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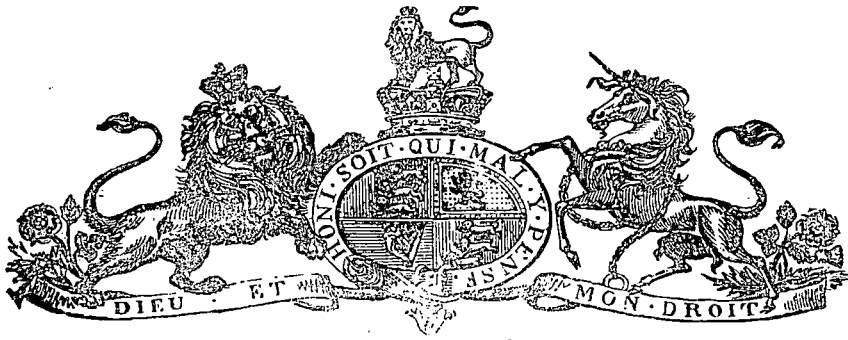
T A S M A N I A.

LEGISLATIVE COUNCIL.

**ROYAL COMMISSION, ASYLUMS FOR
INSANE :**

**CORRESPONDENCE BETWEEN THE HONORABLE W. L.
CROWTHER AND THE GOVERNMENT.**

Laid upon the Table by Mr. Moore, and ordered by the Council to be printed,
July 26, 1883.



Chief Secretary's Office, Hobart, 6th December, 1882.

SIR,

THE necessity for the erection of additional accommodation for the Insane has been gradually becoming more and more apparent; and the Government, being desirous to place the most complete and accurate information before Parliament, have decided to recommend the appointment of a Royal Commission to enquire into and report upon the present condition of the Asylums for Insane in this Colony, especially as to the character of the buildings and surrounding grounds, the classification of patients, and the mode of treatment adopted; also to enquire into the means in use, and the methods pursued, for ensuring the safe keeping and successful treatment of the Insane in Great Britain, Europe, and the neighbouring Colonies.

I have the honor, therefore, to enquire whether it will be agreeable to you that your name should be submitted to His Excellency the Governor for appointment as a Member of the proposed Royal Commission?

I have, &c.

WM. MOORE.

*The Honorable W. L. CROWTHER, M.L.C.,
Macquarie-street, Hobart.*

1, Albert Terrace, 8th December, 1882.

SIR,

I AM in receipt of your communication of the 6th instant, in which you state "that the Government have decided to recommend the appointment of a Royal Commission to enquire into and report upon the present condition of the Asylums for the Insane in this Colony," &c.; and wishing to know "whether it will be agreeable to me that my name should be submitted to the Governor for appointment as a Member of the proposed Royal Commission?"

It must be in the recollection of the Government that in October last an Address to His Excellency the Governor was, upon the motion of the Hon. W. L. Crowther, carried in the Legislative Council, such Address containing the request "that His Excellency would be pleased to appoint a Royal Commission to enquire into and report upon the present condition of the Asylums for the Insane in this Colony, especially as to the character of the buildings, recreation grounds, classification of patients, and the mode of treatment adopted, with power to send for persons and papers." It is therefore to be presumed that the appointment of the contemplated Commission is the result of the motion passed in the Council, and not, as your letter would infer, an action spontaneous on the part of the Government.

As the Mover of the notice to which reference has been made, I can hardly consider it necessary that my name should require a formal submission to His Excellency the Governor. On the contrary, it appears to me courtesy demanded that counsel should have been taken with myself as to the constitution of such Commission, one of the primary considerations being that, as a very large amount of the labour incidental to an enquiry of so extended a character would, from the fact of my having been the mover of the notice in question, devolve upon myself, I ought, before any persons had been communicated with, to have had submitted to me the names of any individuals whom the Government felt disposed to appoint, thereby affording me the opportunity of determining whether the constitution of the Commission would, in my opinion, in its composition be homogeneous, and calculated in every essential to carry into effect the objects contemplated.

As the names of several persons are known to me with whom you have communicated, and whose services you have desired to enlist, and to any of which it would be ungracious on my part to take exception, I am, under the circumstances, constrained to decline a seat upon the Royal

Commission, feeling confident that were I to accept the honor sought to be conferred upon me my position would be a false one, and, for want of harmony and community of feeling, where so much depends upon united action, the outcome of the Commission would prove nothing better than a miserable failure.

I have, &c.

WILLIAM LODGE CROWTHER.

The Hon. the Colonial Secretary.

Chief Secretary's Office, Hobart, 11th December, 1882.

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 8th instant, referring to the appointment of a Royal Commission to enquire into and report upon the present condition of the Asylums for the Insane in this Colony, in which you direct attention to the action taken by the Legislative Council in forwarding an Address to His Excellency the Governor asking for the appointment of that Commission.

In reply, I beg to remind you that that Address was carried in the Council with the concurrence and support of the Government, and the object of the Government now is to give effect to the expressed wish of the Council, as well as its own desire that a Royal Commission should be appointed for the purpose above stated. And here let me say that I hope I have made this point clear to you, as my letter to which you refer may not have stated all the particulars in connection with the issue of the proposed Commission; which, however, as a rule, are amplified and set forth in the wording of the Commission itself.

With regard to the position you take up that, as Mover of the Address in the Legislative Council to which reference has been made, it was not necessary that your name should be formally submitted to His Excellency the Governor, and that courtesy demanded that counsel should have been taken with yourself as to the constitution of such Commission, &c., I think I may say that, were the Government to act in the manner indicated by you, such action would amount constitutionally to a relinquishment of their functions and duty.

The supreme legislative power belongs to Parliament, but the executive power is vested in the Governor and exercised by his Ministers, who are responsible to Parliament. Inquiries by means of Royal Commissions are instituted by the exercise of the Royal prerogative. This being the Constitutional aspect of the question, it will be seen by the general tenor of your letter that you not only claim the right to act executively, but you go still further, by assuming the right to determine the constitution of the Commission itself, which is more or less an interference with the Royal prerogative.

I very much regret that you should decline to act as one of the Commissioners, as, from your long experience and high professional attainments, your services would be very valuable in carrying out the objects contemplated.

Let me assure you that no discourtesy was intended towards you on the part of the Government; and I trust that, upon re-consideration of the whole matter, you will be good enough to allow me to submit your name to His Excellency for appointment upon the Commission.

I have, &c.

WM. MOORE.

*The Hon. WILLIAM L. CROWTHER, M.L.C.,
1, Albert Terrace.*

Legislative Council Office, Hobart, 19th April, 1883.

SIR,

I HAVE the honor, with the full concurrence of the Royal Commissioners on Asylums for the Insane, to beg the favour of your acquainting me whether it will be agreeable to you to give us the advantage of your knowledge and experience on this important question. Seeing the deep interest you naturally take in the subject, and in view of your professional standing, your position in the Legislative Council, and as the Mover of the Address to His Excellency for the appointment of the Commission, we consider that you will be able to afford the most valuable information.

Should it be convenient to you, I have been requested to ask you to attend at the Parliamentary Library at 3 P.M. on Monday next, the 23rd instant.

I have, &c.

THOS. D. CHAPMAN, *Chairman of the Commission.*

The Hon. W. L. CROWTHER, M.L.C., Hobart.

1, *Albert Terrace*, 20th April, 1883.

SIR,

I HAVE to acknowledge the receipt of your letter of yesterday, in which you ask if it will be agreeable to me to give information upon the important questions the Commission is called upon to report, and, if agreeable, wishing my attendance in the Parliamentary Library at 3 p.m. on the 23rd instant.

For the very flattering terms in which the request has been conveyed to me I have to thank you, as Chairman of the Commission; and had the question been merely one of giving evidence before a Commission of ordinary character, and having no special circumstances attached to its foundation, I might have been induced to place my services at the disposal of the Commission. As at present constituted,—numerically small, evidently non-representative, and from which the professional element has, I fear, been intentionally eliminated,—I find the only consistent course open to me is to decline accession to a request so politely made.

I have, &c.

WILLIAM LODGE CROWTHER.

*The Chairman of the Royal Commission on
Asylums for the Insane.*