

1877.

NEW ZEALAND.

CHARGES MADE BY THOMAS BUTLER, LATE KEEPER, NELSON LUNATIC ASYLUM

(REPORT OF ROYAL COMMISSION APPOINTED TO INQUIRE INTO, TOGETHER WITH EVIDENCE).

Report ordered to be printed 14th November, 1877.

TO HIS EXCELLENCY THE MOST NOBLE THE MARQUIS OF NORMANBY, P.C., G.C.M.G., GOVERNOR
OF NEW ZEALAND.

MAY IT PLEASE YOUR EXCELLENCY,—

Upon the receipt of your Excellency's Commission, bearing date the 28th day of August last, and in exercise of the powers which your Excellency was pleased to confer upon us thereby, we gave notice to all parties interested, and we fixed the 6th day of September, 1877, at 11 o'clock in the forenoon, as the day and hour, and the Nelson Lunatic Asylum as the place, for holding our inquiry.

We have now the honor to submit the following report, upon which we have agreed after maturely considering the evidence:—

That Mr. Butler, the late Keeper of the Asylum, Dr. Boor, the Medical Officer, and Mrs. Kenny, the Matron, attended at the time and place appointed.

That Mr. Butler expressed a wish to be represented by counsel, and a similar privilege being thereupon claimed by the Medical Officer and the Matron, we decided to allow all parties to be so represented.

That we adjourned to the following day at the Resident Magistrate's office, when Mr. Butler attended with his solicitor, Mr. Bunny, and the Medical Officer and the Matron were present with their solicitor, Mr. Pitt.

That we have examined fifteen witnesses, and admitted certain documentary and other proof. The evidence taken and the exhibits are forwarded herewith.

That the inquiry lasted several days, and we have endeavoured to make it as thorough and searching as possible.

That it is proved that the charge "that the Matron had on two occasions procured her own miscarriage" is destitute of truth, and there never was any reason to justify Mr. Butler in suspecting anything of the sort.

That the charge "that the Medical Officer and the Matron had been guilty of improper familiarities" is a wilful and malicious falsehood.

That the petitioner, Mr. Butler, had, whilst Keeper of the Asylum, on one occasion attempted improper familiarities with the Matron, which were promptly resented.

That on another occasion, Mr. Butler, whilst Keeper of the Asylum, is proved, partly by his own admission, to have indecently assaulted the Matron.

That the Matron thereupon threatened to report him, and only desisted on receiving an apology and promises of future good behaviour.

That foiled, in his attempts upon the Matron, and actuated, in our opinion, by a spirit of jealousy and revenge, and also by a desire to get the Matron's situation for his own grand-daughter, Mr. Butler persecuted the Matron with vague threats of bringing disgraceful charges against her, and of dismissal, unless she resigned.

That the Matron refused to resign, declaring, "She had done nothing to be ashamed of."

That we forwarded the bottle marked A to Dr. Hector, in order that the contents might be properly analyzed, and Mr. Skey's evidence fully sustains Dr. Boor's statement, and the opinion of Dr. Bligh, that it would be found to be "Belladonna liniment," without the slightest trace of ergot.

That we do not attach the slightest importance to the question of whether ergot was being taken by the Matron or not; because it is proved by the medical evidence that it would have no effect under the circumstances in bringing about what Mr. Butler charges; and that it would have been a very suitable and proper medicine for her to have taken in her then state of health.

That as a matter of fact the Matron was not taking ergot.

That had ergot been found in the Belladonna liniment, it would simply have been evidence that Mr. Butler or Mr. Tatton had put it there.

That bottle A was, when first produced, at once recognized by Mr. Butler, and admitted by him to contain part of the fluid he had removed from the Matron's room, and some of the same liquid he had given Tatton to analyze. After, however, hearing the medical testimony, Mr. Butler expressed a wish

to qualify his former statement by stating that “the liquid was the same, unless it had been tampered with by the Provincial Executive.”

That Mr. Tatton was pressed on his first and second examinations to produce the bottle in which the liquid given him by Mr. Butler had been contained; but he made unsatisfactory excuses. At last, on a third day, he came with the bottle marked T, which he swore positively was the bottle given him by Mr. Butler, in September, 1876, and the drop of liquid still left in the bottle was some of the same as was in it then. The moment Mr. Tatton produced this bottle we and others remarked a very strong smell of ether. Yet Mr. Tatton persisted that this bottle had been lying for a long time unsealed and badly corked in one of his cupboards. We believe that Mr. Tatton had himself, since the commencement of our inquiries, fabricated this piece of evidence. Mr. Butler refused to identify this bottle.

That we have also had the contents of the bottle O examined by Mr. Skey. This is the bottle from which the liquid given to the Provincial Government and Mr. Tatton was originally taken. Its contents are proved to be the same as those of bottle A. Mr. Skey has also examined bottle T; the contents are different to bottles A and O, confirming our opinion that Mr. Tatton made up this piece of evidence for the occasion

Mr. Tatton made such evident misstatements in other parts of his evidence that we think him a person quite unworthy of belief.

That Mr. Butler, in his letter marked N, to which we direct special attention, retracted and apologized for all his charges. This letter he subsequently withdrew. The only reason for its withdrawal being, apparently, that it might injure his claim to compensation.

That the evidence of Mr. Butler is proved, by comparing his evidence with his letters, to be generally untrustworthy, and in some respects deliberately false.

That on his dismissal Mr. Butler received from the Provincial Government six months' pay, as compensation, in lieu of notice.

That the said Thomas Butler was not “unwarrantably and unjustifiably dismissed,” but was rightly and properly removed for knowingly making scandalously false charges, and for the gross immoralities of which he is proved, partly by his own admission, to have been guilty.

That with regard to the allegation in his petition “that certain goods are detained by the Government,” we have no proof of this, but the law affords Mr. Butler a simple and easy mode of obtaining his chattels from any one unlawfully detaining them.

That we are firmly of opinion that the charges made by Mr. Butler are completely disproved; that the Medical Officer and the Matron are fully exculpated; and there is not a vestige of an imputation resting upon their fair fame. We further desire to express our regret that persons of unblemished repute should have been so wantonly exposed to pain and annoyance.

Given under our hands and sealed with our seals, at Wellington, this 20th day of September, 1877.

(L.S.)
(L.S.)

FRED. W. SKAE.
LOWTHER BROAD.

By Authority: GEORGE DIBSBURY, Government Printer, Wellington.—1877.