

1904.
NEW ZEALAND.

SUNNYSIDE ASYLUM

(DEPARTMENTAL INQUIRY INTO ALLEGED GRIEVANCES OF ATTENDANTS AT THE).

Laid upon the Table by the Hon. Mr. Hall-Jones, with the Leave of the House.

REPORT ON THE CASES OF THORNTON, KENNEDY, AND DAVIS.

SIR,—

Christchurch, N.Z., 12th September, 1904.

I have the honour to report that, acting on the authority of your letter of the 2nd September instant, authorising me to obtain all the information I legally could regarding the cases under mentioned, and to report the same to you with my conclusions and recommendations, I have obtained all the information it was possible to procure in the cases referred to, having examined all persons whose statements were tendered by the Medical Superintendent and those otherwise concerned in the inquiry.

The case of the baker, Davis, is to some extent mixed up with that of Kennedy—both men are charged with being “untruthful and untrustworthy”—while the case of Thornton stands apart, being a charge of “improper treatment of a patient.” The inquiry being a departmental one, the evidence could not be taken on oath.

IN THE MATTER OF THE DISMISSAL OF ATTENDANT THORNTON.

Thornton was dismissed by the Superintendent on the grounds that he had ill-treated a patient—viz., ———. The evidence in this case is purely circumstantial, but is of the strongest possible character. Thornton slept in a room exactly over that of the patient ———, and was disturbed during the night by ———’s restlessness. Early on the following morning he was seen by the Head Attendant Newport to leave ———’s room, and in passing the night attendant at that moment he (Thornton) said that he had “had no sleep through that noisy bugger ———.” He had no business to be in ———’s room; his duty was (if he desired to enter it) to call the night attendant in whose charge ——— was. Thornton, in his statement, says that ——— was knocking at his room-door, asking to be let out. Thornton did not make that statement to the Superintendent when questioned by him on the subject, but said he “went there out of curiosity,” nor did he make any such statement when he passed the night attendant in the corridor immediately after leaving ———’s room. It is proper to say that Thornton denies having used the expression “bugger.” About a minute after Thornton had left ———’s room the Head Attendant and Attendant Stevens went in and found ——— in a state of collapse, lying across the bed on the floor, and the room in disorder. Five minutes before that the Head Attendant had visited ———’s room, and had seen him lying quietly in his bed and the room not disordered.

In concluding that the case against Thornton is fully proved, and that therefore he was properly dismissed, I do not attach the slightest weight or importance to the statement of ——— that Thornton had ill-used him.

IN THE MATTER OF THE SUSPENSION OF ATTENDANT JOHN KENNEDY.

During the investigation of this case it became apparent that a much larger issue than his suspension was to some extent involved—viz., the alleged grievances of a large majority of the male attendants of the Asylum. The scope of the inquiry which I was authorised to make did not include the investigation of those grievances. I have, therefore, not touched upon them, except in so far as they are, so to speak, interwoven with the particular case under consideration.

It appears from the statements made by nearly all the witnesses called—as well by the Medical Superintendent as by Kennedy—that a very large majority of the attendants at the Asylum are, and have been for a long time, dissatisfied with their position as regards their pay and hours of

work. Many of the witnesses also stated that they are dissatisfied with the administration, and feel a "sense of insecurity" as regards their position, which has apparently been accentuated by the agitation culminating in the signing of the various petitions referred to in the evidence. And it is the connection of John Kennedy with this agitation, and his actions and statements with reference thereto, that form the subject of this inquiry so far as he is concerned.

The case of Davis (the baker) is to some extent mixed up with that of Kennedy, both men being charged with being "untruthful and untrustworthy."

The question as to whether these attendants and employees at the Asylum are within their rights in approaching members of Parliament, getting up and signing petitions and round-robins for the redress of their grievances, is one upon which I am not called upon to express an opinion. But it seems very clear to me that an agitation such as the one disclosed in the evidence attached is calculated to have a most injurious and prejudicial effect upon the strict discipline which it is of the first importance to preserve in an asylum. A very large majority (twenty-two out of twenty-six) of the attendants on the male side are in a state of unrest; and should this state of things continue the authority of the Superintendent must be very considerably weakened. Both he and the attendants will be hampered in the discharge of their several duties, and the result must be detrimental to the well-being and comfort of the inmates of the institution—a matter before which all other considerations sink into insignificance. This being the case, if it can be shown that any person has made himself unduly prominent, either by fomenting such an agitation, or, by reason of his seniority in the Asylum, has attempted to exercise influence over those junior to himself, or has made false statements or misrepresentations to his superior officer regarding any such agitation, then that person should at once be removed from his sphere of influence; he is a standing menace to the well-being and proper working of the institution.

The conclusion at which I have arrived from the evidence before me is that John Kennedy is such a person, and that his suspension should be followed by his services being dispensed with.

Whether the attendants were justified or not in approaching members of Parliament with the view of redressing their grievances, it is quite clear that Kennedy had doubts on the subject, because he denied to the Superintendent that he had approached or interviewed any member of Parliament on matters concerning the working of the institution; whereas, in truth and in fact, he with others had done so. This justifies the charge of the Superintendent that he was "untruthful and consequently untrustworthy." Kennedy himself says, "I did not admit going to members, because I had the impression that I was being made a scapegoat over the whole matter."

It is further alleged that Kennedy was untruthful as to his visit to the bakery. I will deal with that in considering the case of the baker.

As regards Kennedy's untruthfulness in denying his interviews with members of Parliament, it seems to me if the Superintendent is to be hampered in his management of the institution by the falsehoods of those in a position of responsibility, whom he should be able to trust, it is a very serious matter, more especially in this instance where he was trying to get to the bottom of an agitation which was seriously undermining his position and his authority.

It appears from the evidence that the agitation took the form of informal meetings and conversations, in the course of which Kennedy was elected as secretary; that he drew up these petitions—as he says, "formed them and pieced them together with the approval of the other attendants" (*vide* page 15 of evidence); that most of the signatures were obtained at his instance and under his supervision; and although the attendants called by him strenuously support him in the action he took—I cannot blame them for their loyalty in that respect—I am satisfied that he, so to speak, engineered this agitation and was the moving spirit in the whole matter.

As I have said before, he must have known that his actions and the actions of those who followed him were inimical to the welfare of the institution, because he lied to the Superintendent when taxed by him with having fomented this agitation. The position of seniority in which he was placed only renders his conduct more reprehensible. He should have known, and no doubt did know, that the ordinary and proper course of procedure was to approach the Minister through the Superintendent. There would then have been no necessity for secrecy, or double-dealing, or lying on his part.

IN THE MATTER OF THE DISMISSAL OF CHARLES EDWARD DAVIS, BAKER.

The suggestion here is that an article appearing in the *Lyttelton Times* on the duties of the baker was the result of an interview between Kennedy and Davis in the bakehouse; and it is further suggested that both Kennedy and Davis have been "untruthful" in their statements to the Superintendent when questioned as to the visits of Kennedy to the bakehouse. There is really no evidence bearing on this matter excepting the statements of the parties themselves, and I think it probable that there was more misunderstanding than lying as regards the occurrence. There is certainly no evidence to bear out the suggestion that the information obtained by the *Lyttelton Times* was supplied either by Davis or by Kennedy. Both parties agree in the statement that Kennedy went there (to the bakehouse) to borrow a lead pencil, and it is impossible to prove that it was not so.

The Superintendent states that one ground for the dismissal of Davis was that he was "unsuitable." As regards that, the Superintendent is, no doubt, on the whole, the best judge; but he (the Superintendent) says (page 16 of evidence) that "the bread is better now." Possibly it may continue to improve if the baker should be reinstated, which course I beg to recommend.

I attach to this report three copies of the evidence and statements made to me, also the documents and papers referred to during the investigation, and two carbon copies of this report.

The Hon. Mr. Hall-Jones, Wellington.

I have, &c.,

RICHMOND BEETHAM.

MINUTES OF EVIDENCE.

THE CASE OF RICHARD THORNTON.

WEDNESDAY, 7TH SEPTEMBER, 1904.

DR. LEVINGE examined.

Mr. Beetham (to Dr. Levinge): This man Thornton has been dismissed by you, and now appeals to the Minister to give him an opportunity of reinstating himself. Perhaps it would be better to justify your dismissal of the man and let him make his statement. Please state your reasons for dismissing Thornton.

Dr. Levinge: Shortly, I discharged him on the statement made to me by the Head Attendant [Statement produced, marked A] which conveyed to me that he had been guilty of ill-treatment of a patient. These are the facts in this statement, and they are in evidence now.

(To Mr. Beetham): I received this report from the Head Attendant and investigated the matter. I examined Thornton, and he made any statement he desired.

Dr. Levinge (continuing): I asked Thornton why he went to the patient's room at all at that particular hour of the morning (about a quarter to 6), when the patient was still under the charge of the night attendant, and also why he went near the patient as he was not connected with that ward. He said the patient had been noisy and kept him awake, and that he went to see what was the matter. On pressing him, he said he went out of "curiosity." Thornton says in that letter that I gave him no opportunity of knowing the evidence. He knew the evidence perfectly well. I did not hand him that paper [the statement produced], but I examined him on the subject of why he went to the patient's room. I did not hand him the paper, as I say, but I told him what he was charged with. He protested he had never ill-treated any one, which led me to believe that he knew what he was charged with.

Mr. Thornton: I do not wish to put any questions to Dr. Levinge except as to character.

Dr. Levinge: Well, I have nothing else against you.

Dr. Levinge (continuing): I would like to say that he protested his innocence, and I said, "Well, if you are an innocent man, sue me for a month's salary as others have done." He said, "I would not do that; I am an ignorant man." "Well," I said, "if you do not want to do that, you can appeal to the Inspector or to the Minister." He then asked me for a testimonial, but I said, "No, not until you establish your innocence."

Mr. Thornton: This account of the matter is quite correct.

The Head Attendant's report was then handed to Mr. Thornton for his perusal before putting any questions he wished to ask.

Dr. Levinge (to Mr. Beetham): Thornton might pass through the ward; there is no regulation on the subject except that patients are in charge of the night attendant. He had no business to see the patient in the ordinary course of things, but there is no regulation to the contrary.

Mr. Beetham asked if the patient ——— was capable of giving any statement, but was informed by both the doctor and the Head Attendant that he was very rowdy at the time, and not capable of making any rational statement.

EDWARD NEWPORT, Head Attendant, examined.

Witness (to Dr. Levinge): I came into the building on the morning referred to before the regular hour for coming on duty. I slept in the building all night, and started on my rounds at 5.40—started in D Ward. I should think I got into the ward about 5.50. I went into ———'s room. I opened the door, and saw he was comfortably in bed. There was just a little urine on the floor at the foot of the bed. I spoke to him; said "Good morning," and he answered. I went about 4 chains further down the ward—five doors on. When I got to the day-room I noticed that ———'s room-door was open; it was not open when I left. I saw Thornton come out of the room; I was standing behind the door when he came out.

Mr. Thornton: I admit I came out of the room.

Witness (to Dr. Levinge): Thornton did not see me; he had no business there. There were about twenty attendants on duty, and if he had wanted any assistance it was his duty to see the night attendant in D Ward. He had no business there whatever. He had nothing to do with that ward at all. To pass the patient's door in going from where he slept he would have to go out of his way. When Thornton saw me, he came out of ———'s room, locked the door, and said (in passing the night attendant, about three yards away), "I have had no sleep all night through this noisy bugger ———." Then Thornton took his teacup from the attendant, and ran along into D Ward. Stevens (the attendant) did not see Thornton coming out of the patient's room. I did not hear him tell Stevens he was in the patient's room.

Mr. Thornton: I did not tell the charge day attendant that I had been in the room. I did not tell anybody.

Witness (to Dr. Levinge): About one minute after Thornton had left the room, I went in with Attendant Stevens. We found the patient lying across the centre of his bed in a state of collapse. Not more than five to seven minutes elapsed between the time I saw him first and the second time. The bedclothes were disarranged, and there was urine strewn all over two-thirds of the floor.

Dr. Levinge (to Mr. Beetham): I do not think the patient is suffering in such a way that the condition of the room might be accounted for by his being disturbed. I do not think there was any physical cause to account for the room being in that state.

Witness (to Mr. Thornton): I have known the buckets and mops to be taken through to F Ward; it ought not to be done. I have never seen you going through to look for buckets and mops. I have not known this patient hammer his door at night-time with his chamber. As to

the fact, I would take the report of the night attendant. I do not remember your ever losing your temper in dealing with a patient, or ill-using a patient. You got on ordinarily well with the patients. Patients have made charges against every one, doctors and all, which are entirely devoid of foundation. The room is not a padded room. The night-book shows that this patient was noisy and restless all night. I have seen patients quite worn out with one night's unrest, and others who could carry on for three or four days. I do not think this patient was worn out; he had two good nights before. This patient has never asked me for brandy. I do not know what he has asked other attendants. He did not identify you at all. The rules state that no attendant is allowed to enter into a struggle with a patient. It is a recognised thing that attendants are not to go to patients' rooms; I do not know whether or not there is a rule. If a patient is making a strange noise, an attendant would have a right to open a patient's door, but not without first getting another attendant—the night attendant in charge in this instance.

(To Mr. Beetham): He should go to the night attendant in charge, and not go himself.

(To Mr. Thornton): I do not think five or six years' experience qualifies a man to look into a patient's room; he should go to the night attendant in charge. I do not think the filth, &c., in front of the door showed that the patient had been knocking about; you might have gone in in the dark yourself and kicked the chamber over. It is often the case that a patient gets knocked about without one's being able to account for it. If you wanted to abuse the patient, I think you chose the best possible time.

Dr. Levinge (to Mr. Thornton): The patient has had bruises on him from time to time—bruises for which you are not to blame.

Witness (to Mr. Thornton): This patient was in the habit of making various charges. It has never been reported to me that he has attacked attendants with his chamber. I believe you were in the building that night—the 6th August. I do not remember Chapman mentioning that this patient had attacked him with his chamber.

THOMAS STEVENS, Day Attendant, examined.

Witness (to Dr. Levinge): I remember visiting ———'s room with the Head Attendant on Sunday morning, the 7th August. I remember meeting Thornton that morning in the ward. He passed the remark that he had not had a wink of sleep all night. I said I did not understand him.

(To Mr. Beetham): Thornton said he had not had a wink of sleep, that he had been kept awake by that man ———, or words to that effect; I do not remember exactly.

(To Dr. Levinge): He did not tell me that he had been in ———'s room. He had no right to go into ———'s room; he was not attached to my ward. It is not usual for day attendants to visit patients in other wards. I would resent an attendant from another ward visiting any of my patients unless he was summoned by the night attendant through the patient being noisy and he should be passing the door at the time. When I went into the patient's room with the Head Attendant, he was sitting up in bed and rolling about. He put his hand on his side and said, "For God's sake give me some brandy." The chamber was knocked about in the room.

(To Mr. Thornton): I am aware that the mops and buckets are often taken down to the locker; I have often seen you there looking for buckets. I did not think what you were there for that morning; you passed so quickly that I took very little notice. It is not usual for an attendant to go to a patient's room unless the patient is in his charge, or he is summoned by the night attendant. I could not say whether or not it is ever done.

(To Dr. Levinge): Thornton did not have a mop or a bucket in his hand that morning; he had nothing in his hand.

CHARLES SYKES, Night Attendant, examined.

Witness (to Dr. Levinge): I am in charge of the Main Ward. I remember the morning of Sunday, the 7th August. You reported of a man called ——— that he did not sleep at all and was noisy all night. It is not usual for an attendant to visit patients in single rooms unless I request them to do so. I did not ask Thornton to visit ——— that morning. I considered the patient was under my charge. Thornton followed me on that morning to get a cup. He did not tell me he had been in the patient's room. Nothing was said about ———. If he had been in the patient's room while the patient was under my charge, he should have told me. I saw the patient before I went on duty, about ten minutes to 6. He was lying on his back with the clothes up to his chest, talking and throwing his arms about.

Mr. Newport said it must have been about five minutes afterwards that he (Newport) saw the patient.

Witness (to Mr. Thornton): The man was noisy all night. To my knowledge, he was not knocking about the room. I was there twelve times during the night; he was in bed all those times. He did not make any rational statements to me. He made some slight complaint, but followed it up by an irrational statement immediately afterwards. He asked to be let go to Timaru to see Mr. Hall-Jones. He did not ask for brandy. I saw a little urine at the foot of the bed, that was all.

Mr. Newport said the patient made a complaint to him about ill usage when he went into the room.

Witness (to Mr. Thornton): I do not know of the patient using his chamber to hammer the door at night-time. Before the 7th August, I believe this patient's chamber had been removed three or four times because he was knocking the door with it.

(To Dr. Levinge): The patient had not been knocking his room-door that night with his chamber, not while I was there.

RICHARD THORNTON examined.

Witness: I should like to know if the statement I made to the doctor at the time will be put in?

Mr. Russell produced a statement, which he read: In answer to Dr. Levinge's questions,

Thornton said he made no remarks to Stevens when he came up to the room, or explained to him that the patient had rushed to get out of his room. He said he was coming down the stairs, he heard the patient knocking, and went to see what he wanted. Thornton said twice that he had had no sleep through the night owing to the noise the patient was making. The doctor said, "Did you see Stevens?" and Thornton said, "Yes, I saw him out of the room." The doctor asked, "What did you tell him?" Thornton said, "Nothing; I went about my work."

Witness (continuing): I am generally a day attendant. I sleep in the room exactly over ———. He was very noisy most of the night, if not all the night, making an unusual noise. When I went down to F Ward in the morning to look for the mops, &c., he was knocking at his door, and asking for God's sake to be let out. I opened the door and asked what he was making all the row about all night. He said it was through me and the likes of me that he was kicking up the row. When I opened the door he recognised me; made some silly remark; called me "Banjo." I told him he had kept me awake all night, and asked him what was the matter. He said he had been ill-used; that I had been in the room during the night jumping on him; said I tried to burst his guts in. He then came towards the door with the intention of getting out; said he wanted to go to the women's place, where he would be safe. I put myself in the way of him, pushed him back—not hard—closed the door and locked it, and went about my duty. I thought no more of the matter until I was charged with being in the room and ill-using the patient.

(To Dr. Levinge): I did not tell you about the mops and buckets because you rushed me so much that I did not think of it. I suppose it was curiosity made me go to the patient's room—very likely I said so; I was curious to see what the trouble was. The patient did not make a violent attempt to get out of the room; I kept him back with one hand and closed the door with the other. I had no time to report to Sykes, or the Head Attendant, or anybody else. The Head Attendant said nothing about the matter till dinner-time.

Mr. Newport (to Dr. Levinge): From the position of the patient, he might have been pushed there, or he might have fallen across the bed on the floor.

Dr. Levinge: My contention is that this question of mops and buckets is an afterthought.

Witness (to Mr. Beetham): I deny using bad language in speaking of the patient.

HENRY PORTER, Attendant, examined.

Witness (to Mr. Thornton): I remember being on duty on Sunday morning, the 7th August, in C Ward. I remember the patient ——— running up the stairs and hammering at the door. You opened the door and he rushed through. He said he wanted to get across to the ladies. He did not appear hurt. This was about 11 o'clock in the morning. There was some trouble in getting him back; he struggled a bit and did his best to remain where he was. I have not had anything to do with him since.

(To Dr. Levinge): This was about 11 o'clock.

WILLIAM THOMPSON examined.

Witness (to Mr. Thornton): I took in ———'s breakfast on the morning of the 7th August—the morning you got into trouble. The Head Attendant came shortly after. The patient accused me of striking him. He said I was the man who knocked him about. I think I heard the Head Attendant say, "No, that man would not do it." There were no signs of any hurt about the patient. He was going on the same way as he had been going on on any other morning. He did not ask for brandy; I do not think I have ever heard him do so.

JAMES CHAPMAN examined.

Witness (to Mr. Thornton): I remember the evening of the day you got into trouble about ———. I put ——— to bed that night. He made an attack on me with the chamber. He was very violent; used the chamber on me a couple of times. I reported the matter to the Head Attendant. I reported to Mr. Newport that I had had trouble with ———, that he had violently resisted me on going to bed, and that I took the chamber and put it outside his door, as he had made such a mess in the room.

(To Dr. Levinge): I refer to the evening of Sunday, the 7th August.

A.

SIR,—

7th August, 1904.

I beg to report for your information that on going my rounds to take the check off the doors at 5.40 a.m., on going through F Ward after the Night Attendant Sykes had visited the patients for the first time, I visited patient ——— and found him comfortably in bed. There was a little urine at the foot of his bed on the floor. On my returning through F Ward the second time I saw ———'s room-door open. Attendant Thornton came out of the room, closed and locked the door. Attendant Stevens coming from D Ward into F Ward met Thornton. He said, "I came in to sleep last night. I had no sleep all night through that b———." Thornton ran to get a teacup from Attendant Sykes, who was on his way to ring the bell. He did not notice I was near him at once. I opened ———'s room-door in the presence of Attendant Stevens, and found ——— in a state of collapse lying across the centre of his bed, and urine over the greater part of the floor. ——— said, "One of your men has just been in my room and kicked the guts out of me. I am finished. For God's sake give me a drop of brandy." I examined him. He was not able at the time to hold up his arms. Attendant Thornton takes duty in D Ward and sleeps in C Ward. He had nothing to do with F Ward whatever.

I am, &c.,

EDWD. NEWPORT,

Medical Superintendent.

Head Attendant.

THE CASE OF JOHN KENNEDY.

WEDNESDAY, 7TH SEPTEMBER, 1904.

Dr. Levinge stated the reasons why Kennedy was suspended. Representations were made to him by the Head Attendant to the following effect, before the suspension—viz., 30th August: That Kennedy's action was calculated to cause unrest, and discontent, and dissatisfaction amongst the staff, by fomenting an agitation for the redress of certain alleged grievances. This, together with untruthfulness and untrustworthiness, was the ground of his suspension. He would now proceed to prove these reasons.

EDWARD NEWPORT, Head Attendant, examined.

Witness (to *Dr. Levinge*): I made certain representations to you about Kennedy carrying on an agitation among the attendants. On one occasion after Kennedy was working at the doctor's residence, *Dr. Levinge* summoned him to the office at 1 o'clock, and reprimanded him in my presence. *Dr. Levinge* told him he was not satisfied with him, and had every reason to believe he was an agitator. Kennedy said, "The person who told you that did me an injustice, and told you a wilful lie. I have never interviewed any members concerning the working of the institution." At that time, I had been informed by two of the attendants that he had done so. On going my rounds the following morning, Kennedy said he was suffering from an injustice in not having charge attendant's wages. He wanted to know who gave the doctor the information. He had been interviewed, he said, by influential men in town with regard to *Dr. Levinge's* moral character, and that if I did not tell him (Kennedy) I was no man. Attendants have at various times stated to me that Kennedy wished them to sign petitions for some correspondence he wished to make. They reported this to me, and I reported it to the doctor. I did not take any notes because I did not attach any importance to the matter until I saw it in the public Press. It was reported to me that Kennedy had got up a petition to members with regard to these grievances, and that he had approached various attendants to sign it, and that some had objected to do so. It was also reported to me that Kennedy had attempted to form a union with a view to taking common action, if necessary; and that he had attempted to induce attendants to sign a round-robin promising to support by their evidence the statements made by a deputation that waited on the Minister at Wellington, as reported in the *Lyttelton Times*. This was reported to me by one of the attendants. A female attendant also reported that Kennedy had sent through Attendant Christiansen a petition for her to sign; the female attendant's name was Miss Walls. It was reported to me by a patient that Kennedy visited the bakehouse and had a conference with the baker the week before last—a day or two before a certain report appeared in the *Lyttelton Times* concerning the baker's hours of duty. Kennedy told me himself that he had been instrumental in getting up a testimonial for Attendant Thornton immediately after he was dismissed.

Dr. Levinge (to *Mr. Kennedy*): I propose to prove that you have been untruthful—viz., (1) your denial that you waited on *Mr. Witty* as one of the deputation, and (2) your denial to me the other day when I suspended you, that you had been in the bakehouse. You are untrustworthy because you are untruthful.

Witness (to *Mr. Kennedy*): It was reported to me by an attendant, a few days after the deputation, that you were one of this deputation to *Mr. Witty*. Both *Truman* and *Bowen* reported to me that you were present at this deputation. They were both present themselves. *Bowen* spoke of it in the mess-room, and said he did not care who knew he was there. A patient named *Stevens* reported that you had been in the bakehouse last Saturday week, the 27th August.

RICHARD TRUMAN examined.

Witness (to *Dr. Levinge*): I went with Kennedy and others to wait on *Mr. Witty* and *Mr. Lewis*.

(To *Mr. Kennedy*): *Coulson* and *Bowen* and several others were there also. I told the Head Attendant that we had had such a deputation, because Kennedy told me that the Medical Superintendent had accused him of going to the members, and that he had denied it. This took place the morning after. [Witness afterwards corrected this statement by saying that he had intended to state that the matter was reported to him some time afterwards.] I do not know of any other deputation previous to the one referred to. I reported the matter more than once.

Dr. Levinge here said that on the occasion when he had Kennedy in his office he had good reason to believe he was an agitator. Kennedy denied this indignantly, and said he was falsely accused. When charged with waiting on *Mr. Witty* he absolutely denied that he had done so. Attendant *Newport* was present at this interview, and would be asked if he recollected Kennedy's denial.

Mr. Kennedy asked *Dr. Levinge* if he recollected the exact words used.

Dr. Levinge: I asked you if you had waited on *Mr. Witty*, or words to that effect; I do not remember the exact words. You denied it. I do not know whether there were any other members; my information was that *Mr. Witty* was there.

Attendant *Newport* (to *Dr. Levinge*): I was present on the occasion referred to when Kennedy denied having waited upon *Mr. Witty*.

(To *Mr. Kennedy*): I do not remember the exact words.

Dr. Levinge: It was reported to the Head Attendant that Kennedy had been in the bakehouse the week before last. When charged with this, Kennedy said, "No, not to my knowledge." I pointed out to him that he could hardly have forgotten it, and urged him to be careful—that I had evidence to the contrary. He absolutely denied it; he quibbled for some time by saying, "not to my knowledge," "not to my recollection"; and when I straightened him up to be careful he absolutely denied.

At Mr. Kennedy's request, the Head Attendant withdrew.

Dr. Levinge (to Mr. Kennedy): I do not know the date on which you were reported to have been in the bakehouse. I think it was the day previous to your suspension—Monday, the 29th August—that I was told about it. I believe you were in the bakehouse the previous week, one or two days before the statement as to the baker's hours of duty appeared in the paper. You repeatedly denied being there at all.

Attendant Newport (to Dr. Levinge): I was present at the interview you had with Kennedy when you asked him if he was present in the bakehouse the week before last. He denied it, and said he had not been there all the previous week. He said, "not to my knowledge," or "not to my recollection," two or three times, and afterwards absolutely denied it.

CHARLES EDWARD DAVIS, Baker, examined.

Witness (to Dr. Levinge): I recollect having an interview with you when you asked me if I remembered Kennedy being in the bakehouse the previous week. Dr. Campbell and Mr. Russell were present at the time. I said Kennedy had been present in the bakehouse the previous week, and that ——— (a patient) had been there at the same time.

(To Mr. Kennedy): I heard from the patient who is working for me that you had come there after a mouse-trap. I do not know for certain, of my own knowledge, that you were there. I was off duty myself that day, but the patient told me you had been there.

JOHN EDMUND RUSSELL examined.

Witness (to Dr. Levinge): I was present at the interview with the baker that has just been referred to, and heard Kennedy had been in the bakehouse the previous week. The baker said nothing about having been off the previous day and having obtained this information from a patient.

Dr. Campbell corroborated this statement.

Mr. Davis, baker (to Mr. Beetham): I do not know of my own personal knowledge that Kennedy was there in the bakehouse.

(To Dr. Levinge): Since this occurrence you have given me notice to leave. You told me you had evidence to prove that Kennedy was there.

(To Mr. Kennedy): Dr. Levinge asked me if you were in the bakehouse, and I said, "Yes, to the best of my belief, last night." The reason I said so was because I was told so by a patient.

EDWARD HARRIS examined.

Witness (to Dr. Levinge): I have been employed in the Asylum sixteen years and a half. Kennedy asked me to sign a petition that was sent to Colonel Pitt. When I refused to sign it, Kennedy said it was because I had not the moral courage to do so.

(To Mr. Kennedy): You did not try hard to induce me to sign it; you simply came and asked me if I would do so. I always understood you were the leader in getting up the petition. In my actual knowledge you have not been untruthful to me.

THOMAS BLOWER examined.

Witness (to Dr. Levinge): Kennedy asked me to sign the petition to Mr. Witty and others in regard to getting an Appeal Board or a Commission of Inquiry into attendants' grievances. He also asked me to sign a paper with reference to getting up a union amongst the attendants. I was not asked to sign the round-robin. I signed the first petition with reference to an Appeal Board, shorter hours, &c. I did not read the petition myself; Mr. Kennedy read it to me. I was not told anything about any accusations against the management of the Asylum. I understood that the petition dealt simply with the questions of shorter hours, more pay, superannuation fund, and Board of Appeal.

(To Mr. Kennedy): I think you did ask me to sign the round-robin to the Minister. I signed it, and I understood clearly what I was signing. You were not the only one who spoke to me about petitions, but you asked me to sign. You spoke to me about the union paper. I did not see any paper; I could not say whether or not there was one.

CHARLES H. SYKES examined.

Witness (to Dr. Levinge): Kennedy approached me with reference to signing these petitions. The first one was the petition to Mr. Witty demanding an inquiry. It had reference to attendants getting higher salaries, shorter hours, alternate Sundays off, superannuation fund, and one or two other things; also a Board of Appeal and Commission of Inquiry. I read it and signed it. I was asked by Kennedy to sign a second petition, but refused, because I was not allowed to read it. I signed the paper with regard to a union.

(To Mr. Kennedy): You were the only one who asked me to sign these petitions. I do not know who drafted these petitions.

(To Dr. Levinge): I believe that in consequence of these petitions there was a feeling of unrest and dissatisfaction amongst the attendants. The staff was unsettled through these petitions.

(To Mr. Beetham): I believe these petitions unsettled the staff; they unsettled me. I read the petitions I signed and knew what I had signed.

(To Mr. Kennedy): I was not dissatisfied with my conditions before I was asked to sign these petitions. I had been dissatisfied with regard to the sleeping-hours and had complained, but I have got used to them now. I was dissatisfied with sleeping in the afternoon instead of in the morning. We are still sleeping in the afternoon. I am not dissatisfied now.

THOMAS BOWEN examined.

Witness (to Dr. Levinge): I was approached by Attendant Kennedy with regard to signing these petitions that have been going about for shorter hours, superannuation fund, &c. I knew at the time to whom they were addressed, but cannot recollect now. It was to some of the members.

I was approached about more than one petition. The second was a repetition of the first. I did not read it; I signed it without reading it. That was two I signed. Mr. Kennedy asked me to sign. I fancy I was asked to sign a paper with regard to forming a union, and I think I did so. I do not know who was the most active in getting up these petitions; Kennedy came to me for my signature. I recollect waiting on Mr. Witty with Kennedy and Truman, as a deputation.

(To Mr. Kennedy): I do not know who drafted these petitions, nor whether or not you were the prime mover. I was invited by Pocock to come to the deputation. Pocock told me the object of the deputation—shorter hours, more wages, &c.

GEORGE CARTER examined.

Witness (to Dr. Levinge): I have been employed in the Asylum eleven years. Attendant Kennedy asked me to sign the petition for shorter hours, and two or

JOHN CHAPMAN, Sen., examined.

Witness (to Mr. Beetham): I have been eight months on the staff.

(To Mr. Kennedy): I have seen two petitions and round-robins that have been got up, and have signed them both. I signed of my own free will. You asked me to sign them; several others also asked me. I do not think that the petitions themselves, or getting them up, has caused any unrest amongst the attendants. The unrest and dissatisfaction existed before these petitions. As far as I have seen you, I have known you to be a straightforward and reliable man. I do not think that you have purposely or in any other way caused discontent; nor that you deserve the term "agitator."

(To Dr. Levinge): My brother is an attendant here. I sent to Australia for him to come over. He told me he had tried to see if he could be taken on here, and he has been.

(To Mr. Beetham): When I signed these petitions there were several things about which I was dissatisfied. When I sent for my brother, I did not know he was coming here (to the Asylum). I sent for him to come to New Zealand, not to come to this institution.

ALBERT GEORGE BRAILEY examined.

Witness (to Mr. Beetham): I have been in this institution three years and a half.

(To Mr. Kennedy): I do not think that during this term your behaviour has been calculated to cause unrest and dissatisfaction amongst the attendants, nor that you are entitled to the name of "agitator." I do not think that, purposely or otherwise, you have caused discontent amongst the men. I have seen some of the petitions and round-robins that have been drawn up and sent to the Minister; I have signed three. I did so of my own free will, and knew what I was signing. Getting up these petitions has, of course, to a certain extent unsettled the attendants, to know whether or not they would get what they wanted; but the dissatisfaction and unrest existed, of course, before the petitions were got up. The men were not satisfied with the wages and the hours of work. There were also some complaints with regard to the food. I signed the last round-robin to Mr. Witty.

(To Mr. Beetham): I should think there were about twenty involved in these petitions. There was a committee appointed. All hands were on it; I was one. We made Mr. Kennedy secretary. Mr. Kennedy asked me to sign these petitions. They were signed in his room; that was the office of the committee.

(To Dr. Levinge): The petitions were signed after duty—i.e., after 8 o'clock.

(To Mr. Beetham): I was on night duty for two years. The night attendants were dissatisfied.

(To Dr. Levinge): I was not present at a meeting of attendants a few evenings after Kennedy was suspended.

(To Mr. Kennedy): I have been on night duty. I asked in the petition to have my sleeping arrangements altered; I had not asked before this. I prefer day duty. I did not make any application to the Head Attendant to have my sleeping arrangements altered.

CHARLES BOYS examined.

Witness (to Mr. Kennedy): I have seen some of the petitions and round-robins that have been sent from the attendants to the Minister and others. I think I signed two of them. The drawing-up of these petitions was done by a committee; every one was in it.

(To Mr. Beetham): I could not say how many attendants signed it; I did so myself. There may have been twenty or twenty-two; I could not say exactly. Practically, it was signed by a committee of the whole of the attendants. There was practically no meeting, no formal meeting, with the exception of our consulting one another through the building; we appointed Kennedy as secretary in that way, not at any meeting. Practically, Kennedy did all the work. I could not say who drew up the petitions.

(To Mr. Kennedy): You have not, to my knowledge, taken any part calculated to cause dissatisfaction and an unsettled feeling amongst the attendants.

(To Mr. Beetham): There seemed to be general dissatisfaction throughout the building. Without exception, every man at the mess-table spoke of it.

(To Dr. Levinge): To my knowledge, there was not a meeting of attendants a few evenings after Kennedy was suspended.

RICHARD BLACKBURN examined.

Witness (to Mr. Kennedy): I have seen some of the petitions and round-robins that have been got up. I signed two. You asked me to sign them. The first one, you submitted the paper to me, and the second one you asked me to sign.

(To Mr. Beetham): I am not an attendant. I am nominally employed as a "fireman," but am really a second-class engineer.

(To Mr. Kennedy): I do not think at all that you have caused any dissatisfaction or unsettled feeling amongst the attendants. The petitions have not caused the dissatisfaction; it existed before—as regards hours of pay, and some little variety in the food.

(To Dr. Levinge): I knew the pay and hours before I came here; you offered me £4 10s. for a start. My grievance is that I want more money and less hours, and a little variety in the food. I do not remember there being any meeting of attendants after Kennedy was suspended; at any rate, I was not present. I have twice applied for an increase in salary by word of mouth, and once by letter.

(To Mr. Kennedy): I do not think the term "agitator" should be applied to you; I do not think you are any more of an agitator than any one else.

THURSDAY, 8TH SEPTEMBER, 1904.

Dr. Levinge said he considered the Head Attendant should be present, inasmuch as the matter concerned affected him (the Head Attendant). He had had practically no communication with the attendants, and, of course, Mr. Kennedy had; and what information he (Dr. Levinge) had got had been mainly through the Head Attendant. He would be glad if Mr. Beetham would take a note of his objection to the absence of the Head Attendant.

Mr. Beetham said he would take a note of the objection, but that he could not see his way to break through a well-recognised rule of Court procedure.

S. W. KELLY examined.

Witness (to Mr. Kennedy): I do not think the part you took in this agitation was more prominent than your position as senior attendant, and one who has been here for ten years, warranted you in taking. I have signed several petitions and round-robins that have been got up. I signed them of my own free will, because the statements made therein met my case. A document of the character referred to in the cutting from the *Lyttelton Times* of the 3rd September, 1904 [handed in as an exhibit, and marked A], was posted up in the mess-room. I did not sign it because I did not agree with it. I signed the previous one to Mr. Witty, saying that I agreed with the statement of attendants' grievances, and offering to stand by that statement before a Royal Commission. I do not think at all that your behaviour, as far as I have known it, has been calculated to cause unrest or dissatisfaction amongst the attendants. I do not think that you deserve the term "agitator." I have never known you to be untruthful nor neglectful of your duties. The dissatisfaction with regard to the conditions of work existed previous to the petitions being got up. The petitions and round-robins were not the cause of the dissatisfaction.

(To Dr. Levinge): I have been here eighteen months. You have never found fault with me about my work, or censured me at any time. You have never spoken severely to me or reprimanded me. Our dissatisfaction consisted in that we wanted more pay and shorter hours. I have no personal dissatisfaction with your treatment of me.

Mr. Kennedy asked Mr. Beetham if it were within the scope of this inquiry to go into the nature of the grievances.

Mr. Beetham said, Certainly not.

WILLIAM OWENS, Attendant, examined.

Witness (to Mr. Kennedy): I have been three years employed at the Asylum. I do not think you have taken a more prominent part in connection with this agitation than your position and length of service justify. I signed several of the petitions and round-robins sent from here to the Minister and to others. I read them, understood them, and quite agreed to what I was signing. I signed of my own free will, knowing what I was signing. I approved of the statements contained in the petitions. I did not sign the petition referred to in the *Lyttelton Times* of the 3rd September, because I did not agree with it. I signed the round-robin to Mr. Witty and other members, agreeing with the statement of attendants' grievances, and promised to stand by that statement in the event of an independent Commission of Inquiry being set up. I did not see any signatures at all on the petition.

Mr. Kennedy asked the witness if he thought his (Kennedy's) behaviour was of a kind calculated to cause the attendants to be dissatisfied with their lot.

Mr. Beetham: What we want to get at, Mr. Kennedy, is the part you took. What you have asked the witness can only be a matter of individual opinion. We are not concerned with opinions, but with facts.

Witness (to Mr. Kennedy): There was agitation and unrest before these documents were got up. I do not think the petitions in themselves caused unrest.

(To Dr. Levinge): The attendants are agitating for their rights—i.e., shorter hours, and more pay, and a Board of Appeal. We wanted our positions improved. To my knowledge, this agitation has been going on for two years; it was going on when I came here. Very nearly all the attendants are dissatisfied; I am dissatisfied. You have reprimanded me twice—on one occasion shifting me on to night duty. I was satisfied by the Head Attendant that there was a better man put in my place—one with more experience. To me this was a grievance. There was nothing else about which I was reprimanded. I am back in the garden now. I was about eighteen months on night duty. I have been married since I came here.

(To Mr. Kennedy): I never found you untruthful in any way.

ANDREW PORTER examined.

Witness (to Mr. Kennedy): I do not think you have taken any more prominent position in regard to this agitation than was justified by your position on the staff and your length of experience; I think you were entitled to take any part. I do not think this agitation has caused any unrest or dissatisfaction; the unrest existed before the agitation started. I saw the petition referred to in the *Lyttelton Times* of the 3rd September, 1904. It was posted up in the mess-room. I did not sign it, because I did not agree with it. I signed the round-robin that was sent to Mr. Witty and other members of Parliament, agreeing with the statements made by the members at the deputation to Mr. Hall-Jones, and offering to substantiate these statements by evidence. I read this document and signed it of my own free will. I have never found you untruthful.

(To Dr. Levinge): I agreed with the statements made in the round-robin I signed. I have been in the Asylum service over sixteen months. You have never found fault with me or censured me in any way. I do not think this is the time or the place to express general dissatisfaction with the Medical Superintendent. I have no personal dissatisfaction with the Superintendent in connection with my work.

EDWARD JOHN TOOVEY examined.

Witness (to Mr. Kennedy): I have been four months in the Asylum service. I do not think your action in connection with this agitation has caused dissatisfaction amongst the attendants; the dissatisfaction existed before the agitation was got up. The agitation is the result, not the cause of the dissatisfaction. I have never found you to be untruthful. I know that a counter petition (as appearing in the *Lyttelton Times* of the 3rd September) was put up in the mess-room—a typewritten document. I signed the petition sent to Mr. Witty, but not the typewritten document; I did not agree with it.

(To Mr. Beetham): I think all the attendants have associated themselves with the first petition, although they did not all put down their names.

(To Mr. Kennedy): Certainly I was not pressed to sign. No one could influence me in this way; I have my own opinions. We were all agitators in this connection; you took no more prominent part than anybody else. The dissatisfaction was general, though some were afraid to express it. I do think there is a feeling amongst the staff that they have to be very careful about what they say in connection with their grievances.

(To Dr. Levinge): I have been here rather more than four months. I am speaking of what I have seen myself during that time. I understood when I came here that the salary was £70 per year; I believe it was advertised at £1 7s. 6d. per week, and I was satisfied to apply for it. My salary is the same now. I suppose advancement depends on one's position and on one's self. I had no understanding with regard to my salary being raised if my work was satisfactory. I am dissatisfied with your manner towards me. Returning from the poultry one afternoon, you met me and asked where I had been that afternoon. When I told you I had been with the poultry, you said, "Damn it all! I am there often enough now, but I've never seen you there." I considered that an insinuation that I was not doing my duty. On another occasion you asked me how many eggs I was getting, and when I told you, you said, "Damn it all! The fowls ought to be laying better." This, I thought, was not a nice manner to adopt towards me.

THOMAS JOHN STEVENS examined.

Witness (to Mr. Kennedy): I have been here eight years and a half, and have never known you to be untruthful. I do not think you have taken a more prominent part in connection with this agitation than your experience and position warranted. The dissatisfaction was the same before as after the agitation. I signed the round-robin sent to Mr. Witty, stating that I agreed with the statements of the attendants' grievances as made to the Minister. I was not pressed into signing; I did so of my own free will. I did not sign the typewritten counter-petition put up in the mess-room; I did not agree with it.

(To Dr. Levinge): I did not agree to putting my name against any of the statements contained in that paper.

(To Mr. Beetham): I did not sign the typewritten petition, as I had by signing the round-robin associated myself with both aspects of the case—with regard to the salaries and with regard to the Medical Superintendent.

JAMES WICKS, in Charge of Dairy, examined.

Witness (to Mr. Kennedy): I have never found you untruthful. I do not think you have taken too much on you in regard to this agitation. You did not press me to sign any of the petitions or round-robins that have been got up; I signed them of my own free will. We all had a hand in getting up these petitions; we talked them over in the mess-room. You were secretary. Some of the others who have not signed are as bad agitators as anybody else. The dissatisfaction was general right throughout the building. Certainly the dissatisfaction existed before the petitions were got up. I signed the round-robin sent to Mr. Witty. I did not sign the typewritten counter-petition which was put up in the mess-room for signatures. I did not consider I had a right to sign it when I thought there were grievances. I did not agree with it. During my service, I have understood that there has been a general feeling of insecurity amongst the attendants; while doing their duty to the best of their ability, a little circumstance may crop up which may cause them to be shifted.

(To Mr. Beetham): If anything went wrong, I do not think we should get justice—I mean at the hands of the Superintendent. That is the reason why I would not sign the typewritten counter-petition.

(To Dr. Levinge): I think I have experienced that insecurity myself. Whenever I have spoken to you about anything, you do not give me satisfaction; you will hardly listen to me. For example, I spoke to you about having cream-vats. That is only one of several things. The sense of insecurity is a general impression. You have found fault with me once or twice; on one occasion you told me that the dairy was foul-smelling, on another because I had not got the patient helping me to put on white clothes. I signed the petitions in Mr. Kennedy's room.

(To Mr. Beetham): I do not expect to go through life without being found fault with sometimes. I do not think my work is perfect.

(To Dr. Levinge): My salary is £80 a year. I came on the understanding that I was to get at the rate of £70 a year for the first fortnight; at the end of the month I was to get £80 a year.

WILLIAM ROBERT CONDY, Attendant, examined.

Witness (to Mr. Kennedy): I have been here eighteen months, and have never found you untruthful. This agitation has not caused dissatisfaction and unrest among the attendants, to my knowledge. Of course, they were dissatisfied before the petitions were got up. I agree with the petitions and round-robins and signed them; nobody pressed me to do so; I signed of my own free will. I am on night duty just now.

Mr. Kennedy, in explanation of his not putting other questions to his witnesses, said that it was not to be expected that the men would stand up and make charges against the Medical Superintendent in his presence.

Witness (to *Mr. Kennedy*): You have not taken any part in this agitation which was not approved of by me personally. You were not alone in getting up these petitions; they were got up by all the attendants.

(To *Dr. Levinge*): I signed the petition in the A Ward, in the day-room, when I was on day duty. I was attached to that ward in the mornings; I signed at night, in the ward. It was understood that we were to sign it. I signed of my own free will; *Kennedy* handed me the petition. You have never had me before you for the purpose of censuring me. You have only once spoken to me; I am mostly on the farm. You have never seriously reprimanded me about my work, although you have sometimes spoken to me sharply.

HARRY BEARMAN examined.

Witness (to *Mr. Kennedy*): I have been here eight years, and have never known you to be untruthful. You have not been the cause of discontent amongst the attendants. I have seen the petitions and round-robins that were sent away. These were drawn up, not by you personally, but by the attendants, or, rather, by a committee of the attendants. I signed the last petition to *Mr. Witty*; I signed of my own free will.

(To *Dr. Levinge*): Nobody in particular asked me to sign; there were three or four of us in Ward C at the time. My salary is now £90. Under ordinary circumstances it would be £80; I got an increase on account of special work. I remember you addressing me sharply a few days ago for the tone in which I was speaking to a patient. I admit I was using bad language at the time, that I lost control of my temper.

THOMAS McMILLAN examined.

Witness (to *Mr. Kennedy*): I have been sixteen months in the service here, and have never known you to be untruthful. I have seen several round-robins and petitions that have been got up by the attendants. I saw them all. They were got up by all of us. Those who did not sign were just as bad "agitators" as those who did. I can honestly say every man was dissatisfied. I signed all the petitions of my own free will; I agreed with them.

(To *Dr. Levinge*): We wanted to better our condition.

FRED GOLDSMITH examined.

Witness (to *Mr. Kennedy*): I have been an attendant thirteen months, and have never known you to be untruthful. I am aware that certain petitions and round-robins were got up by the attendants and sent to the Minister and members. They were got up with the assistance and approval of all the attendants. It was not a "one-man job." I was not pressed to sign; I signed of my own free will, because I agreed with the statements contained therein.

(To *Dr. Levinge*): On a previous occasion I was here for three months, and left on account of illness. When I came out of the Hospital I applied to be taken back. You took me back on the 1st October. You have never at any time blamed me about my work or reprimanded me.

(To *Mr. Beetham*): I have not any feeling of insecurity about my billet at present.

(To *Mr. Kennedy*): Yes, there is dissatisfaction amongst the attendants with the conditions of their work. The dissatisfaction existed long before I came here, and is not caused by the present agitation. Your action and the agitation has not caused the dissatisfaction.

Dr. Levinge said he would call evidence to show that there was no dissatisfaction with the conditions of work.

ALFRED JAMES MURPHY examined.

Witness (to *Dr. Levinge*): I was employed here some little time ago, and left to better myself. I left in consequence of the insinuation that was made at the mess-table that I had something to do with the disappearance of some articles; that, at any rate, had a little to do with my leaving. I had another situation to go to. I applied twice by letter to be taken back here, and personally a third time.

NATHANIEL BURGESS examined.

Witness (to *Dr. Levinge*): I was here about twelve months ago as an attendant. After that I went to South Africa, and then came back to New Zealand. I applied to be taken back here.

(To *Mr. Kennedy*): I have never known you to be untruthful. I signed the round-robin to *Mr. Witty*; I was not pressed to sign it. I should not say that this agitation has caused any unsatisfactory feeling amongst the other attendants. Your part in it has not caused any dissatisfaction with the conditions. Some of the others have been worse than you. I think the dissatisfaction is general, and not confined to one or two.

(To *Mr. Beetham*): The security of our position all depends on what the doctor does. The doctor is very severe. Yes, I have a sense of insecurity, partly on account of signing these round-robins and trying to obtain privileges. This disturbance being raised among the attendants has made the doctor dissatisfied with the attendants. He has been more liable to change than he was before.

(To *Dr. Levinge*): You have spoken to me about my work, and the Head Attendant has also done so. You said I was not as active at my work as I used to be.

EDWARD CONDON examined.

Witness (to *Dr. Levinge*): I have been here two years and a half. A brother of mine applied to come here as an attendant; possibly my sister did also.

(To Mr. Kennedy): I have never known you to be untruthful during my service here. I did not sign some of the petitions and round-robins got up by the attendants. You did not urge or press me to sign them. You have not taken the whole onus of drafting these petitions on your own shoulders without consulting other attendants.

(To Dr. Levinge): Boys asked me to sign the first round-robin, not Kennedy; Kennedy asked me to sign the other one.

Dr. Levinge handed Mr. Beetham a number of letters of application for re-employment from former attendants, which Mr. Beetham perused and returned to Dr. Levinge.

Mr. Beetham asked for Christiansen and Miss Walls to be called. The former had left the service, and therefore could not be called, but Miss Walls was called.

JANE WALLS examined.

Witness (to Mr. Beetham): I have been here six years last April. Christiansen brought a petition to me to sign. He brought it from the male attendants; he did not say from which one. I did not sign it.

(To Dr. Levinge): That was during the day on the evening of which Christiansen left. I cannot remember having said anything to the Matron about the statement which appeared in the newspaper.

(To Mr. Kennedy): You have never asked me to sign round-robins or petitions.

EDWARD B. HARRIS examined.

Witness (to Dr. Levinge): I have been sixteen years and a half in the Asylum. I am Deputy Head Attendant, and act for the Head Attendant when he is away. I signed the counter-petition [marked A] which was put in the mess-room. When I went out into the airing-court afterwards I thought there was a coldness in the demeanour of the attendants.

(To Mr. Kennedy): I did not sign the petition to the Minister; I did not agree with it. I agreed with a good portion of the first issue.

(To Mr. Beetham): Kennedy came down to ask me if I was going to sign the petition. He did not have the petition in his hand then.

(To Mr. Kennedy): You were not the first to ask me to sign it. My reason for not signing was that I thought the petition asked for more than was wise. I told you at the time that if you had simply asked for increase of wages, shorter hours, &c., I would have been with you right through. I said that, considering the amount you had put on the petition, going as far as you did, I would much rather stand out of it. I considered you had asked more than was necessary.

THOMAS STEVENS, patient, examined.

Witness (to Dr. Levinge): I generally go to the bakehouse every evening. I was in the bakehouse one evening the week before last. Kennedy came in. There was no one there that night. The baker and I were in the flour-room. The baker was there when he came in.

(To Mr. Beetham): I saw that Kennedy wanted to speak to Davis, and so I walked out.

(To Mr. Kennedy): I do not remember what night it was; I think it was on Wednesday evening. You went into the flour-room. It was the evening before the letter appeared in the newspaper about the baker's hours of work (Friday, 26th August). I heard you speaking, but did not hear what you said. I told Mr. Newport that I had seen you in there.

(To Dr. Levinge): I retired because I saw I was not wanted.

Mr. Kennedy: Before making my final statement I should like to ask the doctor a few questions, and also the Head Attendant. I want to know whether there was any record taken of the deputation that waited on Mr. Witty—any report of the inquiry taken at the time when Dr. Levinge had me in his office. It is one of the charges made against me that I was untruthful. I took a note of the remarks made by Dr. Levinge at the time, and I should like to know whether the doctor and the Head Attendant are depending on their memories or not.

Dr. Levinge: I am depending absolutely on my memory, which is perfectly clear.

Head Attendant Newport (to Mr. Kennedy): In my experience of you as an attendant I have found you untruthful. On more than one occasion you made a misstatement, and then corrected yourself later. I cannot say whether or not the misstatement was intentional. You make statements that incriminate others and then contradict yourself.

Dr. Levinge (to Mr. Kennedy): I cannot say I remember giving you a month's notice. If I withdrew it, I suppose it was because you had been here some years and I wished to be lenient. My opinion of you is that you are untrustworthy; I have had that opinion more or less ever since. I have appointed you Charge Attendant since then; but, notwithstanding that, I considered you a man to be watched closely. I have had no reason to consider you other than honest in your transactions. I have no recollection of calling you into the surgery and telling you that I withdrew the notice because there were others more to blame than yourself.

Attendant Newport (to Mr. Kennedy): I do not think I asked you whether you were at the deputation; Truman and Bowen volunteered the information.

Dr. Levinge (to Mr. Kennedy): I told you that I knew you were an agitator. You denied it, and said you were falsely accused. I asked you if you were not present at the deputation to Mr. Witty. You were the only person I asked; I asked you because you denied it. I had formed the opinion that you were an agitator. I am not prepared to state my grounds for forming this opinion.

John Kennedy: At the time of Dr. Levinge's interview with me I took a note of what was said. Dr. Levinge said, "I have it on good authority that you are an arch-agitator in the place, and are in the habit of interviewing members of Parliament about your grievances." I took a

note of these words that evening. I denied that I was an agitator; also that I had been in the habit of going to members of Parliament about my own grievances. I wish to state emphatically that the question, "Was I at Mr. Witty's meeting?" was never asked me at that interview. I say this because I have a keen recollection of every word used by the doctor to me at the time, and I took notes that evening or very shortly afterwards—I think it was that evening. I was much hurt at the charges made, and it was in connection with other grievances that I had that I applied to the Minister. In my appeal I reported that these words had been used, that that was the statement made to me—that I was an "agitator," and that I "was in the habit of going to members of Parliament" about my grievances. I never have been to members of Parliament about my own grievances, and I said so. I did not admit going to members before, because I had the impression that I was being made a scapegoat over the whole matter. I considered that, in view of the general dissatisfaction that existed, we (the attendants) who waited upon the members were justified in the action we took. I did not say I was not there, because I was not asked. My experience of Dr. Levinge up to that time had been that if it were proved to him that I was there and took the senior part he would deal very severely with me—at least that it would prejudice me in his mind. With regard to the other alleged untruth: when I was asked about being in the bakehouse on Tuesday morning—the day that I was suspended—I was not quite sure for the moment whether it was the morning before or that morning, and I think I said, "It was Monday morning I was there." The doctor appeared very angry, and he certainly did bustle me to some extent; he gave me the impression that he was very angry. He then asked me what reason I had for going to the bakehouse. I afterwards recollected that it was that morning I had been there. He asked me why I was there that morning, and I said that I called there to borrow the baker's pencil to make two entries on the requisition-sheet which I had not put down. That requisition-sheet is capable of being produced. All the other entries have been made in ink except these two entries, which I had not put down previously. I went inside the bakehouse, borrowed the baker's pencil, and wrote the two entries on the wall. Watt, the messenger, was there. I then wrote the two items on the sheet. I was only there long enough to do so. I suppose that sheet is still available. With regard to my being there the previous week, I wish to say that when the doctor asked me I had no recollection whatever of having been there, and I think I said so two or three times. The doctor, in his evidence, says I afterwards denied having been there. I do not remember denying that I was there; but I had no recollection of having been there that week, and I have no recollection now. The only evidence, so far as I am aware, with regard to me in that matter is the evidence of a patient. I protest against the evidence of this patient being allowed to weigh in the matter, because he is well known to entertain some of the most foolish and ridiculous delusions entertained by any patient. I think it is hardly right that the evidence of that patient should weigh against that of a sane man. There was no reason why I should tell an untruth in connection with this matter; there was no motive for my doing so. The doctor asked me whether I saw the report of the baker's hours of duty, &c., in the *Lyttelton Times*, and whether I knew how it got there. I denied emphatically knowing anything about how it got there, and do so still. I had nothing whatever to do with it. The night on which this patient says he saw me with the baker, I was on duty the whole of the evening (Friday, 26th August). The records will show that I was on duty the whole of that day and the whole of that evening. How, then, could I have had a conversation with a member of the *Lyttelton Times* staff and have supplied that information? I make this statement with a view of refuting the charge. I did not leave the Asylum premises during the whole of Friday, when the report was got by the representative of the *Times*. There has been information supplied to this paper from quite different sources with reference to this agitation. I have a report here from the *Press* of the 23rd August, in which it is said that a member of its reporting staff saw Dr. Levinge and saw other employees, who supplied information. The doctor did not supply information. I have here, again, a cutting from the *Lyttelton Times*—a sub-leader—in which it is stated, "The information published in our columns was not obtained from the baker, either directly or indirectly." I know nothing of the baker's hours. The baker never told me anything of his hours, neither has any other baker. It would be impossible for me to know unless I had the information from the baker. Consequently, if the statement I have read is correct, I could not have supplied it. I think that the evidence adduced shows that I have not fomented the agitation at all. Any part I have taken in the agitation has been in company with others, who have avowed that they were with me—that I was not the only one connected with it, and that, in their opinion, I only took a legitimate share of the work in connection with it. I may say that it is a matter of knowledge to me that there is great dissatisfaction amongst the attendants, and in view of that I consider that we were entitled to have taken the steps we did in petitioning the Minister to have these grievances redressed. I have not been a party to taking any steps that I consider contrary to the rules, or contrary to what we, as workmen, should take. We considered the matter very urgent, and one requiring action of a determined character. I have never at any time caused, purposely or otherwise, the attendants to be dissatisfied, nor stirred up strife among the men and women who act as attendants. Any action that has been taken has been taken after consulting together. I have not acted on my own responsibility at any time, and I do not see why these charges should be brought up against me now. If these charges have existed for some time—the circumstances which are considered to justify my suspension—I do not see why they should not have justified my suspension earlier. It is now twelve months since I was interrogated in the office with regard to being an "agitator," and charged with being in the habit of going to members about my grievances. If these charges had sufficient foundation then or since, why has not action been taken? I do not see why the mere fact of my having been at the bakehouse on two occasions previous to the appearance of this report in the papers—I do not see why that should be fastened upon as a reason for suspending me. It appears to me that the grounds are most trivial. I wish to put in as evidence two testimonials

which I received from Dr. Levinge at different times, one dated the 23rd April, 1898, and one dated the 28th April, 1900. They are as follows:—

From the Medical Superintendent.
TO WHOM IT MAY CONCERN.

23rd April, 1898.

I certify that John Kennedy has been an attendant in this Asylum since the 12th February, 1895, and has always borne a good character. He has been on night duty as a junior attendant with another, and I have always found him trustworthy.

The other testimonial, dated the 28th April, 1900, was given me since my removal from night duty (September or October, 1898). It is as follows:—

From the Medical Superintendent, Christchurch Lunatic Asylum.
TO WHOM IT MAY CONCERN.

I certify that John Kennedy has been an attendant at this Asylum since the 12th February, 1895, and has borne an excellent character. He has been largely employed about the farm in charge of parties of patients working thereon and directing their labours, and I have found him careful, conscientious, and industrious.

In 1902 I was appointed Charge Attendant, a fact which, I think, shows that the doctor had continued confidence in me, and that he still considered me trustworthy.

Mr. Kennedy here produced various other testimonials as to character, which he handed to Mr. Beetham for perusal. Mr. Beetham read these and returned them to Mr. Kennedy.

Mr. Kennedy (continuing): I have always endeavoured to work amicably with the staff and with Dr. Levinge; I have never intentionally neglected my duty. I wish to state, in conclusion, that in my part in connection with this agitation I have been actuated by the purest of motives. I considered that great dissatisfaction has existed, and that the steps taken by me in conjunction with others were justified. I do not regret that in any way. I should do the same thing again under similar circumstances.

(To Mr. Beetham): As a matter of fact, I did most of the writing of the petitions; some of the others did the copying. I, being the secretary, formed them and pieced them together, with the approval of the other attendants.

Dr. Levinge: The petition to the Minister no one takes any exception to; the petition to members is a different thing altogether. The deputation to Mr. Witty was in June, 1903; the date of the most recent petition (or round-robin) was about the 26th or 27th of August. This also was addressed to Mr. Witty. With regard to the statement about his (Kennedy's) contradicting me about his interview with Mr. Witty: I would like to draw attention to Truman's statement on this point. [Statement read by Mr. Beetham.] Truman states that his reason for telling the Head Attendant on one occasion was that Attendant Kennedy had denied it to him. With regard to the interview in the bakehouse: he did not deny the interview in the morning. He denied it at first, and then hesitated, and said, "No, it was yesterday morning." I may have spoken warmly; I wanted to pull him together. I reminded him that if it had occurred within two or three hours he could not have forgotten it. He admitted it then. He speaks of his being on duty, and that therefore he could not have communicated with the *Lyttelton Times* reporter. The interview in the bakehouse was in the afternoon, and that is the interview that the baker acknowledged in the presence of Mr. Russell and Dr. Campbell. I did not produce Stevens's evidence until I had the corroboration of the baker. As regards his being appointed Charge Attendant: I have passed him over when his ordinary turn for promotion came, because I was not satisfied that he was sufficiently careful. I had many records in the books about his carelessness; I think I have more records against him than against, probably, any other attendant in the building. I passed him over for that and other reasons. He wrote me several letters and protested indignantly, and when a particular ward became vacant—the ward in which the better class of outdoor patients are stationed—I desired to give him a chance by promoting him to that position. I accordingly did so. His great grievance was that I passed him over, and put some one else in charge of the ward before I put him. This is a matter which, of course, has always been left to my individual judgment. It is not altogether a question of seniority; it is a question of who is the most fit, and I exercised my judgment to the best of my lights. He protested that it was an injustice to him that he had been passed over, and that his salary remained at £80; he also wanted his salary increased in a manner contrary to the scale. That, no doubt, has rankled with him ever since. On one occasion when Dr. MacGregor, the Inspector, was here, I advised Kennedy to see him. He did so, but I heard no more about it. This, and being taken off night duty, are Kennedy's main grievances. I suppose he realised I was dissatisfied with him. I maintain that this has been the cause of his grievance, and his vindictive action; and that is evidenced by his frequent complaints about his position and want of increase in salary. I still maintain that the agitation has had a twofold aspect. The one aspect has been with regard to hours of duty, salary, superannuation fund, Appeal Board, and so on; and the other aspect has been regarding my management of the institution. These two aspects have not been disassociated; they have been allowed to coalesce, so that it would appear that all the attendants are implicated in the general charge.

THE CASE OF CHARLES EDWARD DAVIS (BAKER).

THURSDAY, 8TH SEPTEMBER, 1904.

Dr. Levinge, to justify the dismissal of the baker, said: I gave the baker one month's notice after an investigation which has been already referred to, because I considered him untruthful, and not only untruthful but unsuitable.

JOHN EDMUND RUSSELL examined.

Witness (to Dr. Levinge): Davis has been here about eight months, I think, speaking from memory. On engaging him, I told him the hours of duty, pay, &c.; he said he had come here with the intention of settling down, as he wanted to get a steady billet. He has complained from time to time about several things. First of all he complained about the ovens; another time about the wood; another time about the trough; another time that the man he had assisting him was no good; he asked for racks, and also for a thermometer. He was always wanting something.

He was away two days, I think it was, on account of illness; he sent me word, whether or not on the first morning I do not remember. I believe he saw Dr. Crosby. He had a fortnight's leave when the ovens were under repair. I do not think he made any complaints when he came back. Last Monday week he complained about being ill. The statement appeared in the papers on Saturday, and he complained of being unwell on Monday at 8 o'clock. He asked for assistance in cutting up the meat, and said he thought he must have the influenza. I do not think he has complained about his hours; at any rate, he has made no formal complaint to me to be laid before the doctor. I was present when you called him into the office and questioned him about Kennedy being in the bakehouse. I wrote down roughly at the time the questions and answers given at this interview. This statement I now produce [Statement handed in.]

(To Mr. Davis): When you asked me for a thermometer I said there were plenty in town if you wanted one. You asked me for so many things that I got sick of it. Yes, you pointed out to me that the wood was in the oven, and that it was green.

(To Dr. Levinge): When you were examining Kennedy about being in the bakehouse that evening, the week before last, he said, Yes, he was. You asked him who else was there, and he replied, "Stevens."

DR. CAMPBELL examined.

Witness (to Dr. Levinge): I heard you ask the baker if Kennedy was in the bakehouse the week before last, and he replied that he was in the bakehouse. He said Stevens, the patient, was also there. You also asked him if Kennedy had been there that morning—Tuesday morning. He said he was not there then. He said it positively, without any doubt about it.

(To Mr. Davis): I do not remember your saying to Dr. Levinge when he asked you if Kennedy was in the bakehouse on Tuesday, "I believe he was in last night." That was the Monday previous. I have no recollection of your saying this. You were very positive in your statement that you had not seen Kennedy in the bakehouse the previous morning.

Dr. Levinge: I have no other evidence as to the baker's unfitness.

Dr. Levinge (to Mr. Davis): I was dissatisfied with your bread when you came here. As to my keeping you here eight months if you were unsuitable: the ovens were out of repair for some time, and I decided to see what you would do when they were repaired. For a considerable time after you came back the bread was not satisfactory; but it is better now. I have noticed a very distinct change in the bread which you make now—since that article appeared in the *Lyttelton Times*.

Mr. Davis stated: On the 30th August Mr. Russell came to the bakehouse and told me that the doctor wanted to see me. I was busy at the time at my dough. As soon as I got in the office, the doctor said to me, "Was Kennedy in the bakehouse?" He mentioned no time, and I said he was. "When was he in the bakehouse?" I said, "To the best of my belief, he was in the bakehouse last night." That was the Monday. He said, "Was he in on any previous occasion?" I said, "Yes, sir." "When?" he asked. "About a week ago," I answered. "Was any one there?" I said that there was some one there the first time—Tom Stevens, a patient. He said, "What did he (Kennedy) come there for?" I said, "For the loan of a lead pencil." That was on the Tuesday. The doctor asked what he wanted a lead pencil for, and I said I could not tell him. He said, "Will you swear he was there last night?" I said, "Doctor, to the best of my belief, he was there last night." He said, "If Kennedy was to tell me he was there this morning, would he be telling a lie or would you?" I said, "I don't care what Kennedy says, I believe myself to be speaking the truth." He said, "Very well, thank you," and I was ordered out of the office. About half-past 1 the same day, Mr. Russell came and took me from my work; he said the doctor wanted to see me. I was brought up before Dr. Levinge. Dr. Campbell was not present; Mr. Russell was. Dr. Levinge said to me, "The evidence I have proves that Kennedy was in the bakehouse on Tuesday morning." I had said that he was in on Monday, but I was very busy indeed at the time he borrowed the pencil on Tuesday morning, and that is how the mistake arose. I did not exchange any words with Kennedy excepting about the lead pencil; Kennedy went out of the bakehouse and I have never seen him since. There was no gain in my telling a lie; I was simply confused through overwork.

(To Dr. Levinge): When I complained to Mr. Russell of being ill, and he advised me to see Dr. Campbell, it was impossible for me to do so. I told Mr. Russell shortly afterwards that I felt a bit weak, and he told me to remain on the place. I had too much work to do to see Dr. Campbell. I complained to you about having too much work, and you said it was strange that other men had not complained.

ALEXANDER WATT, Messenger, examined.

Witness (to Mr. Davis): I remember the morning of the 30th August when Kennedy came into the bakehouse. He was there about one minute. You did not exchange words with him. I saw you come out with the bread, and you passed Kennedy something. I did not hear you exchange words with Kennedy, and I was with you all the time. I was standing only about 9 ft. or 10 ft. away. You were very busy that morning.

Mr. Davis (continuing): That is all that I have to say, except that I know now that I made a mistake; but Dr. Levinge spoke to me in such a manner that I was confused. I had no intention of telling a lie.

(To Mr. Beetham): I have not signed these petitions, and I have had nothing to do with them. I know absolutely nothing about the article in the *Lyttelton Times*. On the occasion I was ill I sent up a doctor's certificate next morning.