46. They do not, then, fall into the criminal class?—I do not think there is what one would call a "criminal class" in Wellington; I mean the Provincial District of Wellington.

47. Are first offenders, as a rule, mixed with old offenders in this gaol?—Yes, they are obliged to be; it is unavoidable.

48. Do you think the first offenders are deteriorated thereby?—They must be; it is inevitable.

49. Do they, when they regain their liberty, associate with one another—these two classes. Have you had any opportunity of noticing that?—I have had great opportunities, knowing almost every one in the town as I do. They do associate with each other when they get outside; in fact, they cannot very well help it. The older offenders, when they meet the others, will speak to them. I may mention we have means of keeping females apart in the gaol, but not the males.

50. There is no means of classification in the case of males?—No; we can only keep separate the penal-servitude men from the hard-labour men; but all prisoners sentenced to hard labour are kept together, whether they are first offenders or not.

51. I presume many men who are in for hard labour merely are really more depraved offenders than the penal-servitude men?—That is a well-known fact. Many men who have been sentenced to penal servitude for a long period have only committed one great crime; for instance, there is a man up there now under sentence of ten years for shooting at his wife. That is his only offence, and otherwise he is not an immoral man. But there are short-sentence men there who have been in time after time, and by their conduct give us more trouble than any of the penal-servitude men.

52. *Mr. Swanson.*] Do you consider shooting at your wife a light crime?—By no means. But what I wished to convey was this: that it does not necessarily follow because a man has a long sentence that he is a worse character and more calculated to injure morally those with whom he comes into contact than a man who has a shorter sentence. This man, in a fit of drunken jealousy, committed a great crime, for which, very properly, he was severely sentenced; but otherwise he is not a bad man—up to the time of the commission of this crime he had borne an irreproachable character. Other men, who have light sentences, are some of the greatest scoundrels upon earth—they do not know what it is to lead a good life; they have always led a life of crime. A man may embezzle money, he gets a heavy sentence; but he is not so bad a man as many who get but a month.

53. *Hon. Mr. Fox.*] Penal servitude involves hard labour?—Yes, of the severest kind.

54. *The Chairman.*] What part of the treatment at present in vogue do the prisoners find most irksome. First, I would ask, have you any separate cells?—No; except one, a punishment cell.

55. How many prisoners have you in each cell?—Three; in the larger cells, four.

56. You have no means of judging, from your own experience, what the prisoners' feelings about separate cells are?—No, but I do not doubt they like being together best.

57. What part of the present treatment do they find most irksome?—Being kept at the same kind of work for long periods.

58. If they were left to idleness would they not also feel that?—Yes; still they do not like being kept to hard work. They complain they are made to work too hard.

59. Have you had any attempts at escape?—I believe there was one this morning. Just before I came away I heard that a man, under sentence of four years' penal servitude, had escaped from the works at the new hospital, but had been recaptured.

60. Are these attempts frequent?—No, very rare.

61. Is it generally upon the works where these attempts are made?—Yes.

62. Have you had any attempts at gaol breaking?—Not for many years. Some years ago there was an attempt to escape from the cook-house. The brickwork, which was only nine-inches thick, had fallen into disrepair, the mortar had crumbled out, and some men took out the bricks and made their escape through the opening; they were recaptured.

63. *Hon. Mr. Fox.*] Do you not recollect the occasion when six men escaped?—That was before my time. That was in April, 1859, and I did not take charge until March, 1860. I remember the case. The cook-house case occurred fourteen or fifteen years ago.

64. *Mr. Wakefield.*] Attempts at escape are very rare, and they have not been successful?—Yes; only one case has happened that has been successful in Wellington, so far as I know. In that case the man got clear away. It was about sixteen and a half years ago. He was at work, with other men, reclaiming the land which is at present the cricket-ground in Wellington, and he got away, hiding himself in some long flax for a time; then he got away over the hills, and finally cleared out of the colony in a vessel. That is the only case, so far as I know, of a man getting clean away.

65. *The Chairman.*] There is no cover now?—No.

66. I understand that neither in the cells, nor in the exercising ground, nor at work, nor at meals, is it possible to arrange any system of classification in the Wellington Gaol at present?—No; there cannot be any proper classification as the gaol at present stands. We might arrange that the three men put in a cell should all of them be men having light sentences; but that would not affect the matter very much. Besides, they can talk from one cell to another very easily.

67. *Major Atkinson.*] Is talk permitted?—Up to eight o'clock at night, when the bell calls for silence.

68. *Mr. Rolleston.*] How far can the prisoners pass word from one to another?—Right through the whole of the building. There are gratings in the cells for purposes of ventilation, and through these communication is perfectly easy. In fact, we cannot prevent men talking from one end of the building to the other.

69. *The Chairman.*] About the work done at present, you cannot make any distinction as to work between the hard-labour men and the penal-servitude men?—No, except that we send the short-sentence prisoners in a different gang. That is the only difference we can make. The men are now working in two places; one lot are at the hospital making bricks, and the others are working near the Terrace School for the Grammar School Trustees.

69A. You have no industrial labour going on in the gaol?—No, except shoemaking. We make all our boots and shoes in the gaol. There is only one man doing the work. We find that his work is