case has failed & that made
in the case of Miss Patterson
was only partially successful.
Mrs Dunkhill under whose
order Miss Patterson was first
confined in the Asylum is dead,
but the agreement executed by
her seems to bind also her
legal representatives to pay
for the lunatic's maintenance.
It is not clear however whether
this obligation can now be
enforced in a Court of Law,
seeing that the lunatic is
at present detained under
the orders of the High Court and
not under the application
P.T.O.

originally made by Mrs Drunkhill under Sec 7 of the Lunatic Asylums Act, XXXVI of 1858. The question is beset with difficulties & the papers may therefore be simply recited - unless

FOR ORDERS.

18-10-96 it is thought worth while to refer to the Govt

Adv. Genl. for opinion as to whether anything else can be done. The High Court's reasons are wanting.

18-9-10-96

It is at the Adv. Genl. - It seems too absurd that though these lunatics have money of their own it cannot be made available for their maintenance

24/11/96

H. E. THE GOVERNOR.
THE HON'BLE MR. H. W. BLISS, C.I.E.
THE HON'BLE MR. J. GROSE.

Re The maintenance of Mrs Patterson

DEPARTMENT.

Papers to be read in proceedings:-

C.P. (From orders)

Again G.O., dated 189 , No. ,
Again G.O., dated 2. May 1896 , No. 838
Current No. 4304 of 1896, dated 25-2-96, from H.S.B.
" " 4634 " 1896, " 22-11-96, " do
" " " 189 , " , "

ORDER. (Refer) N^o 2331
12-11-96

Copies of the papers read also will be forwarded to the Advocate Genl with the request that he will favour Govt with an expression of his opinion as to whether any other legal steps can be taken in the case of Miss Patterson & reimburse to the State the cost of her maintenance in the asylum

(From orders, 18-11-96)

18/11/96. Act 7.11.96

To the Govt Solicitor with copies
4-5-96 838 + 1096 + 4634
9-5-96 2-7-96
4-6-96 ends in day
be returned

Judicial (189) Department.

CURRENT No.

From Govt Solicitor.

Order
Rye. No. 2478
26-11-96.
Read again Gp. 838 p. 2
9.8.96

No. 391

The Administrator General
is requested to report in view to
~~reimburse to the State the cost of~~
~~the maintenance of Miss Patterson in~~
~~the Asylum, whether the Estate of the~~
Mrs Ann (who died between 1892 & 1895)
late M^{rs} Dunhill was administered
by him, and if so ^{whether any} what assets
remain^{ed} to her Credit of the estate & if
so to show they were made over.

Dated 17/11
Received 18/11
Registered 19/11
Enclosures 4 (Residual & some papers)
Spare copies -

SUBJECT.

Forwarding opinion of the
Advocate Genl re the question
as to whether any other legal
steps can be taken in the
case of Miss Patterson to
reimburse to the state the cost
of her maintenance in the
Lunatic Asylum.

To
The Adm^r Genl.

BACK PAPERS

G.O.	No.	Department.	Date.
Refer	2331	J2	2-11-96
	1096	"	2-7-96
	838	"	9-5-96
	1213	"	8-6-96
	2645	"	5-11-94
	415	"	19-2-94
	353	"	19-5-92

FURTHER PAPERS.

G.O.	No.	Department.	Date.

[53]
ad-90-10-10

Judicial. Department.



PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following paper:—

From the Surgeon-General, Madras, No. Tour/216, dated 22nd June 1896.

With reference to G.O., No. 838 Judicial, dated the 9th May 1896, I have the honour to state that the Government Solicitor has been requested by the Superintendent, Lunatic Asylum, Madras, to obtain the orders required in paras 1 and 2.

2. As regards para 3, the promissory notes referred to therein have since been endorsed and handed over to the Superintendent.

3. With reference to the information required regarding Miss Patterson I have to state that her mother (Mrs. Dunhill)

signed the usual indemnity bond binding her to support her daughter in the Asylum, but as she is dead the bond has be-

come invalid. After Mrs. Dunhill's death, Miss Patterson's

brother Surgeon-Lieutenant-Colonel Patterson appears to have

come forward of his own free will and paid for the insane's

upkeep up to 31st March 1896. He has stopped his remittances

since the orders of Government for the utilization of the in-

terest of Miss Patterson's estate have been made known to him.

As no bond was executed by him he is not legally bound to

support his sister.

Not so -
The executor,
administrators
or legal repre-
sentatives of
Mrs. Dunhill?
are liable
under the bond
Is anything
known about
them? Enquiry
should be made.

ORDER.

O R D E R: -No.1096, dated 2nd July 1896.

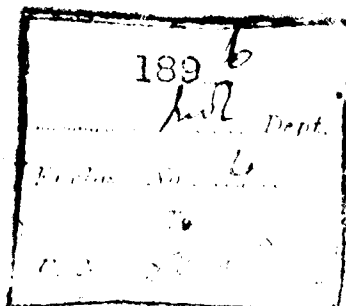
Retoded..

2. The Surgeon-General will be requested to report the result of the action taken by the Superintendent of the Lunatic Asylum in paragraphs 1 and 2 of Proceedings of Government No.838, dated 9th May 1896.

(True Extract)

(Signed) J.F.Price,

Chief Secretary.



TO

The Surgeon-General, Madras.



Re the question as to whether any other legal steps can be taken in the case of Miss Patterson to reimburse to the state the cost of her maintenance in the Lunatic Asylum.

Please see
Page No.
2371/212-11-96
(Plugged B)

O P I N I O N

Upon the death of Mrs. Dunhill, her executors, administrators or legal representatives became liable to the extent of Mrs Dunhill's assets which have come into their hands. Enquiries should be made as to the estate of the late Mrs. Dunhill, of which the Administrator General, Madras, I believe, took possession. Upon the Administrator General, demand can be made on behalf of Government under the provisions of the bond.

J.H. Spring Branson

Advocate General.

M a d r a s

16th November 1896.

True Copy

Ernest Barclay

Government Solicitor.



From

The Ag. Administrator-General,
Madras.

To

The Chief Secretary,
to Government,
Fort St George.

1896 November 30th/96
Recd 1 { 12-96
Rep 1 {

Furnishing information regarding
the estate of Mrs Mary Ann Dunhill.

CURRENT NO. 5246 Jwdl
Ref u 2475 of papers sent
26-11-96 n.p. sent.

Madras 30 November 1896.

Estate of

Mrs Mary Ann Dunhill.

From

Kenworthy Brown,

Ag. Administrator-General.

To

The Chief Secretary to Government,

Fort St George.

Sir,

I have the honor to acknowledge the receipt of the memo No. 2478 dated 26th Inst.

The estate of Mrs Mary Ann Dunhill, who was a widow and who died at Madras on the 9th December 1893 was administered to by the Administrator-General of Madras, who obtained the grant of Letters from the High Court on the 7th March 1894.

The balance of assets amounted to Rs 503-10-7 and this amount was distributed amongst the deceased's children as follows:-

* Paid to the children in the estate of Mrs Mary Ann Dunhill.
Miss Mary Letitia McMaster Paterson

her $\frac{1}{4}$ share ----- Rs 125-14-7

Miss Katherine Elizabeth Patterson --- 125-14-8

Miss Ann Emily Paterson ----- 125-14-8

Surgeon Lieutenant Colonel Anderson

McMaster Paterson ----- 125-14-8
503-10-7

I have the honor to be,

Sir,

Your Obedient Servant,

K Brown

Ag. Administrator-General.

Maintenance of

Miss Patterson

Ind. DEPARTMENT.

G.
500-3-10-96.

C. Nos

4304. 4634. 5040. 5246

FOR ORDERS.

H.M.'s note of 2.11.96 (Flag C.) refers to both Bacon & Miss Patterson, but it is submitted that nothing more can be done in the case of the former to relieve the State of the cost of his maintenance.

Para 1. of Qo. 838.T. (Flag E.) 9.5.96 shows that Govt. applied to the High Court for the transfer of the corpus of his estate amounting to Rs. 1022.12.5 to Govt. on the ground that the cost of his maintenance since his admission in 1850 had exceeded this sum. But the High Court in its order of 26th August 1896 refused to so transfer it (Flag D.) The amount was invested in Govt. securities & under the High Court's order of 3.10.94. in Qo. 2645.T. (Flag F.) the interest thereof is paid to Govt. for Bacon

* thinking, probably, that the man might perhaps recover, but then be left penniless.

income.

Miss Patterson's maintenance has only been paid since Oct. 95 to the date. Her mother Mrs. Dunhill paid it up to her death, from then to Oct. 95 her brother, Mr. H. C. Anderson Patterson, paid it voluntarily until Govt. ordered the interest of Miss P.'s estate to be devoted to her maintenance.

Miss Patterson was declared a lunatic by injunction in the High Court's order of 15.11.95 (flag A), & the Supt. of the Lunatic Asylum was appointed Committee of her person & estate. In para 2 of Govt. order of 9.5.96 Govt. asked the Surg. Genl. to direct the High Court to direct that the interest of her estate should be devoted to her maintenance & that the amounts of the same charges should not be defrayed by her estate should be met from the corpus of her estate.

In its order of 26th August 1896 (flag G) the High Court, as in usual case, declined to allow Govt. to touch the corpus but ordered the interest to be paid towards Miss

Patterson's maintenance.

So far the cases are similar.

But Miss Patterson's mother, Mrs. Dunhill, executed an agreement which also bound her "executors, administrators & legal representatives" to pay Rs 26.8 - per annum towards her daughter's maintenance.

The Adv. Genl. says in Charent 5040 that Govt. can make demand upon the Administrator General, who took possession of Mrs. Dunhill's estate, on the bond.

But the Admin. Genl. says that he has already distributed the assets of the estate (which only amounted to some Rs. 500) to her four children.

Miss Patterson owns property amounting to Rs 466.11.9 (flag A) which invested at $3\frac{1}{2}$ per cent. 15% brings in about Rs 161 per annum. Her maintenance charges are Rs 24 per annum or Rs 288 per annum, so at present she costs the State Rs 117 per annum.

It is now applying to the
Administrator General to pay
any part of this on the strength
of the bond, and it is submitted
that it wd. be hard to come down
on the insane's two sisters, supposing
they can be said to be their mother's
"legal representatives" (which seems
doubtful), as they must be very
poor. There remain the brother
Surg. Col. ~~Anderson~~ ^{Patterson}, but ~~even~~ ^{it seems doubtful} if he
can be shown to be a "legal
representative" & liable under the
bond. He was only one of four
heirs of the estate, & is not liable,
apparently, for its debts. The
Surg. Genl. should have made a
demand of the Admin. Genl. before
the estate was administered, and
that he never did.

Receipt under the bond Govt.
seems to have no chance of being
able to make ~~that~~ ^{that} Surg. Lt. Col.
Patterson pay. For his sister has
been found lunatic by inquisition
under Act XXIV of 1858, and sec 7 of
Act XXVI of 1858 only provides for refusal to
commit such a person to an asylum if his maintenance
charges are not paid & not for subsequent demands.

U.S.
was Surg. Col. Patterson
ever asked to support his insane
relatives? ^{Act 7.12.9}
~~They were kept in hospital~~
~~whether he dropped.~~

Note for CS.
As far as can be ascertained
here was. No more is known
about it than what is stated in
the Surg. Genl's letter of 22.6.96.

Let a reference
be made to him.
Act 9.12.96

Reference 220 2845
15.12.96
again 90
2.7.96

Cards 4304 & 4604
It is understood that

The Surg. Genl. will be requested
to ascertain whether Surg. Lt.
Col. Patterson is willing to
pay his towards the maintenance
of his sister in the lunatic
asylum the difference between the
amount realized from the interest
on his property and the actual
cost of her maintenance. The
Surg. Genl. is no doubt a
possession of the ^{information to} exact amount
of this difference. It appears
to be about 17. per annum.

11.10.12.96 (from CS's
orders.)
Act 12.12.96

To the Surgeon General, Head as

When given for copying 12/2
 When copied 12/2
 When examined 12/2
 When signed 12/2 1897

AGAIN G.O., No. 189 DATED

ARENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
 IN ORIGINAL.

N.B.—
 A = Copy in full.
 B = Not to be copied
 P = Copy abstract only.
 Q = Copy heading only