

1885.



VICTORIA.

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ROYAL COMMISSION ON ASYLUMS FOR THE  
INSANE AND INEBRIATE.

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SECOND PROGRESS REPORT.

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PRESENTED TO BOTH HOUSES OF PARLIAMENT BY HIS EXCELLENCY'S COMMAND.

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By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.



*Victoria, by the Grace of God, of the United Kingdom of Great Britain  
and Ireland QUEEN, Defender of the Faith:*

*To our trusty and well-beloved EPHRAIM LAMEN ZOx, Esquire, M.P.;  
the Honorable ROBERT DYCE REID, M.P.; the Honorable  
DAVID CHAPLIN STERRY, M.L.C.; HENRY BELL, Esquire, M.P.;  
DAVID MORTIMER DAVIES, Esquire, M.P.; CHARLES MYLES  
OFFICER, Esquire, M.P.; CUTHBERT ROBERT BLACKETT, Esquire,  
J.P.; and ROBERT ELWALL JACOMB, Esquire:*

GREETING :

*Whereas the Administrator of the Government of our Colony of Victoria, with the  
advice of the Executive Council thereof, has deemed it expedient that a Royal Commission  
should forthwith issue for the purposes hereinafter mentioned: Now know ye that we,  
reposing great trust and confidence in your zeal, discretion, and ability, have constituted  
and appointed and by these presents do constitute and appoint you the said EPHRAIM  
LAMEN ZOx, ROBERT DYCE REID, DAVID CHAPLIN STERRY, HENRY BELL, DAVID  
MORTIMER DAVIES, CHARLES MYLES OFFICER, CUTHBERT ROBERT BLACKETT, and  
ROBERT ELWALL JACOMB, to be Commissioners for the purposes following, that is to  
say: To inquire into and report upon the state and condition of Asylums for the Insane  
and Inebriate, both public and private; the mode of management and supervision; the  
remedial treatment and its results; the classification of the inmates; the policy of  
continuing large metropolitan institutions; the advisability of licensing patients to  
private individuals; the due classification of the imbecile and the insane; the proper  
position of medical officers in relation to the system of management; the special quali-  
fications necessary for all officers and employés before appointment; the mode of their  
appointment; the system of official visitation and inspection; the mode of obtaining  
supplies; and to further report generally on any and every matter which to you  
Commissioners may appear important and desirable. And we do by these presents give  
and grant unto you, or any three or more of you, full power and authority to call  
before you such person or persons as you shall judge likely to afford you any information  
upon the subject of this our Commission, and to inquire of and concerning the premises  
by all other lawful ways and means whatsoever: And we will and command, and by  
these presents ordain, that this our Commission shall continue in full force and virtue,  
and that you our Commissioners, or any three or more of you, shall and may from  
time to time proceed in the execution thereof and of every matter and thing therein  
contained, although your proceedings be not continued from time to time by adjournment:  
And we do hereby appoint you the said EPHRAIM LAMEN ZOx to be the Chairman of this  
our Commission: And for your assistance in the due execution of this our Commission  
we do hereby appoint E. C. MARTIN, Esquire, to be Secretary to you our Commissioners,  
and to attend you, and his services we require you to use from time to time as occasion  
may require: And lastly, we direct that you do, with as little delay as possible, report  
to us under your hands and seals your opinions resulting from the said inquiry:  
In testimony whereof we have caused these our letters to be made patent, and the seal  
of our said Colony to be hereunto affixed.*

*Witness our trusty and well-beloved the Honorable Sir  
WILLIAM FOSTER STAWELL, Knight, the Chief Justice  
of our Colony of Victoria, and Administrator of the  
Government of the said Colony, &c., &c., &c., at  
Melbourne, the seventh day of May, One thousand  
eight hundred and eighty-four, and in the forty-seventh  
year of our reign.*

W. F. STAWELL.

L.S.

*By His Excellency's Command,  
GRAHAM BERRY.*

ENTERED on Record by me in the Register of Patents Book 22, page 179, this seventh day of May, One thousand eight hundred and eighty-four.

T. R. WILSON.



# SECOND PROGRESS REPORT OF THE ROYAL COMMISSION ON ASYLUMS FOR THE INSANE.

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*To His Excellency Sir Henry Brougham Loch, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief in and over the Colony of Victoria and its Dependencies, &c., &c., &c.*

MAY IT PLEASE YOUR EXCELLENCY—

Since the date of the Report last presented to Your Excellency we have had under our consideration several subjects that should be dealt with as soon as possible, and we beg to direct your attention to these matters in the following order, viz. :—

## OVERCROWDING IN THE ASYLUMS.

We propose to bring under Your Excellency's attention the subject of overcrowding first. There are, at the present time, about 100 persons in our asylum buildings more than they were calculated to accommodate, taking as a basis of calculation 750 cubic feet of space for each inmate, and this number will be considerably increased at an early date, by natural additions caused by the increase of the population. We contemplated at one time, as a matter of economy, to recommend the conversion of one of our up-country gaols into an asylum for insane persons belonging to the criminal classes. This plan at first appeared to be very feasible, as the gaol accommodation in the colony is far in excess of requirements. We visited the Castlemaine Gaol specially, and the Ararat Gaol incidentally (when visiting the Ararat Lunatic Asylum), for the purpose of ascertaining how far either of those buildings would be suitable for the purposes to which we desired to devote them. After a very short inquiry it was found that it would be impossible to obtain a local gaol, however suitable for the purpose; for these reasons: In the up-country towns, where State prisons exist, the local borough councils obtain the prison labour available at those establishments nearly free from cost. The councils only have to pay the wages of the guards who watch the prisoners during the day at their work. It is needless to point out that local bodies who have the advantage of obtaining prison labour at such a small charge, are strongly opposed to any change that would deprive them of a manifest benefit, and whenever any proposal is made to convert a local gaol into a lunatic asylum, the municipal authorities resist the suggestion. We do not feel called upon, therefore, to propose a course that might provoke a discussion on a subject that was not remitted to us for inquiry or consideration. We

are satisfied, from the inquiries we have made, that one of the up-country gaols could not be converted to any other use than that to which these prisons are now devoted without considerable, if not insurmountable opposition, and we have abandoned the idea.

To get rid of the difficulty of overcrowding, we recommend that Your Excellency's advisers should provide for the erection of an asylum capable of accommodating about 200 or 250 patients; that it should be erected on the Sunbury Lunatic Asylum Reserve, on an economical plan, in a sheltered portion of the ground; and that it should be adapted for the reception of "Queen's pleasure" patients and other persons now insane, against whose names serious offences are recorded.

The advantages of adopting the above suggestions are that such an asylum could be supervised by the present Medical Superintendent at Sunbury. The asylum reserve is large (over 1,000 acres), and is conveniently situated. The reasons for separating this class from other patients are obvious. We make the proposal because it seems essentially necessary to us, in carrying out a proper scheme of classification, that persons of undoubted criminal tendencies should not be associated with others who are inoffensive and deprived of their liberty merely because they are of unsound mind. We are a little afraid that our motives may be mistaken under this head, and, at the risk of taxing your patience, we wish to say that we treat the subject as purely one of classification. We do not wish to ear-mark such an asylum or establish a *régime* within its walls different from that which obtains elsewhere. We are quite prepared to admit that all forms of wrong-doing indicate mental and moral insanity, and that it is impossible to draw the line defining where crime ends and irresponsible madness begins. But, for purposes of classification, we hold that it is necessary that persons who committed serious crimes before they became insane, and persons who have been saved from punitive treatment because it has been found, since their incarceration under various charges, that they are of unsound mind, should be kept apart from others of a less dangerous character. The insane criminal corrupts other patients, many of whom, though partly demented, are painfully aware of the degradation to which they are subjected in having to herd with patients of the convict type. A building to accommodate about 200 inmates would absorb all the patients of the class indicated, and the present difficulty of overcrowding would be surmounted.

#### PRIVATE LUNATIC ASYLUMS.

At this stage of our inquiry we think it necessary to say that it is desirable the Government should make it generally understood that the State will not, in future, sanction the establishment of private lunatic asylums. The existence of such establishments is contrary to a sound system of public policy. That the liberty of the subject should be entrusted to persons who make a profit by the incarceration of others is of itself an anomaly sufficiently grotesque to secure a complete abrogation of a system that has come too far down into the nineteenth century. The case of Weldon *versus* Winslow, familiar to all newspaper readers, is a glaring example of the evils of a system so liable to abuse. The Earl of Shaftesbury, than whom no greater authority exists on this subject, has expressed a very strong opinion in favour of the abolition of private asylums. Your Commission are unanimous in recommending that private asylums shall not be in any way extended; and at a future date we shall be prepared to make a suggestion as to the proper mode of providing accommodation for paying patients.



## CHARGES OF CRUELTY AND MISMANAGEMENT.

In the month of October last, an ex-patient of the Kew Asylum, named E. J. Upham, made a series of statements to the Chairman of this Commission of such a grave character that it was impossible to ignore them. After a careful preliminary inquiry, we felt satisfied that Mr. Upham spoke with the clearness, method, and exactness of a perfectly sane man, and we felt in duty bound to investigate certain alleged abuses he enumerated, and an inquiry was instituted accordingly. Of all the laborious and difficult tasks to perform, that of carrying on an inquiry regarding malpractices in a lunatic asylum is one of the most difficult. The attendants appear to form a solid and unbroken front, while the evidence of the patients is of necessity uncertain, and the difficulty of proving cases of cruelty in asylums is almost insurmountable. We will give some examples of the obstacles to be overcome. A man named Fairley was indicated to the Commission as one of the patients who could corroborate some of the statements made by Mr. Upham regarding the prevalence of cruelty. When Fairley was examined, he spoke in a rational manner, and entirely repudiated the accuracy of a letter written by himself, in which he detailed with considerable emphasis the miserable treatment to which he was subjected in the asylum. An ex-warder named Michael Burke wrote to Mr. Upham as follows:—"Memo. for E. J. Upham, Esq. Sir,—I wish to give evidence before the Lunacy Commission as to the ill-treatment patient John Tyler was subjected to; also, other material evidence concerning the management of Kew Asylum. MICHAEL BURKE. November 10th, 1884." When called upon to make a preliminary statement, Burke refused to give any information about the asylum and its management. We have other similar examples where witnesses appear to have been subjected to some influence that effectually closed their mouths. While dealing with this subject, we feel bound to express our surprise at the grave error of judgment committed by Dr. O'Brien, the Deputy Medical Superintendent of Kew, in examining certain persons examined by the Commission relative to matters pertaining to the inquiry. In our opinion he entirely exceeded his duty, as we consider that persons called by the Commission as witnesses should not be questioned or cross-questioned by any one else, either before or after their examination by the Commission. With such irregularities going on, a proper and impartial inquiry becomes exceedingly difficult, if not impossible. We desire to point out in the next few sentences that some very hard swearing has been perpetrated by some of the witnesses called by us; who the guilty parties are it is impossible to indicate. The contrariety of evidence given by the various witnesses proves beyond a doubt that perjury is common. We have assertion and denial, and oath against oath several times repeated in such a way that it is impossible to account for the discrepancies on the theory that one or other of the parties was mistaken. After going carefully through the evidence, we find that it is so thoroughly conflicting that we are bound to dismiss a large number of charges as unproved. But there are two special cases to which we beg to direct Your Excellency's attention, viz., the cases of Robert Clifford and John Dougherty.

### THE CASE OF ROBERT CLIFFORD.

Several charges were made against this attendant. A patient named John Tyler (now out on probation) gave a very circumstantial account of how Clifford had ill-treated him on his way back to the asylum on one occasion after his escape and re-arrest. Clifford denied on oath that he ever ill-used Tyler; but there is this significant fact in connexion with the case. Clifford was responsible for Tyler's

safe custody, and he was fined one pound for having allowed him to escape. Clifford offered to call a long string of witnesses to prove by inference that Tyler's allegations are untrue. We believe, after discounting much that John Tyler said, that Clifford treated him very roughly. But we do not feel called upon to open up an inquiry which would be long and tedious for the purpose of proving beyond a doubt that Clifford did or did not handle Tyler and other patients roughly. There is a short way of cutting the knot. It is enough for us that Clifford does not "get on with the patients," and that he is a very unsuitable attendant. His record is bad, and Dr. McCreery has named him to us as one of the attendants he would get rid of as unsuitable for the work. From the evidence before us, we are quite sure the Medical Superintendent is right, and we recommend that Clifford's services be dispensed with. Dr. Norton Manning, of New South Wales, in a valuable paper furnished to this Commission, says it is quite a common thing to get rid of sober, well-behaved attendants for no other reason than that "they do not get on with the patients." That, in our opinion, is quite sufficient. One of the main causes of mismanagement and abuse under the present system is that it is next to impossible to get rid of unsuitable attendants. If men in business had as much difficulty in getting rid of officers and servants of unworkable dispositions, the business of life could not be carried on. Boards of inquiry cannot be appointed to investigate the numerous petty complaints with all the necessary formality and delay that is observed in conducting investigations under such tribunals. Some swift, rough justice must be done, and warders and attendants in asylums should be made to feel that they are subject to the conditions of employment obtaining elsewhere—viz., that if they do not succeed in giving reasonable satisfaction, and in doing their work with as little friction as possible, they must give place to others who can and will.

#### THE CASE OF JOHN DOUGHERTY.

The charges made against John Dougherty are two in number, viz. :—Roughly handling a patient named McCauley, who died while he was being fed; and assaulting a patient named Hirst, at the Sunbury Asylum. The evidence relating to McCauley was to the effect that, at the end of March or April, 1883, Dougherty had occasion to bring patient McCauley in from the side airing yard into the mess-room to take his dinner, and that he seized him by the collar of the coat and seat of his trousers and propelled him at a very rapid pace; that, at a later stage, Dougherty and two other attendants fed this patient McCauley by force, and that the compulsory feeding was very roughly done. The patient McCauley, suffering from heart disease, died under the process. An inquest was held, and the verdict was that he died from heart disease. The evidence about the rough handling did not come out at the inquest. The testimony given before the Commission was very conflicting. Warder Trinnear, named by Dennis as one of the witnesses who saw Dougherty bringing McCauley out of the yard at a very rapid pace, denies, point-blank, that he made an exclamation of surprise at Dougherty's rough manner, as alleged by Dennis, and he asserts that no more violence was used than was necessary to bring in an unwilling patient by force. John Moore, another attendant, who, Dennis says, saw the assault, asserts that he was not present at the time, as alleged by Dennis. The evidence of other witnesses who saw the patient being forcibly fed is conflicting. The attendants, and a patient now deceased, deposed that no more force was used than was necessary, while two other patients affirm that McCauley was very roughly handled. With regard to the evidence given by the two patients,



Dr. McCreery said he would attach no credence to it. It did not appear to us that either Wilson or Beck, the two patients in question, gave their evidence with any bias or under any insane delusion. Wilson spoke with a reserve and moderation that was remarkable, and said he had no complaint to make on his own account, as he had been treated "first-rate." If doctors invariably disregarded the evidence of insane patients, their conduct would, at any rate, be consistent. But they rely to a very great extent on what patients say; and, if the testimony of semi-insane people is admissible in any case, we see no reason for discarding the evidence of Beck and Wilson in this instance. They were thoroughly disinterested, and the notion of an insane delusion taking hold of the minds of two patients on one point in connexion with a well-defined set of circumstances, about which there can be no dispute, is too strained and far-fetched to be entertained by reasonable men. We may here mention that Dr. O'Brien, in his evidence before us, acknowledged that he had taken the evidence of a patient, who, in one of his lucid moments, related to him what he had done during an acute attack, or period of mental obscuration. Yet, even after admitting the evidence of the two patients in question, we still have to admit that the volume of testimony is, in bulk, on the side of Dougherty. There is this to remark, however: McCauley died under the hands of Dougherty and two other attendants; and we must further observe that the evidence given by Dennis about the running in, and the evidence given by Wilson and Beck regarding the subsequent rough treatment, stand entirely apart from each other. Dennis knew nothing about what happened in the mess-room, and Beck and Wilson knew nothing of what occurred outside. Yet the two events dovetail as one act in a very sad drama. McCauley was sullen, and had to be brought in from the yard to his dinner. When brought in, he refused to eat, and was made to eat. The use of force is undoubtedly necessary in certain cases, and the whole question resolves itself into this: Did Dougherty and his assistants apply the necessary force in a bad-tempered manner, and did they apply more force than was necessary, remembering that McCauley had heart disease? We can easily understand that the application of force to troublesome patients must often appear to on-lookers like harshness and violence, when, in fact, no more force is being applied than is necessary. But the very temper in which the force is applied makes all the difference in its application and the results produced by it. There are very few patients who are not amenable to gentle influences, good temper, a kind word, and a pleasant laugh. The effect of force applied with a good-natured word or a persuasive remark would make all the difference, even on a sullen and morose disposition such as McCauley no doubt possessed. The difference might mean life or death to the patient. To arrive at a reasonable solution of a difficult case, like the one under review, where the evidence is conflicting, we should be almost entirely guided by the reputation of the party inculpated, and we asked for Dougherty's record. It is as follows:—

LIST OF COMPLAINTS RECORDED AGAINST WARDER J. D. DOUGHERTY.

26th August, 1874.—Being absent from his ward while on duty without leave. Cautioned.

30th and 31st January, 1875.—Insubordinate, and using obscene language to J. E. King. Censured and warned.

9th July, 1875.—Assaulting Attendant John S. Swift on the morning of 9th July, 1875, while in the discharge of his duty. Fined in the amount of two months' salary (£12 10s.).

21st January, 1876.—Not reporting certain bruises on patient's pulse. Cautioned and reprimanded.

14th May, 1877.—Not signing hall porter's book when going out, and for returning to the asylum at night. Cautioned.

31st January, 1879.—Making charges against his superior officer (Dr. Fishbourne) which he could not substantiate, and otherwise expressing himself in a most unbecoming manner in the presence of Dr. Wilson and Mr. Trumble. Charges withdrawn, with regret for having made them. Dougherty seriously censured, and cautioned that a repetition of such behaviour will not be passed over without a strict investigation.

24th July, 1879.—Neglect of duty in being absent from his room at 1 a.m. Cautioned.

20th July, 1879.—Neglect of duty in leaving the asylum after being ordered to bed for medical treatment. Cautioned.

1st August, 1879.—Neglect of duty in sleeping in corridor of hospital ward. Reprimanded and cautioned.

7th August, 1879.—Expressing warm approval of the murder of Mr. Finlayson, late secretary for M. and H. B. Railways, and at the same time using very outrageous language. Cautioned.

We entirely acquit Dougherty from any malicious intention, and can easily believe that he did not for a moment apprehend that fatal consequences would follow. But from the broad fact that McCauley died under his hands, and from the knowledge that Dougherty has a bad temper, we infer that he did not treat McCauley with that consideration which his mental and physical condition demanded. The other charge preferred against John Dougherty, brought by Charles William Greenwood, formerly a warder at the Sunbury Asylum, was to the effect that he (Dougherty) had, while at the Sunbury Asylum, assaulted a patient named Hirst by striking him on the head for having run away. Mrs. Emily Greenwood deposed that she saw the assault, which was a violent one; and Chas. Wm. Greenwood swore that Dougherty admitted to him that he had struck Hirst. Dougherty denied this charge on oath, and called Mr. Wallace, M.L.A., to give his opinion as to Greenwood's reliability as a witness. Mr. Wallace was a member of the Board that sat at Sunbury to inquire into certain alleged abuses at that institution. In the course of the inquiry Mr. Wallace had ample opportunities of forming an opinion as to Greenwood's veracity, and he stated to this Commission that he would accept with extreme caution any statement made by Greenwood. If the proof of this assault rested on the evidence of Greenwood alone, the testimony given by Mr. Wallace would, of course, materially influence our judgment. But the principal witness was Mrs. Greenwood, who saw the assault. Her evidence remains entirely unshaken, and is corroborated by the collateral evidence of Greenwood, who dressed the wound on the patient's head. We consider this case proved, and recommend that Dougherty's services be dispensed with.

With regard to assaults generally, we wish to say that cases of ill-treatment of patients have been altogether too lightly dealt with. The fines imposed in some instances are ridiculously inadequate to the gravity of the offence. In all instances proved, nothing short of instant dismissal should follow as a punishment for the ill-treatment of people who are in the most abject state of defencelessness it is possible to imagine. To palter or temporise with an offender when once found out is only to encourage a most despicable and cowardly form of brutality.

To go back for a moment to the case of McCauley, we cannot help saying that Dennis should, at any and every risk, have spoken out before the coroner and jury when the matter was formally investigated. His excuse to us is that he knew by bitter experience that he would not be able to substantiate his allegations, and that he would be overwhelmed with unscrupulous denial. When this Commission came into existence, he thought there might be some chance of the truth being elicited. We must confess that, as the inquiry proceeds, we have found much to justify Dennis

in his omission of what, under other circumstances, would have been an imperative duty, the neglect of which could not be palliated. The difficulties we have met with are common to all persons engaged in similar work, and will be best explained by quoting from a letter written by Dr. Dick, the present Inspector, in dealing with a case of cruelty :—

“ Department Hospitals for Insane,

“ Melbourne, 17th April, 1884.

“ SIR,—

I have the honour to transmit to you the accompanying papers containing a complaint against of the Sunbury Lunatic Asylum, of having assaulted a patient named on the 1st April.

“ The patient in his statement, which is attached, describes ‘ started to pitch into me ; he struck me about a dozen times with both hands ; my hat fell down, but I can hardly say if I was knocked down, but he was pitching into my ribs all the time.’

“ The head warder, next morning, observing that the patient was unusual in manner and appearance, directed him to remain in his ward until he was seen by Dr. Watkins.

“ The Superintendent expresses his belief that was assaulted by and, on examination, he found a recent mark on his chest.

“ Warder states that he saw strike the patient with his clenched fists on or about the side, when the man fell or lay down on the ground, and it is pointed out by the Superintendent that this witness gave his evidence in a very straightforward manner.

“ admits that he shook the man by the shoulders for a coarse remark he had made about and the who was present, confirms this ; but the similarity of the written statements of and is suggestive of collusion. In any case, such provocation as describes is no excuse for the conduct he is accused of.

“ I have no doubt myself that assaulted the patient, *and as it is rare in such cases to obtain convincing evidence, when it is found, I consider a severe example ought to be made of the offender.*

“ I think that his conduct has shown that he is unfit to continue in a position of trust and responsibility such as he at present occupies. I would, therefore, recommend that he should be reduced to the ordinary warders’ staff, where he would be constantly under the supervision of his superior officers.

“ In my opinion, no alternative other than dismissal would meet this case ; but I would point out that the punishment I have proposed is a very severe one, involving loss of position, of quarters, and an allowance of £55 a year.

“ I have the honour to be, Sir,

“ Your obedient servant,

“ T. T. DICK,

“ Inspector Lunatic Asylums.

“ The Honorable the Chief Secretary.”

It will be seen in this case that the mere volume of evidence was in favour of the accused, but its quality was doubtful. It bore the appearance of collusion. We quite agree with the Inspector, and must say that his experience in this case has been ours to a very large extent. It is undoubtedly true that “ it is rare in such cases to obtain convincing evidence,” and, as Dr. Dick properly points out, “ when it is found, a severe example ought to be made of the offender.”

#### THE SYSTEM OF TENDERING AND OBTAINING SUPPLIES.

Out of the inquiry instituted on the allegations made by various witnesses, the question of the quality of supplies, and the mode of obtaining them, arose, and had to be investigated. We find that the asylums are supplied with articles of food, clothing, &c., of very inferior quality, for which extravagant prices are paid by the Government. The high rates paid by the State for the supplies furnished is due to the defective system in the mode of calling for tenders, and the inferior quality of the articles furnished under contract is owing to the inefficient machinery provided as a check against imposition.

The constitution of the Tender Board is, in theory, about as perfect in its organization as could well be devised. It consists of the heads of the several departments of the Public Service. It is numerically strong, and, by reason of the experience of its members, should be a very powerful and efficient body. But as a check upon contractors, or an agency for procuring cheap supplies, it has utterly failed. The Board do not appear to have regarded themselves as the guardians of the public purse, placed in a position where they were expected to secure for the State the best procurable articles for the lowest market rates. They appear to have discharged their duties in a mechanical and methodical manner, according to precedent, rule, and routine. But they never appear to have acted in their corporate capacity as they would have done in their private capacity on their own behalf. As Mr. Le Cren, the present chairman of the Board put it, in reply to a question, "We have no power to do anything; we only recommend. We merely act to save Ministers trouble." Taking this cramped and contracted view of their powers, they appear to have acted in a purely automatic manner. In making a statement of such serious import as this, we feel called upon to justify it by the narration of facts.

As a mere business transaction, it is as necessary to compare goods delivered with contract sample as it is to obtain a receipt when you pay away money. But, strange as it may appear, the Board have never had a proper set of standard samples. A sample, correctly speaking, is a part and parcel of certain articles or goods which a contractor undertakes to supply. For example: Let us suppose that a thousand yards of cloth is wanted. The department requiring the cloth should give a sample of the article approximating the texture and quality of the goods required. Tenderers then should, in sending in their tenders, forward samples of the cloth they will undertake to supply at the price or prices named in their tender. The sample sent in by the contractor whose tender is accepted should then become the standard sample. Such sample should be identical in every way with the supplies forwarded by the contractor. But this course, as the evidence shows, has not been adopted. The asylum authorities, under the direction of the Tender Board, have furnished and kept their own samples. To any business man, such a course would appear, at the first glance, utterly absurd. Every commercial man knows that, excepting in certain lines and in well-known brands, duplication is impossible. The texture, pattern, and quality of fabrics of all kinds are continually changing, and it is difficult to obtain from year to year *fac similes* of former supplies. All a man in business can do is to give a sample or pattern approximating the article he wishes to obtain. But if the contractor supplies a different article from the sample furnished by the asylum, it is very clear that the asylum sample cannot be a sample of the bulk of the supply. The difference may be in favour of or against the contractor; but as there was a difference from the inception of the contract, the contractor can always vary the supplies to suit his own purpose, and, unless there is a very glaring difference in quality, he cannot be checked. But the case is wholly different when the contractor himself furnishes a pattern or sample of the goods he agrees to supply at a given price. He must be bound by his own sample, just as a man is bound by his own signature.

Incredible as it may appear, this business-like precaution has never been taken. The Department of Asylums for Insane has furnished samples of its own, some of which are twenty years old, and even these obsolete samples have been kept at the Tender Board office, where they were not wanted, instead of at the office of the

Inspector of Asylums, where they were indispensably necessary. Thus, the asylum stewards at Kew and Yarra Bend have been absolutely without samples with which to compare goods supplied, and the Government has been entirely at the mercy of contractors.

To make the matter clear, we will re-state the case in other words: The Tender Board ostensibly had samples at the Tender Board office. Some of these samples, according to the evidence of the secretary, were twenty years old. From a business point of view, and in a commercial sense, such samples were not worth the smallest coin of the realm as a check on contractors, or as a means of comparison. But even this clumsy and illusory safeguard was made doubly abortive from the fact that the official samples—the Board's samples—were kept, not where delivery was taken, but at the Board's office, where they were never used except when fresh tenders were called for; and the Board denied that they were in any way responsible if the supplies were not in accordance with sample. The stewards at the asylum, who are not expected to be experts in all matters, had to trust to their own judgment and the honesty of contractors. Efficient check there was none. For this state of things we cannot help thinking the Tender Board were primarily responsible.

In January, 1878, to the great detriment of the State, the office of Inspector of Stores was abolished. The Tender Board received the following intimation of the fact:—

“ I have the honour to inform you that an Order in Council is in course, cancelling so much of the Stores and Transport Regulations of 1866 as provides for the employment of an Inspector of Stores, and providing for the performance by the several heads of departments of the duties hitherto performed by the Inspector. Mr. Pierce's services having been dispensed with, it will be necessary at once to take steps to provide, as contemplated, for the performance of his duties, as far as the office under you is concerned.

“(Sd.) E. S. SYMONDS,

“The Secretary to the Tender Board.”

“ Under Treasurer.

The 16th clause of the Stores and Transport Regulations provided:—“The delivery being completed, the Inspector shall then and there compare the articles supplied with the approved requisition, and with the samples provided by the contract. If correct, the Inspector shall then certify the contractor's account as to quantity, and that the description and quality of the supply is in accordance with the contract and samples.” The Tender Board, through Dr. Paley, the then Inspector of Asylums, wrote a circular memo. to the various heads of asylums conveying this instruction from the Under Treasurer. Having shunted the responsibility on to the Superintendents of asylums, the Tender Board appeared to think their duty at an end, and never afterwards in any way exercised supreme control over the department in the matter of supplies. The correspondence that subsequently followed betrays the utter business incapacity of the Tender Board. Mr. Davis, the steward of the Kew Asylum, in his evidence said—“I wrote again another letter ‘asking that sealed patterns of every article should be furnished to me for reference and guidance, so that I may be enabled to ascertain whether the different supplies from the contractors have been made in strict conformity thereto. Should any unauthorized deviation from the conditions of contract be observed, I should be enabled to direct the evil to be remedied at once, and thus ensure the utmost accuracy in the supply of the stores required.’ This was referred to the Tender Board by Dr. Paley. ‘I beg to refer this application for the consideration of the Tender Board, as it involves in some measure the interests of the contractors. It seems to me desirable to adopt the suggestion if it can be done without much expense.—(Signed) E. PALEY, 20/8/81.’ The reply is—‘The

Tender Board have instructed me to comply with the within request as far as I can without incurring expense. I therefore beg to refer the attached schedule, which is marked opposite such articles *to sample* as were included in Dr. Dick's estimate for 1881-2, with the view of such of the items being struck as may not be deemed necessary under the circumstances. — (Signed) GEO. LANE, Secretary Tender Board.' ”

The idea of the “expense” entailed in obtaining samples is positively ridiculous. What expense? If any expense had been involved, it must at the outside have been trifling, for articles supplied as samples should still retain their value even after they are no longer required as samples. But let us assume, for the sake of argument, that expense would have been involved. Why should that stand in the way when the importance of the subject is considered? Would a railway contractor dispense with a timekeeper because of the expense? The question of expense is entirely untenable. The present chairman of the Tender Board and his immediate predecessor stated that the Board had no money to pay for samples. But no one will believe that a powerful body representing the whole Public Service of the colony could not have got any funds represented by them as essential to the efficient working of the departments under their control. The real fact of the case was the Board never realized the magnitude and importance of the subject, and they allowed things to drift. As a consequence, contractors have been able to do pretty well as they pleased since 1878, when the office of Inspector of Stores was abolished. Some faint idea of the terrible havoc made with the public funds may be formed from the reports furnished to the Commission by experts employed to value the goods supplied to the asylums :—

## STATEMENT SHOWING VALUATION MADE BY A.

Article.	A's Value.		Prices paid to Contractor.	
	s.	d.	s.	d.
Women's straw hats ... ..	6	0	27	0
Dandy canvas (82), inferior to sample slightly	0	4½	0	7
Chambrey, 30 in. wide	0	5¼	0	8
Jean (245-6)	0	8	0	8
Blue serge (337), very inferior to sample	1	6	2	6
Mole, coloured	1	10	1	9
White mole	2	3	1	10
Print (64-5)	0	4½	0	7½
Scotch twill (85), equal to sample	0	6	0	8
Russian crash (151), fully equal to sample	0	4	0	6½
White serge (342), not equal to sample	1	6	2	0
Huckaback (239), not equal to sample	0	6	0	9
Brown holland (262), equal to sample	0	9½	0	11
Striped linsey (26718), not equal to sample	0	9½	1	5
Grey calico, 54 in. (75), fully equal to sample	0	10½	0	9½
Asylum-made coat	25	0		
Coat supplied to asylum	14	0		
Board's sample coat	18	6		
Another sample coat from Board	13	0		
Table napkins (286)	10	6		
Women's stockings	8	6	10	6
Grey wincey	0	10½	0	11½
Men's socks	4	9	9	0
Woollen shawls	6	6	8	9
White calico (79-80)	0	4	0	5
Osnaberg, 34 in. wide	0	7	0	8½
Russian duck	1	4	1	1½
Damask	2	6	3	0
Flannel, 3-in.	1	6	1	10

## STATEMENT MADE SHOWING VALUATION MADE BY B.

Article.	Valuation.	Price paid to Contractor.
Striped linsey ... ..	0 9	1 6
Straw hat ... ..	1 0	2 3
Canvas, 23-inch ... ..	0 6	0 7
Grey wincey ... ..	0 7	0 11½
Print ... ..	0 3½	0 7½
Grey sheeting, 54-inch ... ..	0 8½	0 9½
Brown holland ... ..	0 6	0 11
Calico, Horrocks', 36-inch, A ... ..	0 3¾	0 5
Flannel, 32-inch ... ..	1 6	1 10
Cotton jean ... ..	0 6½	0 8
Shawls ... ..	7 6	8 9
Scotch twill ... ..	0 6	0 8
White serge ... ..	1 3	2 0
Navy serge... ..	1 3	2 6
Bleached huckaback ... ..	0 6	0 9
Chambrey (brown) ... ..	0 6	0 8
Osnaberg, 34-inch ... ..	0 6½	0 8½
Russia crash ... ..	0 6	0 6½
Grey calico, 36-inch ... ..	0 4¾	*

\* The 36-inch Russia duck was most likely imported specially for contract work. We have never kept one wider than 27 inches; price, 11d. per yard.

## STATEMENT SHOWING VALUATION MADE BY C.

Article.	Valuation.	Price paid to Contractor.
Shepherd's-plaid shawl ... ..	8 6	8 9
Men's coloured socks ... ..	5 9 per doz.	9 0 per doz.
Women's stockings ... ..	9 0 "	10 6 "
Striped linsey ... ..	0 9 per yard	1 5 per yard
8/4 damask, slightly inferior to Board's sample ... ..	1 8 "	3 0 "
Coloured mole ... ..	1 7 "	1 9 "
Osnaberg, 34-in. wide ... ..	0 9 "	0 8½ "
Chambrey (or brown derry), 30-in.... ..	0 5 "	0 8 "
Huckaback, 21-in. (linen) (very inferior to sample) ... ..	0 5¾ "	0 9 "
Bleached calico ... ..	0 3¾ "	0 5 "
Grey wincey or linsey, 32-in. ... ..	0 6½ "	0 11½ "
Flannel ... ..	1 5 "	1 10 "
White moleskin (inferior to sample) ... ..	1 6½ "	1 10 "
Russian crash (contractor's sample better than Board's) ... ..	0 5½ "	0 6½ "
Blue serge, 33-in. (contractor's sample inferior to Board's by 3d. per yard) ... ..	2 0 "	2 6 "
Calico, 54-in. ... ..	0 8 "	0 9½ "
Jean, 27-in. ... ..	0 5½ "	0 8 "
Holland (brown) ... ..	0 8 "	0 11 "
Scotch twill ... ..	0 7 "	0 8 "
Print, 32-in. ... ..	0 5 "	0 7½ "
White serge, 30-in. ... ..	1 9 "	2 0 "
Dandy canvas, 23-in. ... ..	0 5 "	0 7 "
Table napkins ... ..	14 0 per doz.	
Russian duck ... ..	no price	1 1½ "
Women's straw hats ... ..	6 0 per doz.	27 0 per doz.
Asylum-made coat (thoroughly good) ... ..	27 6	
Coat supplied to asylum ... ..	16 6	
Coat (221) (1879-80) ... ..	16 6	
Board's sample coat (240) ... ..	21 0	

The valuations made by experts also show that the tea, coffee, sugar, and tobacco supplied are very inferior to contract agreement. No better proof could be given of the extent to which the State has been imposed upon than that which we have in the evidence of the secretary of the Tender Board. He compared, in the

office of the Commission, samples of articles supplied with the standard samples of the Tender Board, and the articles supplied were so decidedly inferior to sample that Mr. Lane said he would hardly have passed any one of them. We should have been surprised had he expressed himself otherwise.

We feel called upon here to state that Mr. Lane, in giving his evidence before the Commission, was guilty of great prevarication.

Another error of judgment has been committed in calling for tenders comprising an enormous variety as well as a large quantity of articles. This system has enabled those who are in the secret to manipulate tenders in such a way that, while they were apparently the lowest, they were, in fact, higher than other tenders that were rejected. The plan adopted has been to set down very low rates for articles for which the demand is small, while heavy charges are made for articles largely in request.

From the evidence taken by us, we feel convinced that the present system of obtaining supplies has entirely broken down, not so much owing to the defective constitution of the Tender Board, but because the members of the Board took a cramped red-tape view of their duties, and were wanting in that business knowledge required for such work. In theory, the composition of the Board is perfect; in practice, it has been a complete failure, as far as the lunatic asylums are concerned. The application of these remarks applies with double force to the present Inspector of Asylums and his immediate predecessor. Dr. Dick is a member of the Tender Board in virtue of his position as head of the Lunacy Department, and Dr. Paley occupied the same position. It is obvious that any man of force of character holding this dual position could have corrected a glaring abuse such as we have pointed out. Had Dr. Dick realized the gravity of the question, he could have gone to the Tender Board and insisted on proper precautions being taken to prevent imposition on the department of which he was head; but he does not appear to have used the large powers he possessed. It is our duty to mention that Dr. Dick made a passing reference to the subject in a report furnished by him to this Commission; but his suggestion does not touch the real difficulty. He also stated in his evidence that he was under the impression that the whole question of supplies had been left in abeyance pending the recommendations to be made by this Commission. This excuse for inaction is totally inadequate. The fact was, and the Inspector should have known it, that there were no samples at the asylums by which to compare goods delivered. It was a question of paramount importance that persons taking delivery of goods should have had a proper set of samples at their disposal. The expense of obtaining samples would have been trifling, and the whole difficulty would have been overcome by the application of a little determination and energy.

We recommend that, as far as the asylums are concerned, the Tender Board should be abolished; that the duty of procuring supplies should be taken in hand under the direct supervision of the Chief Secretary, the political head of the department; and that, in calling for tenders, the Government should not only subdivide the supplies wanted into a large number of heads, but should reserve to itself the right of accepting certain items and rejecting others. By adopting this system, every article would be tendered for in a *bonâ fide* and legitimate manner, and the area of competition so vastly extended that there would be a pretty sure guarantee that the asylums would be honestly and well supplied. And, above all, it should be made a *sine qua non* that every tenderer should furnish a sample of the goods he will supply at the



prices named in his tender. The samples of the accepted tenders should be sealed and kept as a check on the contractor, and placed under the supervision of the officers receiving supplies.

### MISCELLANEOUS MATTERS.



In the statements made to this Commission by various witnesses, several matters of minor importance have been brought under our notice, but they have not received careful examination, for the reason that we regard them as subjects coming properly within the domain of the Inspector. There were allegations regarding breaches of discipline and irregularities in the treatment of Government property that an efficient system of management and inspection would correct; and, to make the least disparaging remark possible, we think that it would be easy to improve on the present system of inspection. If it is not superficial and perfunctory, it wears the aspect of general laxity and freedom from rigid rule. We will give some examples:—

Dr. O'Brien, the Deputy Medical Superintendent at Kew, admitted in his evidence to this Commission, in reply to questions, that he had excised a cancer from the lower lip of one of his patients soon after he went to the asylum. It is generally admitted that cancer is very hard to eradicate, and that, if the growth is excised from one part, it is likely to soon reappear in another. Yet, in face of this, the patient operated upon (a man named Johnston) was allowed to contract another growth under his chin unobserved. The newly-formed cancer made itself apparent by bursting one day when Johnston was in the bath. Dr. O'Brien made the excuse that it was impossible to find the cancer because the man grew a large beard. But that surely is no valid answer to the question. After the operation, the man should have been carefully watched, with a view of seeing that no new growth formed.

Another example of unskilful management is afforded in the case of an assault inflicted by a patient named Franklin on another patient named Rand. Franklin is one of the most dangerous patients in the Kew Asylum. Yet he was allowed an opportunity of assaulting Rand with a piece of iron fencing wire. The effect of the blow was to produce a scalp wound that left a scar some considerable time afterwards. Dr. McCreery and Dr. O'Brien gave it as their opinion that the assault was not a serious one. We offer no opinion as to whether the assault was serious or not, because so much depends on results and the meaning attached to words. But we are quite sure that it was more by chance than good management that the assault did not turn out seriously. The illogical part of the treatment was shown to be that Franklin was not put under restraint for several days after the assault. If it was necessary to put him under restraint at all, he should have been put under restraint at once. If not at once, why was he put under restraint at all? But, even after this warning, Franklin managed to assault another patient by throwing a brick or stone over a dividing fence. The missile struck the assailed patient on the head, and the wound had to be sewn up. This was effected by Franklin owing to his being able to slip his hands up under his camisole. Some little time afterwards, Franklin secreted a knife on his person, and, when left out in the airing yard he cut his camisole and released his hands. In commenting on this case, Dr. Dick said that, if the non-restraint system was to be carried out, some risks must be run. Very true. We, in common with most other people, approve of the non-restraint system. But

the managers of asylums must be judged by results; and if their management allows dangerous patients to commit acts of violence at frequent intervals, the management must be bad; not the non-restraint system. The worst management in the world can be explained away by bad excuses, and we think the explanations given in the case of Franklin are unsatisfactory. The Commissioners of Lunacy in England, in their various reports, insist on one or other of the three following conditions in the treatment of dangerous and suicidal patients, viz.:—That they shall be either under mechanical restraint, isolated, or under effective personal control. Such rules commend themselves to one's common sense.

At the end of last year a patient named Murray, who was taken to the races for an outing, escaped from custody. When we examined Dr. McCreery about this patient he said Murray was a quiet, harmless patient. The record and description of the patient forwarded to us in a return states that Murray was reported at one time to be dangerous, but that he was, as far as the doctor had seen, quiet and harmless. The transfer ticket that accompanies a patient when he is being transferred from one ward to another describes Murray as "suicidal and dangerous." These tickets are made out for the information and guidance of the warders, and it is easy to see how valuable they must be if quiet, harmless patients are described as "dangerous and suicidal," and *vice versá*. But we think we have ground for serious complaint in this: The record describing the patient and his general condition makes no record of his escape from the asylum, though such information was asked for by us. The paper describing the patient was written after Murray's escape. If the return furnished is not more accurate in other particulars, it has not been prepared with that care and attention which Your Excellency's Commissioners have a right to expect; and we do not think that such a grave omission would occur in any establishment where anything like proper discipline is exacted.

During our recent investigations, one of the questions brought under our immediate attention was an allegation made by an ex-patient, Mr. E. J. Upham, to the effect that he had been improperly committed to and retained in the Kew Asylum. We have not investigated the matter with the view of ascertaining whether Mr. Upham was wrongfully committed to a lunatic asylum, because it is an issue we think should be tested in a court of law, if it is worth trying at all. With regard to Mr. Upham's retention in the asylum, we express no opinion at present, as that and cognate considerations will have to be dealt with at a future date. We are clear on this point, however: Mr. Upham had the utmost latitude and freedom allowed him, and he could, had he desired to do so, have taken steps to be brought before a judge under a writ of *habeas corpus*. As he took no steps to procure his own liberation, though he had a tolerably fair opportunity of doing so, we take it for granted that he was not a very unwilling prisoner.

Another case investigated by the Commission was that of the alleged ill-treatment of a patient named Mackinlay, at one time an inmate of the Kew Asylum. The father of the patient, David Mackinlay, deposed that, when he went to the asylum to see his daughter, he found her in wretched bodily condition, that she was badly nourished, ill-clad, and very dirty. Her state was such that he deemed it his duty to remove her at once from the asylum. He sent his wife to secure the release of his daughter, and Mrs. Mackinlay made a statutory declaration, corroborating the statement of her husband as to the neglected condition her daughter was in when at

the asylum. These allegations were met, on the part of the attendants, by point-blank denials, which make it a matter of impossibility for the Commission to fix the responsibility on any one or more persons in the asylum; but we are clearly of opinion that the charge made by Mr. Mackinlay was not without foundation.

We recommend that the undermentioned additions and improvements be made to the various asylums :—

**Yarra Bend Lunatic Asylum :**

- New central kitchen at rear of offices to be erected.
- Lower kitchen to be converted into a mess-room.
- Upper kitchen to be converted into a ward.
- New laundry to be erected, with fittings complete.
- Gas and fittings throughout the asylum.
- General overhaul of the drainage system.
- Additional bathing accommodation.

**Kew Lunatic Asylum :**

- Hot water supply to baths to be improved by erection of new steam boiler.
- New ropes for window weights where required.
- Drying closet for laundry to be erected.

**Sunbury Lunatic Asylum :**

- General improvement to drainage system.
- Improvement of water supply and repairs to reservoir.

Other improvements in addition to the above have been recommended to us by the Inspector of Asylums, but we do not think they should be proceeded with until we have had an opportunity of considering a complete scheme of improvement.

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## SUMMARY OF RECOMMENDATIONS.

(1.) That a building be erected for the reception of "Queen's pleasure" patients and others in a sheltered portion of Sunbury Lunatic Asylum Reserve, on an economical plan, to contain about 200 or 250 patients.

(2.) That private Lunatic Asylums be in no way extended.

(3.) That the services of Robert Clifford and John Dougherty, attendants at Kew Asylum, be dispensed with.

(4.) That, as far as the asylums are concerned, the Tender Board should be abolished; that the duty of procuring supplies should be taken in hand under the direct supervision of the Chief Secretary, the political head of the Department; that, in calling for tenders, the Government should not only subdivide the supplies wanted with a large number of heads, but should reserve to itself the right of accepting certain items or rejecting others; that every tenderer furnish a sample of the goods he will supply at the prices named in his tender; that the sample sent in with the accepted tender be sealed and kept as a check on the contractor.

We beg to remind Your Excellency that in our First Progress Report we made a series of recommendations of which the following is a summary :—

(1.) That the office of the Master-in-Lunacy as at present constituted be abolished.

(2.) That the judicial functions of the Master-in-Lunacy be conferred by the Attorney-General on some competent officer.

(3.) That the maintenance moneys be collected by the clerks in the various asylums, under the direction of the Medical Superintendents.

(4.) That the care of trust moneys and property belonging to lunatics be handed over to the Curator of Intestate Estates.

(5.) That the Medical Superintendents be invested with supreme control in the asylums under their management, with power to engage and dismiss all attendants, nurses, and servants, and to nominate the chief attendant, matron, and other officers, the power of appointing the latter resting with the Chief Secretary, who shall also appoint and dismiss all superintendents and deputy superintendents.

(6.) That officers dismissed by the Chief Secretary shall have the right to demand an inquiry by the Public Service Board, and that attendants, nurses, and servants dismissed by the Medical Superintendents shall also have the right of appeal to the Public Service Board ; and the said Board shall, when the members thereof see fit, order any appellant to deposit a sum equivalent to the cost of the inquiry asked for.

(7.) That the Inspector shall not be Superintendent of any asylum.

(8.) That the boarding-out system be adopted under rules and regulations to be framed by this Commission and sanctioned by the Governor in Council, who shall have power to alter, amend, or rescind the same from time to time.

(9.) That power be given to Medical Superintendents to refuse admission to persons they may regard as unfit subjects for treatment in a lunatic asylum.

(SEAL)	E. L. ZOY, Chairman.
(SEAL)	HENRY BELL.
(SEAL)	D. M. DAVIES.
(SEAL)	D. C. STERRY.
(SEAL)	C. R. BLACKETT.
(SEAL)	R. E. JACOMB.
(SEAL)	R. D. REID.
(SEAL)	C. M. OFFICER.

E. C. MARTIN, Secretary.