

(No. 84.)



1857.

T A S M A N I A.

QUEEN'S ORPHAN SCHOOLS.

REPORT OF COMMISSION.

Presented by His Excellency's Command by Mr. Attorney-General, and ordered
by the House to be printed, 18 February, 1858.



REPORT OF COMMISSION.

Hobart Town, January 14, 1858.

SIR,

WE have the honor to inform you that, in obedience to the instructions conveyed to us in your communication of the 23rd November, we assembled on the 28th November at the Queen's Orphan Schools; and in the presence of Mr. Jones, Mrs. Smyth, and Mr. W. L. Dobson, Mrs. Smyth's friend and adviser, proceeded to inquire into the various charges preferred by Mr. Jones against Mrs. Smyth. Our investigation was continued, by adjournment, on the 4th, 5th, 23rd, 24th, and 31st December, and on the 5th January; on which day, after having examined 32 witnesses, and taken 236 pages of evidence, we were enabled to bring our protracted proceedings to a close. The result of our sittings, and the conclusions we have arrived at, will be found embodied in the following Report:—

CHARGE No. 1.

“ Making use of the Meat served out for the Children to make broth for herself, or allowing such to be done.”

Mr. Jones's letter to Comptroller - General of 13 November.

We are compelled to record our conviction that this charge has been sustained. It is established by the concurrent testimony of a number of witnesses, between whom there could not have been any preconcert, that for a lengthened period Meat was habitually, and almost daily, cut off the children's rations and made into broth for Mrs. Smyth. Whilst admitting this fact, Mrs. Smyth alleges that she was not cognisant of it; and it is true that the evidence of the only witness who speaks to Mrs. Smyth having given direct instructions in the matter is not entitled to implicit belief, inasmuch as she was, it seems, dismissed from the Institution for speculation at the instance of Mrs. Smyth. But, setting her testimony entirely on one side, it appears to us hardly possible that Mrs. Smyth, compelled as she was by her duties frequently to visit the Cook-house, constantly seeing, as she must have done, the saucepan on the fire, and for years consuming the broth made in it, could have remained in ignorance of whence the meat came from. It is indeed stated, that she was in the habit of obtaining such a quantity of meat on her private account as to afford her reasonable grounds for believing that the broth was made therefrom; but we are bound to say that the evidence before us does not bear out this assertion. The Officers' Pass Book, produced by Mr. Mackay, the Purveyor, shows that Mrs. Smyth was in the habit of drawing about 50 lbs. of meat per month, or under 2 lbs. per day; a quantity manifestly insufficient to meet the requirements of her table at other meals, and to supply the broth, which itself appears to have required from two to four pounds daily. It is also alleged in Mrs. Smyth's defence, that cooked meat sufficient to compensate the children was returned by her to the Cook-house and Hospital; but this statement, we must likewise say, is contrary to the evidence, which merely goes the length of proving that, in some few instances, broken victuals were sent from Mrs. Smyth's quarters to the chil-

Vide evidence of Amelia Jones, Hannah Bennett, Mary Connors, Sarah Jessup, Sophia Evans, Mary Farrell.
Maria Scully.

Vide evidence of Mr. Mackay.

Vide evidence of Mary Sullivan and Mary Connors.
Vide evidence of Ellen Lynch, Ann Harris, Mary Farrell, Maria Scully.

dren's coppers. On a careful consideration, therefore, of the whole evidence in regard to this charge, we cannot but look at it as proved.

CHARGE No. 2.

Mr. Jones's letter to Comptroller - General of 13 November, 1857.

" *Making use of the Milk issued for the children.*"

Vide evidence of Ellen Lynch, Ann Harris, Mary Sullivan.

See same evidence.

By the evidence before us, it is shown beyond all question that Mrs. Smyth habitually made use of the Milk of the Establishment whenever she required it. It is, however, as clearly proved that Mrs. Smyth was in the habit of returning Milk to the children's cans; and we therefore are not of opinion that this charge has been substantiated in the sense in which it was preferred by Mr. Jones. But whilst we thus exonerate Mrs. Smyth of all improper intentions in this matter, we deem it our duty to deprecate most strongly this system of borrowing from the Stores of a public Institution. Even where there is no inclination to dishonest appropriation, the balance we believe will in most cases be against the public; whilst by the subordinate and more unscrupulous officials such a principle, when once established by the example of their superiors, is sure to be abused, and to afford a pretext for all kinds of malpractices.

CHARGE No. 3.

Mr. Jones's letter of 13 November.

" *Neglect of duty in not having kept the Rations in her own charge, as directed by the Standing Orders and myself.*"

Vide evidence of Mr. Mackay.

Vide evidence of Amelia Jones, Mary Connors.

Vide evidence of Mary Connors, Amelia Jones, Hannah Bennett.

On examining into this charge, we found, to our great surprise, that no code of rules has been ever laid down for the guidance of the numerous officials employed in this large and important Institution. Mrs. Smyth, therefore, could not be guilty of a disregard of "Standing Orders." Nor do we think there is sufficient evidence of definite and positive verbal orders having been given by Mr. Jones, to render her justly amenable to such a charge as the present. We are of opinion, however, that the evidence proves that Mrs. Smyth was in the habit of incautiously permitting the key of the Pantry, or place where the daily issue of stores was kept, to be taken by almost any of the attendants who might ask for it; and that thus facilities for pilfering were imprudently afforded, which some of the parties concerned were not slow to take advantage of.

CHARGE No. 4.

Mr. Jones's letter of the 13th November.

" *Making use of insulting language to myself while in the execution of my duty.*"

Vide evidence of Mr. Mackay.

We cannot consider this charge proved. The only person present on the occasion when the offensive words imputed to Mrs. Smyth are alleged by Mr. Jones to have been made use of has no recollection of them; and we therefore think it extremely probable that Mr. Jones, who was himself, according to the witness, considerably excited, may have misapprehended what Mrs. Smyth really did say.

CHARGE No. 5.

" *Cruel treatment of the children.*"

These charges are entirely referable to a distant period, and are based upon occurrences alleged to have taken place some years ago. The particular instances more especially brought forward are those of girls named Mary Reid, Buchanan, and A. Macdonald: and first with regard to the case of Reid.

Vide evidence of Maria Marriner and Johanna Richardson.

Vide evidence of Dr. Bedford.

Vide evidence of Amelia Jones, Mary Connors, Ann Harris, Dr. Bedford.

It is alleged by two witnesses that, when Mary Reid went into Hospital on account of the illness which terminated in her death, she had a cut on her head, which she said had been occasioned by Mrs. Smyth striking her with a piece of slate frame: they state that they saw the said cut bleeding, but did not see the blow given which inflicted it. On the other hand, the Medical Attendant states that he has no recollection whatever of seeing any such cut; the girl who attended Reid, and made her bed the night she went into Hospital, says distinctly that she had no such cut; whilst other witnesses, who remembered her, and had opportunities of seeing her in Hospital, did not observe it. We are, therefore, inclined to believe the whole story to be a fabrication; but, even assuming that Reid had a cut on the head, it must evidently have been of the most trivial description, and there is not a particle of direct testimony whereupon to ascribe its infliction to Mrs. Smyth.

Vide evidence of Louisa Davis, Amelia Elmsley, Mrs. Westcott.

Secondly, with regard to the case of Buchanan.

The evidence with respect to this girl simply proves that, being a somewhat deli-

cate subject, Mrs. Smyth chastised her occasionally before she entered the Hospital. There is no proof that the punishment she received was immoderate, or calculated to have the smallest effect upon her health; nor is it shown that Mrs. Smyth knew when she administered it that the girl was in failing health. Dr. Bedford.

Thirdly, with regard to the case of A. Macdonald.

It is shown that Mrs. Smyth on one occasion beat this girl severely, in the dormitory, for neglect of duty and disobedience of orders; and it certainly seems to the Board that, in a moment of irritation, Mrs. Smyth perhaps administered severer correction than the offence demanded; but the evidence before us proves that, beyond a few marks on the shoulders, no injury whatever was sustained by the girl; and since it appears that the case was brought at the time of its occurrence under the notice of both Messrs. Jones and Bedford, and not deemed by them deserving of any special censure, it is not now for us, after this lapse of time, to condemn Mrs. Smyth's conduct in the matter. *Vide evidence of Mrs. Westcott, Amelia Jones.*

Irrespective of the three cases which we have thus disposed of, we can find nothing to sustain the charge of cruelty or ill-treatment. Some evidence, indeed, there is of a certain severity of system in the earlier years of Mrs. Smyth's matronship; but this may very possibly have been, as she herself indeed alleges, necessary to the establishment of good order amongst a number of children not likely, from their antecedents, to be particularly amenable to rule, and amongst whom discipline had been somewhat relaxed. *Miss Quin, Mr. Ewing, Mrs. Westcott.*

It is clearly shown that for some years past Mrs. Smyth's treatment of the children has been mild; and those of them whom we examined admitted that when corrected they have deserved punishment, and acknowledged that they have been happy and comfortable in the Institution. *Dr. Bedford, Mrs. Westcott.*

Upon a consideration, therefore, of the whole of this subject, we are unequivocally of opinion that Mrs. Smyth is entitled to an unqualified acquittal of the charges made against her.

Having thus, Sir, given our decision upon each of the points referred to our consideration, it remains for us, in conclusion, merely to make one observation.

Some imputations are cast upon Mr. Jones in Mrs. Smyth's defence, and much obloquy has been thrown upon him by a portion of the public for the line of conduct he has adopted in this matter: we consider it therefore due to Mr. Jones to record our opinion, that his motives and actions have been alike misrepresented; and that in bringing forward these charges against Mrs. Smyth, he has not been actuated by any personal ill feeling, but has been prompted alone by a conscientious sense of the duty devolving upon him as Superintendent of the Institution entrusted to his charge.

We herewith transmit the evidence taken before us, with the various documents connected with the case; and have the honor to be,

Sir,

Your obedient Servants,

W. TARLETON,
J. FORSTER,
FRED. B. RUSSELL.

The Honorable
The Colonial Secretary,
&c. &c. &c.