

1878.
NEW ZEALAND.

GAOLS COMMITTEE.

REPORT ON GAOLS MANAGEMENT, TOGETHER WITH MINUTES OF EVIDENCE.

Report brought up 23rd October, 1878, and ordered to be printed.

ORDERS OF REFERENCE.

Extracts from the Journals of the House of Representatives.

THURSDAY, THE 1ST DAY OF AUGUST, 1878.

Ordered, That a Select Committee be appointed to inquire into the present state of the gaols in the colony, and the improvements necessary to enforce proper classification and discipline; with power to call for persons and papers. That such Committee do consist of fourteen members, and that five be a quorum. The Committee to consist of the Hon. Mr. Fox, the Hon. Mr. Gisborne, Mr. Ormond, Mr. Rolleston, Mr. Seymour, the Hon. Mr. Sheehan, the Hon. Mr. Stout, Mr. Swanson, Mr. Tole, Mr. Wakefield, Mr. Bunny, Mr. Hunter, Major Atkinson, and the Mover. To report in six weeks.—*(Mr. Bowen.)*

FRIDAY, THE 2ND DAY OF AUGUST, 1878.

Ordered, That the name of Mr. Curtis be added to the Select Committee appointed to inquire into the state of gaols, &c.—*(Mr. Sharp.)*

WEDNESDAY, THE 21ST DAY OF AUGUST, 1878.

Ordered, That the name of Mr. J. C. Brown be added to the Gaols Committee.—*(Mr. Bowen.)*

FRIDAY, THE 13TH DAY OF SEPTEMBER, 1878.

Ordered, That the quorum of the Gaols Committee be reduced to three.—*(Mr. Bowen.)*

WEDNESDAY, THE 25TH DAY OF SEPTEMBER, 1878.

Ordered, That the Gaols Management Committee have leave to postpone the bringing up of their report for three weeks from to-day.—*(Mr. Bowen.)*

THE Gaols Committee, appointed to inquire into the present state of the gaols of the colony, and the improvements necessary to enforce proper classification and discipline, have the honor to report as follows:—

1. At present the Government exercises no real control over the gaols and gaol officers. Every gaol in the colony is—subject to the law and regulations issued from time to time by the Governor—managed to a great extent according to the views and experience of the gaoler, the only check upon the action of that officer being the supervision of the Visiting Justices. These gentlemen take, in different parts of the colony, different views of their position; and whereas in some gaols their visits are frequent and regular, in others they are few and far between. Though the services of the Visiting Justices are most valuable, and indeed indispensable, as independent and unofficial visitors, it is impossible that they should supply that sort of inspection and control which it is necessary that the Government should keep in their own hands. A punishment inflicted in one part of the colony, though nominally the same as that inflicted in another, is really a totally different punishment. In technical matters, and with respect to a great deal of the discipline and conduct of the gaol, the Visiting Justices must necessarily be, to a great extent, in the hands of the gaoler; while there is no control or audit whatever of the Government stores in gaols throughout the colony.

The first essential step towards a reform in prison discipline and management is an efficient system of Government inspection. The inspector should be a man thoroughly trained in the soundest principles of prison management, and should not have been connected with any gaol heretofore established in New Zealand.

2. Since the report of the Royal Commission on prisons in 1868, little or nothing has been done towards classification of prisoners. The enlargements of the local gaols have not much more than kept up with the increase of crime, consequent on increased population, and further accommodation is urgently needed to carry out the recommendations of that Commission. No

adequate distinction can, at present, be made between the treatment of penal-servitude and hard-labour prisoners; and first offenders sentenced for comparatively slight offences are associated with old and hardened criminals. In some gaols young women who had borne good moral character previous to conviction, have been associated with women of utterly depraved character and habits, and juvenile offenders of both sexes have had no separate accommodation provided for them. Classification of prisoners cannot be satisfactory so long as penal-servitude men are confined in the same prisons as other offenders. If a penal-servitude gaol were established, and long-sentence prisoners were drafted out of the existing prisons, there would be room enough, in most cases, to classify the other prisoners; and, with a few improvements suggested in the evidence appended to this report, these gaols would for some time meet the requirements of the country. This would be the most economical and effective mode of providing the further accommodation necessary.

3. The mark-system adopted in 1875 is working well, and has had a good effect on the prisoners, but it cannot be properly carried out until there are opportunities for classification, and regular supervision and inspection to secure fairness and uniformity in the system of marking. The Committee desire to record their opinion that the crank, the treadmill, and other kinds of unproductive labour should not be resorted to; that, as far as possible, the industry of prisoners should be stimulated; that their marks should be gained in proportion to the work they do; and that, as in English gaols, it should be possible to earn a small sum of money by industry, so that a prisoner on his discharge might have some means of starting in life. In the hard-labour gaols, marks and exertion money should be earned from the commencement of the sentence. Those prisoners who from health or early habits are unfit for hard manual labour should be made to work in their own trades, or taught a trade if they have not got one.

4. The provisions for teaching are very insufficient in most of the gaols, and the accommodation for religious services inadequate. In the larger gaols one of the warders should be competent to act as a schoolmaster for elementary teaching.

5. The pay of the gaol officers, and their number in proportion to the prisoners, has been very different in the different provinces; the pay being highest in Otago, and lowest in Auckland. Taking the four principal gaols in the colony, the average cost of official salaries per head of prisoners, as given in the evidence appended to this report, is—

Auckland	£17	9	4
Wellington	25	12	8
Lyttelton	22	16	4
Dunedin	53	5	2

Thus it appears that the cost of official salaries at Dunedin is double that at Wellington and Lyttelton, and three times that at Auckland. These inequalities create a sense of injustice among the officers, and render it difficult to transfer and promote officers from one gaol to another.

As the question of pay has been referred to the Committee, they recommend the following scale of salaries in the four principal gaols—viz., Auckland, Wellington, Lyttelton, and Dunedin:—

Gaoler, £300 and house, with £5 a year additional for each year of service for twenty years.

Chief Warder	£200	0	0
1st class Warders	160	0	0
2nd class Warders	150	0	0
3rd class Warders	140	0	0

All overseers, trade-instructors, and other officers to rank as warders. Quarters to be provided for officers; where this is impossible, allowance to be made according to locality, not exceeding £25 per annum.

For secondary gaols:—

Gaoler, £200 and house, with £5 a year additional for each year of service for twenty years.

2nd and 3rd class Warders £150 and £140 respectively.

A large number of small gaols, really not much more than lock-ups, but proclaimed gaols for public convenience, to remain under charge of police.

In adopting any general and uniform rule, it will be necessary to take into exceptional consideration the case of a few old provincial officers, who have been for years in receipt of larger salaries.

The number of warders in proportion to the number of prisoners must depend to a certain extent on the position and accommodation of each gaol. As a general rule it will be found that, in existing gaols, warders, including subordinate officers of all kinds, should be in the proportion of one to eight prisoners.

6. There are several questions connected with the discipline of particular gaols to which the attention of the Committee has been drawn, but which it has been impossible to investigate this session. The papers are referred to the Government, with a recommendation that strict inquiry should be made concerning them.

The evidence taken by the Committee is appended to this report.

CHARLES C. BOWEN,
Chairman.

23rd October, 1878.

MINUTES OF EVIDENCE.

FRIDAY, 9TH AUGUST, 1878.

Mr. READ, Governor of Wellington Gaol, examined.

Mr. Read.
9th Aug., 1878.

1. *The Chairman.*] Mr. Read, I suppose you keep a copy of the regulations posted up in the gaol?—An abstract of the regulations should be posted in the gaol, but it has not been printed. I read them to the prisoners occasionally.

2. Are the regulations strictly observed?—As far as practicable.

3. In what particular is it not practicable to observe them? Of course we know there are some regulations which, when made, it was known they could not be followed in all gaols at present. But we want to know which are not carried out, and why they are not carried out?—Well, I cannot carry all the regulations in my mind, so I can scarcely answer that question.

4. Are there any striking points in which it has been impossible to carry out the regulations?—No; I think not. There are some merely minor points of discipline on which it is impossible to carry them out just now.

5. They are carried out so far as is practicable in the gaol?—Yes.

6. And you say there is no material divergence from them?—No.

7. Very well; some printed questions will be forwarded to you, and then you can answer as to details. Is the mark system in force in the gaol?—It is.

8. Carefully?—Carefully.

9. How has it worked since it has been introduced?—Very well, so far; but it cannot be worked properly on account of the manner in which the prisoners are sent to labour. They work associated together in gangs, making roads or such other work. When men work separately at particular jobs it is possible to estimate what they do. To a man who does a fair day's work you can give six marks; for a better day's work, seven; and for a still better, eight. You are able to distinguish between them easily. But when they are associated together in work it is perfectly impossible to carry the mark system thoroughly into effect. If a man is shoemaking or picking oakum, then you can arrange the number of marks to be given easily. As a rule, most men, under the mark system, work well. What I wish to convey is that the marks cannot be so fairly and properly awarded when men are associated in gangs as they can if set fixed tasks; and it is impossible to give men fixed tasks when they are working on the roads. It is quite possible that some men so working may get eight marks when they deserved only seven, and *vice versa*.

10. Is there any particular rule among the regulations for prisons now in force against which you have any objection to urge?—No.

11. Or do you hear of any such among the officers under you?—None at all.

12. *Hon. Mr. Fox.*] Any complaints from the prisoners?—I do not think even the prisoners themselves consider the rules oppressive in any shape or way. No complaints have reached me respecting the rules.

13. *The Chairman.*] How many Visiting Justices are there in Wellington?—There are five, but practically only four, as one of the five is so ill that he cannot visit, and has not visited for years.

14. How often do they visit the gaol?—At uncertain times. They do not tell me when they are coming. Sometimes they come two or three times a month, sometimes once a month.

15. Do they visit in turns?—No; merely at convenience.

16. What record is kept of their visits?—They always make entries in the Visiting Justices' book.

17. *Hon. Mr. Fox.*] Do they look below the surface of things, or merely make a cursory excursion through the gaol?—They go through the gaol, and look through every part of it. They visit every cell, and occasionally ask the prisoners if they have any complaint to make.

18. Do you consider the inspection is of such a character that if any irregularities were occurring in the gaol they would be likely to secure attention?—Sometimes. Sometimes it is merely a walk through the gaol.

19. I suppose that, in case of any serious infraction of prison discipline or any frauds being perpetrated, the Justices are in a position to detect such a thing?—Oh, yes. I do not know much about other gaols, but I do not think it is possible that there should be any fraud in the Wellington Gaol, we are under such stringent regulations of the Stores Department.

20. But as far as the Visiting Justices are concerned. You think fraud is impossible in consequence of the strict regulations of the Stores Department, not on account of the inspection of the Visiting Justices. We want to ascertain what is the value of the inspection of the Visiting Justices?—So far as the detection of fraud is concerned, it amounts to very little.

21. They have no power to ascertain anything in the ordinary way, except that which is on the surface. They merely see that the gaol is clean, ask the prisoners if they have any complaints, and ask you if all is right?—Yes.

22. Then it is not a very strict scrutiny?—I do not know how they could make a much stricter scrutiny.

23. They must take things, in fact, as they find them?—Yes, as far as stores are concerned; but the accounts are very carefully overlooked by the Stores Department. I do not think the Justices

Mr. Read.
9th Aug., 1878.

consider the overlooking of stores to be part of their duty. They merely see that the gaol is kept in proper order, and that the ordinary work is carried on. Sometimes they visit the works. One gentleman went out the other day to the new lunatic asylum to see how things were going on. They also receive complaints from or against the prisoners. That appears to be their duty.

24. *Hon. Mr. Gisborne.*] They have the power to punish prisoners, have they not?—Yes; certainly. If there was anything wrong going on in the gaol they would soon hear of it. There could be no secret kept from them long. With the prisoners watching on one side and the officers and the public and the Visiting Justices and the Government on the other side, wrong must inevitably soon be discovered.

25. You must remember I am not asking these questions with reference specially to the Wellington gaol, but you are the only officer present of whom we can ask these questions. I wish to know how far the system of Visiting Justices is likely to be efficient throughout the colony, supposing it to be the same in other parts of the colony as it is in Wellington?—Yes. Of course I cannot give any information as to other parts of the colony. I have not been in any of the other gaols, except that at Nelson and that at Wanganui.

26. *Mr. Rolleston.*] Would not a periodical inspection of the gaols of the colony by an Inspector specially appointed for that purpose, himself having a full knowledge of the management of gaols gained by experience, tend to promote the efficient management of gaols throughout the colony?—Most certainly; there can be no doubt about that.

27. *The Chairman.*] Practically, I take it, Mr. Read, the principal duty of the Visiting Justices is to look into all grievances that may arise from time to time in gaols, and to punish any breach of discipline?—Yes.

28. Then it is not the function of Visiting Justices to inquire into questions as to stores?—No.

29. The internal management of gaols and the maintenance of discipline is practically in the hands of the gaoler himself?—It is.

30. And without any check beyond that of public opinion?—Yes.

31. *Hon. Mr. Gisborne.*] You think the appointment of a general Inspector would be beneficial?—If he was a man of experience—Yes. But it is of no use appointing a man to that position who knows nothing about gaol discipline. I think it is very desirable that an officer of that sort should be appointed.

32. *Major Atkinson.*] Is anything like systematic cruelty in a gaol possible, under the present rules, on the part of a warder towards a particular prisoner, without its being known, or on the part of a combination of two or three warders who might take a dislike to a man and wish to treat him harshly?—I should say not.

33. Do you mean that no officer would do such a thing, or do you mean that the gaol system is such that it could not be done?—A little of both, perhaps. I think it is a little of one and a little of the other. Any system of persecution on the part of the officers, however, must come under my personal surveillance, and would be detected at once.

34. Could the Governor of the gaol, under the present system, adopt such a course without its being detected?—No; the officers would doubtless complain, and the matter would at once be set right by the Visiting Justices. I do not think it could be done.

35. Except by a combination of the whole of the officers?—That is a thing very unlikely.

36. *Mr. Rolleston.*] The officers would not be likely to report it unless they fell out with the Governor?—Perhaps not; but, if the Governor should find it desirable to report an officer, that officer would at once turn round and report the Governor to the Visiting Justice. The prisoner would also report the matter to the Visiting Justices if he saw that the officers or the Governor had a "down" upon him.

37. Practically, do the prisoners make any complaints?—They have not done so in Wellington Gaol for very many years past.

38. *Major Atkinson.*] Would it not, in case a prisoner made a complaint, be very difficult for him to prove its correctness?—I think not. For about eighteen months after I first took charge of the gaol there were general complaints to the Visiting Justices, and they took evidence in the fairest possible manner. Nothing could have been fairer. The prisoners complained about me as being a tyrant. The fact was that I had a very difficult task. Things were in a bad state, and I had difficulty in restoring discipline. The complaints were dealt with by the Visiting Justices, and I do not think there have been any complaints since then.

39. I do not wish to be understood to be speaking of the matter particularly—that is, with reference to a particular man, but as to the general effect of the system. Supposing there was an arbitrary Governor at a gaol, is the system itself a check upon him?—I do not think a tyrannical Governor could carry on long without being brought before the Visiting Justices.

40. Or a warder?—Or a warder, the prisoners have so many friends outside the gaol.

41. *Hon. Mr. Gisborne.*] Could favouritism be practised—lighter work given to one man than to another—without its being known?—I do not well see how that could be done. It might possibly be done at the works.

42. But not in the gaol itself?—No, it would soon be known and spoken of. If one man gets half an ounce more rations than another there is immediately an outcry about it. Prisoners have a great check upon the officers afforded them by the visits of the Justices, and there would soon be complaints if there was any favouritism.

43. *The Chairman.*] Now, about recommittals. Are recommittals of old offenders frequent here?—No, except for drunkenness and vagrancy.

44. Are they not frequent in cases of larceny?—Not very frequent. There are some few men who are frequently committed for that offence; who are no sooner out than they are in again. But such cases are exceptions. There are very few indeed.

45. *Hon. Mr. Fox.*] Are you able to form an opinion as to whether prisoners, on the expiration of their sentences, generally clear out of the place or not?—Most remain in the town. All of them can get work. The fact of their having been in gaol does not seem to affect their chances of employment.

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

Mr. Read.

9th Aug., 1878.

Mr. Read.
9th Aug., 1878.

sufficient to provide boots and shoes for the whole of the people in the gaol, as well as the gaol at Wanganui.

69B. *Hon. Mr. Fox.*] As regards the hard-labour gangs, they are employed, I understand, chiefly on town works, improving the streets, and so forth?—Not in improving the streets. They are employed in making roads for the trustees of the hospital near the Terrace School, and a large number are employed making bricks and levelling the site for the new Hospital. There are nearly 3,000,000 bricks made already, all of which have been made by prison labour.

70. Then the work of the prisoners is for the benefit of some outside persons. The hospital trustees do not pay for this labour?—No.

71. The work is given without remuneration?—There is no direct payment from these bodies that I am aware of. The men have to work pretty hard, especially those who are at work making bricks. There can be no mistake about the amount of labour which they do, because they have to keep a machine going. The machine has to be fed, and the bricks must be carried away as fast as the machine turns them out. The work must be done.

72. I understand you to know nothing more about this matter, except the execution of the work? Well, I know that no pay is given; but it seems to me the thing is as broad as it is long, because if the prison labour was not employed in the erection of the hospital the Government would have to pay for free labour.

73. *The Chairman.*] There is no payment made or separate account kept?—No.

74. *Major Atkinson.*] Supposing you have a bank clerk who has been embezzling, to what sort of work do you put him?—We do not put him to the severest work at first; we put him to some lighter work, and gradually inure him to the harder work.

75. Would he obtain as many marks as the other men who do harder work?—Yes; he would do as much as he possibly could, although he would not be able to take to the severer work at once. A man cannot do more than he can do, and we would give him marks accordingly.

76. *The Chairman.*] Is a prisoner ever employed in clerical labour?—Sometimes, but not generally. When returns are called for, we sometimes put the prisoners to clerical work.

77. Is there often communication between the prisoners and the public?—Yes; we cannot prevent that. It is one of the evils arising from the prisoners working with free labourers. They are bound to talk, and to communicate about things outside.

78. Do the free labourers ever pass the prisoners tobacco or drink?—I have never known of any one passing drink, but I have heard of tobacco passing. When that is discovered, we take them before the Magistrate.

79. *Hon. Mr. Fox.*] Do you ever get newspapers into the gaol?—Sometimes, but it is strictly prohibited.

80. You do not allow them to see the papers?—No; we allow them to see books.

81. Have you any books in the prison?—Yes, about 500 volumes. They read these. It is a very great punishment to the prisoners to be shut out from the newspapers and local news. In a gaol like this we cannot altogether prevent the men getting local news. It very frequently happens that a man comes in to do twenty-four or forty-eight hours; he is in company with the long-sentence prisoners, and of course gives them full information of what is passing outside.

82. Can short-sentence prisoners facilitate communication by long-sentence prisoners with outside?—Yes, it is frequently done. It is one of the failings of our system. As I said before, a man comes in for drunkenness, to do his twenty-four or forty-eight hours, and he tells the prisoners with whom he comes into contact the whole of the news outside, and also, I have great reason to believe, carries messages to the outside people from the prisoners. I remember a case which occurred a short time ago. A man had come in to do a short term, and on being searched when he was leaving the prison we found a note in his boot, written in German. This note, when translated, proved to be an elaborate plan of escape, planned by a long-sentence prisoner, and this note was to have been given to his wife, who was to have made the necessary arrangements outside.

83. Have you any information of such a thing occurring as a man deliberately getting himself a short sentence with a view of getting into the gaol to communicate with the prisoners?—It has not come to my knowledge, but it is a very likely occurrence. I have no doubt that in serious robbery cases an accomplice of the person arrested would not hesitate to get himself twenty-four hours for the purpose of being in gaol and communicating with a prisoner, with a view of hiding stolen property and removing witnesses of the crime where it was possible to do so. I cannot say that I have discovered any such case, but my impression is that it is frequently done.

84. You have had no lunatic prisoners in the gaol of late?—No; but we have had prisoners worse than lunatics. We have had men suffering from *delirium tremens* constantly sent to the gaol. We had four some months ago; and it is something frightful the amount of bother and trouble which they give. There should be some alteration in the present system. I think a man suffering from *delirium tremens* when brought up at the Police Court is always remanded to gaol on suspicion of lunacy, and they give us a very great deal of trouble. The beds and the cells are frequently covered with excrement.

85. *The Chairman.*] About the scale of rations: Have you anything to say about it?—Nothing, except that I think that it is amply sufficient.

86. Is it too indulgent?—I do not think so. If you make men work you must feed them.

87. Is there any waste of bread?—No; I believe if one man does not eat his bread he will give it to another.

88. They can pass their food through from one to another then?—It cannot be prevented.

89. I have heard it stated that with a great many men the bread allowance is more than sufficient?—It is quite sufficient. I believe many men cannot eat all, but some can eat more.

90. I was at Lyttelton Gaol a very short time ago, and I was told the allowance of bread was much too large?—We have not found it to be too large. Our men eat it all.

91. But it is done by passing the bread from one to another?—That is done, I believe, in some

cases; but it cannot be prevented. That is one instance in which the Prison Regulations cannot be carried into effect in consequence of the arrangement of our gaol.

92. *Mr. Tole.*] But are not men brought up before the Visiting Justices for such offences?—It is no use; you cannot prevent it—the men are altogether.

93. *Mr. Fox.*] I suppose you do not find it very frequent that men give their food away?—No; they most of them eat well; but there are a few cases in which small men cannot eat so much as men six feet high, and these give their surplus food to others.

94. What is the present allowance?—I do not recollect just now. It is in the Prison Regulations.

95. *The Chairman.*] You say the present allowance of bread is not excessive?—Yes.

96. Well, I am told at Lyttelton there are bucketsful of bread wasted.—I do not think it would be well to reduce it.

97. *Mr. Rolleston.*] The meat is not more than sufficient?—No.

97A. *Mr. Swanson.*] How many meals a day do you give them?—Three; one before they go out to work, 7 o'clock, another at 12, and another when they leave off work.

98. *Mr. Tole.*] What means have you of keeping order in the gaol at meal-times?—The officers' room is right close to the place where the prisoners eat, and if the least noise occurs an officer, by looking through a window, can see the cause.

99. Can the officers, as they sit, observe everything that is done?—No.

100. They cannot, then, see one prisoner passing food to another?—No; the rule cannot be enforced.

101. If you had a warder in the room it could be prevented?—They would continue to do it in some way. It seems to me that the matter is of small importance.

102. Then what is the use of the rule?—It is as well to keep it, I think, because it makes such conduct an offence, and if selling rations were to occur the Magistrate could, on its detection, punish.

103. *The Chairman.*] Is tobacco allowed under any circumstances?—One stick of tobacco a week is allowed to every prisoner.

104. Is not that contrary to the regulations?—No; smoking is allowed at certain times, and it is a good thing such a regulation has been introduced, I think. I remember that when tobacco was forbidden we were in eternal trouble. Mixing with the free labourers outside the prisoners would have tobacco, and it was practically impossible to prevent breaches of the regulation. It is far wiser to allow tobacco under certain restrictions, and prevent this constant breach of the rules.

105. *Mr. Swanson.*] Would it not be well to make the granting of tobacco a special indulgence only to be extended to the men who exert themselves to do their work properly and behave well?—It would, if we had the means of proper classification, but not under present circumstances, when the men all work together. We have not now sufficient means of discriminating between those who honestly work hard all day and those who do not. Then, again, those who were deprived of tobacco for not working hard would manage somehow to get a supply from their associates. There is a good deal of sympathy between the men, and one would assist another, knowing he himself might on next day need assistance in the same way.

106. *The Chairman.*] With regard to the allowance: You say a stick of tobacco a week is given to each man?—Yes.

107. Is that allowance served out to non-smokers as well?—It is served out to every man alike.

108. Under these circumstances some men must get two sticks a week sometimes?—No doubt.

109. There must be some men who do not use their tobacco—do not smoke?—A man soon learns to smoke in prison.

110. But there are some men who cannot, physically, stand tobacco?—Yes; but as a rule they learn to smoke very soon. One man incites another to it.

111. *Mr. Tole.*] Perhaps that arises from the want of something to occupy their mind?—No; a man's time is fully occupied from morning till night.

112. Have they any time to themselves under the Regulations?—They have an hour and a half every night before bed-time. They smoke before going out to work in the morning, and again when they come home at night.

113. Is there any special time allowed for smoking?—Yes; a quarter of an hour is allowed. Pipes are served out, and at the expiry of a quarter of an hour are collected again.

114. *The Chairman.*] When they stop work for dinner are they allowed to smoke?—No; there is no smoking outside the gaol.

115. *Mr. Tole.*] When is the tobacco served out?—Every week.

116. *Mr. Swanson.*] If it was served out only to men who did their work well, and behaved themselves, could not the tobacco allowance be utilized as a reward for good conduct and punishment of bad?—I think it would be a farce to stop tobacco, because they would pass it one to the other if some were without. Of course if proper means of classification were provided, which would enable us to carry out such a system, it might work very well. I am speaking with reference to present arrangements.

117. *The Chairman.*] I suppose to stop tobacco would be the most serious punishment that could be inflicted?—It would; they would willingly go without meals for the sake of tobacco.

118. If tobacco were stopped for a time would not men lose the desire for it?—My experience teaches me the contrary. We did stop tobacco for a time once; but the craving for it seemed to increase, and appeared ungovernable when they saw persons outside smoking.

119. When men go out of prison is there any allowance of money made to them?—As a rule, no; nor is it needed. In cases where it is absolutely necessary that something should be done representation is made to the Government. Last week money was given to a prisoner who was discharged. The reason it is not needed is, that most men can get work immediately on leaving the gaol; and it would be a mistake to give the other class money, because it would really form an inducement to them to go to gaol. I have frequently known men get work the very day of their discharge. A man will

Mr. Read.
9th Aug., 1878.

sometimes be discharged at eight o'clock in the morning and at noon will cart a load of coals to the gaol for his employer down town.

120. *Hon. Mr. Fox.*] That will not apply to women?—No; but we have very few women, except the most abandoned prostitutes, and if you gave them money on their discharge they would walk to the first publichouse and there spend it. I remember that last week a woman who was about to be discharged complained to _____, a lady visitor to the gaol, that she did not know what she should do. The lady told the woman to call at her house when she left the gaol, and she would see what could be done. On her discharge she did call, but _____ was out at the time. The woman went off to the publichouse, by some means got drink, and in the evening was again in the lock-up in a dreadful condition. It would be of no use giving such people as that money.

121. Suppose the case of a first offender, who wished to get away from the place where he had disgraced himself?—It might be done in a case like that, certainly; but to give money to these old offenders would merely be an inducement to them to put in the winter in gaol, knowing they would come out in the pleasant season of the year with some money in their pockets. I may remark that under the present system there does not appear to be any increase in the number of committals. In fact, in spite of the increasing population, the committals have of late greatly decreased. Last year there was an actual decrease of eighty-seven, as compared with the total of the previous year.

122. *Mr. Swanson.*] Is there any scarcity of work in the winter here?—No; but there are in this community loafers, just as in others. These men do not like work, and will not work; and they find themselves better cared for in prison during the winter than they would be outside.

123. Of course it would be a good thing to get these men out of that habit?—Yes.

124. Well, do you not think that a man of that class would be induced to keep up to his work in gaol by the prospect of his earning some money, and that he would thus gradually come to find that work was not so irksome as he imagined. Would such treatment be likely to reform him? Well, my experience teaches me different. If he earned any money, the first thing he would do on his release would be to run off to the publichouse and drink good luck to the gaol.

125. *The Chairman.*] About the hospital arrangements: Have you got a separate room in the gaol?—No.

126. What do you do with sick prisoners?—Merely leave them in the ordinary cells.

127. As to medical attendance?—There is a medical officer to the gaol. He attends twice a week regularly, and comes when sent for, or pays extra visits should cases require it.

128. Have you had any reason to complain of want of attention?—No. We have very little sickness in the Wellington Gaol. However, we do want an infirmary.

129. The gaol is healthy?—Yes.

130. The water good?—Yes.

131. The drainage good?—Yes.

132. I remember once visiting the gaol, and there was certainly a nuisance in the yard from the privies. There was a want of some arrangement there?—Well, the privies have been lately rebuilt, but that nuisance remains very much the same, and it cannot well be helped. We have had earth-closets, and they will not answer. They (the earth-closets) smelt very bad.

133. *Hon. Mr. Fox.*] You could not have used proper earth?—Yes, we have tried all kinds.

134. *Mr. Tole.*] Have you had prisoners removed to the hospital?—Two or three.

TUESDAY, 13TH AUGUST, 1878.

MR. MICAH READ, further examined.

Mr. Read.
13th Aug., 1878.

135. *The Chairman.*] Are there any arrangements made for religious or other education in the gaol here, Mr. Read?—Yes, Sir. Divine service is performed every Sunday by Mr. DeCastro, and on the first Sunday in the month others attend, and the Roman Catholic priests also hold Divine service.

136. Every Sunday?—Yes, Sir. The priest comes as a rule every Sunday, except when he has to attend a funeral, or is otherwise engaged. As to instruction, there is a room set apart for the purpose. The prisoners are supplied with copybooks and other school requisites, and in numerous cases very good results have accrued.

137. Are they taught every day?—They receive instruction every night during the year, except on Sundays and special occasions. This instruction has been productive of great benefit, many prisoners being taught to both read and write. I have seen instances where prisoners who, on their admission into the gaol, could scarcely write their own names, have acquired a facility to write very well.

138. Are they willing to learn?—Yes; I generally find them very willing to attend.

139. And, practically, do all prisoners learn to read and write in the gaol?—If they stay long enough they do. We had a Maori committed for eighteen months from the Hutt, who, when received into the gaol, could neither read nor write; but, when his term of imprisonment was completed, he could write very well, so much so that he was enabled to write several letters to his friends. I have seen many cases of a similar kind. A man named Robinson, from Wanganui, learnt the shoe-making trade, as well as to write, and he was enabled to write to his parents after being in gaol for some time. He now writes very well indeed.

140. *Hon. Mr. Gisborne.*] Who teaches them?—Some of their fellow-prisoners. A man named Lyell, and another named Hill, take part in teaching their fellow-prisoners.

141. Do they get anything for teaching?—No, Sir; they consider it rather an honour to teach the others.

142. *Hon. Mr. Fox.*] As regards religious instruction, is it purely of a voluntary nature, or is any one paid by the Government to do it?—It is simply voluntary.

143. What arrangements are made between the different denominations?—There is none. There are only the two denominations, Catholic and Protestant.

144. How are the services conducted?—We have a small organ, and the prisoners make responses and sing chants. The service is similar to that of the Church.

145. *Hon. Mr. Gisborne.*] What is the service? Is the Liturgy read?—It is a precisely similar service to what you have in the cathedral.

146. Are there sermons?—Yes; the sermon generally occupies from half-past 11 to 12.

147. Is it only the Church of England, or Nonconformists?—It is only the Church of England. Sometimes Archdeacon Stock officiates, and sometimes Mr. DeCastro.

148. Are there services for Dissenters?—No; they would not be able to preach on Sunday, because the time is fully occupied by the Roman Catholic priests and the others. Besides, Mr. Morpeth, who comes by direction of the Visiting Justices, holds a Bible class for those who like to attend; it is not compulsory. The others are compulsory, because the prison Regulations say that prisoners shall attend Divine service.

149. *The Chairman.*] Now, to go back to the question of classification, about which you spoke the other day. Do I understand you to say that first offenders very seldom return to the gaol here?—Well, as a rule, very few prisoners return to the gaol. There are very few who have previous convictions recorded against them. As I mentioned the other day, there are not many men in the town who are frequently committed for petty larcenies. There are just a few, perhaps not one out of fifty of them, that are constantly coming back to gaol. The recommittals, as a rule, are very few, except, as I said before, for vagrancy and drunkenness.

150. Have you many young offenders in the gaol?—No; very few.

151. What do you do with the young offenders when you get them?—Lads, I suppose you mean.

152. Yes; lads.—All we can find to do with them is to keep them confined by themselves while the other prisoners are in, and let them out in the exercise yards when the older prisoners are out at work. We make them pick oakum. There is no means of keeping them apart from the other prisoners except by shutting them out.

153. Then, practically, they are not separated from the other prisoners?—Only so far as I have stated.

154. Are they separated at meals?—Yes, we give them their meals in their cells, so as to keep them apart from the other prisoners.

155. Have they any means of communicating with the other prisoners?—When all the prisoners are locked in their cells at night they can talk from one cell to the other, and so communicate with each other.

156. *Hon. Mr. Gisborne.*] How? By signals?—No, Sir; they can speak to each other.

157. *The Chairman.*] Practically, then, they can talk to each other in gaol?—Yes, they can so talk with each other. For instance, if a prisoner is sentenced to solitary confinement for a time, it is a mere phrase to call it solitary confinement, because he knows all that goes on in the gaol, and hears what takes place. It does away with the punishment altogether. If solitary confinement could be properly carried out it would be a very severe punishment, but in the gaol at present it is not solitary confinement.

158. Is it limited by law to a certain length?—Yes; it must not exceed certain periods.

159. How long?—The term, for some offences, is not to exceed fourteen days, and for others, not exceeding a month. The latter term must be for a very serious offence.

160. Now, of your own knowledge, do you know of any bad effects that have resulted from this want of separation?—Well, I do not know that anything but bad effects can result from it, because if any man goes into gaol for the first time who has never been in before he associates with men of very bad character, and they put wrong ideas into his head. Prisoners often relate their experiences and the offences they have been guilty of to each other.

161. Do you know of any cases in which mischief has resulted from the want of proper classification?—I do not know that I could name any particular cases. I do not think I could specify more than to say that it is the natural outcome of a very bad state of things.

162. Do you know of instances of first offenders been sent back for a second offence?—They are very rare, except for vagrancy or drunkenness. Such instances are very rare for larceny or offences of that kind.

163. Then this want of classification has not resulted in second convictions, so far as you are aware of?—No; one can hardly tell, because it often happens that they go into another province and commit offences there. We have no means of knowing what occurs in the other places.

164. Do I understand you to say that in Wellington there is a very great facility for prisoners getting work the moment they come out of gaol?—They may get work directly.

165. Well, of course that is a very great preventive to their committing themselves and being sent back again?—Oh, yes. As I said before, there is really no criminal class in Wellington. When I say criminal, I mean those who subsist by crime.

166. *Hon. Mr. Fox.*] With respect to thieves and receivers of stolen goods, have we many of that sort in Wellington?—There are pawn-shops, but no receivers.

167. *The Chairman.*] Can you say whether the pawnbrokers do anything of that kind?—They do afford facilities for getting rid of stolen property. Several cases have occurred in which stolen property has been traced to pawnshops.

168. Are there many?—Two or three.

169. *Mr. Wakefield.*] You say there is no criminal class in Wellington; but I understand that you have sometimes very desperate scoundrels to deal with in Wellington?—There are roughs who commit very violent assaults, but they are not persons who live a life of crime.

170. Is not burglary a common sort of crime in Wellington?—No.

171. I understand there have been a great many cases?—No; not many.

Mr. Read.
13th Aug., 1878.

172. Was there not a case here recently in which a boy committed burglary?—Yes, there were two or three boys committed for burglary. They got into a church and stole some money.
173. Were they not practised criminals?—No, Sir. Their parents are hard-working people, living in town. These boys got out in the evening and mixed with bad company.
174. Larrikins?—Yes. The older ones got the small boys to get through a window and commit the offence.
175. *Mr. Wakefield.*] It was a very fair beginning.
176. *Mr. Fox.*] Do I understand Mr. Read to say that there is no organized criminal class in Wellington?—What I mean to say is, that there is no criminal class such as that to be found in the Seven Dials or St. Giles's, London.
177. Or Melbourne?—I know nothing about Melbourne; but in the other places there are men living there by a really organized system of crime, such as burglars, coiners, &c.; but there is nothing of that sort in Wellington. Sometimes we have a notorious thief, and there is now a man named Shine in the gaol, from Auckland, who is a very notorious burglar. As soon as he left Wanganui he came down to Wellington, and is now doing ten years for a robbery under arms. He may be one of a number who might belong to a criminal class, but he does not belong to Wellington.
178. Is there no systematic attempt at reformation of prisoners?—I do not know of any.
179. Is there no Prisoners' Aid Society here?—No, Sir.
180. From what you say, I presume it is not wanted, so far as getting employment for prisoners is concerned?—It certainly is not needed here.
181. In the case of females, Mr. Read?—Well, the only females we have, as a rule, are abandoned prostitutes, lost to all sense of feeling and everything else. Some of them have been prostitutes, to my knowledge, for the last ten years.
182. Are they imprisoned for drunkenness?—Some for drunken and disorderly conduct. We have one young woman in the gaol now undergoing two years' imprisonment for destroying her illegitimate child. She, singularly enough, is a married woman. She has her husband to go to, and he is willing to take her back when her term is completed.
183. Is she separated from the prostitutes?—Yes. We have three buildings for females; in one compartment are placed those who are waiting for trial; in another, those who are sent to gaol for the first time; and in the third are placed the abandoned outcasts.
184. Have they no communication with each other?—No Sir.
185. Have the gaol buildings of Wellington been built upon a systematic plan? No, Sir. As occasion arises for enlargement, additions are made to them.
186. As they best can?—As they best can. The original design, if carried out, would have been a very good one; but it has not been carried out, and consequently new additions have continually to be made.
187. Is there any provision for economy of supervision, enabling a warder to see a large number of the prisoners at one time?—No, there are two or three wards, and a warder must be placed in each of them. One officer can see the whole of the men in the exercising yards, and outside of the gaol. The wards are so constructed that they cannot very well see in more than one, and we have to station a man in each ward. I think it is better than a great many gaols, as one man can keep proper surveillance over a number of prisoners.
188. Of what material is the gaol?—It is of brick, wood, stone, and corrugated iron.
189. What is the largest number of prisoners in one cell?—In the large cells there are four at the present time.
190. How many cubic feet of space are there in the cells?—I cannot tell you, but the cells are sufficiently large for four prisoners.
191. Questions will be sent to you, and then you can give detailed answers to the questions as to measurement. What is the size of the smallest cell you have?—The smallest are those you saw when at the gaol; they are very small, measuring only 8 feet by 6.
192. You have three prisoners in them?—Not now; as a rule we only put one in each, unless we are very full. At the present time the accommodation in the Wellington Gaol is much better than it has been.
193. Is there larger accommodation?—Yes.
194. Do you find the number of prisoners increasing in Wellington?—No, Sir; that is a remarkable fact. In spite of the increase in population last year we had a decrease of eighty-nine prisoners as compared with the preceding year.
195. That, I presume, is because there is plenty of labour, and men can find plenty to do?—Yes, Sir.
196. There is a great demand for labour now, is there not?—Yes. It is difficult to get a man, but it is not difficult to get a job.
197. *The Chairman.*] Are your contracts for food supplies made by tender?—Yes, Sir.
198. Do you deal with one or several contractors?—One contractor supplies all the food.
199. And does he get supplies from different sub-contractors?—No, Sir. We call for the meat separately; everything else is supplied by the grocer.
200. Then the whole of the supplies are not received from one contractor?—No, Sir.
201. A grocer does not sell bread?—In Wellington a great many grocers do sell bread.
202. Are the supplies good generally?—Yes, Sir.
203. What system of inspection of supplies is there?—The chief officer takes the supplies every day as they come in to the gaol, and I order them myself every morning. If they are not good the officer who receives them reports the matter to me, and I inform the contractor of it; but that is seldom necessary, as when a mistake occurs the prisoners are ever ready to make complaint. For instance, if the bread is a little sour they will say, "Would you look at this, Sir?" When that is done I attend to it.
204. *Mr. Wakefield.*] Does it often happen that you have complaints?—Not very often, Sir.

205. Does it often happen that the chief officer draws attention to the fact that the supplies are not good?—Sometimes potatoes are not good, and there has been a great deal of complaint about them. I have frequently had them sent back again. *Mr. Read.*
13th Aug., 1878.

206. With potatoes and supplies of that kind would it not be better to get a good supply at one time, and store them?—I do not think it would be. Our highest rations only costs 5d., and that includes bread, tea, sugar, salt, and potatoes.

207. Do the officers of the gaol get their supplies from the contractors?—They get them where they please. I believe some of them do get them from the contractor; others do not.

208. Do they get them at contract prices?—Oh, no; they pay the ordinary prices.

209. Do you ration them?—No; it is a great mistake to ration gaol warders.

210. What check have you that they have not taken food?—The prisoners know what amount of food they are to have, and take good care to get it. If there was a little less than the proper quantity they would very soon call my attention to it, and in such cases I generally put the food into the scales and let the prisoners see it weighed.

211. In the case of petitions, what is the gaol rule about allowing prisoners to petition?—The prisoners are allowed to petition if there is any sufficient ground; but they very rarely ask to petition.

212. Do I understand you to mean that prisoners are not allowed to petition except under the mark system?—Very rarely.

213. In what cases are they allowed to do so?—Prisoners will sometimes send in a petition for remission of sentence, on the ground that they have been wrongly convicted.

214. Who gives them leave to do so?—I should give the necessary permission, and take the petition to the Visiting Justices. I do not think I have any right to refuse them.

215. When have you a right to refuse?—I do not think I have any right to refuse a petition at all. I can only discountenance it so far as to say it will be no good.

216. If anything was handed to you, you would not let it go?—I would show it to the Visiting Justices for them to exercise their discretion.

217. They can petition on the ground of ill-health, I suppose?—They would have no need to petition, because, if a prisoner's health was bad, I would represent the fact myself. I must do it; and on one occasion, a man suffering was taken to the hospital; but he died soon afterwards.

218. *Mr. Wakefield.*] What medical inspection have you of the gaol?—Well, there is really no systematic medical inspection, as you may say. A medical officer visits the gaol twice a week, and if any prisoner wishes his aid he can have it. The medical officer walks past them in the different wards so that no man can say he has not had a chance of medical relief; but, as far as a proper medical inspection goes, we have none.

219. What are the hospital arrangements?—We have no hospital.

220. What do you do if a prisoner is sick?—We put them in the ordinary cells, and appoint a wardman to attend and wait upon them. We have very few cases of sickness here.

221. What alterations would be required in Wellington Gaol to enable you to classify prisoners?—There should be a place for juvenile prisoners; a place for drunkards sent up for short periods to be imprisoned; there should be another yard, if possible, in which to place offenders sent to gaol for the first time, so that they could be kept apart; and, with that, I think we could manage.

222. That would involve considerable addition to the gaol?—Yes. I have sent in a report to the Government, and think that they are prepared to make some addition. I think a sum will be placed on the estimates for that purpose, to enable us to keep the prisoners apart, and have better accommodation for juveniles.

223. That would not make any provision for separating first offenders?—No, Sir. There are twenty-six prisoners there under sentence of penal servitude, but they occupy the same position as the hard-labour prisoners, though they are not placed with them; and if better provision was made it would be of great assistance.

224. What provision have you for such cases as prisoners committed for contempt of Court?—None.

225. What do you do in the case of a prisoner committed for contempt of Court?—Well, the only thing we can do is to put him in the debtors' room, and that is not sufficiently large for its requirements. We had a case recently where a gentleman was committed for contempt of Court, and his friends were allowed to see him by getting an order from the Visiting Justices. They came as often as they liked, and the debtors had to go into the yard and remain while his friends were there. It was a great injustice to the debtors, but was the only thing that could be done under the circumstances.

226. What were these debtors committed for?—For not paying money which a Magistrate had ordered them to pay.

227. On judgment summonses?—Yes. It is a singular fact that, although imprisonment for debt is said to be abolished, I have as many debtors in the gaol as ever I had. There are four in gaol at the present time, and there were five a few days ago.

228. *Hon. Mr. Fox.*] How did you say that you disposed of the prisoners for contempt who are sent to you?—I put them in the debtors' room.

229. Then have you to turn the debtors out for that?—No; they all sleep in the same room together. The person who was committed for contempt of Court was allowed to have food from his friends. He could have roast duck and green peas if they sent it to him.

230. The debtors would not be allowed to receive those luxuries?—No; the debtors would not be allowed to receive them.

231. Does he only receive gaol rations?—Only gaol rations, or he may keep himself entirely.

232. Or he may contribute towards his rations?—If a debtor keeps his room clean he may be allowed to receive food from his friends two or three times a week, in moderate quantities.

233. In case of prisoners for contempt, are they allowed to see their friends as often as they like?—Yes; by getting an order from the Visiting Justices.

Mr. Read.
13th Aug., 1878.

234. They may have hundreds if they like?—A prisoner for contempt may hold a levee if he likes.
235. Have you had more than one?—Yes, I have had more than one.
236. *Hon. Mr. Gisborne.*] Do you know the rule in England? I understand that Arthur Orton, the Tichborne claimant, is treated differently from the others?—I do not think he is.
237. You do not know the rules there, do you?—Not in England; I only know what they are here. I think they are very nearly the same here as in England.
238. I mean Colonel Baker, who was treated with exceptional leniency?—Yes; he was committed for misdemeanour.
239. But if a prisoner was committed for misdemeanour, would he not be treated in gaol the same as the others?—He would be considered an ordinary prisoner, unless special reference was made to the case.
240. If you had what is called a first-class misdemeanant, how would you treat it; differently to the others?—In this way: If a prisoner was convicted for misdemeanour, and not sentenced to hard labour, he would get a lower scale of rations, while one committed for first-class misdemeanour would get the full scale. If he was sent to gaol as a first-class misdemeanant we would be obliged to put him in the debtors' room, and keep him apart from the other prisoners.
241. That is practically the only means of classification—to put the man in the debtors' room?—That is the only means.
242. *Hon. Mr. Fox.*] It is hard on the debtors if they should have a man like Colonel Baker put in with them?—In the case to which I have referred, where a gentleman was put in for contempt of Court, on the Saturday night a debtor was put in who had not had time to wash his face, and the other gentleman was very indignant at the company.
- 242A. *Hon. Mr. Gisborne.*] What do you call the large room?—It is the room in which they eat and sleep.
243. Are there any rooms apportioned off?—There is only the one room, in which they eat and sleep. There is a fire-place in it, and it looks very comfortable.
244. What is the difference between penal servitude and hard labour in the gaol?—Practically, at present, there is no difference; but penal servitude is supposed to carry heavier punishment than hard labour.
245. But it does not carry heavier punishment?—No, it does not.
246. Now, are the prisoners trained at all to build at the gaol? If you have got any alterations or additions to make to the gaol, do the prisoners assist?—Yes Sir; we have recently made some very extensive alterations to the gaol, and the men have done a great deal of work; two men were employed as carpenters, and did quite as much as the free workmen, who were paid by the day.
247. Have you ever tried concrete there?—No Sir; I should very much like to try it.
248. Are there any facilities by which you could get gravel there?—I do not know of any spot near the gaol where we could get gravel. It would be a splendid thing if we could get the exercising yards laid down in concrete. It would be a very great improvement.
249. Is it over-crowded?—We are not over-crowded now, Sir. We want more accommodation, but the number of our prisoners now is not above the ordinary average.
250. *The Chairman.*] When you say you are not over-crowded you mean as to cubic feet, but do you approve of putting three or four men into one cell?—No, Sir; the proper system would be to put only one man in a cell.
251. Then, you mean that under the present system, you are not over-crowded?—Precisely. It is a mistake altogether to put three or four men in a cell, because they do a great deal of harm talking together at night, and they can plan means of escape. I know now that the man Shine, whom I spoke to you about as coming from Auckland, is inciting other prisoners to escape. He is continually urging them, and he will attempt to get away from the gaol. I am sure he will. He escaped several times in Auckland, and he will try to do the same here. A man like that is a great nuisance in a gaol, because he influences the others by holding out inducements to escape.
252. *Mr. Gisborne.*] Is there any foundation for that statement made in the newspapers yesterday about alleged ill-treatment of a prisoner by officers? Is there to be an inquiry about it?—An inquiry will be held before the Visiting Justices. I believe that, as far as I can learn, that it was part of a plan for several prisoners to escape. The other prisoners did not know that the man had gone until he had come back. He was a man under sentence of four years penal servitude, and they called him Jack Sheppard in the gaol. I do not know why. He is a notorious thief, and robbed a place at Palmerston.
253. *The [Chairman.]* Mr. Gisborne asked if the warders abused him?—The warders admit that they knocked him down twice, and struck him; but that is scarcely to be wondered at, as they naturally lost their tempers in running over rough ground and through gorges after him.
254. There was no provocation on his part?—No; they knocked him down without provocation on his part, so far as I am aware.
255. But that is a very serious offence?—They might have shot at him.
256. Officers have no business to avenge themselves on a runaway prisoner?—They had no right to do so, but one must make allowance for a man's temper. Of course it was not in any way justifiable.
257. Where did it happen?—It happened near the hospital.
258. Where did he run to?—He ran round the spur of a hill, and then in the direction of Howe's farm towards Kilbirnie.
259. Did he show fight?—No; when they came up to him they knocked him down.
260. And kicked him?—I do not know. He could not have been hurt much, because he made no complaint.
261. Did he work during the remainder of the day?—Oh, no; he was at once brought back to the gaol. He made no complaint about being ill-used to the officer who was bringing him home. I have

seen him several times since, and he has not complained of being ill-treated. The officers told me that they knocked him down twice.

Mr. Read.

13th Aug., 1878.

262. *Hon. Mr. Fox.*] That is under inquiry, is it not?—Yes; that is under inquiry.

263. Have you any ground outside the gaol which belongs to it?—There is a piece called the Gaol Reserve.

264. Is it utilized for the gaol?—No; it is simply fenced in by neighbours' fences.

265. It lies further back, I suppose?—Yes; it is simply a piece of Town Belt, about two chains wide and ten chains in length. Possibly it is about two acres. Then there is a piece of land, measuring an acre and a half, leased from the Maoris by the Government, which is very useful. There is a stream of water running from it.

266. Could the prison labour be utilized for the purpose of cultivating the grounds of the Gaol?—I think that we gain more by sending the prisoners out to work, and buying rations at a cheap rate.

267. I mean as a general rule?—I do not think it would pay if other employment could be found for the prisoners. I think brick-making the most remunerative labour that the prisoners have been put to yet. The Government may have the bricks made at very small expense.

268. Who are they making the bricks for?—At the present time for the trustees of the hospital. The building is nearly finished now.

269. Looking at it in a pecuniary point of view as regards the Government of the colony, would it be possible for these reserves to be utilized for the purpose of supplying food to the gaols?—No; I do not think so.

270. Is there any special payment for the making of these bricks?—No; the hospital trustees do not pay the warders; they only pay one man, and that is the overseer who directs the labour. There is nothing to prevent the Government manufacturing bricks in this way for public purposes, though they could easily send them down by railway for other purposes.

271. *Hon. Mr. Fox.*] Then I understand you to say that there is no payment for the hard labour?—No; there is none.

272. *The Chairman.*] Now, Mr. Read, have you any suggestion of your own to make as to the necessities and possibilities of reform in the gaol system, or as to discipline, or accommodation?—The only suggestion I could make about accommodation would be to provide some means of keeping the different classes as separate as possible, and dividing the prisoners into separate cells.

273. Do you consider it necessary to keep long-sentenced penal-servitude men in a separate establishment?—I think it would be better to do so; they would pay better. If a man is kept under thorough discipline he becomes better, and if we could keep a large body together it would not require so many officers or so much supervision.

274. *Hon. Mr. Gisborne.*] Do the prisoners leave with any money in their pockets?—Not as a rule; but most of them have friends outside to go to. They generally improve very much in health while in gaol, and gain flesh.

275. But if the prisoners leave utterly destitute, without getting any money, it appears to me that for them crime would be almost irresistible?—In such cases I would call the attention of the Visiting Justices to the fact, and they would give the prisoner a small sum, as they are empowered under the Prisons Act. The Chairman asked me the other day whether the gaol officials had anything to complain of with reference to the Prison Regulations, and there was one thing I forgot to mention. They find it very oppressing going to work so early in the summer. The prisoners go at seven, and the officers have to be up about a quarter before five, and, as they remain on duty until about five o'clock in the afternoon, they find it hard work. They grumble very much about the early hour of the morning at which they have to start, as the ordinary labours of the day commence here at eight.

276. *Hon. Major Atkinson.*] What is the reason of their starting so early?—The Gaol Regulations say they shall.

277. There must be some reason?—It was considered advisable that the prisoners should work long hours.

278. I would like to know whether you would get more work done in nine hours than in eight?—You would get more work out of a man in that time.

279. Do you think you could get more?—Yes; there is no doubt about it. The two hours a day for each body of men makes a wonderful difference, especially when you have forty or fifty men employed in the work.

280. Have you actually measured that?—Yes, in so far as the number of bricks which are made. They would make perhaps four thousand bricks more in summer than in winter.

281. But that is hardly a criterion. It is not a question of summer and winter?—It is a matter of longer hours. They work longer hours in summer than in winter.

282. I want to know whether a man does more on a summer's day than on a day in winter when he does not work so many hours?—They are obliged to work the whole time, and cannot help themselves. The barrows are constantly going, and they must keep pace with them. It may make a man more tired, but he must work the whole time.

283. *The Chairman.*] I suppose the prisoner who wants to work may work just as much in eight hours as in nine?—They must work, as each keeps the other going, and so there is a check on the whole of them.

284. Regarding the grievance of the warders, would it be obviated by adding another man?—One man would not affect it at all.

285. Would it not enable them to make shifts?—One man would not enable fresh shifts to be made.

286. If you had an additional officer would that give more time?—If six men go out with gangs in the morning, I do not see how that would relieve them.

287. One day a man would be longer off, and another day another man would be longer off?—They would only get relief on one day in six. I made the observation because you asked me if there was anything further. That is the only thing the warders complained of.

Mr. Read.
13th Aug., 1878.

288. *Mr. Wakefield.*] What is the average number of prisoners in Wellington Gaol who are long-sentenced, say, any sentence over seven years?—I would call anything over two years a long sentence.

289. I want to get at the really long sentences, say, anything over seven years, because it would not be worth while for a man to be kept separately for only two years?

290. *The Chairman.*] The Commissioners of 1868 seem to think that over two years is the time at which they should be taken separately?—The number of prisoners at present under sentence of penal servitude in Wellington Gaol is twenty-six.

291. *Mr. Wakefield.*] But their sentences are very short in some cases, are they not?—There are twenty-six men whose sentences range from life to four years.

292. What is your total number?—Our total number this morning was sixty-six males; but of them four were debtors, one on remand, one committed for trial, and the rest were sentenced to hard labour. Their sentences range from three months up to two years.

293. *The Chairman.*] I have gathered that without a separate establishment it is impossible to make a distinction between penal servitude and hard labour. The fact is, there is none at present in the gaols; but if there was a separate establishment, as at Home, penal servitude would have a meaning?—You will find that for penal servitude it is prescribed that they should be sent to work on the roads or public works; but it is not prescribed what those sentenced to hard labour should do.

294. *Mr. Wakefield.*] In some cases there are differences between penal servitude and hard labour, as in most serious cases, such as criminal assaults on women, and a man may almost escape if sentenced to penal servitude and not to hard labour?

295. *The Chairman.*] They should provide places for penal servitude?—I do not think you could carry out penal servitude unless you have a proper establishment.

296. *Mr. Wakefield.*] Then I understand that something like a third of the prisoners in the gaol are long-sentenced?—Yes; at the present time.

297. Is that the average?—That would be about the average; there are always some coming in and others going out.

This concluded witness's examination.

WEDNESDAY 14TH AUGUST, 1878.

Mr. JONAS WOODWARD examined.

Mr. Woodward.
14th Aug., 1878.

298. *The Chairman.*] We wish to get your evidence about the gaol here, and to hear any suggestions you have to make, from your experience as a Visiting Justice, in respect of the discipline and construction of the building. In the first place, we wish to ask you if the prison is adapted to the wants of the place?—It is far too small. There is no opportunity for classification, or very little; and there are no means of keeping first offenders, and boys, and short-sentence men, say, from twenty-four to forty-eight hours, apart from the more hardened prisoners.

299. *Hon. Mr. Gisborne.*] As to first offenders?—There are no means of dividing first offenders from the others, except the women.

300. No distinction is made between penal-servitude men and ordinary hard-labour prisoners?—Yes; the penal-servitude men are kept to themselves. We are able to do that.

301. *The Chairman.*] You do keep them separate?—Yes; but not when they are at work. We keep them separate in the gaol.

302. Do you separate them in the cells?—Yes; and at meals.

303. Are they separate at meals?—Yes; they have no communication at all.

304. Is there any communication from cell to cell? Can they hear each other?—No, not at all; the penal-servitude men are kept in the right wing, and the hard-labour men are in the left side, so that they cannot communicate one with the other.

305. I should like to ask you, as to the Regulations, how far they are carried out, and what objections there are to them?—In my opinion and experience, the present Regulations are very good. So far as I know, there is no serious defect in them.

306. Does the mark system work well?—Yes, very well.

307. Is it fairly worked by the officers?—I think so. If there is any thing at all that I am disposed to find fault with, it is that there may be a little too much levity. I do not think that prisoners are allowed less than eight marks, unless they are very bad. There may be some little laxity on that side, but that is all.

308. With regard to the inspection of Visiting Justices, I presume it is a cursory inspection?—Yes.

309. In your opinion, is that inspection sufficient?—Certainly not. If the Committee will pardon me for so saying—and I have had an opportunity of observing other gaols, for I have always visited the gaols in places in which I have happened to be, as a matter of duty, for many years past—I do think that a better system of inspection by a qualified person would lead to much better results. I remember, on a particular occasion, after visiting five gaols, I only found in one of them that there was even an attempt to carry out the Regulations. When I put questions, the answer was made, "Oh, well, we do the best we can; the Regulations do not suit us; they are not suited to our circumstances." I am sure you cannot do anything effective without inspection by a proper person, who would authoritatively visit the gaols.

310. A skilled inspector?—Oh, yes. I mean a person who would be a skilled expert, and who would be able to speak with authority on prison discipline.

311. *Hon. Mr. Gisborne.*] Do you examine the prisoners in the absence of the officers of the gaol?—We always ask the prisoners if they have anything they wish to say.

312. But in the presence or absence of the officers?—Sometimes in their absence, and sometimes in their presence. *Mr. Woodward.*

313. The prisoners have an opportunity of speaking in private, if they please?—Yes. If there are any complaints, they may make them privately, if they choose. 14th Aug., 1878.

314. *The Chairman.*] Do you receive many complaints?—Very few indeed.

315. *Mr. Seymour.*] How often do you visit the gaols?—Just when we are wanted; just when we think proper.

316. You have no fixed times?—No; we carefully avoid fixed times.

317. *The Chairman.*] I believe there are four Visiting Justices?—There are five nominally, but one is incapacitated from attending.

318. *Hon. Mr. Gisborne.*] Who are they?—Mr. Pearce, Major Paul, Mr. Dransfield, and myself. Mr. Lyon cannot attend, through illness.

319. *The Chairman.*] Are there many recommittals in the gaol? Do you often see the same faces in again?—Yes, among short-sentence prisoners; most painfully so amongst women. There are women who are never out of the gaol, practically. If they are let out one day, they are back again the next.

320. Those are prostitutes?—Yes; they are brought in on charges of drunkenness and vagrancy principally.

321. Are there any means of classification among the women?—Yes; we have more means of classifying women than we have in any other department. We have three separate places. Therefore the prisoners on first offences are kept by themselves altogether.

322. What is done with boys?—I can hardly say. We do the best we can with them. If there is no one in the debtors' gaol, they are kept there. I remember, when a Commission was sitting on this subject, I was asked by the Chairman, Judge Johnston, what we did with a boy in a particular case? I told him that we kept him in the gaoler's house. The Judge said, "Are you not aware that you are breaking the law?" I said, "I am, and I would do it again;" and the Judge said he would do the same. We always avoid sending the boys among the older prisoners, if we can possibly help it.

323. But there are no facilities afforded you in the gaol?—None at all.

324. Are there many attempts at escape?—No.

325. There was one the other day?—Yes.

325A. Has the Gaoler made any report to you about the alleged ill-treatment of the prisoner who attempted to escape by the warders?—No.

326. There was a report in one of the papers. Has there been no inquiry?—No. We were to have dealt with the prisoner for an attempt to escape had it not been for some circumstance arising to prevent us assembling. We shall do so in a day or two, and I will take care the matter is inquired into. I did not see the report in the paper; but, so far from having the matter reported to me by the Gaoler, he asked me to consider if we could not recommend the warders for some reward for their conduct in the matter.

327. What part of the treatment is, in your opinion, most irksome to the prisoners in the discipline of the gaol?—I do not remember that they make any complaints. The complaints we used to hear have disappeared under the present system. It was a grievance the number of hours the men were locked up; but that grievance has altogether disappeared under the present system.

328. Does the school work well?—Very well. Perhaps the Committee would pardon me for making a suggestion. We have made it a practice, in dealing with the prisoners, to make this school a kind of privilege. We have had several instances in which prisoners have been insubordinate, have refused to write, or to do what was told them. We say, in such cases, "Very well, you shall have no school for another month;" and that has always had a very salutary effect. When they have been locked up in the cell for a while they are very glad to return to school.

329. *Mr. Tole.*] Are all the prisoners sent to school?—Everyone; there is no distinction made at all.

330. *Hon. Mr. Gisborne.*] Are females sent?—No, not females.

331. *The Chairman.*] Would there be any benefit arising from introducing the school into the female side of the prison?—Yes; if we had the means of doing it. We have always had, unfortunately, one or two men of culture in the prison, and we have adopted the plan of making them schoolmasters. If we had women of the same class, we might do the same thing on the female side.

332. There are no schoolmasters in the gaol?—No. The man who is now acting as schoolmaster was a bank manager. He is an exceedingly well-conducted man, and manages the school very well.

333. What kind of labour is done when the prisoners are not able to go out to their work, on such occasions as a wet day?—Very little more than picking oakum.

334. Is there any difficulty in getting oakum to pick?—Yes; very considerable.

335. Would it not be an advantage if trades could be taught in the prison?—Yes, it would be very advantageous indeed, if there was any possibility of its being done. We have had one or two men learning shoemaking. Several men have learnt it in the gaol.

336. But no other trade?—No; I cannot remember any.

337. When prisoners will not work, what, in your opinion, is the best way of coercing them?—We have found it quite sufficient to give them a period of solitary confinement and reduced rations. In one instance in which a man had become refractory, and, indeed, his case seemed chronic, we just said, "Very well, you shall not work any more; you shall not go outside these walls again." Very soon he was petitioning to be allowed to go out to work.

338. Have the Municipalities or any local bodies paid for any labour?—No, not for a long period; they did at one time.

339. Practically, who are the prisoners working for now?—The hospital trustees mainly.

340. There are two gangs of men working, I believe, for those trustees?—Yes.

341. Is not some work being done for the Municipality?—It is quite likely, but I am not sure.

342. About rations. Do you consider the present scale a satisfactory one?—Yes.

Mr. Woodward.
14th Aug., 1878.

343. Is it sufficient?—Yes. We have adopted the practice of giving the men half a pound of bread when out at their work during the middle of the day.

344. In addition to the ordinary rations?—I am not quite sure.

345. I may say we asked the Gaoler about this, and he said there was not too much bread given.—No, there is not too much.

346. The Gaoler at Lyttelton says there is?—I do not think there is too much.

347. Men are, in this gaol, allowed to pass bread from one to another?—I do not think they are allowed, but it is a thing which cannot be prevented.

348. In some gaols, Lyttelton, for instance, it is prevented, and there we hear the allowance of bread is too much, bucketsful being wasted?—The gaol at Lyttelton is the most perfect in the colony as respects the arrangements for food. I cannot imagine there would be any difficulty in securing better discipline there than anywhere else.

349. They get a meal in the middle of the day at Lyttelton as here, so that does not affect this point, which is, Is the present allowance of bread too much?—From what I have seen I do not think so.

350. Tobacco is allowed here. Is that by order of the Visiting Justices?—I hardly know; I hardly recollect. I dare say it is.

351. Did the Justices, in making that order, contemplate that the ration of tobacco should be served out indiscriminately to every prisoner, whether he smoked or not?—As a matter of practice I should say, yes. It would hardly enter into our mind that there was any one who did not smoke.

352. There are some, and it amounts to this, obviously, that those who do not smoke hand their tobacco to those who do, and these get more than their fair share?—Well, tobacco has been regarded as a sort of necessity, and I do not see how we could distinguish between the men.

353. The Gaoler states, in his evidence, that a ration of a stick of tobacco a week is served out to each man—that it is not served out as required for immediate use?—No.

354. Of course that must lead to a great breach of discipline. Men may get tobacco given them on the works, may carry it into the gaol, and it would be almost impossible to detect them, because a man found with a quantity on his person might say, "Oh, I have economized my allowance, and this is the result of my saving?"—Yes, now that my attention has been called to the matter I think that point should be considered. There certainly is no check. It opens up the question of allowing prisoners to work outside at all—a practice against which I have long held strong objections.

355. I presume the work done now is almost entirely done out of the gaol, and in full view of the public?—Yes. The work at the hospital is not so objectionable, as there are very few people about there, and the place could be fenced in if necessary. The work in the streets is the most objectionable.

356. Long and short-sentence men, grave offenders and small offenders, are all alike sent to work outside together?—Yes.

357. You object to that?—I do indeed. I may mention a case which struck me as showing that outside work has no effect as a deterrent by reason of the shame it might be supposed to produce. A hitherto very respectable young fellow some time ago was sentenced for an assault upon a young woman, and he was sent to work in Willis Street, near where the Union Bank was. I happened to pass by the first day, and I saw him working with his red shirt off. I thought he had taken it off for shame, but the next day I saw him working with the shirt on just as usual. Evidently he was not ashamed.

358. Do you know whether men who have been in gaol as first offenders are troubled after leaving the gaol by the society of their *quondam* fellows?—I have great reason to believe it is so.

359. Is there any difficulty in a prisoner obtaining labour on his leaving gaol?—None.

360. You do not think there is any necessity for a Prisoners' Aid Society?—I would not say that, because in certain cases such a society might do a great deal of good. For instance, a man coming out might say, "If I could only get to so-and-so, I could get work; but I have no means." That would be a good opportunity for such a society to assist him. We had the other day a man who wanted to go to Foxton, but had no means. A Prisoners' Aid Society would be a very desirable institution.

361. There is none here?—No.

361A. *Hon. Mr. Gisborne.*] It would be a great advantage to get a man away from the scene of his first offence?—Yes.

362. *The Chairman.*] Are prisoners allowed to see their friends?—Yes; once in three months.

363. Is there no distinction between prisoners who have behaved themselves well and those who behave ill in this respect?—I do not think so.

364. Is it not according to the length of time they have served, or the marks obtained? Would not a first-class man be allowed to see his friends oftener?—I have not heard it so. It is a matter we leave to the Gaoler. We have great confidence in him.

365. Cannot a man, under the mark system, rise from one class to another?—No.

366. *Hon. Mr. Gisborne.*] Do the Regulations say a man must not see his friends?—They say he may see his friends once in three months.

367. Not oftener?—Of course the Visiting Justices can give an order.

368. You have told us about the school? Is there any religious instruction given?—Not in the school. There are, of course, religious services. There is a Church of England service every Sunday morning, and a volunteer visits the prison in the afternoon and forms a class of such prisoners as choose to join him. The Roman Catholics are supposed to visit and hold services; but, as a matter of fact, they rarely do. The accommodation is slight—the services have to be held in the corridor; still some improvements have of late been effected.

369. *Mr. Tole.*] Do not any of the priests visit the gaol?—Not regularly, since Rev. Mr. O'Reilly has become so infirm.

370. *Hon. Mr. Gisborne.*] I understood Mr. Read to say the Roman Catholic priests came every Sunday?—Then it must be very lately. I asked about the matter a short time ago, and was told they

visited very seldom; in fact, I heard that Father McGuinness, the clergyman who is supposed to attend to the duty, was too ill to do anything. Mr. Woodward.

14th Aug., 1878.

371. Is there a good library?—Fairly good.

372. Are the books much used?—Very much.

373. What kind of books are most used?—The lightest that can be got; but there are some other sorts used a good deal, such as Cassell's Magazine, The Leisure Hour, The Sunday at Home; they are eagerly read.

374. *Major Atkinson.*] When are the men allowed to read?—On Sundays, and when it is light enough to see in the cells.

375. *Mr. Wakefield.*] Each prisoner has his Bible?—There are those in each cell.

376. *The Chairman.*] Have many offences on the part of the officers of the gaol towards the prisoners been detected?—Very few. We are singularly free from complaints of that kind.

377. *Mr. Wakefield.*] Do you think it would be possible for officers to ill-treat prisoners without the Visiting Justices coming to a knowledge of it?—I hardly think it possible. There is rarely a time when we have not in the gaol one or two of that class of prisoners known as "sea lawyers," who are very happy to ventilate grievances on behalf of their comrades. There is one man there now who would soon report the matter were anything of the kind to occur.

378. *The Chairman.*] In your opinion, what is necessary to secure better classification?—The first thing would be space, then a little more assistance in the way of officers. There are not enough officers now, even if we had more space.

379. Do you consider classification would be best promoted by the extension of local gaols, or be better effected by having a separate prison for long-sentence prisoners?—I adhere to my long-cherished opinion that a central gaol is required. These local gaols ought to be nothing more than places of detention.

380. Supposing the long-sentence men were provided for in a central gaol, would there then be sufficient means of classification in the Wellington Gaol?—Yes, for a very fair classification. Slight additions might be desirable.

381. We had some evidence from the Gaoler as to the inadequacy of the accommodation in cases of contempt. There was a case of the kind lately, and we were informed the prisoner was put in the debtors' prison?—That really is the only room available for such a purpose. It is a small room at the entrance of the gaol, and is tolerably comfortable.

382. Have any improvements been effected in the gaol by prison labour?—Yes; considerable. A large part of the work has been done by prison labour.

383. Do you think that a good way of using prison labour?—Yes; incidentally it is a good way of teaching them some use of tools.

384. Have you any other suggestions you would like to make to the Committee?—There is one point. We find in the Prisons Act there are two classes of offences which may be committed in the gaol, and are punishable by the Justices. The clauses referring to the first offences seem to contemplate a single offence, and the other what are called repeated offences. In the first case we have no power to extend sentences, but merely to inflict punishment during the currency of the sentence. We think it would be desirable that we should be enabled to extend a sentence in a serious case—say, assault, or attempt to escape, for instance—though it is a single or first offence. Of course we can bring the case to the Supreme Court, and have the prisoner tried, but that is not always deemed advisable. It would be better to deal with such cases in the gaol.

385. Is there much communication with outside by short-sentenced prisoners?—We cannot doubt it.

386. Have you heard of any man getting himself into gaol for the purpose of communicating with a prisoner in the gaol?—No; we should be unlikely to hear of it, but it is a very possible thing.

387. *Mr. Wakefield.*] Do you think prisoners could be advantageously employed in gardening?—Yes, very advantageously.

388. *Hon. Mr. Gisborne.*] I understand there is a garden outside the Wellington Gaol?—It belongs to the Gaoler himself.

389. Is it his private property?—I think it is part of the Gaol Reserve, or part of the Town Belt.

390. Does he use prison labour?—I have no doubt he does.

391. And the proceeds are his own private property?—The proceeds are nothing more than his own supply of vegetables.

392. Would it not be more advisable to use these reserves for providing food for the gaol?—Certainly it would.

393. *Mr. Wakefield.*] It would teach the prisoners something, and give them healthful occupation away from the public?—Yes.

394. *The Chairman.*] Are there means for dealing with fire in the Wellington Gaol?—None.

395. No engine or apparatus?—No.

396. Are there any facilities for getting water?—There is water laid on, and there is a good force-tank.

397. Are there any fire buckets?—No.

398. Could the prisoners be got out in case of fire?—I do not think there would be any difficulty.

399. Is gas laid on?—No; it is one of the things very much desired.

400. Are the prisoners ever in possession of money when convicted?—Not often.

401. Who takes charge of it when a man has any money?—The Gaoler gets it, and it is preserved and given to the man when he leaves gaol.

402. Is there any system of account, or check upon the Gaoler?—No.

403. No Regulation that it is to be placed in the bank, or anything of that sort?—No.

404. *Mr. Wakefield.*] A prisoner's clothes and effects are kept together till he goes out?—Exactly so.

405. *Hon. Mr. Gisborne.*] If a prisoner has any money in the bank, what would be done with it?—

Mr. Woodward. It would be estreated, the costs of the prosecution paid out of it, and the balance preserved for the prisoner. It is a strange fact that the Government conserves the prisoner's property, but makes him no charge for his keep when in gaol. I am now nursing a property in Nelson belonging to a man who is in gaol, and who will get the benefit when he comes out.

14th Aug., 1878.

406. Is there no percentage deducted?—No. There was a case in Christchurch in which money was found on a prisoner, and, as he had been found guilty of robbery, I used the discretion given me by the Act to hand over the money to the prosecutor. He had lost about £400, and I paid over to him about £80.

407. *Mr. Gisborne.*] I understand you hold strong opinions in favour of the appointment of an Inspector, it being understood he should be an expert in the management and discipline of gaols?—I am of strong opinion it is a thing we absolutely need.

408. I presume you do not find it possible as a Visiting Magistrate to investigate the technical details of the management of the gaol?—It is not possible.

409. Supposing there was a gaoler in whom you had no confidence, and he was carrying on a course of jobbery and corruption, could the Visiting Justices detect and check his proceedings?—Well, as things are situated here, the very worst man could not do much harm. There is no work done for payment except a small sum received for cakum. There might be collusion between a contractor and a gaoler, but much harm could not be done.

410. Could not stores, such as kerosene, be taken away without the Justices knowing it? Certainly; there is no check on that. Of course it is probable it would be noticed if heavier requisitions than usual were asked for. I generally, before signing a requisition, see if the quantity is about the same as usual.

411. Do you think prisoners would be deterred by fear from making complaints?—Possibly. I have heard so, but never have believed it; still it is possible.

412. Is it possible for warders to get money from outside for favouring prisoners?—Yes; and seeing the small pay they get, I should not be surprised if they took money for that; though I do not believe that they do.

413. *Mr. Tole.*] Do the Visiting Justices visit the stores periodically?—No; that was the work of the Stores Department; but, now that is abolished, there is little or no check.

414. *Hon. Mr. Gisborne.*] Had the Stores Department anything to do with perishable articles?—Not with food. The Visiting Justices see that the food is wholesome, and the quantity is arranged by the number of prisoners.

415. As to the wood and coal?—There is a monthly supply of that.

416. Could not a gaoler so disposed use that for his private purposes?—Well, there is no check in that respect.

417. That used to be checked by the Stores Department?—I am not sure. The supply of clothes was.

418. *Mr. Wakefield.*] Could not the clothes be made in the prison?—We have not had enough men to do it. We have made boots.

419. Cannot the women do it?—They have enough to do in washing and mending.

420. Do they wash for any other institution besides the gaol?—No; that keeps them employed.

421. There is no means of making the prisoners work at their several trades?—No; except shoemakers and carpenters. Of course it would be a good thing to do, but we have not the means in this small gaol.

422. In a central gaol it could be done?—Yes.

THURSDAY, 15TH AUGUST, 1878.

MR. E. PEARCE, examined.

Mr. Pearce.

15th Aug., 1878.

423. *The Chairman.*] We have had the evidence of the Gaoler and one of the Visiting Justices, and I understand that you and Mr. Woodward have been the two Justices most active in connection with the Wellington Gaol. I do not want to go over the ground again, on which your answers will probably be the same as those of previous witnesses; but I wish to get your opinion on a few points, and any suggestions you have to make from your experience as a Visiting Justice. In your experience, can the Visiting Justices conduct their inspection so as to know what is going on in the gaol?—Do you refer to discipline generally?

424. Both to discipline, to adherence to the Regulations, and the management generally. Is further inspection necessary? Do you think skilled inspection is necessary, altogether apart from the business of Visiting Justices?—It would probably be wise if there was an Inspector appointed to occasionally visit the gaols; but, at the same time, I believe that the Visiting Justices are able to see that discipline is maintained and the rules are adhered to. If the Visiting Justices do their duty it ought to be sufficient. At the same time, I believe there ought to be some permanent head of the department, who should watch the administration of the gaols, or that there should be a visiting Inspector; but I believe if the Visiting Justices do their duty it is not absolutely essential.

425. During your experience as a Visiting Justice, do you know whether all the Justices attended regularly to their gaol duties?—No, they did not all attend regularly.

426. I presume it is because there is no rule with regard to visiting?—There is no rule.

427. Are there, in your opinion, sufficient means of classification in the Wellington Gaol?—Certainly not.

428. Do you think it would be advisable to improve the gaol in such a way as to enable prisoners to be classified?—Yes; by increased building accommodation. I should say, with regard to the female department, that there is sufficient room to classify.

429. From the evidence we have already had, it appears that there is no distinction made between

long-sentence prisoners and first offenders—that they all work together?—They do; but the penal-servitude men are kept separate within the gaol from prisoners sentenced merely to hard labour.

430. The Gaoler informs us that, notwithstanding this, everything can be heard all through the gaol that prisoners choose to say to each other?—Not between the penal-servitude wards and the hard-labour wards.

431. No; but within the penal-servitude wards from cell to cell all along?—Yes, from cell to cell.

432. Then there is no such thing as classification of prisoners?—No, it is impossible.

433. What is your opinion with regard to keeping penal-servitude prisoners in a separate gaol. Do you think that is necessary?

Witness.] Am I to understand the question to refer to the proposal to establish a central prison for those who are on penal servitude?

The Chairman.] Yes. I think it would be a wise thing to do. It would facilitate classification.

434. Do you know of your own knowledge of any mischief that has arisen from first-sentence prisoners associating with men who have been frequently committed?—I cannot give any definite case; but it is manifest that if first-sentence prisoners are put with hardened criminals the result must be bad. Especially is it wrong to put youths with hardened criminals; and it is manifestly inconvenient that men sent up for a sentence, say, of forty-eight hours, should mix with those who have perhaps years to serve.

435. Are there many complaints made by the prisoners to the Visiting Justices or officers as to the gaol discipline?—Very rarely indeed are there any complaints, and I always allow prisoners an opportunity of making complaints if they wish to do so.

436. *Mr. Seymour.*] To make complaints to you alone?—To me alone, if a prisoner so wishes it.

437. *The Chairman.*] With regard to the labour that has been done by the prisoners, I understand it is chiefly out-door labour, and that trades are not taught in the gaol, except shoemaking?—Shoemaking is the only trade that is taught, but occasionally tradesmen are employed at the gaol, such as carpenters.

438. In your opinion, is it advisable that the prisoners should be employed on works connected with roads and streets?—I do not know that any evil results, if they are employed in that way, and it has been very beneficial to the town to have that labour.

439. Does the town pay for the labour?—No; I should say of late years the town has not had the use of the prisoners. They have been employed for a considerable time now in connection with the new hospital. It is many years since they have been used to form streets.

440. Do the hospital trustees pay?—I think not.

441. Then there is no account kept—no means of checking the value of the labour?—None whatever. It has never been attempted.

442. Are the rations, in your opinion, sufficient?—Yes.

443. Has your attention been drawn to any part of the rations which is too lavish?—No. I should say, with regard to the rations, we have always adopted the plan of allowing the men tea, which, if the rules were strictly carried out, would not be allowed.

444. There is an alternative in the ration scale, which allows tea in certain cases?—Under certain circumstances, but we have stretched the Regulations. I understood the Regulations to require that tea should be given only on the order of the medical officer.

445. No; it is in the discretion of the surgeon. Do you think there is too much bread given to the prisoners when this alternative scale is on?—No; I believe the prisoners are able to use all the bread they get.

446. We understand that there is no check on their giving it to each other?—No; we have not thought it wise to prevent it.

447. Then the gaolers have not the means of doing it?—They have the means, but men have different appetites.

448. We are told that the Gaoler at Lyttelton has very strictly adhered to the Regulations, and there is no complaint of the men being short of rations. The Gaoler says there is a great waste of bread, that bucketsful of bread are sent away every day.

Witness.] Have they had all their meals within the gaol?

The Chairman.] No. They have had one meal at the works; but there is a great deal of work done. They are at present doing work in the gaol building. There is another point that we were asking the Gaoler about—tobacco. The allowance of that is in the discretion of the Justices. Do the Visiting Justices understand that the ration of tobacco is given out to every prisoner indiscriminately, whether he smokes or not?—I believe it is so.

449. That means that some prisoners get more than the stick?—I fancy it is so. Those who do not smoke occasionally give their allowance to other prisoners.

450. We also understood the Gaoler to tell us, on inquiry, that when the tobacco is served out the prisoners are allowed to keep it in their pockets, and that they may use it as they please, some of them chewing it?—I did not know that was the case.

451. He further said he could not prevent their getting tobacco when on the works. As you are aware, when on the works they sometimes pick up tobacco under stones?—But they are very rare cases.

451A. By the Regulations in some gaols when prisoners come in from the work they are searched, so that they cannot take tobacco into the gaol?—They are searched in the Wellington Gaol as they come in.

452. But I understand it is recognized as a right that they shall have tobacco in their possession when they come in?—It is so.

453. Strictly, where tobacco is allowed it is served out as any other ration to the smokers?—That has not been our practice.

454. Do you think the prisoners could profitably grow any food—any garden produce?—The suggestion is new to me.

455. Is there any land near the gaol available for the purpose of a garden?—Not very suitable; but I should say there is a garden near the gaol on which prisoners are employed.

Mr. Pearce.
15th Aug., 1878.

456. For whose benefit?—The Gaoler's.
457. But is there room enough in the Gaoler's garden to grow produce for the use of the gaol?—The garden might be extended.
458. Could any more land be got, and would it be an advisable thing?—The suggestion is new to me; but I think if the prisoners could be taught agriculture and gardening the knowledge might be useful when they come out.
459. We should like to have any suggestion you would like to make to the Committee on any question of importance that may strike you from your experience?—Improvements within the gaol can hardly be carried out without more accommodation. The discipline at present I believe is almost perfect; there are no complaints to speak of, and altogether I think that the Gaoler here performs his duty admirably. If he had more accommodation for the purpose of classification great improvements might be effected, and men might be put to more trades than the one of shoemaking.
460. If the long-sentence prisoners were drafted out of that gaol would there be room for ordinary offenders?—It would improve it very materially, and there would be room for prisoners committed for trial, and who ought to be kept separate from those who are convicted.
461. Is there no means of keeping prisoners committed for trial separate?—None whatever.
462. We understand that there is no provision for such a case as imprisonment for contempt of Court?—No; but in the only case that has occurred since I have been Visiting Justice we were able to keep the prisoner entirely separate from the ordinary criminals, because we had the debtors' room.
463. We were told that in one instance the person imprisoned objected to being put with a debtor, who was then removed to a cell. Do you know anything of that?—No; I did not know he was put into another cell.
464. We were told the prisoner objected because the debtor had a dirty face; and, to make matters quiet, they put him into another cell?—I do not know that.
465. *Hon. Mr. Fox.*] I want to ask your opinion on another matter as an experienced Visiting Justice. We have had a statement made to us by a member from the Provincial District of Auckland, that although they had active Visiting Justices there, they utterly failed to discover a long series of transactions of a very gross character—frauds relating to rations; and that they went on to report that everything was satisfactory, until at last a Committee of the Council was appointed to investigate, and they discovered a state of affairs very discreditable to the governing authorities—that flagrant offences had been committed by the authorities of the gaol. When you inspected the gaol was your inspection of a character which would enable you to discover any sort of mal-administration, except what is entirely on the surface; have you any means of going into details with reference to transactions where there might possibly be some fraud or mal-administration of any sort?—I confess I cannot understand how fraud can be committed by any officer in the gaol. The rations are supplied according to scale, and the providore has to send in returns according to the number of persons who are at the time in gaol, and he has to send in vouchers for the Visiting Justices to sign.
466. Then there is no audit?—I confess I do not know how any officer of the gaol could get any benefit by making a false statement of accounts, unless in collusion with the providore; and then it would be very difficult, because the gaoler would have to make false returns of the number of persons within the gaol.
467. I suppose you do not make any scrutiny sufficient to enable you to discover anything that may be purposely concealed?—I cannot see how the officers of the gaol could make any false returns that would not be discovered.
468. *Hon. Mr. Fox.*] In Auckland, the whole thing appears to have been so bad that the officers were dismissed right and left. The wonder to me is how any such transactions as described by Mr. Swanson could have escaped the notice of the Justices?
- Witness.*] Had that reference to the sale of articles within the gaol?
- Hon. Mr. Fox.*] One of the things he alluded to was the wholesale disposal of coal, firing, straw, and kerosene.
- Witness.*] That, surely, ought to come within the cognizance of the Store Department.
469. Are you aware whether, since the abolition of the Store Department, there has been any other system of checking the stores of the gaol?—No; I am not aware.
470. *The Chairman.*] We gather by the previous evidence that there is none; and that since the abolition of the Store Department the Government have not initiated any new system?—It never occurred to me that the Visiting Justices were bound to attend to the business of the stores. I always thought that the Government would deal with that through their own officers.
471. While the Store Department existed the stores were checked by them?—They were.
472. And since then there has been no surveillance?—I am not aware. I never looked upon it as part of my duty to keep any tally of stores. I should say that since I have returned from England, during the past six months, I have not attended at the gaol as often as I used to do; but I have been up occasionally, partly by appointment with the Gaoler, to deal with small cases of trivial offences, and partly to see that affairs were in order at the gaol.
- Hon. Mr. Fox.*] The inference which Mr. Swanson intended to be drawn from the state of the Auckland Gaol was that Visiting Justices are quite unnecessary, as it is impossible for them to make such an examination as would be of any value. That is not my own opinion. Even if they cannot discover cases of gross fraud, which might be purposely concealed, there are a large number of duties which they can perform?
- Witness.*] I think so too. I think it would be very wrong that the gaols should be without Visiting Justices.
473. You would not think of handing the whole thing over to the gaoler?—No, not even if a Government officer were appointed. There should be Visiting Justices, not only to protect the Government officers, but the prisoners themselves.
474. *The Chairman.*] Have the prisoners every facility for complaining to the Visiting Justices?—They have.

475. *Hon. Mr. Fox.*] Are complaints numerous?—Very rare indeed.

476. *The Chairman.*] Do you think they have cause of complaint?—No, I do not think they have any cause of complaint.

Mr. Pearce.

15th Aug., 1878.

477. *Hon. Mr. Fox.*] The Visiting Justices are, of course, not paid?—No, the office is honorary. There is one point I would like to mention—namely, that I think there ought to be regulations which would be better understood both by the Visiting Justices and the prisoners themselves. There ought to be some small assistance given to prisoners when they come out of gaol. It constantly happens that men coming out of gaol come to me and tell me that they have not a penny in the world. I do not think it is right that a man should be sent out of gaol without a farthing. They have to find lodgings, and to wait until they get employment. There ought to be some machinery by which a prisoner would receive pecuniary aid on coming out of gaol.

478. Do you mean earnings by marks?—That might be a good system; but if a prisoner were unable to earn marks it would, even in that case, be necessary to provide some means.

479. *Hon. Mr. Fox.*] You would not think it would be judicious to give the prisoners money, because a large number of discharged prisoners would spend it in publichouses?—What is a man to do when he comes out of gaol without a farthing in his pocket. The greater the criminal the greater the necessity to keep him out of temptation. When I have been asked for a few shillings, and see that the men speak the truth, as they generally do in such cases, I have always given it.

480. Do you mean as a private gratuity?—Yes, there is no other means. In former years, when it was a larger sum than a few shillings, I have written a note to the Provincial Treasurer, stating the case, and requesting him to furnish a sufficient sum to enable the man to go up-country or to some other province, so as to enable him to get employment or to join his friends. But since the abolition of the provincial system there have been no means to get funds for the purpose. It is cruel to send a man out of gaol without a farthing in his pocket.

The Chairman.] I have had experience as a Resident Magistrate, and have frequently been asked for money, and I have found it necessary.

Hon. Mr. Fox.] Judges and other authorities tell us that something like 75 per cent of the men who are sent to gaol go there through drink, and nine out of ten of the men who come out of gaol relapse into crime again. To put money into their hands would be placing temptation in their way. If the Government would offer them employment on public works there would be some sense in it.

481. *The Chairman.*] Would you prefer aid being given to them through a Prisoners' Aid Society, without the money being placed absolutely at their disposal?—No; I do not think so. I think the men should be provided with sufficient means to provide for themselves for a day or two after they come out of gaol. No one would suggest that they should be sent out of gaol without clothes; but they often come in with such clothes as are unfit to wear when they go out, and thus they are given clothes. I think that in the same way they should be provided with a little money.

482. What is your opinion as to the manner in which the money should be apportioned? You are aware of the English system by which prisoners earn a certain sum on marks, and they thus earn a limited amount?—That does not meet the case that I have pointed out, because if a man does not earn marks there is no reason why he should be thrust on the streets without the means of providing himself with the necessaries of life.

483. Do you think it would be advisable that the amount of money given to prisoners should depend upon their conduct in gaol?—No; I do not think so. Whatever a man's conduct may have been in gaol, when his term of imprisonment is completed he ought to have something.

484. We are informed that there is no difficulty in Wellington for a prisoner to obtain work on his discharge. Is that your opinion?—I believe they have no difficulty in obtaining work after they have had time to look round. A man discharged in the morning cannot, perhaps, get work that day.

485. *The Chairman.*] The Gaoler tells us of an instance where he let a man out of gaol in the morning and he came up with a load of wood as a drayman in the afternoon. Then, practically, at present a prisoner is dependent on whatever may be charitably given by the Visiting Justices?—Yes; but the applications are not very frequent.

486. But has the Gaoler no funds at his disposal for the prisoners?—None whatever.

487. There is no such organization here in the shape of a Prisoners' Aid Society?—No. The percentage of men requiring money is small; but still it is not right any man should come out of gaol without having some means to provide for himself. The majority of prisoners have friends in the place; but still there are cases where they have not.

488. *Mr. Seymour.*] You think it ought to be in the power of the Visiting Justices to order money for them?—I think so.

489. *The Chairman.*] You would leave it in the discretion of the Visiting Justices?—Yes; the Gaoler might be instructed, whenever a prisoner was discharged, to give him a note to the Visiting Justices, stating the circumstances of his discharge; that is to say, whether the prisoner has money of his own. The practice is that money is taken from prisoners which may be in their possession when they go into gaol, and it is returned when they come out. If the Gaoler certified that a prisoner went out without money it should be in the power of the Visiting Justices to give him some.

490. Do you think prisoners could be profitably employed in improving and enlarging the gaol?—If there happened to be carpenters in the gaol at the time.

491. Do they use concrete and solid material?—They have been employed in making bricks, and have become very apt in that.

492. In some parts of the colony they are employed in that way. I suppose there are always a fair percentage of carpenters and other men of skilled trades in the gaol?—I think it is very rarely that mechanics are convicted. The system of having a school at night works very well indeed. The men like it because it keeps them employed. I have seen some prisoners who in a short time had learnt to write remarkably well who went into gaol unable to write at all.

493. There is no provision for a school on the women's side?—No.

Mr. Pearce.
15th Aug., 1878.

494. Do you think that a school would be of any benefit to women of apparently hopeless character?—Unquestionably.
495. Is there any schoolmaster within the gaol?—No; there are convicts capable of teaching.
496. You are dependent upon the chance of educated prisoners?—Yes; but there always have been sufficient educated prisoners.
497. And is there not a sufficiently-educated woman on the other side?—No; I do not think so.
498. *Mr. Seymour.*] Is there no recompense or advantage given to the person who does this teaching?—No, I think there is not; but he is spared the meaner and manual labour.
499. Then you think it advisable that something should be done to provide for teaching the women as well as the men?—Unquestionably.
500. I presume, as a rule, the women who are convicted are more ignorant than the men, and that educated women are more rarely committed than educated men?—I never knew an instance in Wellington of an educated woman being convicted.
501. But sufficiently educated to teach the women to read and write?
502. *Mr. Wakefield.*] I suppose the women who get into gaol are generally the most abandoned class—common street-walkers—and the most ignorant?—As a rule. There have been two cases of concealment of birth in which the women were comparatively educated.
503. I suppose the women take to sewing?—They mend the men's clothes.
504. Do you think that sewing-machines might be introduced with advantage?—If they were employed in making the prisoners' clothes but they are now partly employed in picking oakum.
505. *The Chairman.*] The women?—Yes; women are so employed.
506. We were told that the whole time of the women is occupied with washing?—They do washing, but they also pick oakum.
507. I asked the Gaoler, and he said they did not wash for other institutions. I doubt whether the washing of the gaol would occupy their whole time?—Until very recently their spare time was occupied with picking oakum, and they have had a great deal of that spare time.
508. I understand that oakum is a difficult thing to get now?—I do not know.
The witness was thanked for his attendance and withdrew.

Major PAUL, examined.

Major Paul.
15th Aug., 1878.

509. *The Chairman.*] We wish to ask you a few questions as a Visiting Justice of the gaol here, and especially as to whether you have any suggestions to make as to the discipline or construction of the gaol?—There should be some alteration with regard to the construction. I have not been up there so often for the last couple of months; but formerly I visited the gaol very frequently. Whenever Read wanted me I went, as I had less to do than the other gentlemen.
510. Do you believe the gaol could be improved by the proper classification of prisoners?—Not as it is at present.
511. Do you think it advisable that long-sentence and penal-servitude prisoners should be in the same gaol with first-sentence prisoners?—I think they should be separated.
512. Do you think they should be in the same gaol?—I do not see any objection to their being in the same gaol if they can be separated.
513. Do you think all penal-servitude prisoners in the different local gaols should be kept separate in the different gaols of the colony?—They should be kept separate, unless there were some central place for them.
514. Would you prefer that?—I would prefer that.
515. That there should be a central penal establishment?—I would prefer that.
516. If all the long-sentence prisoners were drafted out of the gaol in Wellington, would there be sufficient room for classifying the ordinary prisoners?—I think there would be. From my experience in the military gaols at Home, where the long-sentence prisoners are sent to Plymouth and Aldershot, and other places; I think that. I was Inspector of Military Prisons at Home from the time when I arrived in England from the colony in 1866. I was appointed as an Inspector, being a field officer. My plan was that where men were guilty of serious offences they should be sent away to the large establishments to undergo long sentences.
517. In your opinion, is the discipline in this gaol good?—I think it is good.
518. Has the Gaoler sufficient means for enforcing discipline properly?—Well, I think he has; though there have been cases of harshness reported once or twice. The warders have been accused of harshness, and when I have investigated the cases I did not find any grounds.
519. When prisoners come out of gaol, is there any provision for their receiving some assistance to enable them to start in life?—Yes; I asked that question of the Gaoler, and he told me that there is some means. There is always a few shillings given to a man on leaving.
520. How is it given?—Generally by the warders. I do not know how it is obtained.
521. Is it at the Gaoler's discretion entirely?—Yes.
522. Not given under any rule?—Yes; there was some rule, but I have forgotten what it was.
523. Do the prisoners find a difficulty in obtaining employment when they come out of gaol?—I asked that question of Mr. Read, and he told me that there was a difficulty in their getting employment.
524. Have you any suggestion you wish to make?—No; I have no particular suggestion.
The witness was thanked for his attendance, and withdrew.

FRIDAY, 16TH AUGUST, 1878.

Mr. J. DRANSFIELD, examined.

Mr. Dransfield.
16th Aug., 1878.

525. *The Chairman.*] We should like to get your evidence on the question of gaols, Mr. Dransfield. We want chiefly to hear any suggestions you have to make which may be gained from your

experience as a Visiting Justice as to the discipline and accommodation of the Wellington Gaol. In *Mr. Dransfield*, the first place, do you think the accommodation is sufficient?—It is not sufficient for classification.

526. There are no means of classification?—No, so far as the males are concerned; there are on the female side. 16th Aug., 1878.

527. Do you consider it advisable that the long-sentence penal-servitude men should be in the same part of the gaol as the ordinary first offenders or short-sentence men?—I do not.

528. As to inspection, do you think it is necessary to substitute for the inspection of Justices, or do you think it desirable that, in addition to the inspection by Justices, there should be skilled scientific inspection by a General Government officer?—I do not know that I should be justified in saying it is necessary. I scarcely think so.

529. You think Visiting Justices in all cases could detect anything that went wrong in their ordinary visits?—Well, I think so. The gaol is very well managed by the present Gaoler. It might be different if we had another sort of man.

530. Supposing there was an officer inclined to take advantage of his position, do you think the Visiting Justices are in such a position as to be able to detect misconduct?—I hardly think they are. Very much must depend upon the good conduct of the gaoler.

531. If the long-sentence prisoners were put in a separate establishment would there then be room at the gaol for classifying the ordinary offenders?—I think there would. I am speaking without a knowledge of the number of men there are in the gaol.

532. Is there habitual discontent amongst the prisoners?—I do not think so.

533. You have had no complaints?—Very few.

534. When prisoners come out of gaol, as a rule do you believe that they find much difficulty in getting back to their ordinary avocations?—There was a difficulty, but not so much of late years.

535. You do not hear of any complaints of that kind?—Occasionally an instance will occur, but not frequently.

536. The prisoners are at work at the hospital grounds, are they not?—Yes.

537. That is one gang. Another gang, I understand, are making a road for the Municipality?—No; they are making a road on the Terrace, but it is for the Hospital Trust. It is on land which used to belong to the Town Belt, but it is now under the Hospital Trust. None of the men are employed on Corporation works.

538. No payment has been made for that work by the Hospital Trust?—No.

539. Do you find any ill-effects from the prisoners working in public in that way?—Not under the present circumstances, because very few of the public see the men at either of the places where they work.

540. The prisoners do not meet their friends outside at this work?—I do not think so. There might perhaps be a little of that sort of thing, but not to any great extent, like it was when they were employed on Corporation works.

541. What sort of work do you think prisoners can be put to most advantageously?—I do not think they can be better employed than they are at present.

542. They are brickmaking?—Yes; and road-making.

543. Do you think they could be well employed in adding to the prison by building concrete additions, or that sort of thing?—It would require skilled labour. Were they trained to that no doubt it would be a very good thing. I see something of the sort has been done in the Lyttleton Gaol.

544. It would be a good trade for them to know when they came out?—Yes, very suitable.

545. Do you think they could be suitably employed, the weaker men especially, in growing garden produce for use in the gaol?—Yes, very profitably.

546. Is there any room for making a garden in connection with the Wellington Gaol?—I think so.

547. Enough to supply the gaol with vegetables?—Yes.

548. In your opinion is the ration scale a satisfactory one?—Yes, very.

549. I understand the Gaoler gets all the rations from one person, except the butcher's meat?—Yes, I think that is the case; and the food appears to be very good.

550. Do you think the quantity allowed is sufficient?—As near as I can tell I think it is about satisfactory in every way.

551. Tobacco is allowed the prisoners?—Yes, a stick a week.

552. And it is given out to them indiscriminately. Every man gets it whether he smokes or not?—I think so.

553. That is done with the knowledge of the Justices?—Yes.

554. Of course those who do not smoke pass it to those who do?—Yes; I think the allowance of tobacco is a good thing, because its stoppage may be used as a serious punishment.

555. *Hon. Mr. Gisborne.*] But it would be no punishment if those who did not smoke could pass it to the smokers who had had their ration stopped? I understand one result of the system is that a man may get as much tobacco as he pleases outside, and there is no check against his taking it inside the gaol. If searched, and the tobacco found, he can reply he is allowed to carry tobacco. Is not that objectionable?—Yes, in the way you put it, certainly; but I have not seen any ill effects from the system.

556. There are different rules in different gaols, I understand?—Yes; so I understand.

557. *Mr. Tole.*] Have you had much sickness in your gaol?—No; very little. It is in a very healthy situation.

558. Do you know anything about the instruction the prisoners get?—There is a reading class in the evening.

559. Do you know anything about the attendance of clergymen?—A clergyman of the Church of England holds a service every Sunday; and one of the Roman Catholic clergy also attends.

560. Would there be plenty of room for classification, so far as space is concerned, if the long-sentence prisoners were removed?—No.

Mr. Dransfield.
16th Aug., 1878.

561. Have you formed any opinion about a central prison for the colony?—I think it would be an excellent thing to have one for long-sentence men.

562. *The Chairman.*] Can you make any suggestion as to a good place for such an institution?—No; I have not given the matter sufficient thought.

563. *Mr. Tole.*] Are the visits of Visiting Justices frequent?—The average would be two a month, I suppose; sometimes more, sometimes less.

564. What is the usual course of procedure on the occasion of a visit?—We just walk through the gaol, look into the cells, go into the kitchen, and if any prisoner has any complaint to make we hear him.

565. You do not inquire for complaints?—No.

566. Do you look into the store department?—No.

567. *Hon. Mr. Gisborne.*] Do you visit the gaol when the prisoners are present, or when they are away at work?—Sometimes one, sometimes the other.

568. Do you ever see the men out of the presence of the warders, and ask if they have any complaints to make?—No.

569. Has there been any inquiry into the alleged ill-treatment of a prisoner who attempted to escape the other day?—There was to have been an inquiry yesterday, but neither myself nor Mr. Pearce could attend. I think the inquiry will be held to-day.

570. *Mr. Tole.*] Have you many applications from the friends of prisoners to visit them?—Yes.

571. Do you ever refuse?—I have refused when the same persons came too often.

572. *The Chairman.*] Is there any suggestion you wish to make to the Committee?—But one. I think, when a prisoner's time is up, there should be some arrangement by which the man could have assistance for a couple of days. It is scarcely likely a man can drop into work the very day he gets out of prison, and he ought, I think, to be assisted for a couple of days.

573. In what shape—money?—It would entail a good deal of trouble if any other system were adopted, I think.

574. Do you think it would be advisable to allow a man to earn some limited sum by his marks?—No doubt that would be the best way.

575. *Hon. Mr. Gisborne.*] Do you think the appointment of an Inspector of Gaols for the colony—a man of experience in such matters—would be advisable?—Yes; it would have the effect of insuring that one system was carried out all over the colony.

576. *The Chairman.*] No doubt you are aware that the punishment really differs in degree in the various gaols?—I am not aware of it. I have had no experience except in the Wellington Gaol.

Mr. Seymour.
16th Aug., 1878.

MR. A. P. SEYMOUR, M.H.R., a member of the Committee, examined.

577. *The Chairman.*] We wish chiefly to get your evidence, Mr. Seymour, as to the condition of the Marlborough Gaol. Being a member of the Committee, it will hardly be necessary for you to put your opinions on record in evidence?—There is one point I should like to bring before the Committee's notice. It is this: That for a long time past there has not been a great difference between the number of officers and the number of prisoners in the gaol, but there is accommodation for more prisoners, supposing they were not very violent or very clever men who were sent. Escapes are possible, and have taken place from time to time, and the gaol is totally unfit for men undergoing long sentences. We have one man there who is sentenced for life. He is a Maori, and happens to have distinguished himself by remarkably good conduct during the time he has been there.

578. But he does not want to get out, does he?—He has made application for remission; but there was a rumour some time ago that if ever he got out his tribe or some of his people would kill him for the offence of which he had been convicted. He was convicted of the murder of a settler, in Pelorus Sound, named Grant.

579. You mean to say, then, that your gaol is not full, but it is only fit for quiet offenders who are short-sentenced?—Yes; it would be suitable for them.

580. The cost of transit is the thing?—I do not think it would be very great, and opportunities for transit are now frequent and regular.

581. Is the discipline good there?—Yes; I think so.

582. I suppose it would be rather more indulgent than it is in larger gaols?—I think it is; but I have not had any experience of large gaols. It is carefully and well conducted, I think. There is no provision for classification at all, and no provision for female prisoners of any kind whatever. I think that is rather recognized by the Justices in the district, because we seldom have females convicted.

583. How many cells are there in the gaol?—I do not remember the number.

584. When you say the gaol would hold a good many more, how many do you mean?—I think it would hold ten or twelve men.

585. Would they be put more than one in a cell?—I expect so. I think there are about six cells.

586. You know it is generally thought advisable to have only one in a cell, but that, if there must be more than one, there should be more than two?—Yes.

587. What is the gaol built of?—Wood.

588. And a determined man could easily get away?—Yes; it would not be difficult at all. One man got away, and the next thing we heard of him was that he was in San Francisco. Another man escaped twice, and when retaken we had to put him in irons till you, at my request, transferred him to Hokitika.

589. Then it is not much more than a lock-up?—Very little.

590. And it is over-officered?—Well, there is a gaoler and also there are two warders. You cannot do with less, whether you have one or a dozen men.

591. *Mr. Ormond.*] How many prisoners have you now?—For some time we had only three, from that to four or five. I question whether you will find there have been five there during the last twelve months.

592. *The Chairman.*] The Gaoler, I understand, is rather a pensioner of the province than anything else?—He is an old man. *Mr. Seymour.*

593. Practically, I understand, he is incapable of work?—He is incapable of hard work, but he is able to fulfil the duties of the position he occupies. 16th Aug., 1878.

594. I suppose the idea in this is, he is an old officer, and may as well stay there and give his experience?—He is quite able to take charge of the gaol.

595. Are two warders necessary if there are only three or four prisoners?—There must be two, I should think.

596. *Hon. Mr. Gisborne.*] Is there a warder on duty at night as well as during the day?—Yes.

597. *The Chairman.*] In your experience prisoners have had to be sent away for safe custody?—Yes; that only took place lately. In former days we had to do the best we could, and they sometimes escaped.

598. Do you consider it necessary to have a central establishment for long-sentenced prisoners?—Yes; for there must be many places in the colony where there are small gaols suitable enough for light cases, but quite unfit for the proper detention and care of long-sentence prisoners; besides, there is the question, the important question, as to mixing up long- and short-sentence prisoners promiscuously, which has been done in all these smaller gaols. You were speaking just now of two warders; of course whenever a gang goes out it is necessary that a warder should go out with them, and one must be left to take care of those inside.

599. *Hon. Mr. Gisborne.*] What sort of a gang could go out when there are only three men in the gaol?—They would have to go out.

600. *The Chairman.*] Could you not find work for them in the gaol?—No; they have been engaged for a long time in forming a cemetery out of a wilderness.

601. They could do stone-breaking?—Yes.

602. Is there not stone near the gaol?—No.

603. Do you now think it advisable to keep up that gaol at all, seeing the prisoners could be accommodated in Wellington or Nelson Gaols?—I do not see how you can do without it; it is also used as a lock-up.

604. Yes, make it a lock-up, and nothing more. Of course you must have a good lock-up; but, once a prisoner was sentenced, would it not be better to send him across to Wellington or Nelson?—What length of sentence would you send for?

605. Anything over six months.—Well, it would be inconvenient to keep prisoners in a lock-up even for a month; you could not give them hard-labour without interfering with the police, and I do not see how it could be managed with a less staff than at present.

606. There are four men in, and out of these one is a long-sentence prisoner—what are the others?—I do not know; they are short-sentence prisoners, I think.

Mr. CURTIS, M.H.R., a member of the Committee, examined.

Mr. Curtis.

607. *The Chairman.*] We wish, Mr. Curtis, to take your evidence in reference to the Nelson Gaol, about which, as you were Superintendent, you doubtless know something. You are also a Visiting Justice, I believe?—I have not had much experience as a Visiting Justice. I have only been Visiting Justice for some months. As Superintendent, I had a general knowledge. 16th Aug., 1878.

608. With respect to the building, is it a good gaol, so far as construction goes?—It is an old building, but, apart from the question of classification, it is sufficient for its purposes.

609. Of what material is it built?—Of wood.

610. Is there any means of classifying the prisoners?—None.

611. Is there any means of keeping long-sentence and first offenders apart?—No; the boys are kept apart. That is the only classification attempted.

612. On the female side is there any classification?—None whatever.

613. Then if a girl commits a simple larceny she is put in with the prostitutes?—Yes.

614. And I suppose she does not come out the better for that?—I should think not.

615. In your opinion, is it advisable to separate long-sentence prisoners from the others by drafting them out of the gaols into one central prison?—I think it is of the utmost importance that they should be separated.

616. In your opinion are Visiting Justices able, from their position, to check all that goes on in the gaol sufficiently?—I think so, if they really do their duty, so far as the supervision of the gaol is concerned.

617. Do you think that skilled inspection from the Government of all gaols, so as to keep up a certain standard of discipline, is necessary?—I certainly think that exceedingly necessary, in order to keep all gaols upon the same footing. I was referring rather to the ordinary routine.

618. Are you aware that the discipline of various gaols differs considerably?—Yes.

619. And that certain specified punishment does not mean the same thing in all gaols?—Exactly; I can point out one instance where there is an essential difference in the interpretation of the law. The Act provides that Visiting Justices may give punishment, in the way of adding to sentences, by a term not exceeding one year. The Visiting Justices in Nelson construe that to mean that for an accumulation of offences they cannot give more than one year's additional imprisonment. In other gaols, in Dunedin, for instance, I know that Visiting Justices take an opposite view, and give as much as a year and a half, or more, additional imprisonment. They consider there is no limit.

620. So long as they do not give more than a year in one sentence?—So long as they do not give more than a year for one offence. I believe that is a wrong interpretation of the law. I cannot conceive it should be intended by the Legislature that the Visiting Justices should have power to extend a sentence without limit.

621. Are the Gaol Regulations enforced in the Nelson Gaol?—Yes.

622. Are they found to work well?—Yes, very well, on the whole.

Mr. Curtis.
16th Aug., 1878.

623. Has the mark system worked satisfactorily since it has been introduced?—Yes. I may mention, incidentally, that there are no regulations in force for debtors. The Act under which regulations were made in this respect has been repealed.
624. Yes; it was supposed imprisonment for debt had been abolished when these regulations came out?—Yes.
625. Have you a separate debtors' prison?—A separate part of the gaol is used for them, and they have a separate exercising yard. The boys, if any are in gaol, are put with them.
626. Do prisoners all get their meals in common together?—Yes.
627. All kinds of offenders?—Yes.
- 627A. Are men who are committed for trial put with the other men?—Yes.
628. Are any trades taught in the gaol?—No; but a man is put to work at his trade if possible. Thus, shoemakers and carpenters work at their respective trades, but there is no instruction given.
629. What is the hard labour done by the prisoners at Nelson?—The hard labour is done upon any public works within a reasonable distance that are required by the Government, such as repairs and alterations of the gaol, keeping Government grounds in order, and protecting the river banks; and when there is no Government work required their services are placed at the disposal of the Corporation for works about town.
630. Does the City Council pay for those services?—No.
631. There is no means, then, of judging what the work and labour of the prisoners is worth?—Only approximately.
632. Has your attention been called to the rations' scale?—Not specially.
633. You have no particular reason to know whether there is any deficiency or surplus?—No; but, from what I have heard, I think it is more plentiful than is necessary.
634. In what particular ration?—I cannot say. I am speaking from conversations with the Gaoler.
635. Is the gaol healthy?—Very.
636. And is it in a good situation?—Yes; it could not be better.
637. Is there room enough on the site?—There is no room for much enlargement.
638. If the long-sentence prisoners were kept out, would the gaol be sufficient in accommodation to allow of the classification of the ordinary offenders?—I think it would be.
639. Is there any religious or other instruction given?—No; not officially.
640. Is any given unofficially?—I am not able to speak upon that point.
641. They do not teach reading and writing in the gaol?—The prisoners teach one another, I think.
642. Mr. Tole.] Do not ministers of religion attend the gaol?—They may attend particular prisoners, but I am not aware of any regular service being held.
643. The Chairman.] So far as you have observed, are there frequent recommittals at Nelson?—Not to any marked extent; occasionally it happens.
644. Do you think the punishment deterrent there?—Yes.
645. When prisoners come out of gaol is there any difficulty in their obtaining employment?—Frequently there is.
646. Is there anything like a Prisoners' Aid Society in Nelson?—No.
647. Has there been any provision for giving men money when they come out of gaol?—Occasionally I think they earn small sums of money.
648. In the gaol?—Yes; a sum of money is given for a certain proportion of work done. There is an arrangement of that kind.
649. That is under the mark system?—Yes.
650. Do you, of your own knowledge, know of mischief arising from first offenders being put in with old offenders?—No.
651. Is the discipline of the gaol satisfactory so far as the officers are concerned?—Yes.
652. You have not had your attention called to breaches of discipline on the part of gaol officials?—We have occasionally, but nothing of a serious character. We had to remove a warder some time since for insubordination; but I do not think it was more than what would occur in any gaol. It was not particularly bad conduct; merely a falling-out among the officers.
653. Has any improvement in the prison buildings been made by prison labour?—Yes; small improvements have been made.
654. Do you think a gradual re-building of the gaol out of concrete might be effected by prison labour to advantage?—I am not able to say. I am under the impression that concrete building requires some special knowledge, which few prisoners would have.
655. At Lyttelton the gaol has been entirely re-built by prisoners learning the trade?—No doubt it could be done.
656. And it is found when the men come out they soon get work, as concrete building is becoming popular now?—Probably.
657. You think a penal establishment would be a desirable thing?—Yes.
658. Have you any suggestion to make as to the best locality for such a prison?—I think one of the sites recommended in the report of the Royal Commission on Prisons which sat in 1868. D'Urville Island would be a convenient site.
659. What could they work at there?—I do not know. I was looking at it as being the place for a prison, apart from any question as to work—being an island, and at the same time within easy reach of supplies. It is both central and accessible.
660. There is already a magnificent harbour at D'Urville Island?—Yes; I am aware.
661. You are aware Resolution Island was also mentioned on account of supposed granite deposits; but the granite has proved a failure?—Yes. There is an island in Blind Bay called Adèle Island that contains good granite.
662. It is a mere rock—very small?—Yes; the prison would probably have to be on the main land. That is also mentioned by the Commission.

TUESDAY, 20TH AUGUST, 1878.

HON. W. H. REYNOLDS, M.L.C., examined.

Hon. W. H.
Reynolds, M.L.C.

20th Aug., 1878.

663. *The Chairman.*] As you have for a long time been a Visiting Justice of the Dunedin Gaol we wish to get your evidence, Mr. Reynolds. Do you consider the gaol satisfactory in construction?—No, I do not.

664. Is there sufficient room for prisoners?—No.

665. Is there any means of classification?—No, not sufficient. In certain cases we can classify to a certain extent.

666. Can first offenders be kept separate from older and other offenders?—By dint of a great deal of scheming it has been done in certain cases.

667. Is it done always?—No.

668. In your opinion, can the Visiting Justices check any internal abuses in the gaol if there were any?—I do not think they could satisfactorily do so.

669. Have you heard complaints as to the discipline or administration of the gaol from the prisoners?—Yes, complaints have been made; but upon investigation we generally found them to be unfounded.

670. Are prisoners confined more than one in a cell?—Yes.

671. How many?—I can hardly tell you. When we had the Maori prisoners there were sometimes as many as fifty in an apartment.

672. But as to ordinary prisoners?—Sometimes two, sometimes three. I do not know any case of there being more.

673. At what work are the prisoners employed there?—Generally roadmaking, and in work for the Government. They used to be employed a good deal at the Botanical Gardens, in forming and laying out the grounds.

674. Do you think they could be advantageously employed in reclamation or some other big work?—They have been doing that; they have been taking down Bell Hill.

675. Is there any harbour work that would last a long time at which they could be employed?—Yes, they are now working at reclamation in the harbour.

676. I understand the prisoners are divided into several gangs?—Yes.

677. That involves a good deal of expense?—It is expensive.

678. What I wanted to know is, whether there is any large work about Dunedin harbour at which all the men could be employed profitably without their being separated into gangs?—I do not think it would be advisable to have all the men working together, if there are many of them. It might be attended with an evil result.

679. Are any trades taught them in prison?—Not that I am aware of.

680. Could they not be profitably employed in learning trades?—Of course, shoemakers are put to work at their trade; they make boots for the gaol, for the lunatic asylum, and the hospital. So with blacksmiths, tailors, and carpenters; they are each put to their respective trades. I do not know about teaching trades.

681. Is the gaol healthy?—Yes.

682. Are there any means of dealing with fire should it occur?—They have got plenty of water laid on—they have hose. Oh, I think so.

683. Are the Prison Regulations at present in force carefully adhered to?—I do not know as to the last six years. I have not been a Visiting Justice for six years. They were in force when I was a Visiting Justice.

684. You cannot speak as to the mark system?—No. When I joined the Government I ceased to attend as a Visiting Justice, and my place was filled up. I think the Regulations are carried out well, and I may add that, but for the Gaoler being a good man, it would be very difficult to work the gaol at all.

685. Is there a Prisoners' Aid Society in Dunedin?—Yes.

686. For the purpose of assisting men when they get out of gaol?—Yes.

687. Do men find it difficult to get work after they come out of gaol?—Yes, there is a little difficulty; but it has been in a great measure the fault of the class itself. Some men, when they have got employment, have behaved so badly, that a great number of people are now afraid to give them work.

688. Is there in Dunedin, so far as you have been able to judge, a criminal class; that is, men who are habitually committing crimes and being sent to gaol?—I think there is no doubt of it.

689. In your opinion, is there any danger of first offenders allying themselves to this criminal class from the connections they form in gaol?—I think it is the case very often. I should say it is the rule rather than the exception. They get hardened and callous to loss of character, and associate with these men.

690. Have you heard of their being followed up, when they have left gaol, by their late associates, when they wished to avoid them?—Yes, I have.

691. In your opinion, ought provision to be made for keeping first offenders absolutely separate from the other class?—I think it would be very advisable to do so; but I do not see how it is possible in Dunedin Gaol.

692. Do you think that gaol is fit for keeping long-sentence penal-servitude men and first offenders altogether?—They can be kept safely enough; but the gaol is not suitable, because you cannot classify.

693. *Mr. Seymour.*] Do you think the prisoners could be profitably employed in enlarging the gaol, so as to bring it into such a state as would allow of classification?—I do not think it is possible at Dunedin Gaol. You must recollect it originally was a very small gaol, and it has been patched and patched, till it has become almost impossible to enlarge it further. The ground is nearly all occupied now. Still, I think the prisoners are quite able to build a gaol on some other spot, if you could secure it. You might easily put up a gaol with concrete walls by prison labour.

Hon. W. H. Reynolds, M.L.C.
20th Aug., 1878.

694. *The Chairman.*] Have you seen what has been done at Lyttelton by the prisoners?—Yes. The same thing could be done in Dunedin if there was plenty of space, but the building there is a complete patchwork, and could not well be patched further. It is secure enough, however; with the present staff, it would be a most difficult thing for any man to get away. I believe the gaol is well managed too. Mr. Caldwell is a capable man as gaoler. I do not know what he would be if promoted to a higher position. As gaoler he is a very good man.

695. *Hon. Mr. Gisborne.*] Has he had English experience?—Yes, I believe so. Considering the rough characters he has had to deal with, he has managed the gaol very well. There have been but few complaints against him, and when complaints have been made and inquiries have taken place they have always been found to be groundless. As far as I know, there has not been a single case in which fault found with the Governor of the gaol has been sustained upon investigation.

696. *The Chairman.*] Visiting Justices must necessarily, on certain matters, depend for their information entirely upon the officers of the gaol?—Yes.

697. Such as the management or discipline of the gaol?—No; the Justices, when I was one, frequently visited the gaol, and saw for themselves as to the discipline of the gaol.

698. Are they in a position to judge for themselves?—I think so, some of them. Some have qualified themselves to be so situated by continually going down and seeing what is going on. One gentleman is continually there, and takes a great interest in knowing what is going on; and if anything was going wrong he would soon know, quite independently of the officers.

699. You are aware that the cost of the Dunedin Gaol is very much greater than that of any of the other gaols of the colony?—Yes.

700. Is that inevitable?—I think it is, from the fact that the prisoners have to work in detachments. That is the only way the officers can keep the prisoners classified outside the prison. Of course the expense of supervision is thereby increased. I know the warders have no very easy time of it.

701. They have an equal number of prisoners at Lyttelton, within a few; but there the cost is infinitely less, and the discipline is very strict?—It may be, but I do not suppose they work the men in separate gangs there.

702. There are two batches of them?—There are sometimes three or four in Dunedin.

703. They work them at gaol works and at their trades?—There would be a great outcry with us if prisoners were to be worked at trades.

704. Are the boots used in the gaol made in the gaol?—Yes; when it has bootmakers as prisoners.

705. *Hon. Mr. Gisborne.*] I suppose there is no outcry about that?—No, there would be if the boots were made to be sold outside.

706. *The Chairman.*] Do they never teach young prisoners the trade?—I do not think so; I have never heard of it.

707. Would it not in your opinion be advisable to teach prisoners trades?—I think it would be a very good thing, so that when they went out they would be able to earn a living. Of course it would be no use teaching the confirmed criminals trades; but men who were in for the first time, if they were kept separate from the hardened offenders and taught trades it would no doubt have a good influence on them, and tend to enable them to earn an honest living on leaving the gaol.

708. In your opinion is it necessary or advisable that long-sentence prisoners should be provided for in a separate establishment?—I think so, if the colony could afford the money. It is, to my mind, a question of money.

709. Have you any recommendation to make, from your knowledge of the colony, as to the best site for such an establishment, if it were determined to have one?—Yes; I think such a place as Soames' Island, here in Wellington Harbour.

710. What would you employ them at there?—That would be the only difficulty. Perhaps they might work at trades, their productions to be used in Government departments.

711. That is the great difficulty in choosing a place. You are of course aware that the discipline varies in the different gaols in the colony?—Yes.

712. That in some places, notwithstanding the Visiting Justices, it is relaxed, and in others it is severer?—Yes; when I was a member of the Government I made a point of visiting the gaol at every place to which I went, and I saw great differences. In some places there was practically no discipline.

713. So with punishment. You are aware that a sentence for a good length of time is not the same punishment in one place as it is in another?—Certainly it is not.

714. Is it, in your opinion, possible to secure uniformity of discipline without inspection—skilled inspection?—I should think not. My impression is that, if you want uniformity, you must have one skilled inspector.

715. Are you aware how stores are checked in the various prisons now that the Stores Department is done away with?—They used to be checked by the Provincial Government when I was a Visiting Justice; but I cannot say how it is done now. Under the old system there was no chance of anything going wrong.

716. *Hon. Mr. Gisborne.*] How were they checked by the Provincial Government; you had no Store Department?—Yes, we had. The clerk to the Superintendent had charge of the Store Department. We did not have an elaborate system of branding. Of course we had the letters "H.M.G., Otago," with the broad arrow.

717. Is not that branding?—That was done in the gaol itself. I mean to say we did not have a Colonel Gorton's branding establishment.

718. *The Chairman.*] The question of stores in gaols, now that the Store Department is done away with, is important, and I want to know how the Provincial Government checked the stores?—There was no difficulty. Officers had to account for what stores they had. They had a storeroom in the gaol, and so many shirts, so many trousers, &c., were put in, and the officers had to account for all that went out.

719. The Gaoler had to account for them?—Yes.

720. Who checked him?—Mr Logan or some one under him. Of course a great deal must depend on the gaoler, and there was the utmost confidence in Mr. Caldwell.

721. But it is a bad plan to be dependent upon the character of any one?—But he was liable to have an account taken at any time. The store was kept very regularly.

722. Have you any further suggestion to make to the Committee?—No. I do not think it would be advisable just now to go to a large expenditure in erecting and maintaining a central gaol, but if the colony could afford it the case would be different. I think there should be a qualified inspector.

723. If 150 to 200 long-sentence men were drafted out of the gaols of the colony, do you think the present gaol accommodation would give an opportunity of classifying the ordinary prisoners that remained?—I do not know. I should scarcely think the removal of 150 would be sufficient. Some gaols are much more crowded than Dunedin Gaol; for instance, Auckland.

724. Well, if you took that number out of such gaols as Auckland, it would be an immense relief?—Yes; but there are many other gaols.

725. Yes; but the small gaols have not so many long-sentence prisoners in them?—Possibly 150 might be enough. I suppose Dunedin could send 30 or 40; then there is Christchurch, Wellington, Auckland, Nelson, West Coast. There are so many, that I doubt whether accommodation for 150 would be enough.

726. It was calculated that the long-sentence prisoners would number from 150 to 200?—Yes. I do not know that Soames' Island, of which I spoke just now, would be a good place, in consequence of the difficulty of finding employment.

727. You are aware that the Commission of 1868 mentioned several places, but difficulties arose with regard to one and another of all of them?—Yes; I have heard that, in addition to Taranaki, Greymouth, or Buller, on the West Coast, are places where they might be employed on harbour works.

728. *Hon. Mr. Gisborne.*] Do you know of any objection to Taranaki?—No; my own impression is that any part of the colony that would take them should be welcome to them.

729. *The Chairman.*] Supposing there was a central penal establishment, ought the prisoners, after serving their sentences, to be re-delivered, so to speak, at the place at which they were convicted?—I do not know that that would be to the prisoners' interest, because they would be better known there than elsewhere. I expect they would prefer to be released at some place where they were not known.

730. *Hon. Mr. Gisborne.*] Supposing their families were in a different place to that at which they were released?—They would manage to get their families to them.

731. *The Chairman.*] Then it is difficult to know what would be more just to the colony. It is a question whether it would not be more just to re-deliver them at the place from whence they were taken, instead of leaving them to congregate in the part of the country where the gaol was situated?—No doubt it would be a stigma against the place in which the gaol was situated, the same way as it was against Tasmania and New South Wales.

732. It is slightly different, because of course there must be a place in every colony for a gaol.

733. *Hon. Mr. Gisborne.*] Do you not think it would be advisable to establish a penal establishment at some place like Taranaki, where there are large public works on which the men could be employed?—I do not see any objection, provided the colony authorized the outlay and the Taranaki people are prepared to take them. I think it must be demoralizing to the people of a district to have these prisoners in their midst.

734. It is not demoralizing to the people of Dunedin to have a gaol in their midst?—That is limited.

735. The central prison would not be larger?—I cannot agree with you that it would not be larger in time.

736. How many prisoners have you in Dunedin?—I should say about 170.

737. It is proposed to put about 150 to 200 in the central prison?—Yes; but as the colony enlarges I expect the number would soon increase from 150 to 1,500.

WEDNESDAY, 21ST AUGUST, 1878.

Mr. D. M. LUCKIE examined.

Mr. Luckie.

21st Aug., 1878.

738. *The Chairman.*] You are a Visiting Justice at the Auckland Gaol?—Yes.

739. What do you think of the position and construction of the gaol at Auckland?—It is by no means what it ought to be. It is too confined; there is no possibility of proper classification, especially in the women's department; the passages between the rows of cells are so very narrow that, in the event of a fire breaking out, there would be great difficulty in removing the prisoners from the building; although matters have been improved in this regard of late, owing to a good supply of water having been carried into the gaol, and hose-pipes fixed up in various parts of the building. The stairways are too narrow, and there is no division between the debtors' prison and that part of the gaol devoted to the accommodation of criminals. I mean the persons in prison under judgment summons, when I speak of debtors. In the women's department the condition of affairs is really very bad. The officers' quarters, too, are also unsatisfactory.

740. On the women's side there is no classification whatever?—None. In rainy weather the whole of the women are placed in a small department. Speaking from memory, I should say there are about fifty of them; and the fetid atmosphere in that room on such occasions is something really oppressive.

741. There are no means of keeping first offenders separate?—None at all.

742. Is the gaol in your opinion healthy?—Yes, I think it is; at least, the male department is very excellently kept, and the yard is tolerably large; but its healthiness is due rather to the fact that it is exceedingly well kept than to any advantage which arises from its construction. The truth is,

Mr. Luckie.
—
21st Aug., 1878.

that a new building is and has for some time been seriously wanted. It ought to be a stone building, and, as there is a quarry within a very few yards of the gaol of excellent quality, there is no reason why a new gaol should not be built by the prisoners themselves.

743. Is there any distinction made in work between the penal servitude and ordinary hard-labour men?—Nominally, but not really. The labour generally is all of the one class; but a few men are kept at bootmaking, carpentering, or at blacksmiths' work.

744. Do you think it is advisable to keep penal-servitude men in the same gaol as ordinary offenders?—That is a large question; it is a matter of opinion, and I am not prepared to speak positively one way or the other. There are several difficulties in the way of a central prison. The long distance to be travelled from various points would render it exceedingly expensive. But I do not care to give an opinion on the subject without further thought. I can answer from my experience of the gaols at Nelson and Auckland that such a thing as classification, as it would be done in a large central prison, is impossible; but with greater conveniences than now exist classification could be effected.

745. Do you think Justices of the Peace are in a position to detect what is going on in a gaol in case of there being abuses?—Well, to be in such a position, they would require to visit more frequently than, as a rule, they do, or can be fairly called upon to do. At the same time they do their work with considerable thoroughness. There is the ordinary monthly inspection, and they visit intermittently as well. The monthly visit is a mere formal affair; but, speaking for myself, I have taken opportunities of speaking to the prisoners themselves occasionally. Charges have sometimes been made against officers of being too severe; but on careful investigation they have, with very few exceptions, proved to be groundless.

746. Do you think that in the case of misbehaviour on the part of the officers it would be possible for Visiting Justices to detect it unless it was pointed out by some one?—I do not think so, unless they were suddenly come upon. These things are generally looked after by the Gaoler, and the Gaoler at Auckland appears to be earnest in his work and trustworthy. Discipline and order are fairly and carefully maintained.

747. But suppose a case in which the Gaoler was concealing matters, would the Justices have any means of detecting wrong-doing from their mode of inspection?—If they took the bull by the horns, as the phrase goes, and went determined to look into everything carefully they ought in the long run to be able to detect anything that was going wrong, but it would be a difficult thing, because they would require to have suspicion aroused in the first instance; and improper conduct might be carried on for some time before it leaked out.

748. You say you know something of other gaols in the colony?—Only in respect to the Nelson Gaol, and that is from what I saw some years ago.

749. Is the discipline similar in those two gaols for instance?—The discipline in Nelson was never so stringent as it must necessarily be in Auckland, where the prisoners are far more numerous and the establishment much larger.

750. The same discipline is not carried out in all gaols then, according to your experience?—No, it cannot be done in the case of small gaols.

751. Are the regulations carried out strictly in Auckland?—I think so.

752. How is the mark system working?—Very well. It has had a good effect in reducing the number of offences by prisoners. They have not been so numerous during the last twelve months as before. There are fewer cases of malingering than there used to be.

753. *Mr. Tole.*] Do you think the system would be a fair substitute for punishment?—Withholding of marks is punishment in itself, and the prisoners do not like it. There was a case of malingering just following the removal of a bankrupt from gaol to comfortable quarters in the district hospital, which removal was effected on a Judge's warrant. In that case of malingering which was brought before me the prisoner lost a number of marks, equivalent to two or three days of his reduced time. This had the desired effect immediately.

754. Do you think that the marks are fairly distributed by the officers?—I believe they are. I have not heard of any complaints, though I have often asked if there were any. The old hands profess to be timid.

755. Do you think prisoners are afraid to give information to Visiting Justices?—I have never got any particular information myself, though I have frequently asked for it; but I do not think they would be afraid of the officers if they had any real grievance. A good deal depends on the manner in which the questions are asked. If you say off-hand in a formal way to a body of men, "Are there any complaints?" you will not get much information.

756. Are breaches of discipline among officers frequent?—No; I have not observed it.

757. What is your opinion with regard to the scale of rations? Has your attention been called to the matter?—I have frequently seen the rations, and it has struck me as rather odd that the diet is lowered to men who will not undertake hard labour, although their sentence has not entailed hard labour. So with marks. A man cannot earn marks unless he volunteers to undertake hard labour, though he may not have been sentenced to hard labour. Some men cannot; they are physically unable to perform hard labour, and this regulation is rather hard on them. It seems, too, an injustice, that hard-labour men who work out the sentences of the Court get better or more food than non-hard-labour men or women who also fulfil the measure and punishment awarded by the Court.

758. Are there any trades taught in the gaol?—No. Some men, such as shoemakers, carpenters, and so forth, work at their trades; but trades have not, to my knowledge, been taught in the gaol. I may mention that the women make all the clothes, or nearly all. The washing for the hospital and the asylum is also done in the gaol.

759. Are the rations sufficient in your opinion?—Yes, I think so; although a good deal depends on the build and appetite of a man. That which would be sufficient for one man would not be sufficient for another.

760. Is there too much of any particular kind of food?—I do not think so; there does not seem to be any waste.

761. Is tobacco allowed?—No. A man is punished for smoking or for having tobacco in his possession; and any person giving tobacco to a prisoner, or planting it so that an out-door prisoner may get it, is fined if discovered.

Mr. Luckie.
21st Aug., 1878.

762. Is there any religious or other instruction given in the gaol?—Yes; the Roman Catholic priest attends occasionally at stated times, and other clergymen go; and there is a kind of city missionary who visits the prison and endeavours to reclaim people from a life of vice. He is rather a favourite in the gaol, I think. His name is Mr. Brackenrigg.

763. Have the prisoners who cannot read or write any regular school?—There is a class, I think. There also used to be a class at Nelson. There have been some very good teachers among the prisoners in Auckland Gaol, men who did a great deal of good to their fellow-prisoners, and taught them in some cases higher mathematics.

764. In your opinion, if long-sentenced prisoners were drafted out of the gaol, would there be plenty of room to allow of classification as to the others?—That is a question I could not answer without having the statistics of the gaol before me.

765. You think the prisoners could be profitably employed in building or adding to the gaol?—Yes. The best evidence of that is to be found in the magnificent wall that now surrounds the gaol. It is an excellent piece of work, about 18 feet high, and was all done by prison labour, under supervision of course.

766. I suppose the prisoners have some opportunity of knowing whether they get the proper rations or not?—Yes. Every man may have his bread weighed; and, from what I have observed in inspections of the food, full weight is scrupulously given.

767. All stores are in the hands of the Gaoler. Could you tell us what check there is upon the Gaoler?—No. I do not know what the system of check is, so far as food is concerned at any rate. As to clothes, so many blankets, trousers, or cloth to make them, or whatever it may be, are given to the gaoler, and he has to account at stated intervals for what he receives, and what surplus remains.

WEDNESDAY, 21ST AUGUST, 1878.

Rev. Father Kerrigan examined.

*Rev. Father
Kerrigan.*

768. *The Chairman.*] You have been in the habit of visiting the gaol here?—Yes; but I have only been visiting the Wellington Gaol since the 21st of April last. I was in Napier some time. 21st Aug., 1878.

769. We wish to ask you a few questions about the treatment of the prisoners, so far as you have observed, and especially as to whether they are receiving secular education, and also as to religious education. Is there any obstruction put in your way? Have you any difficulty in seeing the prisoners?—Oh, no; the officials give every facility for seeing the prisoners on Sundays.

770. Do the prisoners make many complaints to you?—No; I do not recollect any. I have very little intercourse with the prisoners except on spiritual matters. I merely give them religious instruction. I have not heard any complaint that I remember.

771. Had you any long experience at Napier?—Two years.

772. Were there any prisoners in the gaol there whom you had known out of gaol?—Yes.

773. Were they habitual offenders—men who had been in gaol before?—Some had been in once or twice, and others had not been in at all.

774. Was there any separation between the two classes of prisoners?—I did not notice that there was. I find here in Wellington certainly there is a separation between the prisoners.

775. Have you heard of men for the first time in gaol complaining of being put in with these men?—No.

776. Do you know anything about the prisoners being taught to read and write in the gaol?—I believe they are taught. I have seen them reading and writing as I passed along to see the cells in the evening; but I have not taken much notice. I merely passed along.

777. Have you had any opportunity of judging what effect punishment has upon the different classes of prisoners?—No; I do not know anything about that at all.

778. Do you know whether released prisoners find any difficulty in getting employment?—Yes; I know they sometimes find the greatest difficulty, and many of them go back to gaol because they cannot get employment. I know that, because men have called on me and told me they could not get employment.

779. Here in Wellington?—Yes. They are cast out of the gaol without a penny, and I do not know what they can do under such circumstances. I have several times been called upon by prisoners who have come out without a penny in their pockets, and were unable to get employment.

780. *Mr. Tole.*] Do you happen to know whether they were tradesmen?—No.

781. There is no kind of Discharged Prisoners' Aid Society in Wellington?—No; I do not know of anything of the kind.

782. *The Chairman.*] Is there any suggestion you can make for the improvement of the prisoners in the gaols?—I have not had sufficient experience to answer that question. I might remark that in Wellington there is little or no accommodation for the celebration of Divine Worship, and almost the same condition of things exists in Napier. Every denomination goes into the same place—in Wellington, a small passage—a few prayers are read, and that is all. There is never any sacrifice of the mass, although the men may wish it sometimes, because there is no accommodation. It is necessary there should be some place where no one but the priest could go—an altar or a permanent place where the sacrifice might be offered.

783. I understand you to mean that in no case can mass be celebrated within the gaol walls?—Oh, yes; it could be celebrated. We can celebrate mass at any place; but we do not wish to celebrate it in such a place in such circumstances.

784. Practically mass is not said in the gaol?—No. Then, again, if it were, as things are at present here, the female prisoners could not attend without their being brought into contact with the male prisoners.

Rev. Father
Kerrigan.
21st Aug., 1878.

785. *Mr. Tole.*] How often have you been at this gaol in Wellington? I ask because it was stated to the Committee the other day that a Roman Catholic priest seldom visited the gaol since Father O'Rielly became so infirm.—Well, I can answer that, because I happen to have looked at the book before coming here. I find that Father Petit Jean visited regularly for a long time, till July, 1875, and since then Father Kearney visited often till of late.

786. Is there any priest here who now is in the habit of visiting the prison?—Father Kearney began to visit the prison in August, 1875, and from that time till September, 1877, visited pretty regularly. The number of visits during that time were sixty-six. That is nearly every Sunday available, because a clergyman cannot well visit every Sunday. He has other duties to call him away. Ever since 21st April last I have visited, having made in all about twelve visits. The time devoted to instruction every visit would be about twenty-five minutes.

787. *Mr. Swanson.*] You said, in effect, just now that some prisoners had called on you for assistance, and had complained they could not get work?—Yes; they told me so.

788. Do you think it desirable that the rules of the prison should be so modified that these men should be put to task-work, and any one showing special energy should be allowed a few shillings by way of encouragement, which would enable him to look about for a day or two on coming out of gaol?—I think anything that would provide them with some means would be a step in the right direction. There ought to be some fund.

789. I mean for them to earn it?—I think it would be a good thing.

790. They might think more of the money if it were earned by them?—Yes.

791. You spoke just now of a chapel, or something of the sort, in the gaol. If a place were made, would it be available for all clergymen?—It could be made in that way. There could be a hall which might be open to be used by all denominations; but there could be a little place apart specially for the use of the Roman Catholic priest attending the gaol—a place where no one but himself could go—an altar, just as there is at Home.

792. *Mr. Tole.*] That would not be much bigger than a cupboard, I suppose?—No.

793. *Mr. Swanson.*] Some other denominations use altars, do they not?—No, I think not.

794. *Major Atkinson.*—Have you had any experience of prisons in any other country?—No.

795. In visiting prisoners, has it struck you that if they were being badly used by the warders they would be sure to tell you?—I think they would. They generally complain to the priest if anything is wrong.

796. *Mr. Swanson.*] Could you suggest to the Committee any means of making gaol punishment deterrent—make things so unpleasant for prisoners, that they would not be inclined to come back in a hurry; because the Committee find that prisoners continually go back to the gaols, and do not seem to be at all scared?—That is a question which requires a good deal of consideration. Certainly I cannot give an off-hand answer.

797. *The Chairman.*] Have you any other suggestion to make?—I think if clergymen wished to see prisoners on week days they should be allowed to do so. I mean this: Supposing I wished to see a prisoner on religious matters at, say, 2 o'clock in the day, I could not, because the gaol officials say they have no power to keep a man in from work for such a purpose; but I may see him in the evening. In the evening, very probably, it may be inconvenient for me to attend the gaol; therefore I cannot see him at all. I think if I sent notice that next day I would like to see such a man or men, the gaoler should be empowered to keep them in. I believe the officers would be anxious to do that if they could, but they tell me they cannot.

798. *Mr. Swanson.*] You mean to speak to them on religious subjects?—Yes.

799. Not as to grievances?—No, I never go into that sort of thing. Merely to speak to them on religious matters, and give them advice and encouragement.

800. Could not that be done on Sunday?—Sometimes I cannot get to the gaol on Sundays. I am simply speaking of what might happen.

THURSDAY, 22nd AUGUST, 1878.

DR. JOHNSTON, M.D., in attendance, and examined.

Dr. Johnston.
22nd Aug., 1878.

801. *The Chairman.*] You are in medical attendance at the gaol here?—Yes.

802. Do you consider that the gaol is in a healthy situation?—Yes, I do.

803. Do you find that the size of the rooms and cells affect the health of the prisoners?—No, I cannot say that I do. There is no infirmary—no convenience for the care of the sick.

804. What is done with them?—They are just put into the ordinary cell. There is no special attendance in any shape or form.

805. *Hon. Mr. Fox.*] Is there no special attendance when they are put into the cell?—No; the ordinary warders. Sometimes there is very heavy work. Within the last six weeks I have had three men and one woman suffering from a violent form of *delirium tremens*, each one being in a separate cell, without any special nurses, or convenience, or accommodation of any kind. The gaol is now becoming a large establishment. Of course the work has greatly increased; but no medical attendant has ever been appointed. The work has gradually crept on, but I have attended there for many years. When I first attended there there was nothing to do; but I have received no appointment.

806. Have you received no salary in respect of it?—No salary; I was told to go when under the Provincial Government. I went, of course, and medicines were always sent up from the hospital here.

807. Of course you bring medicines now from the hospital store?—Yes; I also obtained a medicine chest from an immigrant ship. That eases it somewhat.

808. *The Chairman.*] Is there no other medical attendance besides your own?—No.

809. You never had any serious surgical case there?—No; I remember on one or two occasions, some years ago, I got an order for a patient to be removed to the hospital; but that is a process which it is difficult to get done. You cannot move a man without a special order from the Supreme Court.

810. *Hon. Mr. Gisborne.*] Has it not been customary that, when prisoners were suffering from *delirium tremens*, they are sent to gaol until they could work it off?—That is done very often. *Mr. Johnston.*
811. That throws work upon you?—Yes; and it throws a lot of extra work upon the warders. *22nd Aug., 1878.*
812. Are they examined before being remanded to the gaol?—I think they are remanded without any examination whatever.
813. It is suspected they are suffering from incipient *delirium tremens*, and they are sent to gaol?—They are remanded without any examination, or medical information being asked.
814. *The Chairman.*] Is the ventilation good?—I should imagine it is in the cells; but when the day-rooms are crowded I have known the atmosphere to be dreadful to enter. I have seen them so bad that it was impossible for me to go in and remain five minutes.
815. What would it be like on a wet day?—The stench was really dreadful.
816. *Hon. Mr. Fox.*] The rooms are some size, are they not?—They are very small for the number of people. They give as much accommodation as they can by opening the passage into the corridors.
817. Is there any attempt at separation of offenders in those day-rooms, or are they all herded together?—They all herd together, on one side the hard-labour gang, on the other the lighter-sentenced men.
818. Is there any attempt to separate first offenders?—No; no provision for that.
819. Have you sickness on the women's side?—Very little. There is very little sickness in the gaol at all. It is a wonderfully healthy position, and the sanitary arrangements, because there has been no sickness.
820. *Hon. Mr. Fox.*] Is the water good?—Very good—it was from a well; but latterly they have got the water laid on.
821. Do you consider that wholesome water?—I have heard no complaints, and I always considered that wholesome water. I always found the people healthy.
822. *The Chairman.*] Is the service water filtered?—No.
823. Is the sewer good in the gaol?—I think they run away into the gully. The internal arrangements are such that the drains run away into the gully at the back. The Gaoler has a garden, and he takes all the sewage and buries it; and, as his garden is much below the level of the gaol, I think there could not be any better arrangement.
824. *Hon. Mr. Gisborne.*] Is the garden private property?—I suppose it is private property. It is on Government property; it is within the bounds of the reserve.
825. But is it for the Gaoler's private use?—I think so; he has had a great deal of trouble in making it.
826. *The Chairman.*] Do prisoners work at it?—I have occasionally seen some of the old men, but none of the able-bodied men.
827. *Hon. Mr. Fox.*] It is the Governor's garden, is it not?—Yes.
828. *The Chairman.*] Have there been many deaths in the gaol?—Very few.
829. Have you ever had any gaol fever?—I have had no epidemic of any kind.
830. Do you consider the scale of rations a reasonable one?—I cannot remember it just now.
831. Has your attention been ever drawn to any insufficiency?—Certainly not; I have heard no complaint from the men.
832. Do you know whether or not there is too much of anything?—I do not know.
833. *Hon. Mr. Fox.*] You are certain there is not too little?—I should have heard of it, if so.
834. *The Chairman.*] I suppose if anything were wrong they would complain?—I think so.
835. Do they complain to you?—They scarcely ever complain. I think the prisoners are very well satisfied.
836. *Hon. Mr. Fox.*] I suppose they would almost certainly complain if there were reason?—Oh, certainly.
837. *Hon. Mr. Gisborne.*] How often do you go to the gaol?—Twice a week. I make a point of going once a week on Tuesday, while my assistant goes on Saturday.
838. You were Provincial Surgeon?—Yes.
839. Was the gaol put under your charge?—I do not remember; I have no record of it.
840. What is your present office?—Well, I really do not know: I am Medical Officer in Charge of the Wellington Hospital.
841. Suppose the gaol were placed under a medical officer, would your office then continue?—It would cease.
842. *The Chairman.*] As a rule, what is the physical effect of imprisonment upon the prisoners?—Improved health.
843. In most prisoners?—Yes; unless there has been some organic weakness before.
844. What do you attribute that to—regularity of life?—Yes; regularity of living and food.
845. *Hon. Mr. Fox.*] And sobriety?—Yes; and sobriety.
846. *The Chairman.*] Have you had your attention drawn to the moral effect of the sentences on the prisoners? Have you noticed the men who have been in gaol—what their subsequent conduct has been?—Several cases have come under my notice in which I have considered that the men were very much improved. It so happens that within the last twelve months I have noticed two such men. Both have turned out to be steady workers and industrious men. One of them I found out was in gaol some fifteen or eighteen years ago, in chains weighing about thirty pounds weight. He certainly has broken out again with drink. He was for twelve months a wardsman in the hospital, and from there he went to the asylum, and behaved steadily, until, unfortunately, he fell in love with some woman who behaved falsely to him; and then he attempted to hang himself.
847. What was his original sentence?—I do not know; but he was a very violent, passionate man. At present a man is in the hospital, not on pay. He is assisting there. I know he was convicted and sentenced for robbery.
848. Have you, of your own knowledge, noticed any bad effects from the association of prisoners sentenced for first offences? Are they the worse for it?—No, I cannot remember any; but I think they have generally been old offenders that have been imprisoned.

Mr. Johnston.
22nd Aug., 1878.

849. *Mr. J. C. Brown.*] You mentioned two prisoners who got employment on coming out of gaol. Is it usual to offer prisoners employment?—The truth is, I did not know that the man had been a prisoner; I was only told the other day in the gaol; I was not aware of it before.

850. *The Chairman.*] Do you know whether prisoners in Wellington, after they complete their sentence, find it difficult to obtain employment?—No; I do not think so. I see men about at work whom I have seen in the gaol.

851. *Hon. Mr. Gisborne.*] Do you attend the floggings in the gaol?—Occasionally I have, when twenty-five lashes have been administered by order of the Supreme Court in cases of rape.

852. *The Chairman.*] Is the punishment severe?—No; I do not think it is.

853. What effect do you think it has on the prisoners?—I have not had sufficient time to judge. It is only within the last two or three years that flogging has been established, and there have only been four or five cases of punishment of this kind, and I suppose the majority of those who have been punished in that time are still inmates of the gaol.

854. Do you know whether or not there is much fear on the part of the prisoners of that punishment?—No; I do not think there is. Two or three cases have been those of hardened men who have made up their mind to bear it.

855. On the women's side what means of classification is there?—The women's side, I think, is more convenient than the men's side. There have been great additions there, and they have means of separating those who have not been so deeply stained. They put the light-sentenced people in other accommodation. So far as that goes I think the female side is very well off.

856. *Hon. Mr. Gisborne.*] Have you any record of the illness in the gaol, showing the deaths?—Oh, yes; there is a book regularly kept, and it is published in the statistics for each gaol.

857. *Mr. J. C. Brown.*] You can only give information as to the general health of the prisoners, not with regard to their conduct, or the general effect of the imprisonment?—I have nothing to do with those matters, of course. All my visits are recorded in the book, and at every visit I make all the prisoners within the gaol are able to come before me. They have notice that I am there, and any one wishing to see me has only to say so and come forward.

858. *The Chairman.*] Is there much sham complaining?—No, there are few; they are generally by old stagers; but they have been few of late years.

859. Is the object to get away from work?—Yes.

860. *Hon. Mr. Gisborne.*] Is the gaol overcrowded so far as the matter of health is concerned?—At present it is.

861. How much?—I cannot say without reference.

862. *The Chairman.*] Is it very much overcrowded?—It must be nine months ago since I went into the rooms, and it was a wet day; the men were crowded in the passages, and it was impossible to stop there without feeling sick. The Gaoler told me the other day that there were fewer now in the gaol than there had been for twelve months.

863. *Hon. Mr. Fox.*] How often do you visit?—We go twice a week. My assistant, who is a qualified man, takes one visit; personally I make one visit a week.

864. *Mr. Tole.*] Are all the cases of sickness treated within the walls of the gaol?—Yes.

865. You have not had any prisoners removed to the general hospital?—Not within the last three years. I have had perhaps two or three since I have been there.

866. Is there not sufficient accommodation?—Not sufficient accommodation, and no means of treating the sick.

867. *Hon. Mr. Gisborne.*] What is the process to be gone through in order to secure their removal?—I make a representation, and the warder of the gaol obtains an order from a Judge of the Supreme Court.

868. Then, is he taken back to gaol when cured?—Yes; he is taken back to gaol.

869. Do you know any persons who have been released on the ground that their health suffered in the gaol?—No.

The witness was thanked for his attendance, and withdrew.

*Venerable Arch-
deacon Stock.*
23rd Aug., 1878.

FRIDAY, 23RD AUGUST, 1878.

Venerable Archdeacon Stock examined,

870. *The Chairman.*] I understand you have been visiting the Wellington Gaol for about twenty years?—I commenced in 1856.

871. And from that time till now you have visited the gaol?—Always every Sunday, until within these last three years; and occasionally I have made special visits in cases of sickness.

872. Who has visited the gaol during the last three years?—Mr. DeCastro.

873. Do you consider the arrangements at the gaol are satisfactory now as to construction and discipline?—I believe the discipline is good; but I must say, at the outset, I have not made particular examinations; I simply go as a clergyman, attending to the spiritual wants of the prisoners. I strongly recommend that something be done in the way of providing accommodation for Divine worship. At present it is held in the corridor or entrance hall, where all kinds of work is done, and consequently there is no sense of dignity or reverence attaching to the place.

874. If accommodation were provided, would it be available for use by all denominations?—I do not know why it should not be. Certainly all the Protestant clergymen would have no objection at all to its being so used.

875. Is there any attempt at classification in the gaol?—There is a slight attempt, I believe; but I am hardly able to answer that question distinctly. I know long-sentenced prisoners are kept on one side of the gaol, and short-sentenced men on the other side.

876. Is there any attempt to keep first offenders separate from the other prisoners?—To some extent. The boys are kept in the debtors' room.

877. First offenders, not being boys, would not be kept separate then?—No.

878. Have you had any complaints made to you by men who have been imprisoned for first offences as to their being compelled to be associated with the others?—No; I think none. Generally speaking, when men come out, they do not care to talk about the gaol. They generally come to me to ask a helping hand, to enable them to get along in the world after they come out.

879. Is there any difficulty in prisoners getting employment after their release?—I do not think so. A man can easily lose his identity, either by going to Melbourne, or even going along the coast to some other town.

880. Do you think men generally go away from Wellington after serving a sentence in Wellington Gaol?—As a rule, I think not. I know many prisoners who have remained.

881. You think they go to work after leaving the gaol?—Yes.

882. Could you say, roughly, what proportion of prisoners attend your services?—All except the Roman Catholics. They are asked when they go into gaol to what religion they profess, and Mr. Read does not let them change their religion. If they are Protestants, they come to our service, both men and women—the one sex being separated from the other; and I think they are very glad to come, as a relief to the monotony. There is a good deal of singing in the service, in which they join heartily, and also in the responses.

883. Do you know what other clergymen besides yourself attend the gaol?—Practically none. When I first came, an arrangement was made by which all denominations should do the work in turns; but I was the only clergyman who kept to the arrangement. During the last five years Mr. Morpeth has been holding a class on Sunday afternoons, having received permission from the Visiting Justices so to do.

884. The Roman Catholic clergyman?—Of course, he attends. They were attending before I came, and have continued to do so until now. Father Kearney was very attentive for a long while; but he has now left. I do not know who has taken his place.

885. Do you know anything of any secular teaching going on in the gaol?—I do not think there is any.

886. The Gaoler gave us evidence that there was some teaching as to reading and writing?—Well, I know there is no Government teacher. I am not an appointed chaplain, and therefore can only give odds and ends of my time there.

887. Have you observed what effect the present system of punishment has upon prisoners generally? Is it deterrent?—Well, I believe that no punishment except capital punishment is deterrent. I believe a man intending to commit crime never takes punishment into consideration.

888. Do you think it is not or might not be made deterrent in the case of first offenders?—No; I do not believe they care about the punishment. I believe capital punishment is deterrent; and I have formed that opinion mainly from an incident which occurred in Wellington some time ago. A man in one of the regiments stationed here shot an officer. He was tried, and sentenced to death. Conversing with me one day he said, "Well, Mr. Stock, if I am not executed there will be another officer in that regiment shot." I knew perfectly well whom he meant—an officer who was exceedingly unpopular. This man was a very intelligent fellow, and he said he spoke with sure knowledge; and I believed him. I am inclined to think that in sentencing boys it would be far better if a short term of imprisonment were always given, accompanied with flogging. I have noticed that boys, when they get in gaol, are very uncomfortable for a few days, but in a short time get accustomed to their position, and take it as a matter of course. If a boy were given a short sentence, accompanied by a few cuts with the whip, he would remember it.

889. You think that would have a deterrent effect?—Yes.

890. Do you not think that a short, sharp sentence might have something of the same effect upon all first offenders?—Yes.

891. Do you not think it is a great mistake to mix up first offenders with all other prisoners?—Yes; but even if it were done you must have solitary confinement if you are to get the full benefit of the system. Because, if you put a number of short-sentence men together they get talking and telling one another the plans they used when outside.

892. Still, first offenders ought to be kept separate?—Yes.

893. Have you had any complaints from prisoners as to the treatment they receive?—Yes; but so trifling that they are not worth attending to.

894. You do not think the men have any real grievances?—I am sure they have not. I think the gaol is very well conducted indeed.

895. What indulgences are they allowed? Do you know if they are allowed any for good conduct?—Tobacco is one.

896. Is it given as an indulgence?—I think so. Originally there was no smoking, but I think Mr. Fox introduced it.

897. Do you know anything of the rule under which the prisoners see their friends?—My idea is, that they are allowed to see them on Sunday, under certain regulations.

898. Do you know whether they are anxious, generally, to see their friends, or do they shun them?—I do not know. They are allowed to write once a quarter. Of course letters are sent through the Gaoler, and are seen by him. There is a very good library in the gaol.

899. What kind of books do the prisoners read?—All kinds—religious, and every sort.

900. Do you think penal-servitude prisoners ought to be kept in the same gaol as other prisoners?—It would tend very greatly to simplify matters if long-sentence men were in a gaol by themselves.

901. Do you think any classification possible without that?—It is very difficult now to know what to do with them. They must be put to the same kind of work as other men.

902. With regard to the inspection of gaols. You know, I suppose, how the Visiting Justices inspect the gaols?—Yes.

903. Do you think it is within their power to check wrong proceedings if any happened to be going on in the gaol—I mean under ordinary circumstances?—I should think so. If anything were

Venerable Archdeacon Stock. going wrong I fancy the prisoners would soon let the Visiting Justices know. I do not think anything would be long kept from Mr. Pearce. They seem to like him very much, and would tell him things that they would not tell any one else.

23rd Aug., 1878.

904. Supposing there was in the gaol a deliberate system of mismanagement, either as to stores or as to breaches of discipline, at which the gaoler connived, do you think the Visiting Justices, on their ordinary visits, would be able to detect that?—I cannot say; I should think so, if they went into the stores' accounts.

905. Have you any experience of gaols in the colony except this one, or out of the colony?—No; I may mention that I knew well the chaplain of the Pentonville Model Prison in England.

906. *Mr. Rolleston.*] What are the principal classes of offences here—I mean as to forgeries, violence, and so on. The question I am leading up to is this: Do you think there is a criminal class in this colony?—No; in this province, certainly not.

907. What are the principal crimes?—There are men in the gaol for forgery and for arson. There is one in for attempt at murder—the German, Smat. Crime does not appear to run in any particular groove.

908. Nor to be recurrent?—No, I do not think so.

909. Are you aware of any cases of prisoners becoming worse by reason of imprisonment here?—No. If such cases had occurred one would have heard about it, and I have heard nothing. Most of the bad men have gone away. There is one point I would like to call attention to. It would, I think, be a good thing if the prisoners had the power of earning money which they could claim as their own when they left the gaol. Each man should, as a privilege granted for good conduct, be enabled to earn a small sum, to give him a start when he left the gaol.

910. *The Chairman.*] You know the mark system which was established in 1875 is working well, and prisoners might very well be allowed to earn a small sum on their marks?—Yes, the Visiting Justices at present have power to grant the men small sums of money; but the money so obtained is not looked upon as it would be if it were earned by the men's self-denial. The extension of the privilege of being enabled to earn money should, I think, be left to depend entirely upon the good behaviour of the men. It would benefit the men individually, I think, as well as the gaol.

911. *Mr. Rolleston.*] You think there would be a fair prospect of the men who got out of gaol with this money turning over a new leaf?—Yes.

912. Do you think it would be so in the case of women?—The case of the women is entirely different. The women in the gaol are almost exclusively prostitutes.

913. *The Chairman.*] There is a first-offenders' ward for women?—Yes.

914. *Mr. Rolleston.*] I suppose the women commit few offences except those arising from prostitution?—No. I may add that this province has been exceptionally free from crime. Whether it is the absence of gold fields with a fluctuating population and the attendant evils, I do not know; but the fact remains.

915. Does the Benevolent Society assist prisoners?—No. I could always get a grant from the society if I wanted it, I am sure; but I have not applied. The men come to me, and generally ask for two or three shillings, nothing more, just to enable them to go up country.

916. And you have found them that?—Yes. Mr. Pearce has told me the same thing. I may mention that, as I am not official chaplain, I cannot very well inquire into the working of the gaol, as I otherwise might do. I just make my visits as a private person.

917. *Mr. J. C. Brown.*] Do the short-sentence boys get their meals together with the men?—No; they are kept entirely separate.

918. *Mr. Swanson.*] Is there a musical instrument in the gaol?—Yes, a harmonium.

919. Is it the property of the gaol?—I suppose so. Mr. DeCastro collected the funds to purchase it.

Rev. DeCastro.

23rd Aug., 1878.

Rev. C. D. DECASTRO examined.

920. *The Chairman.*] You are in the habit of visiting the Wellington Gaol on Sunday?—Yes.

921. You perform service there?—Yes.

922. How long have you been doing so?—For about three years.

923. Have you visited the gaol at other times?—Not except when I went to visit some sick person.

924. Then I presume you have not had much opportunity of judging of the gaol management and discipline?—No.

925. What is the average number of prisoners attending the services?—About fifty men, and six or seven women.

926. Do others besides the Church of England prisoners attend?—Yes, all Protestant denominations.

927. Are there any of the prisoners Jews?—There was one who professed to be a Jew.

928. Did he attend your service?—Yes.

929. Do you think the service has a good effect upon the prisoners?—Yes, they are very attentive, and I think they thoroughly appreciate the service. I regret to say there is no suitable accommodation. Service is held in the corridor, a place which is very cold and draughty all the year round, and in which at service time the smell of the cooking is very offensive.

930. If a better place were built would there be any difficulty in its being used by all denominations?—The Roman Catholic priest seems to wish to have his own altar, otherwise it could be done.

931. You have music and singing?—Yes.

932. Do the prisoners seem to enjoy that?—Yes.

933. There is a harmonium?—A Mason and Hamlin organ, which I bought some time ago.

934. Who plays it?—The Rev. Mr. Porritt.

935. Do you know anything about what books the prisoners have in the gaol?—No; I do not know much about them.

936. Do you know anything of any teaching going on in the gaol?—Religious teaching?

937. Religious or secular?—I know some people visit for the purpose of teaching; but I do not know anything of the character of the teaching.

938. Do you know of any special attempt at reforming the prisoners, apart from the services?— *Rev. DeCastro.*
I do not.

939. Do you know anything as to the classification of the prisoners in the gaol?—The Gaoler complains there is not sufficient room to enable him to classify the men. 23rd Aug., 1878.

940. Do you know of any ill effects arising from that?—Not of my own personal knowledge.

941. I suppose you have not seen much of the prisoners except during the performance of service?—No, unless they are ill and send for me.

FRIDAY, 30TH AUGUST, 1878.

Hon. Captain FRASER, M.L.C., examined.

*Hon. Captain
Fraser.*

30th Aug., 1878.

942. *The Chairman.*] You are a Visiting Justice at Dunedin?—Yes.

943. In your opinion, is the gaol at Dunedin convenient for discipline and classification?—It is convenient enough for discipline but not for classification.

944. Then you are unable to attempt classification?—We look to discipline more than classification.

945. Are first offenders separated from old offenders?—No. We have no classification; we look to discipline.

946. What is your opinion as to the effect of first offenders being imprisoned with old offenders?—I am of opinion that it does no harm, any more than harm arises from a young recruit joining a regiment of soldiers.

947. Do I understand you to say that in a regiment of soldiers any mischief ——?—In every prison there are different descriptions of prisoners. Some are good and some are bad, and you cannot change them. I do not believe in prison reformation. I have brought with me extracts from the opinions of some very high authorities on the subject.

948. You do not believe in prison reformation; do you believe in prison corruption?—No; I do not. There is one thing I do believe in—that is, strict discipline, to make a prison deterrent. I believe in stern discipline, to sicken people of the gaol, and prevent them coming in.

949. You believe it is not a mischievous thing to put men who happen to commit a first offence in company with men who are hardened offenders. You think it does a man no harm?—It is his misfortune.

950. You do not think it does any harm?—No.

951. Is there more than one man in a cell in the Dunedin Gaol?—No; except the case of sailors and very short-sentenced men.

952. Do I understand you to say that prisoners are only one in a cell in the Dunedin Gaol?—Yes. But what do you mean by cells? There are dormitories in which more than one sleep.

953. Do the men sleep in dormitories in the Dunedin Gaol?—Yes; sailors and short-sentenced men.

954. How many in each?—Three, four, five, and six perhaps. Forty Maori prisoners have slept there.

955. You do not object to that?—Oh, no; there is no more danger in that than in soldiers sleeping in dormitories in barracks, or sailors on board ship.

956. Do you think soldiers ought to be classed with criminals?—Human nature is very much the same, whether in the gaol, on board ship, or in the barrack.

957. Then you would not think it necessary to adapt the prison for separate confinement of prisoners?—No. That was my opinion some time ago, but I have since visited several gaols at Home, and I could not help being impressed with the idea that the work done at Pentonville and Mountjoy Prisons was not what could be called hard labour. You cannot have hard labour inside a prison, unless you employ men at crank-work, and compel them to make so many revolutions a day. I do not call the work done in a gaol otherwise hard labour.

958. Do you think crank labour advisable?—No; I think it useless torture.

959. Do you think it inadvisable to teach men a trade?—I think the best trade for them to learn is that of a navvy or agricultural labourer.

960. But all men are not suited for navvy work?—All men are suited for navvy work. It is all very well to say all men are not suited to it, but I think every man is able to learn the usual work of a navvy.

961. Do you not think it advisable that, if a man who has a trade is imprisoned, his services in his particular trade should be utilized in the gaol?—No; when a man is sent to gaol to do hard work he should do it. We in Dunedin make him do it. Of course we have shoemakers at work making and mending shoes; also carpenters and blacksmiths.

962. You do not think it is a good thing to teach a man a trade, so as to give him a means of livelihood when he comes out again?—No; it is a good thing for a man to be a good labourer, because in this colony a man can always earn a living at that.

963. Are the regulations in force in Dunedin?—Which regulations?

964. The regulations generally?—Yes.

965. Is the mark system carried out?—Yes.

966. Does it work satisfactorily?—Yes.

967. Are there any complaints as to the manner in which the marks are calculated?—Sometimes there are complaints by prisoners that they have not been fairly treated, and, of course, we inquire into these and settle them upon their merits.

968. Are there complaints as to the other part of the system by prisoners?—No; I have not heard any general complaints.

969. Are the female prisoners classified in any way?—No; we have no means of classifying them.

Hon. Captain
Fraser.
30th Aug., 1878.

970. Do you think that does not matter?—I think, as a rule, they are so bad that they cannot be made worse.

971. Supposing a young girl committed some small offence against the law, would she be put in with a lot of prostitutes?—We should manage to keep her separate; indeed, I may say, this is invariably done.

972. That is what I wanted to know?—We keep girls apart, and also boys.

973. Supposing it was not a girl, but a first offender of older growth, would it not still be very injurious to her to put her in with the class of females to whom I have alluded?—When we think so we put them apart.

974. There is no regular system then?—No; we do that which is considered advisable in each case as it occurs.

975. It is arranged by the special orders of Justices?—Yes; just as occasion requires.

976. Who is it that decides?—The Visiting Justices and the Gaoler. Sometimes the committing Bench forwards a request that the person sentenced may be kept separate. In such a case the recommendation is always given effect to. In fact, we separate when occasion requires, if it be possible.

977. You do not think a systematic classification is wanted on the one side any more than it is on the other side?—No; we keep the women at hard labour in washing. There are no means of classifying.

978. I know there are no means; but you do not think it signifies?—No; female prisoners are generally of an age—say, between thirty and sixty—which gives no hope of their being reformed.

979. There is no difference made in Dunedin between penal servitude and hard labour?—No.

980. Is that in your opinion advisable?—I think it should be all the same.

981. You must understand that, in fact, that amounts to the law not being carried out?—We carry it out as well as we can. I have no reason to think that our system is a failure; on the contrary, it works well.

982. I am not speaking of possibilities, but of what is advisable?—We find it works remarkably well.

983. You think it does not matter that a man sentenced to penal servitude and a man sentenced to hard labour should both be treated alike?—I see no harm in it whatever.

984. What do you think is the best way of teaching prisoners industrious habits?—Employ them on public works, making roads, levelling grounds, and so on.

985. By task-work?—No, I do not believe in task-work.

986. You would not, then, give a man extra indulgence for doing more than an ordinary amount of work?—No; if he does not do a sufficient amount of work, let him be reported to the Visiting Justices, and punished for it. Our men work nine hours a day in summer, and from daylight to dark in winter.

987. But you know, of course, there are different ways of working—while appearing to work very hard a man may skulk over his work?—It is generally known, I think, that we, in Dunedin, take all the work out of a man there is in him.

988. You think all the men work equally?—Yes, according to their strength.

989. Do you think it is possible to secure that?—Yes. Of course we do not expect so much work from a weak man as from a strong man, but we calculate how much each should do, and require it of him—no more. That is far better discipline than that a man should exert his strength during a part of the day and idle about for the remainder.

990. You do not approve of men being allowed to do more than the ordinary amount of work and being paid for what they do extra? You do not think that would encourage industry?—No; a man ought to do a certain amount of work in a day. We expect that from him and no more, and that is spread over the whole day.

991. How are offenders dealt with who do not work or are disinclined to work?—We punish them in different ways. If you had a copy of the punishment-book you would see how we have made that gaol so deterrent that criminals are leaving the province and going elsewhere.

992. You say the men work on the roads?—Yes, on various public works.

993. They work in different gangs?—Yes.

994. For local bodies?—How do you mean for local bodies?

995. For Road Boards and municipalities?—Occasionally for Road Boards. We have a gang employed working at the harbour works.

996. For the Harbour Board, then?—Yes; but the Harbour Board does not pay for the labour. I think it should do so.

997. That is what I wanted to know. The work is practically for the Harbour Board, and is not paid for?—Yes.

998. And when they work on the roads, it is for the benefit of the district municipality?—Yes.

999. *Mr. Swanson*] I understand the colony pays for the gaol?—And who pays for the colony?

1000. Certainly not the localities, and they should not get their labour at the expense of the colony?—I made a proposition last year which I think would meet your views. It was that the whole of the Dunedin prisoners should be employed in reclaiming the land at South Harbour, and that an arrangement should be come to between the Government and the Harbour Board as to the amount to be paid. I think, Mr. Chairman, you, as Minister of Justice at that time, rather approved of that idea.

1001. *The Chairman*.] Yes. I understand at present the labour is divided into several gangs?—Yes.

1002. Do you approve of that?—No. I should like to see all gaols self-supporting, and ours could and should be made so.

1003. Do you not think it leads to great expense?—Yes. Every gang must have a certain amount of supervision, and that increases the expense. My opinion is that the whole of the prisoners in the Dunedin Gaol should be employed upon a single public work. In America that plan of concentrating

the labour upon single works is followed, and with success. In some States they are employed in working coal mines, and the result of their labour is that the gaol costs nothing for maintenance. It is self-supporting.

Hon. Captain Fraser.

30th Aug., 1878.

1004. In your opinion is the scale of rations satisfactory?—Yes. Some hold the opinion that we feed them too well; but my own opinion is that if we are to get the same amount of work out of the prisoners we must give them the same amount of food as we now give them.

1005. You think the ration scale is a satisfactory one?—Yes.

1006. Is the general health of the prisoners good?—Yes; excellent. We have no hospital.

1007. Is tobacco allowed in the Dunedin Gaol?—Yes. I am glad I got that to be allowed. If the men behave themselves well it is allowed as a reward.

1008. It is not served out as a matter of course to all?—No.

1009. It is given as a reward for good conduct?—Yes.

1010. Are the prisoners allowed to pass tobacco from one to the other?—No; they would be severely punished if they did.

1011. The reason I ask is, that in one gaol we learn tobacco is served out to all—to non-smokers as well as to smokers—and those who do not smoke are allowed to pass their tobacco to others who do. Of course the result is that any man may have almost as much tobacco as he pleases?—If a man in our gaol was found with tobacco except what had been served out to him he would be punished severely.

1012. There is no hospital connected with the gaol you say?—No. You are much better off at Lyttelton than we are; although the hospital there is, after all, a miserable affair.

1013. If prisoners are ill, then, they are attended in their cells?—Yes.

1014. Do any clergymen attend the prison?—Yes. There is a Prisoners' Aid Society in Dunedin, which pays the clergyman the Government formerly supported for the purpose of visiting the gaol.

1015. Do the Roman Catholic clergymen attend?—The Roman Catholic clergymen never fail in their duty. They attend always, notwithstanding that they have been deprived of the usual allowance.

1016. Do other denominations attend?—No. Some men would do more harm than good; in fact, they would do no good.

1017. To what denomination does the clergyman employed by the Prisoners' Aid Society belong?—I cannot tell. When we invited applications for the post of chaplain, he was very strongly recommended to me by the Rev. Dr. Stuart. I was at that time acting as Deputy-Superintendent. I appointed him thereupon; but I do not know whether he is a Methodist, or Presbyterian, or Episcopalian. I know that there are but few Christians like him; he is devoted to his work.

1018. Have his visits had a good effect, do you think?—I think so. He is a man in ten thousand; he is an enthusiast.

1019. What books are read in the gaol?—Any books we can give.

1020. Is there any library?—No; nothing deserving the name.

1021. Is there any provision for the secular instruction of the prisoners?—There is a regular school.

1022. Is it held in the evening?—Yes.

1023. They are taught to read and write?—Yes, and to cypher.

1024. Is good progress made at the school?—Yes; the schoolmaster is generally a well-educated man, who unfortunately has found his way into the gaol.

1025. Are any attempts at reformation made in the gaol?—Rev. Mr. Torrance (that is the gentleman I have referred to) endeavours to assist the prisoners. I sometimes give very good advice, but I do not know whether it has any great effect. I may mention that when at Home I put the question to the authorities in almost every gaol I visited, "Have you ever known a prisoner who has been really reformed?" and the invariable reply was "No."

1026. Is the effect of imprisonment in Dunedin deterrent?—Yes.

1027. Have you frequent committals?—Not often. We have of course some who are always in gaol; but, generally speaking, those who have been in the gaol for any time go away from the district. For instance, you now have in Canterbury one of our dangerous men, "German Charlie." He is a notorious character, though a good workman, and could always earn his 9s. per day. He was in our gaol several times. The last time he got out he went away to Timaru.

1028. Is any assistance given to enable prisoners to make a fair start when their term of imprisonment is ended?—The Government gives a small sum, and there is a Prisoners' Aid Society, but, unfortunately, that is nearly crippled by having to pay £240 a year for a chaplain to the gaol. That payment runs away with the greater amount of the funds. The Government, in my opinion, was wrong in withdrawing the allowance from the chaplains.

1029. Have the prisoners much difficulty in getting work after leaving the gaol?—Not those who are anxious to get work; but most wish to get away from Dunedin.

1030. As a rule, are the contracts for food-supply with one tradesman or with several?—With several. It is put up to tender.

1031. Each thing separate?—I think so; except bread, which is made for the gaol in the lunatic asylum.

1032. Do the prison officers get their stores from the same tradesmen?—I can say they do not.

1033. Has your attention ever been called to the quality of the stores?—I have never heard the slightest complaint as to the quality of the food. I am particular in examining it before it is cooked, and think it is very good. As to the bread, I will say this: it is the only good bread we can get in Otago, because it is unadulterated.

1034. Has your attention been drawn to any breaches of gaol discipline on the part of the officers?—Very, very seldom. It is a very rare circumstance to have complaints; and, when any are made, they are generally of a very trifling character.

Hon. Captain
Fraser.
30th Aug., 1878.

1035. Do you think, supposing there was a gaoler who was taking advantage of his position, either with regard to the treatment of the prisoners, or with regard to the disposal of the stores or otherwise, it would be possible for the Visiting Justices to detect it when on their ordinary visits?—Yes; persons in the habit of visiting the gaol would soon know.

1036. Would you know it?—Oh, yes; I have been Visiting Justice so long that I should be sure to hear of it from one quarter or another.

1037. Do you think Visiting Justices are in a position to get information if there was collusion between the gaoler and his officers?—It depends upon the character of the Visiting Justices. Many men walk through the world with their eyes open, but they see not.

1038. You have visited other gaols in the colony?—Yes.

1039. Do you think the gaol system is similar throughout the colony?—No. I examined the punishment-book in Lyttelton the other day. The punishment there is much less severe than at Dunedin.

1040. Do you think generally the discipline is the same throughout the colony?—No.

1041. Do you consider a sentence of a given number of years is a similar punishment in all the gaols throughout the colony?—No. I would answer that question in this way: We were called upon not long ago to reply to certain questions put to the Visiting Justices throughout the colony with regard to task-work, some persons wishing to introduce it in Auckland; and I wrote to this effect: From climatic or other causes, that which would be considered in the Auckland Gaol as a sufficient task, would, in the Dunedin Gaol, be considered as "idling on the works," and punished accordingly. I consider that the best leverage for discipline in the Auckland Gaol would be to hold out the threat of the prisoner being sent down to the Dunedin Gaol to work out his sentence.

1042. Then, I understand, you consider the punishment is not the same?—No.

1043. Do you think a system of skilled inspection is necessary in order to have the gaols on a common footing?—No; I do not think it would be a good plan to have the gaols on one common level. There would be no emulation.

1044. Do you think it beneficial that the discipline in the different gaols is different?—I think it is a failing.

1045. How would you propose to remedy the failing?—By appointing a different set of Visiting Justices if necessary.

1046. But how could a Minister know if the Visiting Justices were not doing their duty?—By calling for the punishment-books.

1047. But that is not all that would be necessary. The punishment-book would not show what sort of discipline was kept in the gaol?—Yes; that is the point. I must say it is desirable the Government should know what discipline is carried out in every gaol.

1048. If there is no general inspection, how are they to do so?—That would be difficult to say.

1049. That is what I want to get at—whether, in your opinion, a general inspection is necessary? You are aware such inspection is highly thought of at Home?—Yes; I think there should be inspection. I know the gentleman who is Inspector in Ireland, and he is so valuable that they could not get on well without him. He has great powers intrusted to him in the way of punishing, including corporeal punishment.

1050. Well, that is my question, whether you consider inspection necessary? At present we are absolutely without inspection?—I say this, to have proper discipline throughout the colony probably it would be desirable.

1051. I need not ask you as to whether the Dunedin Gaol could be easily adapted for classifying, because you do not think it is desirable or necessary?—No; the Dunedin Gaol is quite large enough for all prisoners we have, and they are not increasing them. We are sending them elsewhere.

1052. You do not think it advisable that long-sentence men and penal-servitude men should be imprisoned by themselves and separately?—No.

1053. *Mr. Swanson.*] You made one remark, I think, something to this effect, that a man had to do his work. That if a prisoner was sentenced to fourteen days' hard labour he had to do it, and that if he did not care about work and shirked it you would keep him in till he did do it?—Yes.

1054. How do you manage that?—By adding to his sentence under the regulations.

1055. Supposing he does not do it then?—Add to his sentence.

1056. Under what law can you do that?—Under the Act.

1057. Then, supposing a prisoner is ill, if the Visiting Justice does not happen to think so, the man can be kept in gaol indefinitely?—We have a doctor to say whether a prisoner is fit for work or not.

1058. Do I understand a man can be kept in gaol indefinitely?—"Indefinitely" is a wide term. If a man is guilty of malingering he can be kept in a long time. We think he should work out the whole of the hard labour he was sentenced to.

1059. Do you think that is right?—To a certain extent.

1060. Well, put it the other way. If you lay down a certain amount of work as a fair quantity for fourteen days, and a man does that work in less than fourteen days, would you then let him out?—Oh, no; that could not be done. I may mention that the most difficult prisoners we have to deal with are the short-sentence men. They say, "Oh! it is only for a fortnight, we will do as we like;" and, unless the Visiting Justices had some power to punish, these men would do nothing.

1061. You think if a man could do his work in half a day he should spread it over the whole day? Yes, that is better than his idling half the day. If a prisoner is capable of performing a certain amount of labour in half a day, we would expect that he did a similar amount during the other half.

1062. Then, you propose to bring all the strong men down to the level of the weaker men?—No, we expect a strong man to do a strong man's work.

1062A. *Mr. Brown.*] I gather you are of opinion prisoners cannot be reformed?—I do not believe in prison reformation.

1063. Do boys often come back to gaol?—We send boys to the reformatory.

1064. Well, say boys about eighteen?—They are generally the worst; crime is ingrained in them. I have known some of those who are about eighteen to be incorrigible. They evidently had the hereditary taint. *Hon. Captain Fraser.*

1065. *The Chairman.*] Now, as to young men; I will put a case to you. Supposing a man twenty-three or twenty-four years of age gets a short sentence, is it fair and reasonable that that man should be put into the gaol with old offenders?—The object is to make the prison deterrent; but, if it was a special case, it would be so treated. 30th Aug., 1878.

1066. At the expense of prisoners and prison discipline?—We look to the public good, and individuals possibly may suffer.

1067. Is it for the public good that a man once in gaol should be classed with the confirmed criminals?—If he is a criminal, he must be classed as a criminal, and may have the hereditary taint.

1068. Do you think that light offenders and short-sentenced men should be imprisoned with penal-servitude men or with long-sentenced men?—You mean young prisoners.

1069. Whether young or old, first offenders?—It is a difficult question to answer.

1070. Have you any other suggestion to make to the Committee?—Under the present Act an actual or an ex Resident Magistrate has twice the power of a Visiting Justice within the gaol. I consider that it would be very desirable that a Visiting Justice had the power of bringing any Justice of the Peace into the gaol, for the purpose of adjudicating on such cases as might be brought before them. I am of opinion that it is very desirable that a uniform system of deterrent discipline should be introduced into all the gaols of the colony. And if this can be brought about by the appointment of an Inspector who would be prepared to carry out a deterrent system, not a reformatory one, then, I say, that the sooner such an appointment is made the better.

1071. The discipline of the gaols at present depends greatly upon the ideas of the Visiting Justices?—Entirely; as the gaolers unfortunately have not the same powers as in England and Ireland.

1072. It depends on their ideas as to the proper measure of the punishment or otherwise?—Quite so; I may remark we have adopted the American plan, which I think a good one—that is, to punish for misconduct by reducing their rations.

FRIDAY, 30TH AUGUST, 1878.

MR. SHARP, M.H.R., examined.

Mr. Sharp.

30th Aug., 1878.

1073. *The Chairman.*] You are a Visiting Justice of the Nelson Gaol?—Yes.

1074. You have been in regular attendance of late there?—Yes; pretty regularly.

1075. What is your opinion as to the condition of the Gaol, either as to the means of discipline or as to classification?—The building is not large enough to admit of proper classification.

1076. Is the discipline good?—Yes; the discipline is good, so far as it can be maintained under the present system of classification.

1077. Is there any means of separating first offenders from others?—No.

1078. Do you think it advisable there should be such means provided?—Certainly.

1079. You do not think it advisable that first offenders should be imprisoned with old offenders, and mixed up together?—No.

1080. Is there any distinction made between penal-servitude men and hard-labour men?—No.

1081. Do you think a distinction should be made in the matter of work?—I think so.

1082. Practically, the sentence of penal servitude is not carried out, I understand?—No; I may say that we have a limited number of officers and warders; and it happens, too, with us, that there is only one kind of work to which the prisoners can be sent out.

1083. Do you know any other gaols besides Nelson?—I have been over the Wellington and Dunedin Gaols.

1084. From your experience, do you consider the discipline and punishment is the same in all gaols in the colony?—Decidedly not. It is not carried out in the same way in Nelson as it is in Dunedin, from what I have seen. I have not seen Canterbury.

1085. Do you think Visiting Justices have any means, by their own visits, to check any abuse that may exist in a gaol?—Yes; every prisoner can communicate with any Visiting Justice. It is our practice to invite them to do so; and, as a matter of fact, we frequently have communications from the prisoners sent through the Gaoler as well.

1086. Supposing a case in a gaol where a gaoler and the warders were in collusion to misconduct themselves, either as to the treatment of prisoners, or as to the management of stores, or anything else, do you think it possible for the Visiting Justices to detect such misconduct in that case?—They would in time, because the friends of prisoners are allowed to visit the gaol, and it would come out through them, if it did not come out in any other way. Of course, if the gaolers and warders were in collusion it would repress the prisoners very much; but I think matters would come to light in the way I have described.

1087. But if there was a system of visitation by a superior officer, under whom, subject, of course, to the control of the Minister of Justice, the whole gaols of the colony were placed, it would virtually prevent such abuses ever creeping in. Do you think that such an inspection is necessary?—It has been my opinion for a long time that it would be desirable to have them under a more rigid system of inspection.

1088. Do you think it would be advisable to draft penal-servitude men out into a separate gaol?—I think so. I would like to see this with reference to penal-servitude men. Although, of course, these men may come up here as first offenders, it is quite possible that they may have had a very bad character elsewhere before they came here.

1089. Are the regulations strictly adhered to in the Nelson Gaol?—Yes, as far as they possibly can.

Mr. Sharp.
30th Aug., 1878.

1090. Is the mark system working well?—Yes, but we can hardly apply it so strictly as we would wish to do.

1091. For want of appliances?—Yes; still the prisoners endeavour to obtain their marks.

1092. To what labour are the prisoners generally put in Nelson?—If there are any tradespeople competent to carry out work they are set to work at their particular trades. Otherwise, hard labour generally means work on the public works, within a reasonable distance of the gaol; that is, from a mile to a mile and a half. They work on the roads.

1093. Is anything paid by the local bodies for such labour?—I could not say; my own impression is not.

1094. What is your opinion as to the scale of rations; is it satisfactory?—I know what the scale used to be, but I am not very well acquainted with it at present. I have asked the question as to whether there were any complaints, but I have heard none whatever. We have heard no complaints from the prisoners.

1095. You do not think the scale is too liberal?—No; I do not think so, if the prisoners are to do their work properly. I know other people who are of a different opinion; but my opinion is it is not too liberal.

1096. Are the prisoners healthy as a rule?—Yes.

1097. I suppose there are more than one man in a cell in the gaol?—I could not answer that question. We have not very many prisoners. We have been very free from crime, latterly particularly.

1098. Is there any religious instruction, or instruction of any other kind, in the gaol?—Ministers of the different denominations visit occasionally; but there is no instruction that I know of in any other way.

1099. Are there any books or any library in the gaol?—No library.

1100. No instruction in reading and writing?—No instruction given that I know of beyond that the prisoners instruct each other sometimes.

1101. Do you find the system of punishment in Nelson deterrent? Are there many recom-mittals?—That is a difficult question to answer. As a matter of experience, there are a few people who seem always to be in the gaol; but I otherwise think it is deterrent.

1102. On the women's side, is there any means of keeping first offenders from old prostitutes?—There is a small room in which, I think, first offenders, or, at any rate, females sentenced for a short time, are kept separate. I think that room is used for that purpose, but I am not very certain.

1103. What do you do with boys?—Well, I have hardly known of any instance of boys being sentenced. On one or two occasions, as Resident Magistrate, I have sent boys to gaol, but only for a few hours. They were then kept apart from the others, whipped in the presence of the doctor, and turned adrift.

1104. Is there any Prisoners' Aid Society in Nelson?—No.

1105. Do prisoners, on being released, find any great difficulty in getting work?—I have not heard of any complaints.

1106. Have you heard of any complaints, or have you noticed any breaches of discipline on the part of the gaol officials?—No; not since I have been a Visiting Justice. There was one instance some years ago.

1107. Was it a serious one?—It was not serious, I think. It was merely a disturbance between two warders, which ended in one of them being dismissed. I think I was a member of the Board of Inquiry, as Resident Magistrate.

1108. If the long-sentence prisoners were drafted out of the Nelson Gaol, would there be room then for classifying ordinary offenders?—Not without some additions were made to the Gaol.

1109. Is there room on the ground for additions?—Yes; we have three-quarters of an acre, I suppose.

1110. Could the prisoners be profitably employed in themselves making these additions to the building?—I think so, under proper inspection. Of course, we have sometimes in gaol mechanics who would be quite capable of doing the work.

1111. Are there any special allowances given to prisoners for extra work?—I have not heard of it.

1112. Is tobacco allowed?—It is allowed under the doctor's orders.

1113. But it is not served out to every one as a matter of course?—No. I do not think, during the whole time that I have been visiting the Gaol, I have ever seen smoking; but I have heard of one or two prisoners who have been allowed tobacco by order of the doctor.

1114. *Mr. Swanson.*] The Visiting Justices have power to order the allowance?—Yes; I think that tobacco was ordered in the case of some asthmatic prisoners.

1115. *The Chairman.*] Have you any suggestion you would like to make to the Committee on the subject of gaol discipline, classification, or management?—I think the Gaol is shorthanded.

1116. Nelson Gaol?—Yes.

1117. As to warders?—As to warders. For instance, if we happen to have twenty prisoners there, there is **only** one warder to go out with them, and, in the event of anything being attempted in the way of escape, it would be quite impossible for him to prevent it. Supposing a prisoner escaped, he would have to bring back the other prisoners to the gaol before he would be free to attempt a re-capture. As to classification, I have given my opinion. There is not at the present time sufficient accommodation. I do not think there are any gaol regulations as to debtors; there used to be.

1118. When the present regulations were framed it was supposed that imprisonment for debt was a thing of the past. You said it would be desirable if penal-servitude men could be put in a separate gaol; have you any suggestion to make as to the locality of a gaol for that purpose?—No; that is a very difficult question to answer. I have myself for a long time thought the prisoners could be profitably employed at New Plymouth in the construction of harbour works, and that it would be a very good place for the prisoners; but it is really a very difficult question to answer, because a

different opinion prevails with different Governments. One Government makes up its mind to proceed in one direction, and the next Government reverses the decision of its predecessor. I think the whole question should be remitted to a Royal Commission.

Mr. Sharp.
30th Aug., 1878.

1119. You are aware there was a Commission in 1868?—Yes; but they did not come to any unanimous decision on the point.

1120. They came to a unanimous decision as to the necessity of there being such a place, but not as to the locality?—No.

1121. *Mr. Swanson.*] Do you think, in reference to these warders, that it would be a good idea if a uniform system of remuneration could be arranged?—Yes. I have heard complaints repeatedly that the warders are not put on a uniform system as to pay.

1122. You know I do not mean to pay every man alike—the lower warders to receive as much pay as the higher warders—but that men in the same position all over the colony should receive as near as possible the same rate of pay?—Yes.

1123. You think that desirable, do you?—I do.

FRIDAY, 13TH SEPTEMBER, 1878.

Mr. VINCENT PYKE, M.H.R., examined:

Mr. V. Pyke.
13th Sept., 1878.

1124. *The Chairman.*] You are Visiting Justice at Clyde, Mr. Pyke?—Nominally I am, but I have not acted for some years.

1125. And you were Resident Magistrate in that district for some time?—Yes.

1126. Have you had anything to do with the gaol in Dunedin?—Very little; not to an extent which would justify me in giving any opinion in reference to its working.

1127. In your opinion is it advisable to keep prisoners who are sentenced for any considerable term in the small county prisons?—I think for any period not exceeding six months it is desirable, more especially where the district in which the gaol is situated is not connected with the central gaol by railway.

1128. You do not think it advisable so to keep prisoners who are sentenced for a longer term than six months?—No, because the balance of expense would then turn the other way, because of the higher cost of rations in the country.

1129. In your experience are there many recommittals of the same persons?—Frequently, on such charges as vagrancy and drunkenness.

1130. Do you think there is what may be called a criminal class in the colony?—Undoubtedly; but I do not think there is a criminal class in the habit of perpetrating the greater offences.

1131. Are you aware whether there is proper classification in the gaols of the colony?—I am not aware.

1132. Do you think it would be right that first offenders should be imprisoned with habitual criminals?—No; I think it altogether unsound in principle, and in operation very injurious.

1133. You are aware there are two kind of sentences—one, the penal-servitude sentence; and the other, the hard-labour sentence?—Yes.

1134. Has your attention ever been drawn to the fact that practically there is no distinction made in the gaols between those two classes of sentences?—I am aware there is no difference made.

1135. Do you think that acts unequally or unjustly, or do you think it does not matter?—I think, if the law were carried out as it seems to me it was intended it should be carried out, those persons sentenced to penal servitude ought to be removed to a different prison. You cannot carry out the two kinds of sentences in the same gaol.

1136. In the larger gaols of the colony, do you think it possible for Visiting Justices to detect abuses that might be going on in the gaol, in their ordinary visits?—I should scarcely like to express an opinion for want of experience.

1137. Do you consider that general inspection by a Government officer is necessary in order to keep up the same standard of punishment throughout the colony? Do you think an inspector, such as is employed in the Mother Country, is necessary?—If the object is to have one system of punishment throughout the gaols of the colony, undoubtedly you must have such inspection; otherwise the mode in which sentences are administered will vary in different gaols according to the temper and caprice of the different gaolers.

1138. Do you know practically whether under existing circumstances a particular sentence means the same amount of punishment all over the colony?—I do not.

1139. Do you think Visiting Justices are, from their position, able to detect abuses in a gaol, supposing there were such, and that the gaoler and his officers were leagued to prevent detection?—I do not think it is possible for them to do so—to detect such abuses when on casual visits. However, my opinion is worth very little, because I have not had experience as a Visiting Justice, except in the smaller gaols.

1140. I suppose you had occasion as Magistrate to use the Vagrant Act?—Yes, very frequently.

1141. And the class of men who come under that Act you believe to be habitual criminals?—Yes, I believe them to be past redemption—both men and women. I know one woman who has had seventy odd sentences, and one who has had even more. Her life alternates between debauchery in the streets and punishment in the gaol.

1142. What, in your opinion, would be the most effective means of making sentences deterrent?—I question whether it is possible to make sentences deterrent. I do not think the fear of sentences is ever before these men.

1143. Which do you think would be the most deterrent as to first offenders, a short sharp sentence, or a long sentence carried out in an easy-going way?—A short sharp sentence. I do not believe in prisoners being treated too tenderly.

Mr. V. Pyke.
13th Sept., 1878.

1144. You would not be in favour of giving long sentences to first offenders?—Not unless the offence were of a very grave character. Every opportunity should be given a man to redeem his character, but long sentences would have a tendency to debase and harden.

1145. Do you know whether men have suffered after imprisonment by being pursued by their associates in gaol?—I do not know that, but I have known instances where men have suffered by being classed as what the police call "suspects," and being chased about from place to place till they could not get employment. I may add that my experience has been confined entirely to minor offences, and I do not think there is a criminal class of thieves and burglars. If the evil you suggest does exist, then the remedy is not to allow short-sentenced men to come into contact with the more hardened criminals.

1146. *Mr. Swanson.*] But the difficulty is that a man who may be a first offender in one place might have committed fifty offences in some other place?—No doubt; but no system can be perfect.

TUESDAY, 17TH SEPTEMBER, 1878.

Mr. MANDERS, M.H.R., examined.

Mr. Manders.
17th Sept., 1878.

1147. *The Chairman.*] I believe, Mr. Manders, you have some evidence you would like to give the Committee?—Yes. I have to say the gaols in the Wakatipu District are totally unfit to hold prisoners. Prisoners cannot be sentenced for any period, not even for a month or less in the Queenstown Gaol. The two gaols are situate fifteen miles apart. One is at Arrowtown, built of stone at the suggestion of Mr. Commissioner Weldon, but built so badly that prisoners can easily escape therefrom. The defects of this and the Queenstown Gaol were pointed out to the Chairman of this Committee when he was in the district two years ago. It was intended to have been a kind of bridewell, where prisoners whose sentences extended to six months should be confined, but none can now be so confined, owing to its defective construction. Indeed it is hardly ever used, it is so imperfectly built. The other gaol is situated at Queenstown, and was built in 1863–64. The Colonial Legislature, at the instance of the present Minister for Public Works, has recognized the importance of having a gaol built in the district, and £1,000 was granted to the Provincial Council for the work, but Mr. Weldon thought the gaol should be built at Arrowtown, and the new gaol was built there. The consequence is that at Queenstown, where the large Government buildings are, and where the District Court is held, there is an uninhabitable gaol. Yesterday I received a telegram from the Mayor of Queenstown, Mr. Warren, who is also a Justice of the Peace, and sits as Mayor regularly on the Bench, in which he says, "Nothing new. Same old story. Floor and foundations gaol rotten. Cells unfit for any human being, so damp that last week prisoner sentenced to six months' imprisonment had to be sent to Invercargill. Hope Gaol Committee will endeavour to remedy disgraceful state." A sentence of one month's imprisonment involves removal. I may mention that Justices of the Peace sitting on the Bench, rather than put the Government to the expense of removing the prisoners to Lawrence or Invercargill, or even sentence them to go to this prison for fourteen days during the winter months, simply impose a fine or discharge them. Thus the condition of these gaols leads to evasions of the law. It is almost impossible for the Gaoler to safely look after a number of long-sentenced prisoners in such insecure gaols. They cannot be placed under proper discipline. They do almost as they please. If a woman is sentenced to confinement, she has to be taken into the Gaoler's quarters and do her sentence chiefly in the kitchen. The whole of the time of the police is taken up in looking after the prisoners if any number are confined. Thus, the administration of justice is affected, and the police discipline injured. A better gaol is necessary, because assaults are becoming more frequent, people knowing that for such offences there is only a fine. I hope the Committee will consider the matter, and see that such gaol accommodation is provided as will enable Magistrates to send prisoners to gaol for six months.

1148. About the Arrowtown Gaol, do you mean that that is also unfit for people to be confined in?—Unfit for long-sentenced prisoners; that is, for men sentenced to more than a month, because the Gaoler is also constable in the place, and here the police is not a large department. Men cannot be locked up and left, because all the stone walls are open. The gaol is of no use except for very short-sentenced men. It has been condemned by the Justice Department, by the police authorities, and by the Magistrates. It is a pity the place was built in such a manner.

1149. That was done by the Superintendent?—It was done by the Superintendent at the instance of Mr. Weldon. We are obliged to send prisoners down to Invercargill Gaol, but the Magistrates feel this difficulty: that if they send down persons convicted of first offences to do short sentences, they are almost sure to be associated with older offenders, penal-servitude men, and become contaminated. Besides, a small gaol is wanted where these men can be put.

1150. You mean that a local gaol is wanted for ordinary first offenders?—Yes; and, in the absence of such a gaol, Magistrates are moved by mercy rather than by justice. It is impossible to send men to such a place. In the case of persons sentenced on fraud summonses, they beg and pray to be sent away when they are unable to pay—and there are a good many such cases now in consequence of hard times in some districts. All pray to be removed out of these cells, and would prefer to be placed in the stable rather than stay in the cells. Of course the removal of prisoners entails great expense, and a good deal of that might be saved were such a gaol erected.

1151. Is there any point on which you would like to speak?—I think it is desirable to have a system of prison classification all through the gaols of the colony.

1152. *Mr. Swanson.*] Could you suggest anything to the Committee as a good means of dealing with first offenders, so as to prevent them coming back?—It has struck me that it would be well to send men to the local gaols, in preference to the large gaols, where possible, and employ them on local public works—that is, prisoners sentenced up to six months.

1153. Do you think it would be a good thing, and lead them into industrious habits, if there was an endeavour to teach these men trades?—I think in large establishments they should be taught trades.

1154. Give them a sort of task-work, and enable them to earn a few shillings to give them a start when they come out of gaol?—Most certainly. I have advocated that in the public Press, and consider it would be a great help towards the reform of prisoners. That is done in New South Wales, and, according to papers in the Library, which I could show, has been attended with the best possible results. Facts which speak volumes are reported. They, in New South Wales, have a Discharged Prisoners' Aid Society, under which a system of lending prisoners money for tools is carried out. The Society see them to the railway station, and otherwise give them a fair start up country, where they can obtain work. Instances are reported to show that the loans are often repaid, accompanied by letters of thanks for the assistance received, and accompanied often also by donations to enable the system to be extended. I think the facts go to show that even apparently the most incorrigible offenders are subject to reclamation.

1155. Could you suggest anything to make the gaols self-supporting?—I have inspected Darlinghurst, Pentridge, and Dunedin Gaols, and also the Invercargill Gaol. The plan adopted at Dunedin seems the best, where the men are employed on public works. I believe, however, the model gaol of the colony is Lyttelton for industrial pursuits or trades.

FRIDAY, 20TH SEPTEMBER, 1878.

Mr. Sherrin.

20th Sept., 1878.

Mr. R. A. A. SHERRIN in attendance, and examined.

1156. *The Chairman.*] Mr. Sherrin, you wrote to the Committee on the 17th instant stating that you were willing to give evidence?—I wish the Committee to understand that I have no grievance about the treatment I received in Timaru Gaol; but I desire to give evidence in order that the system prevailing may be altered. I have no personal feeling about the matter at all.

1157. When was it you had experience of the system in operation at the Timaru Gaol?—I was imprisoned for a newspaper libel from March to September, 1877.

1158. You are a journalist, are you not?—Yes. I wish to direct the attention of the Committee to one matter first. During the six months I was imprisoned not even a Visiting Justice visited the gaol. I also heard, but cannot speak from my own observation or knowledge, that there had been no inspection made during the six months previous to my imprisonment.

1159. Who told you that?—One or more of the prisoners. To my own knowledge, on two or three occasions—I am uncertain which—complaints were made by prisoners and the attendance of the Visiting Justices was required, but they did not come.

1160. Complaints made by the prisoners?—Yes; by the prisoners.

1161. Did they ask to see the Visiting Justices?—Yes.

1162. Have you any means of knowing whether or not the message was sent to the Visiting Justices?—I do not know.

1163. But it is within your knowledge that application was made to see them?—Yes; on two or three separate occasions.

1164. And they did not come?—They did not come. The Visiting Justices came on two separate occasions, I am certain. They may have come on three, but the only business they transacted when they came was to punish prisoners that were brought before them; and having done so they went away without inspecting the gaol. I think I ought also to say that such a state of things most probably exists from the general opinion held that the Gaoler is well adapted for his position, and that he generally manifests fair-play; but it is the absence of inspection to which I wish to draw the attention of the Committee.

1165. While you are on that subject, had you any reason to complain while you were there?—No.

1166. Did you wish to see the Visiting Justices?—I never asked to see them. Referring to the accommodation and the treatment of prisoners, I may say that the accommodation there is very limited. For instance, I was frequently locked up with lunatics.

1167. In the same cell?—Yes; in the same cell. Men were sent there for medical treatment, and kept there a week or a fortnight before they were remanded to Sunnyside, or discharged. On three separate occasions I was locked up with lunatics. At one time I was locked up with a man named Fitzgerald. He stayed there a fortnight before the medical officer sent him to Sunnyside. That man was particularly offensive. He talked morning, noon, and night; and, to speak plainly, he was about as lousy as he could crawl.

1168. How many prisoners were there?—At one time, to the best of my knowledge, some twelve or thirteen men were imprisoned, but the number increased at other times to as many as thirty or thirty-five.

1169. How many were locked up in one cell?—There was one large cell in which, I think, they put eight; but, in the ordinary cells, three or one.

1170. Were there any young men or boys there at the time?—Occasionally there were young men.

1171. Were they put with the elder men?—Yes. I would also like to say something about the condition of the cells. Of course, I had nothing to do when I was imprisoned; but occasionally I used to take a brush after the prisoners went out in the morning, and sweep out some of the cells. It sometimes happens that a man is brought in at night, and locked up in one of the cells until the morning, when the effluvia and stench is then almost intolerable. As to making provision for cleanliness when a man is brought in, there is none; he is locked up for the night; and when he changes his clothes in the morning, he has not got to take a bath, or wash, or be scrubbed; and the consequence is that people come in there who are infested with vermin, and the vermin spread among those who have to sleep in the same cell.

Mr. Sherrin.
20th Sept., 1878.

1172. Are there no baths there?—There is one bath, but it is never used. To the best of my knowledge, it is only used for the ordinary washing of linen. That was all it was used for during the whole time I was imprisoned, unless vermin was found in the clothes of some prisoner.

1173. Are the prisoners put into the cells in the clothes in which they come in?—Yes. They are generally brought in about 4 o'clock, and change their clothes, as a rule, the first thing in the morning.

1174. Are they not then washed?—No.

1175. No bath then?—They take no bath then. They simply walk from the cell into the Gaoler's room and put on prison clothes.

1176. *Mr. Rolleston.*] But there is a bath?—Yes; but it is never used. I hope none of the Committee will think that I am giving evidence from any motives of personal feeling of any kind.

The Chairman: We are glad to get any evidence outside the officers.

Witness: I am sure Cotter treated me as kindly as he possibly could; still, I think the state of things which I witnessed is one which ought not to continue. Touching this matter of cleanliness, the blankets that are in use there I believe are never washed from the time they are brought into the prison until the time comes when they are thrown away. I will tell you how I arrive at that conclusion: When Mr. Phillips came down and was taking over some provincial stores, last July twelve months, there was a clearing out of the old stores, and there were rags and tatters of blankets—so bad that you could absolutely pull them apart.

1177. *Mr. Swanson.*] Perished?—Perished, and as full of dirt as they could stick. It is not the custom to wash the blankets there, and so they pass from one to another.

1178. Might they not have been sent out to be washed?—It is a matter of common notoriety what I state.

1179. *The Chairman.*] There is a women's ward there?—Yes.

1180. Do they do the prisoners' washing?—Perhaps some of the prisoners' washing. The cook and cook's assistant wash the prisoners' shirts, trousers, and flannels, the women doing some mending.

1181. Then what was sent to the women?—I do not know.

1182. *Mr. Rolleston.*] As a matter of fact there were very few women there?—There were three at one time there—the two B—and somebody else. I wish to point out the necessity for some alteration, because, before I was remanded to Waimate, I had some passable blankets given me, and when I came back I had at first only a bundle of ragged blankets.

1183. *Mr. Swanson.*] Were those blankets good except that they had dirt on them?—Many were like old Maori blankets you would see thrown away, nothing but dirt keeping them together.

1184. *The Chairman.*] You also speak of the maintenance of health?—Well, the maintenance of health there is almost impossible, with such a lack of ventilation and the absence of proper sanitary conditions. If a man is sick there, there is no sick-ward to put him into.

1185. Practically, were the prisoners healthy?—Yes, practically they were.

1186. To what do you attribute their health under the circumstances?—The climate, I suppose, principally. Many of the prisoners are only short-sentence men, and obtain a large amount of outdoor employment; but men who are kept there not under hard-labour sentences have not this sanitary advantage.

1187. And regularity of living?—Yes, and regularity of living. But what I wish to point out is the necessity for greater means of cleanliness being adopted.

1188. How were the privies?—They were kept clean. There was one privy for the whole of the prisoners. There were two in the yards, one kept for the warders and the other for the prisoners.

1189. Did you complain of your blankets to the Gaoler?—Yes, and got them changed.

1190. Did you get clean ones?—I got fresh ones, clean ones are not served out. The clean ones are kept in store until the old ones are worn out, and then fresh ones are issued. One of the cells is turned into a store for surplus bedding in use, and, if one of the prisoners goes out, his blanket are packed up and placed in this store-room, and the next man who comes in takes the blanket and mattress of the man who went away. I should like to say something about the matter of clothing. The same clothing is worn in summer and in winter. For instance, my chest was bad when I changed my clothes, and I had to get an extra flannel shirt to wear. However cold it may be, all that the men are allowed is a flannel under-shirt, a red serge shirt, and one of those grey twill shirts. The clothing is not enough to keep a man warm, especially in the winter. A man may get an old flannel shirt that has been worn perhaps two or three years, and that has no warmth in it; and he may also get a red serge shirt that is in the same condition, and he may suffer from cold; while another man may get clothing that is comparatively warm.

1191. If a man complains of cold, is nothing done for him?—I know I complained and got an extra shirt, but I believe it was an exceptional case.

1192. *Major Atkinson.*] Do you know of any case where a man applied for one, and did not get it?—I asked for a thicker outside shirt, and did not get it.

1193. *The Chairman.*] Were you ever cold in the cells?—Yes, very often; very cold.

1194. What do you say as to the treatment of prisoners?—I believe that all prisoners are treated alike. In all these little gaols there can be no possibility of classification whatever, and it necessarily comes very hard upon a man who is imprisoned for libel, or anything of that sort, that he has to suffer treatment just the same as if he had been convicted of any serious crime.

1195. He has to associate with the long-sentence prisoners?—Yes.

1196. Were there any long-sentence prisoners there at the time?—Only one or two. They are generally sent to Lyttelton. I noticed this: It is not the long-sentence prisoners who are the worst as a rule, but those who are constantly going and coming.

1197. Is there much communication amongst the prisoners?—They communicated with each other as they pleased in the yard at certain times.

1198. There was nothing to prevent their communicating?—No.

1199. Did you notice much communication amongst the prisoners about their future movements,

criminal intentions, or anything of that sort?—Nothing at all. I would like to draw the attention of the Committee to the fact that, after a man has been imprisoned six or eight months, and receives no communication from the outer world, he is comparatively dazed when he gets his liberty again; he does not know what to do.

1200. Do you mean in six months?—It had that effect upon me.

1201. *Mr. Swanson.*] You were behind the times?—Yes. I may perhaps be trenching upon objectionable ground, but I would like to draw the attention of the Committee to this question: Whether it is absolutely necessary that a man in prison should be so much debarred from obtaining information from outside. It necessarily unfits him for work when he goes out.

1202. Do you mean what would be the great harm of the prisoners seeing newspapers?

1203. *Mr. Tole.*] Do you not think that these privations are a proper deterrent from crime?—I do not think so. They have constant accessions every week, and the man who comes in tells everybody that has passed up to that time; and the next week another comes, and so on; and the inmates are kept *au fait* with what is going on outside.

1204. It would be very comfortable if the prisoners got newspapers every morning?—What I wish to draw the attention of the Committee to is this: That after a man has been isolated for a long time, he is, to some extent, at a loss to know what to do when he gets out of prison.

1205. *Mr. Swanson.*] He is all abroad?—Yes; and I expect that has been the reason that steps have been taken at Home to look after prisoners when they come out of gaol.

1206. *The Chairman.*] The dietary scale is the next thing?—Well, there were complaints about the quality of the food.

1207. Were they justified?—At times they were.

1208. Supposing the rations to have been fairly served, were they sufficient?—The scale was quite sufficient, but the quality was often not good.

1209. Were complaints made by the prisoners about this?—Certainly.

1210. And what was done, did the Gaoler take any steps?—Occasionally; the meat got better for a few days, and then it would return to the old state of things.

1211. Do you know who was the contractor there?—I do not.

1212. Do you know whether the Gaoler or the warders dealt with the contractor for their own private supplies?—I do not.

1213. *Mr. Swanson.*] Did the Gaoler or warders get their own rations from the contractor?—I cannot say.

1214. *The Chairman.*] You say the prisoners complained, and then the quality of the rations improved, but afterwards went back again. Now, on the average, during the time you were there, was the quality of the rations bad or good?—I should say half the time the meat was good. The potatoes were very bad at times, almost rotten, absolutely.

1215. Did the Gaoler take any notice or any steps when a complaint was made that the potatoes were rotten?—Yes. I believe in every case where the men complained, and where inspection was asked for, bad food was the cause.

1216. Practically, you say there was no inspection while you were there?—I saw no person there from the outside except Colonel Brett, who came through the prison one day, with the exception of Mr. Phillips, the Lyttelton Gaoler.

1217. You have alluded to the cost of management?—At one time there were only twelve or thirteen prisoners there, and there were three warders, a Gaoler, and a Matron.

1218. You say again, during another part of the time you were there, there were thirty-four or thirty-five prisoners there?—Yes.

1219. *Mr. Rolleston.*] They were only awaiting the sitting of the Court when there was that number?—Either waiting for the sitting of the Supreme Court, or when the Court had just concluded its business.

1220. The long-sentence men were sent to Lyttelton?—Yes.

1221. *The Chairman.*] What labour were the men put to?—I believe they had been employed for two years in digging out some fish-pond at the hospital or domain.

Mr. Rolleston.] It is a domain; they were cutting roads there and generally keeping it in order.

Witness.] I heard them talk about being employed in some fish-pond, but I fancy if this matter of inspection were put right all the other things would follow.

1222. *The Chairman.*] Now, in your opinion, is skilled inspection necessary?—Certainly; a man not connected with the department at all, save as an Inspector of Gaols.

1223. And you say, you consider there is no classification?—None there whatever.

1224. *Mr. Rolleston.*] Do you consider there were any of the prisoners who could properly be said to belong to the criminal classes?—Yes; I know there were. Some of the prisoners there, I was aware, had been convicted in Australia twenty years ago.

1225. *The Chairman.*] Were the regulations posted up in the Gaol?—Yes.

1226. And was the mark-system properly carried out?—I think it was; but I had nothing to do with the mark-system. I know there was a plate and a ticket in it, and every Monday morning so many marks were put on the ticket.

1227. Were there any attempts to escape while you were there?—Yes, one.

1228. And did the man get away?—It was a man called Tole. He attempted to escape when they were going away from the Supreme Court. Speaking of classification, although I may be referring to a personal matter, I may say that I felt it rather hard, being handcuffed and taken about the streets before all the people.

1229. Were you handcuffed?—Yes, I was; handcuffed to a fellow that got ten years.

1230. What had he been doing?—Stealing from a dwelling. I felt that rather hard. There was another matter: When the prisoners were awaiting trial at Timaru they were taken into a little cell and locked up during the whole of the day. It was a room perhaps about half the size of this. They were taken to the Court, and then sent back there again.

Mr. Sherrin.
20th Sept., 1878.

1231. Did you happen to have any money in your pocket when you were taken to gaol?—Every thing I had was taken from me at Waimate.

1232. What became of it?—It was given back.

1233. Where was the money kept, do you know?—When a prisoner is arrested, and has money or valuables on him, the police enter the amount of money and the description of the articles in a sheet, and when the prisoner is delivered over to the gaoler the money and his effects are handed over to the gaoler, and the gaoler gives a receipt to the police for the money. When the prisoner is set at liberty the money and his property are handed back to him.

1234. *Mr. Gisborne.*] What is done with it if the man is convicted?—Just the same way I believe.

1235. It is kept until he is discharged?—Yes; I think so.

1236. *The Chairman.*] What were you called upon to do in gaol?—Nothing.

1237. *Major Atkinson.*] Were you not called upon to keep your cell clean?—No; but I did.

1238. Did you get any advantage by it?—No; none.

1239. *The Chairman.*] Now, practically, did not the time hang more heavily upon your hands than upon any other?—No; not at all.

1240. How did you employ the time?—I read most of the day.

1241. How many books were there?—About 150 volumes. The prisoners were allowed to get books every Sunday.

1242. Were they good books?—Not many of them; about twenty or thirty volumes.

1243. Were you able to get books beyond those in the library?—None.

1244. Was there any garden about the Gaol?—Yes, a large one.

1245. Was it the Gaoler's garden, or were the vegetables grown for the Gaol?—The garden appeared to be a common garden for the use of the prisoners, Gaoler, and warder.

1246. And who worked in it?—The prisoners.

1247. Practically, did the prisoners get the benefit of it in the shape of vegetables?—I can hardly say; I would not like to go so far as that, because there is a dietary scale of so many ounces of vegetables a day.

1248. Did any of those come out of the garden?—Sometimes they did.

1249. And was that so much off the contract supply?—Yes. I presume you wish to know whether the garden produce was regarded as supplementary?

1250. Yes.—Then, no, it was not.

1251. Then it was so much economy?—Yes.

1252. You have no means of knowing whether the contractor was paid less?—I have none. I should think not, because, having nothing to do one day, I remember I copied out all the contracts.

1253. *Mr. Gisborne.*] Were you kept by yourself, or had you to mix with the other prisoners?—I was kept by myself for a couple of months during the latter portion of my imprisonment.

1254. Not before?—No.

1255. Had you to mix with felons then?—Yes.

1256. *The Chairman.*] Was any instruction of any kind given to the prisoners there?—Religious instruction once a week only.

1257. By whom?—The Rev. Mr. Harper used to come. I think he saw the prisoners there.

1258. *Mr. Rolleston.*] Did not Mr. Turnbull come there weekly?—I do not know, I am sure. I never used to attend. Our priest used to attend once a fortnight.

1259. *Mr. Swanson.*] What clergyman came there once a week that you know?—There might be a clergyman, but I never knew who he was. Our own priest came there once a fortnight.

1260. *The Chairman.*] Do you think the prisoners liked the religious services?—I do not know, I am sure.

1261. You do not know whether it had any effect upon them?—I do not know.

1262. There was no secular instruction?—None whatever. Those provisions in the regulations are ignored altogether.

1263. Were you able to form a judgment as to whether the sentences, as a rule, were likely to deter men from committing offences and coming back again?—I do not think so; because I fancy there were close upon 100 prisoners there at different times; and I may say that, in my opinion, fully 85 per cent. of all the committals and convictions took place in consequence of the men being drunk.

1264. *Mr. Tole.*] You do not mean simply the crime of drunkenness, but crimes arising from drunkenness?—Yes. I do not believe under those circumstances punishment can be a deterrent; because, when a man is drunk, he cannot be prevented from committing offences.

1265. *Mr. Swanson.*] Do not you think that a man put there for being drunk would get such a scaring that he would never come back again?—I can give you an instance. One man was imprisoned five or six times for being drunk while I was there. There is a class of men who are punished for drunkenness, and in a week or a month they are expected back again. I have known the case several times to occur where a man has been in prison, say, for forty-eight hours, and been discharged, and has come in again within forty-eight hours afterwards.

1266. *Hon. Mr. Gisborne.*] I understand you to say that most of the grave offences had been committed in consequence of drunkenness?—I did not say "in consequence of drunkenness," but when the men were in a state of drunkenness.

1267. *Mr. Swanson.*] You were not sentenced to any hard labour?—None.

1268. I understood you to say that you did some work, kept accounts, or something?—I kept no accounts. I only did some copying that had to be sent to the Minister of Justice.

1269. Were you paid for it?—No.

1270. Is there no chance of a prisoner, by working over and above his task, as in the case like yourself, of earning any money, so that he may have a few shillings when he goes out?—None whatever.

1271. Would it not be desirable, when a man goes out of gaol, that he should have a few shillings

in his pocket, so that he may be able to get a living, and not have recourse to stealing?—It was the custom, I heard, of the Provincial Government to give necessitous prisoners a small amount of money when their time expired; but I was told by the Gaoler that after the provinces ceased to exist there was no provision made for such purposes, and prisoners had to shift for themselves. Mr. Sherrin.
20th Sept., 1878.

1272. That was not the drift of the question I asked. I wished to know whether there was any provision by which an industrious man, that would hit out for himself, to earn a little money, to be given to him on his being released from gaol?—None whatever.

1273. And you think it would be desirable to give him that opportunity?—Yes; but his very kind of employment precludes his doing anything. Twenty or thirty men go out in the morning, and are kept digging all day; and unless you gave them task-work they could not earn anything extra.

1274. What do you think would be the best means, where a man is convicted the first time, to treat him, so that when he completed his sentence and got out he would not be likely to come back?—To keep such fellows by themselves; I think classification and inspection would be the best means.

The witness was thanked for his attendance and withdrew.

Mr. ROLLESTON, M.H.R., in attendance, and examined.

1275. *The Chairman.*] Mr. Rolleston, we wish to take your evidence, because we know you have had a great deal of experience as Superintendent and as Visiting Justice. In the first place, with regard to the position of the Gaols of Christchurch and Lyttelton, and the materials of which they are constructed, what is your opinion about them; do you think the positions are satisfactory?—I think so. I think they answer well for the purpose of local gaols, and they are very fairly situated. As to the materials, I initiated the system of building them of concrete, by prison labour. The work was gone on with year by year upon a plan prepared by the architect, and as much was done in the year as could be got through. On that system the Gaols of Christchurch and Lyttelton have become, in point of building, very fair for their purpose. Mr. Rolleston.
20th Sept., 1878.

1276. Are there any means of classification?—Not what there should be, but in Lyttelton now I think there are at least seventy or eighty single cells.

1277. If the long-sentence men were drafted out—the penal-servitude men—there would be sufficient accommodation for the short-sentence men to be placed under a system of classification?—For a limited number, for 120 prisoners, perhaps.

1278. Have you noticed whether the mark-system works satisfactorily?—The mark-system was recently initiated, during the last three years, and, as far as I can judge, it has worked satisfactorily.

1279. Of course, in order to work it fairly, strict classification is required?—Yes.

1280. Do you consider that skilled inspection is necessary or advisable?—I think it is requisite. With the object of getting skilled inspection, I was instrumental in bringing from Home a gaoler whom I always looked upon in the light of an inspector of the three gaols at Lyttelton, Christchurch, and Timaru; and I am satisfied that no system of Visiting Justices, who do not possess the technical knowledge, can be thoroughly satisfactory. I have been a Visiting Justice myself for a number of years, and I have felt that, with considerable advantages over the general run of Justices, it was impossible for any man who did not possess the necessary technical knowledge to carry on a thoroughly satisfactory system of inspection.

1281. It would be impossible for the Visiting Justices to detect any misconduct, unless the officers of the gaol divulged it?—Speaking generally, yes. I think you will bear me out. At one time in Addington Gaol it took some two years to discover that the Gaoler and his wife were in a sort of collusion with the prisoners. As Visiting Justice, I used to go regularly on Sundays to the Addington Gaol. It was the day when the prisoners were all present, and I gave them an opportunity to say what they wished. I paraded the prisoners both male and female, and asked them whether they had any complaints. Now and then there were complaints, but only such as were indicative of nothing more than temporary dissatisfaction, and one did not feel that one had arrived at any very satisfactory decision in all cases. One saw that the thing was going on pretty right on the whole—that was all; and I always thought that unless you had reliable officers the Visiting Justices would be nowhere.

1282. *The Chairman.*] Do you not notice that practically all over the colony there is a prevailing impression that where the gaoler is a first-rate officer the management of the gaol is satisfactory?—I should like to express my opinion with regard to the system I tried to initiate in Canterbury. There ought there to be groups of gaols inspected by the Gaoler at Lyttelton. In respect to Christchurch and Timaru, you want a man of that character constantly inspecting, and the subsidiary gaols ought to report through principal gaoler.

1283. As a rule, do you not think it better that the Inspector should be independent of the management of any gaol himself?—I think the General Inspector's office should be entirely independent of that system altogether, but these small gaols ought to be in constant communication with the larger gaol. For instance, there was a case at one time which I am quite satisfied the Gaoler and the Visiting Justice of the smaller gaol quite misapprehended. It was in my power to remove a man who was making constant complaints, and was down in the books month after month for solitary confinement, which was enough to drive any man out of his mind. I removed the man to Lyttelton. When it was under contemplation to have him flogged, I was informed by the Medical Officer of Lyttelton Gaol that if the man had been flogged he would have died under the lash.

1284. How did he behave there?—Very fairly. I should like to say, with regard to the women's gaol that is in Canterbury, my impression is that, with regard to these female prisoners, they are nearly all, or 90 per cent., of the prostitute class; and, unless there is some system of providing for them when they come out, they are absolutely certain to fall back into their old way of life. They have no alternative; they have simply fallen through prostitution and drink, and their case is utterly hopeless. They have no opportunity for reform in that state, and they ought to be given some opportunity for reform. I do not know whether I may get on record my view as to what ought to be done. I think a system of reformatories might be worked in on something like the plan I recommended the other day in the House in regard to institutions for the dumb and deaf, and industrial schools. These people

Mr. Rolleston.
20th Sept., 1878.

might have a chance of taking service in connection with a group of charitable institutions. You would have at a place like Burnham an industrial school in addition to an asylum for the deaf, dumb, and blind, and also an asylum for convalescent lunatics; and you might have a place where the washing could be done for those institutions, where these women might be employed, and have the chance of becoming good servants and reforming, and living a life in connection with honest work. I think if they had a chance some of them would be reclaimed. The first thing now when a woman goes out is that a few shillings are given to her, and she must get drunk and ply her trade; but I believe, if there were some fair chance of honest work, a few of them might be saved. I should just like to refer again to the plan I tried to have carried out in sending for a gaoler who was an expert. My view was that under him gaolers might be trained and be sent to those smaller gaols. How far the Government is carrying out that plan I do not know, but I am sure until recently we have not had a class of gaolers who were capable of doing their work. They have been very kind, and have kept the prisoners together, but they were not gaolers.

1285. Has your attention been drawn to the scale of rations, and is it your opinion that they are too little or too much?—I never had any complaint of its being insufficient; I should have thought it was ample.

1286. Do you know of any superabundance of bread? The Gaoler of Lyttelton, in his evidence, told us that the bread was too much, and that bucketsful of bread were taken out, but at Lyttelton they did not allow the prisoners to pass bread from one to another. They say the discipline was stricter than here at Wellington, where the prisoners are allowed to pass bread from one to another, and it is all eaten?—I remember the Gaoler at Lyttelton telling me that. I used to see the dinner every Sunday at Addington, and it struck me that it was ample. I never heard any complaints on the score of food.

1287. *Mr. Tole.*] Is the Sunday dinner better than that on the week-days?—No, I think not.

1288. *The Chairman.*] Do you know whether there is any system of religious instruction?—The clergymen come on particular days. The clergymen of the Church of England hold services, and the Roman Catholics are constant in their attendance on the prisoners of their own persuasion; but there is no systematic religious teaching given by the State. I think they have every chance, and that the ministers attend very fairly as a rule—that is, the Catholic priests and one or more Protestant ministers.

1289. And is there any secular instruction given?—There is now, at Lyttelton.

1290. Any man who does not know how to read and write is taught?—Yes.

1291. *Mr. Swanson.*] Do you know of any case of moral cure—any case in which prisoners had been sent improved out of gaol?—I could not say. I am inclined to think that religion on that class of people has a very good effect. That they are very impressionable.

1292. *The Chairman.*] Is there any opportunity, or is any attempt made, to keep the penal-servitude men separate from the hard-labour men?—No, I think not.

1293. Practically, there is no difference in carrying out the sentence?—No.

1294. Could they do it in the same gaol?—Not with present appliances.

1295. Well, what is your opinion as to a separate penal-servitude establishment? Do you think one is necessary?—I think it would be a very great advantage; but I think greater advantage would accrue from bringing our local gaols into a better condition. I do not think there exists at the present time that criminal class that exists at Home, that make crime a profession; and I think it cannot be said that the system of our gaols has increased crime. It has not been deterrent to the extent that it ought to be; but my impression is that, on the whole, our gaol system cannot be reproached with increasing crime to any great extent.

1296. *Mr. Swanson.*] It has not made matters worse, if it has not made them better?—I do not think it has.

1297. *The Chairman.*] Do you think first offenders have not suffered from their association with the prisoners in the gaol?—I am not in a position to say.

1298. *Mr. Swanson.*] Take the case of young girls?—They have been kept separate. With regard to the women, I think there are very few cases except prostitutes and drunkards.

1299. *The Chairman.*] The reason I ask this is that men have complained very bitterly of their association in the gaol with long-sentence prisoners?—I have not had an opportunity of knowing. I would not wish to be understood to say that I do not think the time has come when there ought to be some strict classification. I think there ought to be, and as crime increases there is the more necessity to prevent the evil you refer to.

1300. Do you believe classification to be possible so long as penal-servitude men are scattered all through the colony, and mixed amongst other prisoners?—I do not know. I can see so many opportunities of amelioration of local gaols that I question whether it would be advisable to establish one central penal establishment without previous amelioration of local gaols.

1301. Which do you consider would be better, to add to the local gaols, or to take away from the local gaols the penal servitude-prisoners?—My experience of the gaols is that the first thing that ought to be done is to put them in a better position, and to have men with more training at their heads.

1302. *Mr. Swanson.*] And then, if found necessary, to weed these men out afterwards?—Yes.

1303. *Mr. Tole.*] Do you think the building of a great penal establishment would not be good?—I should like to see it. I believe it is wanted, but the other thing is wanted more.

1304. *Mr. Swanson.*] You think the other should be done first?—Yes.

1305. You think the system will not be right until the other is done?—Yes.

1306. *The Chairman.*] Do I understand you to say you would rather see the gaols improved and made more efficient. I am talking now of the question of construction. It appears from the evidence that there will have to be additions. The evidence is that the gaols are overcrowded, and that the prisoners are not allowed sufficient space. Then, would you proceed at once in the direction of enlargement, or build a central gaol, and draft out the long-sentence prisoners. That has nothing to do with the question of improvement of the gaols, it is another question altogether?—If it is purely a question

of space, decidedly make a central gaol ; but I hold it is much more a question of active inspection, of punishment, and good officers. *Mr. Rolleston.*

1307. But there are two questions. We have overwhelming evidence now from everywhere that the gaols are overcrowded. That is different from the question of improvement. With the necessity for this I quite agree ; but what I want to understand is, whether an increase of the local gaol buildings ought to be the first consideration, or the construction of a central gaol for drafting the long-sentence men to?—Well, my own opinion is that the majority of the cases in our prisons are not cases of a professional criminal character, and that therefore an improvement of the local gaols would be the first step towards a thorough improvement. *20th Sept., 1878.*

1308. That is not an answer?—Well, classification and improvement of the local gaols.

1309. Then, your answer is that you think the local gaols should be added to before a central gaol is built?—Yes ; that is my answer.

The Chairman : The point really is, whether classification should be made in the local gaols, or whether by drafting out the long-sentence men. I understand that Mr. Rolleston advises that it should be locally done.

1310. *Mr. Swanson.*] Can you tell the Committee of any plan by which the gaol system can be made deterrent with regard to prisoners who go in for the first time?—I have no doubt that classification is wanted for that purpose, and that first offenders should be sharply dealt with. The sentence should be short and sharp.

1311. Do you think it is desirable that a man in gaol should get an opportunity, by working extra, to earn a few shillings for himself, to be given to him when he comes out?—I am strongly in favour of prisoners having money given to them, with proper precautions, when they come out. It would give them a chance to start in the world.

1312. Would it not be advisable to encourage them to exert themselves?—I think the amount might be in proportion to the good character of the prisoner, but I do not see how you can interfere with the mark-system as at present laid down. That is framed to meet the cases generally.

1313. Now, a man that does the Government stroke may be very good and very quiet, and there may be no fear of his running away or giving the warder any trouble, and he will get his marks, whereas another man that does double the work and is equally as quiet—should he not be encouraged?—I think he ought.

[CIRCULAR.]

INFORMATION REQUIRED BY GAOL COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

I. AS TO THE EXISTING PRISONS OF THE COLONY.

1.—*A list of all Prisons, and the Purposes of the Prisons.*2.—*Description of each Prison.*

- (1.) Its position, aspect, accessibility, distance from Court.
- (2.) The materials of which constructed.
- (3.) A plan showing all internal arrangements.
- (4.) Provisions for security in respect of construction.
- (5.) Divisions for separate classes, if any, and on what principles constructed.
- (6.) General amount of accommodation.
- (7.) Number of separate cells, dormitories, and working rooms, and size; number of cubic feet per person in sleeping cells; how many cells, and how many persons sleep in each cell.
- (8.) Average number of prisoners in each year for last five years.
- (9.) Work yards, exercising yards—size and particulars.
- (10.) What eating places—size, &c.
- (11.) What cooking places.
- (12.) Baths and lavatories.
- (13.) Privies—number, character, and position.
- (14.) Urinals.
- (15.) Provisions for ventilating and heating.
- (16.) Drainage.
- (17.) Particular deficiencies or advantages of the prison in any of the respects above mentioned.
- (18.) Means for adapting prison for separate confinement, and hard or industrial labour.
- (19.) Means of dealing with fire, if any. Could prisoners be readily got out in case of fire?

3.—*Prison Regulations in force, and Discipline.*

- (1.) A copy of these posted in gaol, or used.
- (2.) Are they observed strictly or not?
- (3.) If departed from, or not enforced, in what particulars?
- (4.) What reasons assigned for such departure or non-observance?
- (5.) Is the mark-system carefully enforced, and what has been effect since introduction?
- (6.) Objection made by officers of prison, or prisoners, to existing rules?
- (7.) Number of Visiting Justices?
- (8.) What kind of visits, how often, and what record thereof?
- (9.) How often do visitors report, and to whom?
- (10.) Is skilled inspection necessary or advisable?
- (11.) What books are kept in prison, and what they show; regularity of entries?
- (12.) What improvements, changes, or modifications in prison within five years, and by whose authority?
- (13.) Number of prison punishments for five years and by whom inflicted; what sorts, classifying them as to cause and amount?
- (14.) How many repetitions by same persons?
- (15.) Numbers of recommittals of previously convicted prisoners?
- (16.) Means, if any special, of identification?
- (17.) Attempts at escape: the mode, the result, the temptation;—remarks.
- (18.) What part of treatment most irksome to prisoners, and most complained of?
- (19.) Are prisoners often in possession of money when convicted? What is done with it?

4.—*Number, Classification, and Separation of Prisoners.*

- (1.) Total number in last five years, 1st January, 1873, to 1st January, 1878.
- (2.) Average numbers.
- (3.) Distinguish,—
 - (a.) Debtors.
 - (b.) Lunatics, criminal and non-criminal.
 - (c.) Waiting for trial.
 - (d.) Summary convictions.
 - (e.) Convicted, but without hard labour.

- (f.) Hard-labour convicts, (on indictment) not exceeding three, six, nine, twelve, eighteen, and twenty-four months.
 - (g.) Penal-servitude prisoners, different terms.
 - (h.) Convicts, sentence of death commuted; for what?
 - (i.) Juvenile offenders.
 - (k.) Women and girls.
- (4.) What means of separation in force, respecting classes just enumerated.
- A.—*By Construction.*
 - B.—*By Discipline.*
- (a.) At work. (b.) Meals. (c.) Exercise. (d.) Divine service.
- (5.) What amount and kind of communication with other classes?

5.—*Work done by Prisoners.*

- (1.) Distinction, if any, between hard labour and penal-servitude labour.
- (2.) What understood to be "hard labour"—any distinction from industrial labour?
- (3.) Kinds of labour done,—
 - (a.) In prison.
 - (b.) Out of it; where? And by what class of convicts? By men? By women?
 - (c.) Means of communication among prisoners, or between prisoners and public, during work out of doors.
 - (d.) What trades can be taught, and in what time can they be learned sufficiently well to earn a livelihood?
- (4.) Time occupied by labour daily,—
 - How rest of working hours employed?
- (5.) Value of labour.
 - (a.) Penal-servitude men.
 - (b.) Hard-labour men.
 - (c.) Voluntary labour, if any.
- (6.) Is any allowance granted for extra work, and of what nature? Is any payment made on completion of sentence for marks earned?
- (7.) What is the best way to teach prisoners industrious habits and endurance of sustained labour?
- (8.) How ought offenders who will not work be dealt with?
- (9.) How can prison labour be made most profitable to the State?
- (10.) What sums, if any, have been paid by municipalities or other local bodies for prison labour?
- (11.) Do the prisoners grow any of the food used in the gaol?
- (12.) Is there any Crown or other land near the gaol available for a farm, and if so, could such farm be worked to advantage?

6.—*What differences other than in Labour made between Penal-servitude and Hard-labour Men?*

7.—*Special provisions, if any, for Juvenile Offenders and Females, and Lunatic Prisoners?*

8.—*Food and Indulgences.*

- (1.) Scales of rations for different classes.
- (2.) Reduction or increase for punishment or encouragement.
- (3.) Would a low scale of rations have a deterrent effect in the case of first offenders?
- (4.) Tobacco allowed or not, and if so, within what limits, and subject to what condition?
- (5.) What food or physical indulgence most coveted, and what physical restraint or deprivation most dreaded?
- (6.) Are visits from friends and communications with the world without sought for and appreciated, and what are their apparent effects?
- (7.) Are any special indulgences given or allowed for extra work?

9.—*Medical and Hygeian.*

- (1.) Report by medical men on salubrity of site, propriety of construction, ventilation, sewerage.
- (2.) General health of prisoners.
- (3.) Deaths in last five years, compared with averages out of prison in same place.
- (4.) Special diseases, if any, in prison or place, and causes?
- (5.) Sufficiency, excess, and propriety of rations, and with respect to different classes?
- (6.) Apparent physical effects on prisoners generally, and in individual instances?
- (7.) Hospital arrangements?
- (8.) Medical officers should be invited to give written statements of any matters they deem specially worthy of notice?

10.—*Religious and other Instruction offered.*

- (1.) Average numbers of various denominations?
- (2.) What clergymen attend the prison; of what denomination, and how often?
- (3.) Effect of their ministrations—(a) as reported by themselves; (b) as reported by the officers of the prisons?

- (4.) What arrangements for Divine service?
- (5.) Is any music or singing allowed or taught on Sunday or on wet days?
- (6.) What books allowed, and under what circumstances? What kind of books most used by prisoners?
- (7.) What provisions for secular instruction of (a) adults; (b) juvenile offenders: (c) what progress made?
- (8.) What attempts of a special kind made at reformation?

11.—*Moral Effects of Imprisonment.*

- (1.) Observations of gaolers, doctors, and subordinate officers,—
 - (a.) On apparent effects of existing punishments on different classes of men?
 - (b.) Especially as to what seems likely to deter first offenders from coming again—men, women, boys, girls?
- (2.) What is done to prevent demoralization from association of innocent or recently lapsed persons (especially juveniles) with hardened offenders, and others likely to excite them to evil?
- (3.) What evil effects have actually resulted from insufficiency of separation?
- (4.) Is there a prisoners aid society in locality, and if so, what are the results of its work?

12.—*Cost of Prisons and Prisoners.*

- (1.) Cost of buildings, additions, annual repairs, furniture, &c.?
- (2.) Salaries, in aggregate and detail, of warders, turnkeys, matron, medical man, and other officers. How much average per head of prisoners?
- (3.) Cost of rations in aggregate and per head; average,—
 - (a.) Penal-servitude men?
 - (b.) Hard-labour men?
- (4.) Are contracts for food-supplies with one tradesman or with several?
- (5.) Do the gaolers and warders get their supplies from the contractors, and at contract price?
- (6.) What is the system of inspecting supplies?
- (7.) Estimated value of work of each class?
- (8.) Net cost of—
 - (a.) Penal servitude, and
 - (b.) Hard-labour prisoners, after deducting share of salaries and rations?

13.—*Pardons, Remissions, Petitions, and Recommendations.*

- (1.) What pardons or remissions, other than for ordinary good conduct under fixed rules, granted within the last five years; name prisoners, offence of which convicted, first conviction or not, or how often convicted; amount of sentence, amount of remission?
- (2.) State in each case—
 - (a.) On whose petition, and by whom recommended?
 - (b.) The grounds urged for pardon or remission?
 - (c.) The amount granted?
- (3.) Cases, if any, of troublesome prisoners discharged before ordinary time, and on whose recommendation? What was result of such discharge?

14.—*Special Suggestions.*

What breaches of gaol discipline on the part of authorities or officials have been detected? Any suggestion for promoting efficiency or reducing cost.

II.—IMPROVEMENT OF OLD PRISONS.

- (1.) How far each existing prison would afford means, with additions or changes in construction or management, for carrying out—
 - (a.) Classification;
 - (b.) Separation for first month of imprisonment (a) by construction; or (b) by discipline;
 - (c.) Industrial work.
- (2.) Whether buildings, &c., are more than sufficient for a non-criminal prison for the district, *i.e.*, for police cases, persons charged with contempt, and debtors, &c.?
- (3.) Whether building capable of being turned into a hard-labour prison for actual convicts under sentence of not more than twelve months, with separate cells?
- (4.) What additions, alterations, and changes required for each of three classes:
 - (a.) For how many prisoners of different classes, giving number of cubic feet;
 - (b.) At what probable cost. Cost relative to value of present building?
- (5.) What improvements have been effected by prison labour?
- (6.) Can new gaol buildings be profitably and usefully constructed by prison labour, and to what extent?



ANSWERS TO THE SEVERAL QUESTIONS REQUESTED BY CIRCULAR.

AUCKLAND GAOL.

I.—AS TO THE EXISTING PRISONS OF THE COLONY.

2. Description of each Prison.

(1.) Situated near Kyber Pass Road; surrounded by more elevated ground than that upon which it is built, easy of access by road, and distant about one and three-quarter miles from the Supreme Court, and about two miles from the Resident Magistrate's Court.

(2.) Wood.

(3.) There is no plan under the control of the Visiting Justices.

(4.) A wooden fence, twelve feet high, round each of the two portions into which the Gaol is divided—namely, an old division and a new division, and a dressed-stone wall, eighteen feet high, round the old division, in which convicted male prisoners are confined.

(5.) New division: 1. Females convicted or on remand, &c.; 2. Debtors and boys; 3. Waiting trial and on remand (males). Old division: 4. Hard labour, in default of bail, &c.; 5. Penal servitude. Prisoners who have been "previously convicted" sleep in separate cells; those sentenced to penal servitude also sleep in separate cells (females are not so separated from each other). All other prisoners sleep in associated cells of various dimensions, but not less than three in any one cell.

(6.) Accommodation in all for 281 prisoners—namely, in cells adapted for only one, 101; in cells adapted for more than one, 180.

(7.) Cellular accommodation:—

—	Class of Occupants.	Cells.	Number of Occupants.	Length.	Breadth.	Height.	Number of Cubic Feet for each Occupant.			
New Division ...	Women— Solitary ...	6	6	8 0	6 7	10 3	539			
				20 0	16 6	12 6				
				14 0	12 0					
	Associated ...	8	60	17 2	10 7	12 6	260			
				12 7	10 8					
				10 6	10 1					
				12 10	10 7					
				10 5	9 0					
	Boys— Associated ...	2	6	10 6	8 0	12 6	350			
				10 8	10 5	12 6	462			
				Waiting trial ...	4	30	14 1	10 9	12 6	362
							12 4	10 9		
Solitary ...				2	2	10 10	4 10	12 6	654	
Old Division ...				Single ...	18	18	8 10	5 6	10 11	530
				" ...	1	1	6 2	9 4	7 4	422
	" ...	4	4	7 6	5 0	10 0	375			
	" ...	12	12	8 7	5 3	9 3	419			
	" ...	2	2	8 7	6 6	9 3	516			
	" ...	27	27	8 4	5 6	8 2	374			
	" ...	31	31	8 4	5 6	7 2	328			
	Condemned ...	1	1	8 4	5 6	8 2	374			
	Associated ...	6	...	21 0	9 7	7 8	...			
	" ...	1	...	15 2	9 4	7 4	...			
" ...	1	70	15 8	9 7	7 4	180				
" ...	1	...	15 0	8 7	9 3	...				
Solitary ...	5	5	7 6	4 4	10 9	349				
Working-rooms...	A shed divided into three to form workshops for									
	1. Carpenters ...	...	...	17 5	18 0	8 0	...	
	2. Shoemakers ...	...	...	17 5	10 3		...	
	3. Blacksmiths ...	...	...	18 0	12 4		...	

(8.) Years—1873, 142; 1874, 167; 1875, 177; 1876, 162; 1877, 174.

(9.) Exercising yards as follows:—Old division: Penal servitude prisoners, 94 ft. x 47 ft. 9 in.; hard-labour prisoners, 102 ft. x 80 ft.; hard-labour prisoners, 97 ft. x 29 ft. 9 in.; solitary prisoners, equal to 46 ft. square. New division: Waiting-trial prisoners, 82 ft. x 55 ft.; debtors, 82 ft. x 39 ft. 5 in.; females, 74 ft. 9 in. x 69 ft. Work yard: The space between the outer stone wall and the inner wood wall in the old division is used as a work yard in which penal-servitude prisoners under long sentences are employed in stone-breaking; and in this space are also situated the workshops of the blacksmiths, carpenters, and shoemakers. Area of this space about 10,800 square yards.

(10.) Old division: Penal-servitude prisoners, 21 ft. 4 in. x 21 ft. 4 in. x 10 ft.; hard-labour prisoners, 28 ft. 8 in. x 23 ft. 7 in. x 10 ft. 11 in. New division: Waiting trial, &c, 27 ft. 6 in. x 11 ft. 5 in. x 9 ft. 6 in.; debtors, 25 ft. 2 in. x 12 ft. x 9 ft. 6 in.; females, 26 ft. x 10 ft. 6 in. x 9 ft. 6 in.

(11.) Three—viz., one in the old division, one in the new division, one in the officers' quarters.

(12.) Baths: One in the old division for use of prisoners on reception into the Gaol, and three tubs for use of prisoners while in prison; one in the new division for use of female prisoners on reception into the Gaol. Lavatories: None. Prisoners wash in troughs placed in the exercise yards.

(13.) Twelve in number, to accommodate twenty-two persons. One closet in each exercise yard, the remainder being in the quarries. The closets are built of wood, open in front, without doors, and are earth-closets.

(14.) Troughs at the back of some of the closets.

(15.) Ventilators in each mess-room, in the corridors, in each cell, and in the hospital. No provision for heating except in the hospital, where there is a fire-place used for cooking food for patients.

(16.) No complete system. Dirty water and urine are carried clear of the exercise yards at a sufficient depth to allow of its percolating through the earth afterwards. Nightsoil, mixed with earth, is carried away and deposited at a sufficient distance to prevent nuisance.

(17.) Accommodation is not sufficient to allow all prisoners to bathe at definite periods, and there is no place in which hospital patients can be bathed in warm water. The privies and urinals are sufficient, and so also is the ventilation as far as the buildings will permit. Drainage is very imperfect, and requires to be made for all buildings.

(18.) All the large cells might be converted into smaller cells to accommodate one prisoner in each, especially in the new division, which would then be well adapted for female prisoners. Accommodation for male prisoners on remand or waiting trial, and for debtors and boys, would require to be built inside the stone wall surrounding the old division. The prison is well adapted for hard labour.

19. Water has recently been laid on to the Gaol, and hose and hydrants provided for use in case of fire. If fire was discovered before it had obtained much hold of the building in which it arose (care is taken by existing arrangements that such discovery should be made), it could be extinguished. In some parts of the buildings prisoners could not be readily got out in case of fire, in consequence of the narrowness of the corridors.

3. Prison Regulations in force, and Discipline.

(1.) Copy annexed.

(2.) So far as practicable.

(3.) Rule 27. As to female prisoners: Those waiting trial cannot, with present accommodation, be kept apart from convicted female prisoners, or girls from women.

Rule 58. There is no infirmary or proper place for reception of sick female prisoners.

Rule 60. No provision is made for instruction of prisoners, except juveniles.

Rule 73. A condemned prisoner is confined in a cell in the same corridor as other prisoners. This cell is intended for accommodation of one prisoner only, and is too small for a condemned cell. A condemned prisoner always has an attendant, besides the minister and such persons as may be permitted to visit him.

(4.) There is no accommodation for the several purposes. It is questionable whether any benefit would be derived by adults from instruction, if there were accommodation for that purpose, which there is not.

(5.) It is. It has had good effect, as prisoners generally endeavour to earn the full number of marks per diem, and behave and work well for that purpose.

(6.) None; but the rules require revising.

(7.) Three (two acting). The other now lives in Wellington.

(8.) A minute inspection of the Gaol once a month, and frequent visits during the week. Entries in visitors' book of hour and date of attendance.

(9.) Yearly, to the Minister of Justice.

(10.) No.

(11.) Cash-book, daily state-book, tradesmen's-books, registers, visitors'-book, visiting-clergy-men's-book, prisoners' property-book, exertion-money account-book, stock-book, ration-books, mark-books, warders' and officers' time-book, duty-roster, journal, diary, lock-up-book, defaulters'-book. Each of the above books is posted up from day to day.

(12.) The exterior of the buildings have recently been painted, and a portion of them re-shingled. Six solitary cells have been erected for female prisoners. Water has been laid on to the Gaol, and hose and hydrants supplied, by orders from Department of Justice.

(13.)

Year.	Number of Punishments.	By Whom Inflicted.	Cause.	Amount.		
				Irons.	Solitary Confinement.	Other Punishment.
1873	183	Until April, 1875, by the Visiting Justices and the late Governor of the Goal; since that time, by the Visiting Justices only.	Breaches of the Prison Regulations.	2	180	1
1874	257			1	250	6
1875	316			1	290	25
1876	85			...	57	28
1877	63			...	42	21
	904			4	819	81

(14.) Year.	One.	Two.	Three or more.
1873	43	19	26
1874	56	16	44
1875	41	23	102
1876	26	12	37
1877	24	12	10
Totals	180	82	219

(15.)	1873.		1874.		1875.		1876.		1877.	
	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.
Once	33	11	62	17	78	24	62	28	47	12
Twice	12	8	88	26	38	12	25	6	16	9
Three times or more	71	136	153	114	173	150	126	147	75	166
	116	155	303	157	289	186	213	181	138	187
	271		460		475		394		325	

The total number of previous convictions in five years is 1,925, equal to 38·25 per cent. of prisoners received.

(16.) On reception into the prison, a minute description is taken of the personal appearance of each prisoner, and of marks of tattooing, &c. (if any), on his body.

(17.) None.

(18.) Monotony of diet and want of tobacco.

(19.) No. They occasionally have a few shillings, but whatever it may be it remains in possession of the Gaoler, and is handed to prisoners on discharge.

4. Number, Classification, and Separation of Prisoners.

(1.) 5,180—namely, 4,034 males, 1,146 females.

(2.) In	1873	1874	1875	1876	1877
1873	142, namely, 120 males, 22 females.	...	...
1874	167, " 143 " 24 "	...	...
1875	177, " 145 " 32 "	...	...
1876	162, " 131 " 31 "	...	...
1877	174, " 140 " 34 "	...	...

(3.)	1873.	1874.	1875.	1876.	1877.
(a.) Debtors	30	24	5	12	15
(b.) Lunatics	...	6	...	...	...
(c.) Waiting for trial and on remand	139	127	202	155	127
(d.) Summary convictions	555	547	640	606	471
(e.) Year—1873, 15; 1874, 27; 1875, 29; 1876, 20; 1877, 23.					

(f.)	1873.	1874.	1875.	1876.	1877.
Three months	2	...	10	7	3
Six months	14	4	3	4	3
Nine months	2	2	11	11	4
Twelve months	6	6	4	7	5
Eighteen months	4	4	5	1	6
Twenty-four months	1	4	3	5	7
(g.) Three years	6	3	4	8	4
Four years	5	2	3	...	3
Five years	1	4	...	1	3
Six years	3	...	...	...	...
Seven years	...	...	...	...	3
Ten years	...	...	...	1	...
Fourteen years	2	...	1	...	...
Life	3	...	...	...	...
Death	2	1	1	1	2

(h.) William Fisher, sentenced 10th July, 1873; sentence commuted to 10 years' penal servitude, 18th July, 1873; discharged by free pardon, 31st July, 1876. Himiona te Rua, sentenced 5th April, 1876; sentence commuted to penal servitude for life, 19th April, 1876. The reasons the above sentences were commuted are not stated in the pardons.

(i.)	1873.	1874.	1875.	1876.	1877.
Juvenile offenders (under 15)	7	14	6	7	18
(k.) Women and girls	214	189	238	255	242

Total for each year ... 1,011 964 1,165 1,101 939

(4.) A. By construction. (1.) Women of all classes are together. (2.) Penal servitude prisoners have a mess-room and exercise yard to themselves, and sleep in separate cells. (3.) Hard-labour prisoners have a mess-room and exercise yard to themselves, and these previously convicted sleep in separate cells. (4.) Prisoners waiting trial or on remand (males) have a mess-room and exercise yard to themselves, but sleep in associated cells. (5.) Debtors and boys have one mess-room and exercise yard between them, but are otherwise kept apart. B. Prisoners are so employed as to keep them classified as denoted in A (above) as much as possible, but penal-servitude and hard-labour convicts of necessity do much of the quarry work together. Prisoners employed in stone-breaking are each engaged apart from

the other, and, so far as it can be done, old offenders are kept at work away from prisoners convicted for first offences. At meals prisoners mess in the several mess-rooms mentioned in A, and they also exercise in the separate exercise yards denoted in the same answer. All prisoners sentenced to penal servitude or hard labour (except women and boys) attend service—Church of England in the hard-labour mess-room; Roman Catholic in the penal servitude mess-room; and other denominations in the hard-labour mess-room, in the afternoons; Maoris in the receiving-room.

(5.) No communication is permitted between the classes numbered 1, 2, 3, 4, and 5, in answer A.

5. Work done by Prisoners.

(1.) None.

(2.) There is no real distinction between hard labour and industrial labour, except that the former is compulsory. For hard labour, prisoners on taskwork have the task allotted, so that its performance may be an honest long-day's work, and, if they fail to perform it, punishment follows as a matter of course, unless ill-health is found to be a *bonâ fide* excuse. The term "industrial labour" may perhaps be applied to the voluntary labour of a prisoner not sentenced to hard labour. Such prisoners are not put on taskwork, but if they fail to perform a good day's work they forfeit the advantages accruing to their voluntary labour.

(3.) (a.) All the female prisoners are employed within the prison, and are engaged in making and mending prison clothing, in making clothing for other departments, and in washing the linen, bedding, and clothing, &c. of the Gaol, Hospital, Lunatic Asylum, and Old Men's Refuge. In other parts of the prison prisoners are employed in the cooking of provisions, and in cleaning the Gaol buildings, &c.; and also in the workshops prisoners are employed as follows: Carpenters in making handles for quarry tools, in doing Gaol repairs, and making coffins for Hospital, Lunatic Asylum, &c.; shoemakers in making boots and shoes for Gaol, Lunatic Asylum, and other departments, and repairing same; and blacksmiths in making quarry tools and other work. (b.) No women are employed out of the prison. Other prisoners sentenced to hard labour and to penal servitude are employed in quarrying stone, splitting and stone-dressing, spalling and stone-breaking in the Gaol quarry; and also hard-labour prisoners, under short sentences, in making and mending roads in the neighbourhood, in cleaning the Supreme Court and grounds, Government House and grounds, and other work from time to time ordered to be done in the neighbourhood of the Gaol, such as work for school-grounds or local improvements. (c.) Prisoners working together are not prevented from speaking to each other so long as it is no hindrance to their work, but no other communication is permitted. (d.) Carpenters, blacksmiths, shoemakers (one or two of each), and stone-cutters. There is no officer who is a practical tradesman, and the progress made is therefore only such as must be made by a new hand following the industry of the workmen, who are always kept employed. The time in which a trade may be learned sufficiently well to earn a livelihood depends entirely upon the aptitude of the learner.

(4.) In summer nine hours, and in winter seven hours. Prisoners are employed during the whole of these hours.

(5.) These three classes work very much together, and the value of the labour of each class cannot be separately ascertained. Last year, 1877, it was £35 14s. 7d. for each working prisoner (male).

(6.) Exertion-money is paid to prisoners for extra work as follows: Stonebreakers, 10d. per cubic yard of road metal broken in excess of task. Spallers, 9d. per heap of metal spalled beyond the task (each heap contains the quantity of metal allotted to one stonebreaker for a week's task); shoemakers, 1½d. for each pair of boots made (or work equal thereto) if six or more pairs made during the week; washerwomen, 1s. per week; needlewomen, 1d. per hour employed beyond ordinary working hours; carpenters, 1s. per week; blacksmiths, 1s. per week; storekeeper's assistant, 6d. per week; tailor, &c., for cutting out miscellaneous work, 6d. per week; clerks, one at 1s. per week, and one at 9d. per week. No payment is made on completion of sentence for marks earned.

(7.) Industrious habits are formed by prisoners in good health, who see the good effect of such habits upon their fellow-workmen—the best of whom, besides earning exertion-money, take a pride in showing themselves better workmen than their fellows. A man who "adopts" laziness throws off the habit as soon as he finds it does not pay.

(8.) If, after a fair trial, an able prisoner is found idling, his ration scale is lowered; continued idleness is punished by solitary rations and confinement; and, after this, further opportunity is given for him to set to work. If he is again wilfully idle, additional imprisonment is made to his original sentence, and this has always had the desired effect.

(9.) This depends entirely upon the locality, &c., of the gaol.

(10.) Since 1st January, 1877, as follows: The Borough of Parnell, £67 13s. 4d.; Auckland Harbour Board, £34 8s. 6d.; Mount Albert Road Board, £27; Karangahape Road Board, £13 16s. 9d.; Newmarket Highway Board, £47 11s. 9d.; Grafton Road Board, £219 14s. 7d.; Auckland Steam-packet Company, £10 16s. 8d.; Emigration Office, 12s.; Public Works, £327 11s.; Hospital, £218 7s. 4d.; Lunatic Asylum, £380 3s.; Old Men's Refuge, £67 17s. 10d.; Improvement Commissioners, £2 8s.; Shortland Gaol, £11 17s. 8d.: Total, £1,429 18s. 5d.

(11.) No.

(12.) No.

6. What Difference other than in Labour made between Penal-servitude and Hard-labour Men?

A different coloured dress for prisoners undergoing penal servitude; also separate cells for each Mess-room and exercise-yard apart from hard-labour men.

7. Special Provisions, if any, for Juvenile Offenders and Females and Lunatic Prisoners.

Juvenile offenders (males) are kept apart from the adults, both at work and at exercise, &c. There are no special provisions for females or for lunatic prisoners. Lunatics, except when merely suffering from *delirium tremens*, on receipt, are sent to the Lunatic Asylum.

8. *Food and Indulgences.*

(1.) Sale of rations for different classes:—

	RATION SCALE NO. 1.							RATION SCALE NO. 2.					
	Males.			Females.				Males.			Females.		
	A.	B.	C.	A.	B.	C.		A.	B.	C.	A.	B.	C.
Oaten meal ...	Oz. 7	...	7	Oz. 5	...	5	Oaten meal ...	Oz. 7	...	7	Oz. 5	...	5
Bread ...	24	28	32	16	20	24	Bread ...	16	20	24	12	16	20
Potatoes ...	16	16	...	12	12	...	Potatoes ...	8	8	...	8	8	...
Sugar ...	1	1½	1	1	1½	1	Sugar ...	1	1½	1	1	1½	1
Salt ...	½	½	½	½	½	½	Salt ...	½	½	½	½	½	½
Tea ...	...	½	...	...	½	...	Tea ...	...	½	...	...	½	...
Vegetables (mixed): carrots, turnips, and onions ...	2	2	2	2	2	2	Vegetables (mixed): carrots, turnips, and onions ...	2	2	2	2	2	2
Meat (weighed raw, without bone) ...	12	12	12	8	8	8	Meat (weighed raw, without bone) ...	6	6	6	6	6	6

RATION SCALE NO. 3.

Bread ...	...	...	...	...	...	Males.	Females.
						16 oz.	16 oz.

(2.) Punishment reductions from scale No. 1 to scale No. 2 or No. 3, and from No. 2 to No. 3. Prisoners on No. 2 rations who become industrious are placed on No. 1.

(3.) No. The ration scale is such as will enable a prisoner to perform hard labour and support his health. Any decrease would probably affect his body more than his disposition.

(4.) Not allowed.

(5.) Vegetables as food, and tobacco as an indulgence, are most desired. Reduced rations dreaded as punishment, and additional imprisonment especially so.

(6.) Such prisoners as have friends take every opportunity afforded for communication with them. Such visits have a beneficial effect, making prisoners bear imprisonment more patiently, and also serving to keep them as members of their several families, or to continue advantageous friendships. Prisoners look upon the withdrawal of any such privilege as a severe punishment.

(7.) Yes. The allowance for exertion-money as previously mentioned.

Medical and Hygeian.

(1 to 8.) These questions have been answered in writing by Dr. Philson, the Visiting Surgeon, and his replies are annexed.

10. *Religious and other Instruction offered.*

(1.) Church of England, 61; Roman Catholics, 60; Wesleyans, 4; Presbyterians, 14; others, 25.

(2.) The Bishop of Auckland and others, Church of England, every Sunday morning; Rev. Father Macdonald, Roman Catholic, occasional Sunday afternoons; Rev. Mr. Lawry and others, Wesleyan, every alternate Sunday afternoon; Rev. P. Mason, Presbyterian, every alternate Sunday afternoon; Rev. T. Hamer, undenominational, every Wednesday for one hour, and also visiting during that day; Maori ministers, Church of England and Wesleyan, every Sunday morning.

(3.) (a.) No report. (b.) Prisoners generally earnest and attentive, and desirous to attend service.

(4.) Church of England service is held in the hard-labour mess-room every Sunday morning, for penal-servitude and hard-labour prisoners (men), and is also occasionally held in the waiting-trial mess-room for female prisoners, and for prisoners waiting-trial, &c., and juveniles. Roman Catholic service is held every Sunday morning in the penal mess-room, and is conducted by an officer of the Gaol. Service is also held in the same room on such occasions as the priest may attend. Wesleyan and Presbyterian services are held on alternate Sundays (afternoon) in the hard-labour mess-room. Maori Church of England and Wesleyan services are held every Sunday morning, in the small room in which prisoners are dressed and washed on reception into Gaol during the week.

(5.) There is a harmonium which is used by a voluntary choir (prisoners) during Church of England service and occasional Roman Catholic services. It is also used by the choir for practice on Sunday afternoons.

(6.) There is a library of 114 volumes (which have been purchased during the present year) for the use of prisoners, subject to rules providing for the careful use of the books. The principal condition is that each prisoner shall produce his book (undamaged) for inspection once a week, a condition strictly complied with. The books most used are the works of Charles Dickens and other standard novelists, and also magazines.

(7.) (a.) None. (b.) Instruction daily by one of the officers of the gaol. (c.) Moderate.

(8.) Every opportunity that occurs is taken advantage of to encourage the industrious and well-disposed, but there is no regular system for attempting reform.

11. *Moral Effects of Imprisonment.*

(1.) (a.) Prisoners who render themselves liable to punishment do so from evil disposition, or from a want of thought. The existing punishments have been found to prevent a repetition of the offence by the same prisoners, and certainly to a great extent cause others to refrain from committing similar offences. (b.) They should each sleep in a separate cell, and should exercise and mess apart from previously-convicted prisoners. Every encouragement should be given to them to be well-conducted and industrious, in order that they may understand that by so conducting themselves they will reap benefit both in the prison and when they leave it. Self-interest is the most powerful persuasive force which can be urged to prevent them from coming again.

(2.) See answer B, page 49.

(3.) Women especially are crowded together without any distinction, and when discharged can only be expected to take refuge with some previously-discharged female prisoner, the majority of whom are unfortunates.

(4.) There is no Prisoners' Aid Society.

12. *Cost of Prison and Prisoners.*

(1.) The cost of buildings and additions is not within the knowledge of the Visiting Justices. Annual repairs are made by prison labour. No additions have been made to the furniture since the construction of the Gaol, except by prison labour.

(2.) Governor and Gaoler, £250; one Chief Warder, £150; one Storekeeper and Warder, £125; one Gatekeeper and Warder, £125; one Senior Warder, £125; three Overseers and Warders, £124 each; fourteen Warders, £112 each; one Matron, £90; one Assistant Matron, £60: total £2,865 per annum. Average per head of prisoners, £17 9s. 4d. (calculated on average number of prisoners during five years).

(3.) There is no distinction as to rations between penal-servitude men and hard-labour men. Last year (1877) rations cost £1,333 6s. 5d. Average cost per head for penal-servitude and hard-labour men, £10 8s. 3d.

(4.) With one.

(5.) No.

(6.) They are inspected on reception into the Gaol, and any fault found with them at any time, whether by the officers of the Gaol or by prisoners, is reported to the Governor, who sees that they are (if improper) replaced by proper supplies.

(7.) According to return for last year (1877), male prisoners sentenced to hard-labour, penal servitude, &c., £4,109 2s. 9d.; female prisoners (hard-labour), £1,070 4s. 9d.

(8.) The cost of penal-servitude and hard-labour prisoners, after deducting share of salaries and rations, £6 9s. 7d. This includes the expense of bedding, clothing, tools, &c., lighting, medical comforts, and every other item of expenditure.

13. *Pardons, Remissions, Petitions, and Recommendations.*

(1.) John Thompson, sentenced 5th January, 1875, to four years' penal servitude for embezzlement, first conviction; discharged by free pardon, 22nd May, 1876; amount remitted, one year and four months.

Neil Beaton, sentenced 6th October, 1873, to six years' penal servitude for larceny as a bailee, first conviction; discharged by free pardon 24th May, 1877; amount remitted, four and a half months.

James McKay, sentenced 5th January, 1872, to eight years' penal servitude for rape, and also condemned to pay costs incurred in his conviction; discharged by free pardon 3rd July, 1877, after serving two months' additional imprisonment for non-payment of costs; first conviction.

Daniel Donohue, sentenced 5th July, 1876, to three years' penal servitude for larceny; discharged by free pardon 29th December, 1877; amount of remission, one year and three months; eleven previous convictions.

(2.) (a.) Beaton, McKay, and Donohue on their own petitions; recommendations not known to the Visiting Justices. (b.) Beaton, ill health; McKay, inability to pay the costs ordered; Donohue, loss of sight of an eye through an accident while at his work. (c.) As stated above.

(3.) There have been no such cases.

14. *Special Suggestions.*

The only instances, other than those of a trivial character, are as follow: Drinking with prisoners while on escort duty, drunkenness, insubordination; three in all. In each case the offenders have been dismissed.

During the year 1877, 173 prisoners were received into the prison for breaches of the Vagrant Act, and 366 for drunkenness, most of the latter class offending for the express purpose of bringing themselves under the Vagrant Act. It is well known that a very large proportion of the prisoners, quite 20 per cent., are sent to the prison because they cannot earn a livelihood, and there is no other place to send them to. Such prisoners are in every way unprofitable, and it is suggested that some other place than a gaol should be found for men whose only offences are extreme poverty, arising from inability to work on account of old age, semi-idiotcy, or ill-health. Prisoners sentenced to one week and under should be kept apart from other prisoners at work; this class of men are of no service, and cause irregularities.

II.—IMPROVEMENT OF OLD PRISONS.

(1.) (a.) The new division should be kept for female prisoners only in order to classify them. Other accommodation would have to be made for debtors and waiting-trial, &c., prisoners. The buildings in the old division would not afford means for any further classification than the present. (b.) The separation for prisoners sentenced to seven days and under, as suggested in previous answer, would be more profitable than separation for first month of imprisonment.

- (2.) Decidedly so.
 (3.) It is more than would be sufficient for the district for such a purpose.
 (4.) (a.) The buildings are too extensive for subdivision into three classes only. (b.) See previous answer.
 (5.) Prison labour has not been employed in altering any of the Gaol buildings.
 (6.) In a great measure. The stone in the quarries is particularly well adapted for building purposes or for making concrete; it is convenient, and can be worked and dressed by prisoners. Carpenters' work also can be profitably done by prisoners.

WELLINGTON GAOL.

I.—AS TO THE EXISTING PRISONS OF THE COLONY.

1. A List of all Prisons, and the Purposes of the Prisons.

One prison used as house of detention and penal gaol. It consists of four separate buildings— one large building for male prisoners, and three small buildings in separate enclosure for female prisoners.

2. Description of each Prison.

(1.) It is built on a low hill on the western boundary of the city, its principal front facing the east. It is accessible for vehicles by a winding road, and is about three-quarters of a mile from the Courthouse.

(2.) Constructed partly of brick and partly of wood. Some of the newer parts are covered with corrugated iron.

(3.) Can be obtained at Colonial Architect's Office.

(4.) Floors of cells in penal-servitude side are double, with hoop-iron between the two thicknesses. All cells are lined and are moderately strong.

(5.) Prisoners under sentence of penal servitude (males) are kept in one wing, with its exercise yard. All other male prisoners are in central portion or new wing. Debtors have separate exercise yard. Female prisoners awaiting trial, or sentenced for a first offence, are kept in one building, with exercise yard. Other female convicts in another building, also with exercise yard. Each of the women's gaols has sheds for working in separate from the others.

(6.) Fifty cells. No dormitories or work-rooms. Prisoners pick oakum in the corridors and the sheds in the women's yards.

(7.) Cellular accommodation:—

	No. of Cells.	Size of Cells.	Height.	Cubic Contents.	No. Sleeping in each Cell.	Cubic Feet to each Person.
			Ft. in.	Ft.		Ft. in.
Penal side ...	8	12 ft. x 6 ft.	10 0	720	3	240 0
Corridor adjoining ...	10	7 ft. 9 in. x 6 ft.	10 6	488	Generally 1, sometimes 3	488 0 162 2
Awaiting-trial ward	3	10 ft. 4 in. x 6 ft. 8 in.	10 0	758	3	253 0
Hard-labour ward ...	9	12 ft. x 8 ft.	10 0	960	4	240 0
"	1	12 ft. x 12 ft.	10 0	1,440	6	240 0
Debtors' room ...	...	13 ft. x 9 ft. 10 in.	10 0	1,278	Seldom more than 3	426 0
Women's gaol, No. 1	6	10 ft. x 6 ft. 6 in.	12 0	765	1	765 0
" " No. 2	1	10 ft. x 7 ft.	12 0	840	1	840 0
" " No. 2	4	10 ft. x 6 ft. 8 in.	10 0	666	Generally 1, sometimes 3	666 0 222 0
" " No. 3	8	10 ft. x 6 ft. 8 in.	10 0	666	3	222 0

(8.) Annual average, 528; males, 440; females, 88.

(9), (10), (11), (12). See plan.

(13.) One in debtors' yard; three in penal yard; two in awaiting-trial yard; three in hard-labour yard; one in each of the women's gaols, two being earth-closets.

(14.) One in each of the yards in the men's gaol.

(15.) Iron gratings in outside walls and floors and ceilings of each cell.

(16.) Very good.

(17.) The site is an excellent one, easily drained, and very healthy.

(19.) Water is laid on from the reservoir by a two-inch pipe, and there are taps in the yards, to which a hose can be attached; but in case of a large fire the supply would not be sufficient. A length of 200 feet of hose is always kept in readiness, and on the occasion of a fire in November, 1876, which broke out in a shed in one of the yards of the women's gaols, it proved very efficacious, and enabled us to extinguish the fire without assistance. There is also a good well of water from which fire-buckets might be supplied.

3. *Prison Regulations in Force, and Discipline.*

- (1.) Regulations posted in Gaol and used.
- (2.) Strictly.
- (5.) The mark-system is carefully enforced, and the effect is decidedly good. The prisoners watch the returns as posted up, and are most urgent in deprecating anything that seems to interfere with their getting the full number of marks.
- (6.) None.
- (7.) Nominally there are five, but the senior is incapacitated from doing any duty by age and sickness. There are, therefore, practically only four.
- (8.) Visiting Justices visit the prison whenever they think fit, or when anything requires the presence of one or more.
- (9.) No reports are made.
- (10.) Skilled inspection absolutely necessary.
- (11.) Reception-book, property-book, day-book, ration-book, visitors'-book, punishment-book, book for entering visits of Visiting Justices, labour-book, store-book, cash-book, book for ministers of religion to record visits, letter-book, book for entering letters from prisoners' friends, book for entering letters received by prisoners, mark-book, Surgeon's journal and prescription-book.
- (12.) The mark-system and the school. "The Prisons Act, 1873," and the Prison Regulations
- (13.) Seventy-nine. The Visiting Justices.

Solitary Confinement.

24 hours	9	} Breaches of the Prison Regulations.
48 hours	...	...	...	13
3 days	...	...	...	9
6 days	...	...	...	1
7 days	...	...	...	6
14 days	...	...	...	2
				40	

Solitary Confinement, 24 hours of the time to be in the dark cell.

One day	1	} Breaches of the Prison Regulations.
Four days	1	
Seven days	8	
Fourteen days	1	
				11	

Solitary Confinement, 48 hours of the time to be in the dark cell.

Four days	1	} Breaches of the Prison Regulations.
Seven days	6	
Fourteen days	1	
				8	

Solitary Confinement and Irons.

Twenty-four hours and one month in irons; repeated violation of regulations of the Gaol	1
Fourteen days and one month in irons; using very violent and threatening language, and attempting to strike another prisoner with a long-handled shovel	1
Seven days and three months in irons; assaulting an officer of the Gaol in the execution of his duty	1
3	

To be kept in Irons.

For one month	1
Until further orders	2
3	

Solitary Confinement, and to forfeit Marks.

Forty-eight hours, and forfeit twelve marks	1
Seven days, and forfeit forty-two marks; using violent and threatening language	2
Seven days, and forfeit eighty-four marks; having a knife concealed on his person which he had made himself	1
Fourteen days, and forfeit forty-two marks; assaulting officers of the Gaol	2
Fourteen days, and forfeit eighty-four marks; one, assaulting officer, and one, assaulting another prisoner	2
8	

Prohibited from attending School.

For fourteen days	2	} Inattention at school.
For one month	1	
3		

Additions to Sentence.

Three months	...	...	...	2	Attempt to escape.
One month	...	...	...	1	Repeated violation of Gaol Regulations.

 3

(14.) Two by 3; three by 2; four by 4; six by 1; seven by 1; eight by 1.

(15.) 1873, 75 males, 19 females; 1874, 86 males, 20 females; 1875, 94 males, 34 females; 1876, 168 males, 75 females; 1877, 167 males, 68 females. Generally for drunkenness and vagrancy.

(16.) Prisoners are carefully examined on being brought to gaol, and their name, age, height, weight, and general appearance, with any particular marks they may have upon them, entered in the reception-book.

(17.) Two—one by running from the public works, and the other by getting over the Gaol fence; recaptured almost immediately and punished by Visiting Justices. Love of liberty.

(18.) Loss of liberty—being kept constantly and steadily at hard labour, and being unable to obtain newspapers.

19. Very often. It is given to them when they leave the prison.

4. Number, Classification, and Separation of Prisoners.

(1.) 1873—353 males, 43 females; total, 396. 1874—467 males, 59 females; total, 526. 1875—436 males, 97 females; total, 533. 1876—512 males, 104 females; total, 616. 1877—436 males, 91 females; total, 527. Grand total, 2,204 males, 394 females.

(2.) 528; 440 males, 88 females. Daily average—1873, 41½; 36½ males, 5 females. 1874—42; 36 males, 6 females. 1875—60; 48 males, 12 females. 1876—82; 70 males, 12 females. 1877—74; 64 males, 10 females.

(3.)	1873.	1874.	1875.	1876.	1877.	
(a.)	8	12	3	13	21	
(b.)	23	22	24	41	38.	All non-criminal.
(c.)	10	21	25	34	37	
(d.)	311	466	467	532	457.	This includes all classes, except those tried at Supreme Court.
(e.)	17	92	97	180	172	
(f.)	1	2	1	4	1	3 months.
	1	...	1	4	2	6 months.
	...	1	1	3	...	9 months.
	3	1	5	2	9	12 months.
	2	...	1	1	...	18 months.
	1	3	8	...	4	24 months.

(g.)			3	4	5	7	8	10	12	20
			Years.	Years.	Years.	Years.	Years.	Years.	Years.	Years.
	1873	...	...	...	...	...	...	...	...	...
	1874	...	3	...	...	...	...	...	...	...
	1875	...	...	...	...	...	...	...	...	...
	1876	...	1	...	...	1	...	2	...	1
	1877	...	3	3	2	...	2	1	1	...

(h.) Nil.

(i.) 1873, 3; 1874, 3; 1875, 8; 1876, 7; 1877, 2.

(k.)	1873.		1874.		1875.		1876.		1877.	
	Women.	Girls.	Women.	Girls.	Women.	Girls.	Women.	Girls.	Women.	Girls.
	43	...	53	6	92	5	100	4	88	3

(4.) (a.) Kept in a room by themselves, and have a separate exercising yard. (b.) Placed with those awaiting trial, unless too violent; then confined to their cell. (c.) Kept apart from convicted prisoners sentenced to hard labour, but drunkards and convicted prisoners not sent to hard labour are placed with them; also (b). (d.) If sentenced to hard labour, put with (f). (e.) Put with (c). (f.) Kept in a ward with those sentenced to hard labour or summary conviction, and have a separate exercising yard apart from all other prisoners. (g.) Have a separate ward and exercising yard apart from all other prisoners; they are also separate at Divine service. (i.) None, except confining them to their cells. (k.) Kept in separate gaols; have also separate exercising yards.

(5.) Penal-servitude prisoners can communicate with long-sentenced hard-labour prisoners at work only; not at all with other classes.

5. Work done by Prisoners.

(1.) At present none.

(2.) Hard labour: Making roads, breaking stones, and making bricks—males; picking oakum and washing—females. Industrial: Shoemaking, carpenters' work, painting, or any other useful trade—males.

(3.) (a.) Picking oakum, shoemaking, carpenter's work, and painting, by males. Picking oakum, washing and repairing clothing, and making their own wearing apparel, by women. (b.) Brick-making at the New Hospital site by the penal-servitude and long-sentenced hard-labour men; road-making at Hospital Reserve, Wellington Terrace, by short-sentenced hard-labour men. (c.) Association at work and at meals; mixing with bricklayers and bricklayers' labourers at New Hospital site, and with free labourers while putting bricks into and removing them from the kiln; at Wellington Terrace with carters and free labourers. (d.) Shoemaking only can be taught here at present.

(4.) Winter from 8 a.m. till 4 p.m., with one hour for dinner. Summer from 7 a.m. till 5 p.m., with one hour for dinner; thus the whole of the working hours are employed, in addition to which school is held in winter from 5 till 6.30 p.m.; in summer from 6 till 7.30 p.m.

(5.) (a.) About 5s. 6d. per diem in winter, 6s. 6d. in summer. Some of these men are honestly worth 8s. per diem, as from long practice they have become skilled labourers; it is impossible they can work harder than they do, as they must keep pace with the machine. (b.) The long-sentenced hard-labour prisoners are worth about the same; but some of the short-sentenced prisoners, forming about on an average one-sixth of the whole, are not worth more than, say, 3s. per diem in winter, and 3s. 6d. in summer. Thus, in a gang of 48 prisoners, there would be—in summer, 40 at 6s. 6d.—£13; 8 at 3s. 6d.—£1 8s.; total £14 8s., being an average of 6s. per man per diem; in winter, an average of about 5s.; on the entire year, taking one man with another, about 5s. 6d. per diem. (c.) None.

(6.) There is no extra work, prisoners work in associated gangs, and cannot be set a given task. No payment is made, but if a prisoner is found to be destitute, assistance is given him, in accordance with "Prisons Act, 1873."

(7.)

(8.) Punished by reduction of rations and close confinement, solitary if possible. Some years ago eight prisoners in a body refused to work. They were placed in cells, and told they should remain there until they asked to be allowed to go to work, however long the period might be. At the end of five days the confinement had become so irksome that every man had asked to go to work, some after as short a period as twenty-four hours. They never refused again.

(9.) Cannot answer the question.

(10.) None.

(11.) No.

(12.) There is about three acres of land unoccupied, but it is very rough and hilly, and could not be made available for a farm.

6. *What Differences other than in Labour made between Penal-servitude and Hard-labour Men?*

They are kept separate in the Gaol. No other difference.

7. *Special Provisions, if any, for Juvenile Offenders and Females, and Lunatic Prisoners?*

There are none. Same regulations apply to all as far as practicable.

8. *Food and Indulgences.*

(1.) See Regulations for the Public Prisons of the Colony, under "The Prisons Act, 1873," as to dietary, *New Zealand Gazette*, No. 22, 1876.

(2.) Reduction for punishment. No increase can be given. There is no power to do so, except in case of sickness—nor is it necessary, the ration being quite sufficient.

(3.) No.

(4.) Yes; one stick per week is given to each prisoner by authority of the Visiting Justices. They are allowed to smoke in the Gaol yards for a quarter of an hour twice a day (morning and evening). Pipes are given to them and collected at the expiration of that time.

(5.) Tobacco. Irons. Deprivation of tobacco, and the privilege of seeing their friends; also solitary confinement, if it could be carried into effect.

(6.) Yes; it materially lessens the punishment.

(7.) No; there is no extra work here.

9. *Medical and Hygeian.*

(1.) The Wellington Gaol is most favourably placed on high land; and at a considerable distance from other buildings. Its construction is old fashioned and patchy, and suffers from the usual effect of additions—viz., deficient light and ventilation. The sewerage is good.

(2.) The health of the prisoners is very good.

(3.) The deaths during the last five years were—in 1873, 3—2 males and 1 female; 1874, nil; 1875, nil; 1876, 1 male; 1877, 1 male.

(4.) No endemic or epidemic disease has appeared in the Gaol.

(5.) and (6.) The rations are sufficient, and prisoners generally improve in physique during detention.

(7.) Hospital arrangements—there are none.

(8.) The Medical Officer has performed the duties at the Wellington Gaol, in conjunction with Hospital work, for about fifteen years, but without legal authority.

10. *Religious and other Instruction offered.*

(1.) Average for five years ending December, 1877: Church of England, 263; Presbyterians, 56; Wesleyans, 18; Independents, 1; Baptists, 5; Roman Catholics, 156; no religion, 2; Lutherans, 15; others, 13.

(2.) Church of England: The Ven. Archdeacon Stock, first Sunday in every month, and occasionally visits prisoners. The Rev. Charles D. de Castro performs Divine service every Sunday morning, and occasionally visits prisoners. The Rev. T. Porritt plays the organ on Sundays, and occasionally performs Divine service. Roman Catholic: Rev. Father Kerrigan performs Divine service generally every Sunday afternoon, and frequently visits prisoners, to whom he sometimes administers the sacrament.

(3.) (a.) No means of knowing what they report themselves. (b.) It relieves the monotony of Sunday. Many prisoners would not attend unless they were compelled to do so.

(4.) Divine service is performed in the hall and corridor. The penal-servitude men are seated by themselves near the minister; the hard-labour men immediately behind them, but separated from them

by open iron gates; those on remand or committed for trial behind the hard-labour men. The debtors who choose to attend are seated near the entrance door. The female prisoners are brought into the debtors' room, where they can see the minister and be seen by him, but not by the male prisoners.

(5.) There is a small organ, which is used at Divine service on Sundays, but at no other time. There is both music and singing at the Protestant service, but not at the Roman Catholic. There is no music or singing taught on wet days.

(6.) Bibles and Prayer-books are provided for the prisoners, and there is a library of 500 volumes, consisting of Chambers's Edinburgh Journal, Chambers's Miscellany, Good Words, Sunday at Home, Leisure Hour, Household Words, All the Year Round, Cornhill Magazine, McMillan's Magazine, Family Herald, Cassell's Magazines, and a quantity of others. A catalogue is handed to the prisoners every Saturday afternoon, from which they select the books they require. These are returned the following week, and fresh books issued. The library is very much appreciated. Books most used are those containing amusing and interesting stories, such as the Family Herald, London Journal, or Cassell's Magazine. Sometimes we get a man who would read a scientific work or a book of travels, but very seldom. They do not care for such books as a rule.

(7.) Reading, writing, and arithmetic are taught for an hour and a half every evening. Educated prisoners act as schoolmasters. Good work has been done. Many prisoners have been taught to read and write who could not do so on entering the Gaol; others have improved very much in both reading and writing. We never have juvenile offenders for a sufficient length of time to teach them anything—seldom more than a month. They are kept in their cells, apart from the other prisoners, and the schoolmaster teaches them what he can, as opportunity offers.

(8.) Ladies from the Christian Association visit the women every Saturday afternoon. They read to them, talk with them, and offer to find them employment when they leave the Gaol if they will conduct themselves properly. A gentleman (Mr. Morpeth) visits the male prisoners for a similar purpose, by permission of the Visiting Justices. He also occasionally visits the women.

11. *Moral Effects of Imprisonment.*

(1.) (a.) Existing punishments, as a rule, do not deter men from committing crime. Most offences are committed while under the influence of intoxicating drink, and when men are not sober. They are utterly regardless of consequences, and will continue to commit offences, no matter what the punishment may be.

(2.) They are kept apart from hardened offenders as much as possible.

(3.) There are two men at the present time in the Gaol that are causing a very great amount of trouble by inciting other prisoners to acts of insubordination and attempts to escape. They will also incite them to commit robberies when they leave the Gaol. If men of this class could be kept separate from others, it would tend very much to preserve order and discipline in the Gaol. Under existing circumstances they are a source of constant anxiety and insubordination.

(4.) No.

12. *Cost of Prisons and Prisoners.*

(1.)

(2.) Salaries in aggregate, 1877: January, £161 10s. 2d.; February, £148 16s. 8d.; March, £161 10s. 2d.; April, £156 11s. 8d.; May, £161 10s. 2d.; June, £155 5s. 8d.; July, £160 16s. 2d.; August, £161 10s. 2d.; September, £156 11s. 8d.; October, £154 3s. 2d.; November, £155 19s. 8d.; December, £162 16s. 2d.: total salaries, £1,897 1s. 6d. Salaries in detail: Gaoler, £350; Matron, £50; two turnkeys, one at 10s. and one at 9s. per diem; three under-turnkeys at 8s. 6d. per diem; two overseers at 7s. 6d. per diem; three overseers at 7s. per diem; one female turnkey at 4s. per diem. Total salaries, £1,897 1s. 6d.; per head, £25 12s. 8½d. Rations, £797 7s. 9¼d.; per head, £10 15s. 6d. Sundries, £489 16s. 7½d.; per head, £6 12s. 5d. Total annual cost, £443 0s. 7½d. Cost per diem, 2s. 4¼d.

(3.) Cost of rations in aggregate for 1877, £797 7s. 9¼d.; cost per head, £10 15s. 6d. (a), (b). The cost is the same for penal-servitude and hard-labour prisoners.

(4.) Meat from J. and H. Barber; all other food-supplies from T. Whitehouse.

(5.) Some of them deal occasionally with both, as they would with any other tradesman in the town, and pay current rates for all they purchase. None of them are supplied by contract or at contract price.

(6.) The supplies are inspected by the chief officer immediately they are brought to the Gaol, and if found to be deficient in quantity or quality he at once informs the Gaoler, who immediately has the matter rectified.

(7.) See answer to question 5, section 5.

(8.)

13. *Pardons, Remissions, Petitions, and Recommendations.*

(1) and (2). Alexander McDonald, sentenced to three years' penal servitude for shooting a horse; no previous conviction; amount of remission, one year and eight months. (b.) Not known.

Henry McCaull, sentenced to two months' imprisonment for damaging a trig. station; no previous conviction; amount of remission, one month and eleven days. (b.) Not known.

Richard Gordon, sentenced to two years' imprisonment with hard labour for horse-stealing; no previous conviction; amount of remission, one year and ten months. (b.) Prosecutor alleged to have committed perjury.

James Mackay, sentenced to seven days' imprisonment for assault; no previous conviction; amount of remission, four days. (b.) Petition by the inhabitants of Wellington.

(3.) None.

14. *Special Suggestions.*

A system of increased pay for long service, with the certainty of a pension or superannuation allowance after a period of fifteen or twenty years, or on a man becoming unfit for further service from

injuries received in the execution of his duty, would be a great inducement for men to remain in the service, and thus increase their efficiency. The duties of a gaol officer are at all times very trying and arduous, and tell upon the constitution far more than many other occupations.

The duties in this Gaol would be more efficiently performed if an additional officer were appointed, as the hours in summer are very long. With an additional officer two reliefs could be made, one-half of the men coming on duty at 5 a.m. till 5 p.m., and the other half from 7 a.m. till 8 p.m.

The senior under-turnkey, who has charge of the penal-servitude gang, should be promoted from under-turnkey, at 8s. 6d. per diem, to turnkey, at 9s. per diem. At present, although he has all the responsibility, he has no more pay than some of the officers who are under him, and who are bound to obey his orders.

That in future the staff should be as under: One turnkey, 10s.; two turnkeys, 9s.; three overseers, 8s. 6d.; three overseers, 7s. 6d. (that is, an increase of one overseer at 7s. 6d., and a decrease of one at 7s.); two overseers, 7s.

The Matron also complains very much of her salary being only £50 per annum, while that of the female turnkey is £73.

It does not seem possible to reduce the cost of the Gaol.

II.—IMPROVEMENT OF OLD PRISONS.

(1.) No satisfactory replies can be given to this. A sufficient outlay might render the present building much more available for classification and separation of prisoners than it is at present, but it is doubtful whether it could ever be made suitable for all the classes of prisoners now confined in it.

(2.) The present buildings are not much more than sufficient for a non-criminal prison for the district, if proper classification is carried out.

(3.) With the necessary alterations, yes.

(4.)

(5.) A large house has been built for the Gaoler entirely by prison labour. A very valuable site levelled for new buildings, all material for new buildings placed on the ground, and all labouring work done. More recently, extensive repairs have been effected, two of the prisoners working as carpenters with the free men, and doing quite as much work. All plumbing work required and painting has also been done by prison labour.

(6.) Under proper direction—to almost any extent.

LYTTELTON GAOL.

I.—AS TO THE EXISTING PRISONS OF THE COLONY.

1. *A List of all Prisons and the purposes of the Prisons.*

For males and (6) females; for prisoners awaiting trial; for prisoners convicted and sentenced to penal servitude; as also for other prisoners sentenced to various terms of hard labour; for debtors, lunatics, &c.

2. *Description of each Prison.*

(1.) It is situated in Lyttelton, near the centre of the town, and has an imposing appearance as regards stability and security. It is easy of access, both by rail and water, and is adjoining the Resident Magistrate's Court, but distant from the Supreme Court, which is held in Christchurch.

(2.) All new portions of the prison building are of concrete, the old portions are of wood and iron, which are being swept away as fast as the new is completed.

(3.) A complete set of plans, as it is intended the prison would be when completed, were forwarded to the office of Minister of Justice on the 24th December, 1877. There are no plans of the old portions of the prison now standing.

(4.) Cellular accommodation, except in special circumstances.

(5.) No provision for separate classification, except for refractory prisoners and those under a sentence, by Visiting Justices, of special separate treatment through misconduct. There are also separate divisions of the prison for debtors and females. It is intended to conduct the prison on separate-system principles.

(6.) At present 121; but when completed as per plans, 204.

(7.) As intended as per plan, 185 separate cells; dormitories, 5; working-rooms, 8, viz.: Printing office, Nos. 1 and 2, 25 x 17 x 12 each; tinsmiths, &c., No. 3, 21 x 17 x 10; painters, No. 4, 21 x 17 x 10; blacksmiths, No. 5, 45 x 17 x 10; tailors, No. 6, 23 x 24 x 10; shoemakers, No. 7, 34 x 24 x 10; carpenters, No. 8, 46 x 25 x 10. One prisoner in each cell; 185 cells; average cubic feet of air per cell, 478.

(8.) Daily average number of prisoners—1873, 66; 1874, 85; 1875, 89; 1876, 98; 1877, 102.

(9.) One work yard, 70 x 76; one general exercising yard, 77 x 78; one refractory ditto, 67 x 11; and one ditto for females, 41 x 25.

(10.) According to plan, will have all meals in separation in their cells.

(11.) One kitchen, 22 x 22 x 14.

(12.) Five baths; lavatories in cells, except for bathing.

(13.) Eight for criminal male prisoners, built of concrete in a recess in divisional wall, with half-doors, so that all prisoners can be seen at all times, and when standing, yet can be decently hidden. In general exercising yard—one for debtors, one for refractory prisoners, and one for females, in their respective divisions.

(14.) Two for criminals; one for debtors; one for refractory division.

(15.) Open-bar grating over each door of cell in front, through all concrete buildings, and in rear wall air-bricks leading in shafts built in the wall. No heating apparatus, but each cell is lighted by gas.

(16.) Only water drainage, which is connected with main sewer of town, which is only for water sewerage. The soil from the closets is removed three times per week, and oftener if considered necessary, to the position allotted by Borough Council for such purpose, to be washed away by the sea. Four prisoners, accompanied by an officer, leave the prison in early morning for this purpose.

(17.) As before stated, this prison is easy of access, and, by the materials used in construction—namely, concrete—may be considered, when finished, proof against escape from within. The divisional separate cells, 185, are and will be complete (according to English-prison arrangements) in all that is requisite for the proper working of a prison on separate system, especially so when the prisoners located therein are employed on public works. The accommodation will be considerably increased when the prison is completed. The baths are of concrete, and, when the new kitchen is built, hot water will be laid on; then the bathing accommodation will be more complete than at present. Only cold water is now supplied to the baths, and there are not sufficient means to prepare hot water in large quantity.

(18.) Is already adapted for separate confinement by cellular accommodation; and hard and industrial labour by employment on roads and other works; and trade employ in the shops, as far as practicable.

(19.) No special means. Nearly the whole of the prison building will be fire-proof, being of concrete; and, if the balconies are floored of slate or stone (the present ones to the new wing are of wood), no difficulty would be likely to occur to prevent the removal of the prisoners before any material injury could arise by fire.

3. *Prison Regulations in Force and Discipline.*

(1.) Yes; as directed in Prison Regulations, 18th March, 1875. Rule 88.

(2.) No.

(3.) The following rules and regulations have been departed from, viz. :—

Paragraph 18, "Prisons Act, 1873." Debtors are separated from criminals, but not altogether, in that they are within observation, and criminal prisoners sometimes are reported for corresponding with them by signals.

Paragraph 26, "Prisons Act." Gaolers have received power to give separate confinement for twenty-four hours. Various trivial privations, such as stoppage of gas-light, bed, marks, tea, &c., for minor offences—not of sufficient importance to be brought before a Visiting Justice—have been inflicted by the Gaoler, subject to the subsequent approval of the Visiting Justices.

Prison Regulations, 18th March, 1875 :—

Sec. 16. Singing is permitted in Church services.

Sec. 20. Detrimental to discipline for prisoners in association to be made officially acquainted with each others' offences, antecedents, &c.; and, as prisoners in this prison are nearly all under cellular treatment, the rule does not apply. On the outside of each cell door is a card, notifying name, offence, sentence, religion, and date of conviction.

Sec. 27. No opportunity for keeping prisoners awaiting trial apart from convicted criminal prisoners.

Sec. 30. Except at Christmas, when one pint of beer has been allowed to such prisoners who chose to take it.

Sec. 34. Prisoners awaiting trial are compelled to wear prison clothing (but it is of different colour to convicted prisoners), as it would not be safe to have prisoners in private clothing with penal-servitude prisoners under long sentences; and there is no means of separation at this prison.

Sec. 45. Prisoners' hair and whiskers are allowed to grow two months before liberation, as one month in many cases is not sufficient to grow hair (if it is kept properly cut short in prison); and to be discharged with short hair might be detrimental to prisoners' interest on discharge, which it is best to avoid.

Sec. 57. There is no infirmary or proper place for sick prisoners; but, when the prison is finished building, probably will be, as it is noted on plans.

Section 59. No school at this prison in consequence of its rebuilding, &c., but prisoners are supplied with educational books in their cells according to their capabilities, as also with slate, pencil, &c.

Section 102. No Surgeon's journal kept. There being no hospital accommodation, all the subordinate appendages required by regulations are not carried out.

(4.) Answered in replies to No. 3.

(5.) Yes. Very good.

(6.) There are no objections of any import, except from the Gaoler, regarding prison rules. The Gaoler feels his hands tied daily in consequence of Rule 26 in Prisons Act, offences being committed with impunity because it is known it is not expedient to bring prisoners for every trifling offence before a Visiting Justice; it also lessens the influence of the Visiting Justices in the eyes of the prisoner in a great degree to be always sitting to determine on every petty occasion, and makes the Gaoler a laughing-stock—a person in authority without power. Visiting Justices should only be called upon to determine in serious cases, on a settled Board day. The same remarks apply in a degree to the subordinate officers of the prison, who cannot be dealt with for minor neglect of duty, &c., without being brought before a Visiting Justice, and it is hurtful to the officer, in his own eyes and the eyes of his fellow-officers, to be continually arraigned before the Visiting Justices. In a prison where discipline is enforced, many things necessarily occur which are not of sufficient import to be brought before a Visiting Justice, yet which it is detrimental in the interest of the service to pass over.

(7.) Three.

(8.) Visits irregular. A journal kept, but names not always entered; in fact, the Surgeon, being a Visiting Justice, is chiefly available. Approximately: Surgeon as Visiting Justice visits, say, four times a week; one Visiting Justice, twice a week; one, occasionally.

(9.) Owing to defective office accommodation no regular reports have been furnished by Visiting Justices.

(10.) Yes; it is very advisable that some one with a practical knowledge of prison administration should make periodical inspections.

(11.) As per Prison Regulation No. 93, except paragraph 8. Are posted up to date.

(12.) The prison has been entirely remodelled, the greater portion has been removed, and other buildings erected by order of the Provincial and General Governments.

(13.) Punishments:—	1873.	1874.	1875.	1876.	1877.
Solitary confinement on bread and water	12	15	28	49	32
Other punishments	7	2	3	51	181
	19	17	31	100	213

Total, 380 punishments in 5 years.

Solitary on bread and water	...	...	...	...	136
Other minor privations	...	...	...	...	244
Total	...	...	...	...	380
				Idleness, Insolence, and Insubordination.	Minor Offences.
By Visiting Justices	...	...	...	136	68
Gaoler	...	...	...	...	176
Total	...	...	...	136	244

(14.) Punished:—	Number of Times.										
	1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.
Number of prisoners ...	72	26	14	14	4	3	1	1	6	4	1
Realizing reports ...	72	52	42	56	20	18	7	8	54	40	11

Total reports, 380.

(15.) Prisoners recommitted	...	1873.	1874.	1875.	1876.	1877.
	...	51	59	77	75	95

Total, 357.

(16.) Yes, as per Rule 25, Prison Regulations, 18th March, 1875.

(17.) G. F., 6th November, 1875. Attempted to burrow a hole under temporary shelter shed on work, but was detected in the act; had just received six years' penal servitude; was awarded fourteen days' solitary on bread and water, and to serve an additional probationary period.

E. H., A. W., W. T., 29th April, 1878, attempting to cut around lock-plate of cell door during the night. One succeeded, but was captured by the night-watch officer in the prison yard. (In consequence of building work being carried on, tools had been in use, and were lost by a freeman, yet not reported. He was cautioned by the Visiting Justices for neglecting to report the same.) E. H. and A. W. were awaiting trial for garrotting; and, as one of them had just been released from Dunedin Gaol, after having served a period of penal servitude, they expected heavy sentences. W. T. was already under a sentence of ten years. P.S.—The two awaiting trial were sentenced to wear irons till date of trial, and one of them who assaulted the night-watch officer was also awarded fourteen days' bread and water. The other was sentenced to wear irons and parti-coloured suit, and fourteen days' bread and water.

P. C., 19th June, 1878. Bolted from under supervision on road-works. Was pursued by officer, and recaptured. Was committed for trial at Supreme Court for attempting to escape from legal custody, but was indicted by Crown Prosecutor for being illegally at large. His Honor Mr. Justice Johnston decided that as the prisoner was hotly pursued he was not at large, and being wrongly indicted (though he pleaded guilty) was found not guilty. He was sentenced by Visiting Justices to wear parti-coloured suit for three months.

(18.) No complaints.

(19.) Yes, in accordance with Rule 24, Prison Regulation of March, 1875. Is given to the prisoner on his discharge, unless otherwise directed by law.

4. Number, Classification, and Separation of Prisoners.

(1.) 1,665, viz.—Received, 1,615*; in custody on 31st December, 1872, 50=1,665.

(2.) Year 1873, 66; 1874, 85; 1875, 89; 1876, 98; 1877, 102.

(3.) (a.) 163

(b.) 185

(c.) *195

(d.) 995

(e.) 20

(f.) 129 3 months. 6 months. 9 months. 12 months. 18 months. 24 months.

14 14 18 37 12 44=129.

* 158 as returned under (c) also included in (f) and (g), which, deducted, leaves 1,615 as total number admitted during five years.

(g.)	72	3 yrs.	4 yrs.	5 yrs.	6 yrs.	7 yrs.	8 yrs.	9 yrs.	10 yrs.	13 yrs.	15 yrs.	20 yrs.
		28	11	8	5	6	1	1	9	1	1	1=72.
(h.)	1	On recommendation of jury.										
(i.)	2	Under 15 years of age.										
(k.)	11											

1,773

- (4.) Separate quarters for each (a) and (k) by (A) construction.

B. By discipline.

- (a.) *At work*.—(a), (b), (c), (k), are not employed at hard labour, but if they work at all are separate from each other and from criminals.
 (b.) *Meals*.—(a), (b), (i), (k), are separated from each other and the other criminal prisoners.
 (c.) *Exercise*.—(a), (b), (i), (k), exercise in their respective divisions separate from other criminals.
 (d.) *Divine Service*.—(a), (b), (i), (k), are seated apart from other prisoners.

- (5.) General communication, except (a), (b), (i), (k).

5. *Work done by Prisoners.*

- (1.) None.

- (2.) Road-making, &c., and prison-building.

(3.) (a.) Printing, shoe-making, tailoring, and mat- and hammock-making. (b.) On roads, Domain and Orphanage grounds, &c., both by hard-labour and penal (male) prisoners. (c.) General, but conversation only permitted to each other regarding their work; none between prisoners and public, except casually to such free men as are employed on the works on special occasions, such as carters, &c., and then only regarding the work in question, in the hearing of the officer on duty. (d.) As above under (a), printing, &c.; as a pressman or bookbinder, twelve months; as a compositor, two years; shoemaking and tailoring, from twelve months to two years; mat-making, about six months.

(4.) According to Rule No. 119, Prison Regulations, March, 1875. In performance of prison duties, cleaning, &c.

(5.) (a) and (b.) Labourers 4s., and mechanics 5s. or 6s. per diem, according to ability. (c.) None.

(6.) No; but an allowance is granted to destitute prisoners on discharge—from 1s. minimum to £2 maximum—according to sentence, destitution, and extra zeal and ability in performance of industrial labour whilst under sentence, such as No. 3 (a) above.

(7.) Regularity of employment, coupled with strict supervision, and as a reward for continued good conduct to train them in industrial occupations, according to their fitness and abilities.

- (8.) Punished.

(9.) By employment according to their abilities, under trained officers, in such trades whereby Government work can be executed.

(10.) Immigration Office and Police Department, Christchurch, are the only bodies who have paid for prison labour. Printing: Police Department, September, 1877, £2 11s.; Immigration Office, January, 1878, £3 7s. 6d. Work as a rule is only performed for General Government, and therefore cash transactions do not take place.

- (11.) No.

- (12.) None.

6. *What Differences other than in Labour made between Penal-servitude and Hard-labour Men?*

None at present.

7. *Special Provisions, if any, for Juvenile Offenders and Females, and Lunatic Prisoners.*

As a rule—unless for sentences not exceeding four days—juvenile and female prisoners are committed to Addington Gaol, and lunatic prisoners are kept separate as far as possible till a warrant is obtained for their removal to Asylum.

8. *Food and Indulgences.*

(1.) As per Prison Regulations, March, 1875, and as per Circular No. 21, of 2nd June, 1875, namely, 16 lb. mixed vegetables and $\frac{3}{4}$ oz. pepper per 100 rations. The above adhered to except in such cases where, on medical grounds, the Surgeon directs otherwise.

(2.) No increase as an encouragement but a decrease as a punishment, in accordance with No. 3 Ration Scale, of March, 1875; except only 1 lb. of bread is issued.

- (3.) Yes.

(4.) Yes, 2 oz. weekly to all prisoners at hard labour whose sentences exceed one week: good conduct with industry the condition of its continuance. On representation by the Gaoler to the Government that prisoners who were not habituated to smoking were encouraged to do so—and, if not, the providing them with tobacco was a source for trafficking, which system is detrimental to prison discipline—the Government were pleased to accede to his request that those prisoners entitled by labour to draw tobacco should have placed to their credit the value of the tobacco they did not draw, as an amount to be granted to them on discharge.

(5.) Tea ration—in lieu of meat and tobacco—is most coveted, and the deprivation of tobacco to those who use it is most dreaded. Separate treatment, and the deprivation of gas-light of an evening, is also much felt.

(6.) Yes, but not so much as they were, on account of restriction now imposed during the interview. If repeated too frequently they have an injurious effect on the prisoners, and it loses that appreciation which it ought to have as a privilege. If granted as an encouragement to only well-conducted prisoners, it has a beneficial effect; but if every prisoner, well conducted or otherwise, has an interview whenever any person choose to ask to see him, it destroys its value.

- (7.) No.

9. *Medical and Hygeian.*

(1.) The prison has always been exceptionally healthy, and has generally escaped any complaint prevailing in the neighborhood.

(2.) Good.

(3.) In five years, three deaths—one by hanging, one by accidental injury on works, and one convulsions (an habitual drunkard). Average deaths outside prison, 56 annually. Population, 3,400.

(4.) None.

(5.) Rations sufficient; for short-time prisoners, excessive.

(6.) The prisoners generally keep up a state of health fully equal to admission. In individual cases moral causes depress their physical condition, producing languor and general weakness.

(7.) None, or next to none. There is a portion of the old prison, a shed, which is termed the hospital. It is only 9 x 15. It contains three beds, and whenever prisoners are committed for medical treatment through lunacy from drink, they have to be accommodated there, as also prisoners who have charge of them to prevent them doing any damage. Ordinary cases of sickness are dealt with in their own cells, or wherever the circumstances of the prison will best admit. An hospital is provided for in the new place.

(8.) Proper hospital accommodation urgently needed, with arrangements for office work, keeping journals, &c.

10. *Religious and other Instruction offered.*

(1.) Average for the three years ending December, 1877: Church of England, 189; Roman Catholics, 73; Presbyterians, 44; Wesleyans, 11; others, 23.

(2.) The Sunday services are as follow, viz.: On first Sunday in each month, Wesleyan minister; on last Sunday, Presbyterian minister; intermediate, Church of England. A service of one hour at 3 p.m. The Roman Catholic priest attends every Sunday at 10 a.m., except on the last Sunday in each month, when he is absent from Port Lyttelton. The clergyman of the Church of England and the Roman Catholic priest attend nearly every Saturday afternoon to converse with such prisoners of their respective persuasions who have given in their names to the officer at the appointed time. The Wesleyan and Presbyterian ministers attend on week-days after working hours, whenever it is intimated to them that a prisoner has expressed a wish to see them.

(3.) (a.) By Clergymen: That though every attention is paid to their ministrations, yet there seems to be artfulness, craftiness, &c., underlying the actions of the prisoners in general. However, bright spots do appear at times, and instances of reformation are apparent in some few cases, particularly in those not sunk very deep in vice. (b.) By Officers of Prison: That prisoners appreciate the Church services—with the exception of a few dogged ones—for the sake of the break in their monotonous existence. There are a few who seem to be in earnest, and who repeatedly ask—if an associated ward—for removal to a separate cell; as association is detrimental to any attempt at right-living, tending to further contamination.

(4.) Being no chapel, prisoners are assembled in mess-room, a desk being provided for the Chaplain. Books are provided for the several denominations.

(5.) Singing is allowed in the Church services, the choirs practise on Saturday afternoons, and on Sundays before the services. On wet days, other than Sundays—being working days—they do not sing, but pick oakum.

(6.) Bible, prayer, and hymn books for Church services of the different denominations, also scholastic and library books for reading in their cells. Novels (selected and approved by the authorities before being admitted to the library) and travels, and bound monthly magazines, such as "All the Year Round," "Chambers's Journal," "Sunday at Home," "Good Words," &c.

(7.) Slates, pencils, and scholastic books are supplied to prisoners in their cells, and are much used. Cellular instruction only is given in consequence of the unsettled state of the prison in rebuilding. Several prisoners have much improved, principally in reading, writing, and in the elementary rules of arithmetic.

(8.) Special cases—in which it is deemed advisable—are brought privately to the notice of the clergymen of their respective denominations, so as, should occasion present itself, to counsel and advise.

11. *Moral Effects of Imprisonment.*

(1.) (a.) No moral effect on hardened criminals. (b.) Short sharp sentences, on silent system and low diet, with monotonous employment and strict discipline; with no indulgences of visits, tobacco, &c.; instead of, as at present, ample food, full association, outdoor employment, and the use of tobacco.

(2.) It is impossible to tell who is recently lapsed; but prisoners apparently on first conviction are cautioned and advised how to proceed, and placed under separate cellular treatment. Juveniles are not committed to this prison, but to Addington.

(3.) No actual result of contamination is known; but the system of association, especially by night, is undoubtedly corrupting to first offenders. When the prison is completed, all will be under separate system.

(4.) No.

12. *Cost of Prisons and Prisoners.*

(1.) No data at hand on which to obtain this information. All work *re* building is done by District Engineer Department, and accounts are passed through that department.

(2.) Aggregate, £2,336 10s. 6d. for the year ending December, 1877. Detail, as per December, 1877, pay-sheet: Gaoler, £300; Matron, £25; Chief Warder, £146; two Principal Warders, £136 17s. 6d. each; five Warders, £127 15s. each; five Assistant Warders, £118 13s. 6d. each; Foreman of Works, £200 15s.; Surgeon, £100; Clerk, £150 per annum. Average per head of prisoners, £22 16s. 4d. per annum, or 1s. 3d. per diem. (Five of the Warders received £25 per annum in lieu of quarters, fuel, and light, which amount is included in the aggregate.)

(3.) Aggregate, £1,169 19s. 10s. (a.) Average per head per annum, £11 8s. 6d. (b.) Average per diem, 7½d.

(4.) Two.

(5.) No.

(6.) By Medical Officer and Visiting Justice frequently. By Gaoler (or, in his absence, the Chief Warder) daily.

(7.) Estimated value of labour at this prison for the year 1877 was as follows, viz., £5,470 14s. 7d., which, divided by number of hard-labour and penal-servitude prisoners during the year, gives value of labour for each prisoner as 4s. 7½d. per diem.

NOTE.—Prisoner's earnings	...	...	...	...	...	£	s.	d.
						5,470	14	7
Expenditure :—								
Salaries	...	...	...	...	£2,336	10	6	
Rations	...	...	...	...	1,169	19	10	
Contingencies	...	...	...	...	1,045	16	10	
						<u>4,552</u>	<u>7</u>	<u>2</u>

To credit of prison after all disbursements £918 7 5

Or per prisoner per annum 8 17 2

The expenditure incurred by fifteen prisoners of an average daily during the year is charged against the value of labour, though as non-effectives they added nothing to the earnings.

(8.) £1,045 16s. 10d. in aggregate, or £10 4s. 3d. per annum, or 6½d. per diem.

13. Pardons, Remissions, Petitions, and Recommendations.

To 31st December, 1877.

(1.) Francis Walstab, obtaining money by false pretences, two charges, apparently first, two years on each charge (concurrent); three months and seven days.

Alex. McKenzie, bestiality, apparently first, ten years' penal servitude; three years and six months.

Richard Wood, larceny, apparently first, two years' hard labour; four months and twelve days.

James Tucker, horse-stealing and escape from legal custody, apparently first, four years' penal servitude and one month's hard labour; one year and two days.

Edwin Bowen Scott, obtaining goods by false pretences, apparently first, one year's hard labour; four months.

(2.) (a.) On whose petition.

By whom recommended.

F. W.	...	Not known	...	Not known.
A. McK.	...	Prisoner's	...	Gaoler and Visiting Justice.
R. W.	...	—————	...	Surgeon, Gaoler, and Visiting Justice.
J. T.	...	Prisoner's	...	Surgeon, Gaoler, and Visiting Justice.
E. B. S.	...	Prisoner's	...	Gaoler and Visiting Justice.

(b.) The grounds urged.

(c.) Amount granted.

F. W.	...	Not known	...	...	Three months and seven days.
A. McK.	...	Youth and good conduct	...	...	Three years and six months.
R. W.	...	Accident on prison works	...	...	Four months and twelve days.
J. T.	...	Epileptic fits	...	...	One year and two days.
E. B. S.	...	Money arrived at Bank from England to his credit a few days after he issued the cheque which was dishonored	...	...	Four months.

(3.) Nil.

14. Special Suggestions.

It is recommended that a defined system of promotion and transfer of prison warders be adopted and a scale of increase of pay for length of service. The system of transfer to be for promotion or degradation, according to conduct, zeal, or the contrary.

II.—IMPROVEMENT OF OLD PRISONS.

(1.) (a.) When prison is completed, all prisoners will have cellular accommodation, and classified according to prison conduct and length of sentence, at the same time not ignoring youth and apparently first-convicted prisoners. (b.) It would be necessary to construct a new division (not on new plan) to meet this requirement. (c.) Is already provided for (*see* plan).

(2.) Yes.

(3.) Yes.

(4.) To have three classes it would be necessary to purchase more land adjoining the prison. The next section is not marketable for about eighteen months, in consequence of a minor having an interest in it.

(a) and (b). Cannot be answered at present.

(5.) Old prison nearly removed, and new prison approaching completion.

(6.) Yes, to any extent, if proper supervision and direction are afforded.

DUNEDIN GAOL.

2. *Description of each Prison.*

- [1.] Central; City of Dunedin; northern; easy; about a quarter of a mile.
 [2.] Stone, brick, wood, and iron.
 [3.] Attached.
 [4.] Blue-stone walls, 2 feet thick; windows and other apertures guarded by iron bars.
 [5.] None.
 [6.] Accommodation for 186.
 [7.] Fifteen separate cells; dormitories and association cells as shown on plan.
 [8.] 1873—Males, 70·65; females, 15·60. 1874—Males, 87·94; females, 19·02. 1875—Males, 129·70; females, 27·95. 1876—Males, 128·44; females, 24·38. 1877—Males, 107·24; females, 26·09.
 [9] to [14]. *See plan.*
 [15.] For ventilation, *see plan*; no appliance for heating.
 [16.] *See plan.*
 [17.] As a prison this possesses no special advantages, and many deficiencies, which could only be altered by adopting the reply to next question.
 [18.] Pull down and rebuild.
 [19.] The stone building fire-proof; the other portions commanded by a constant and plentiful supply of water. Yes.

3. *Prison Regulations in force, and Discipline.*

- [1.] As per *New Zealand Gazette*, No. 17, March 18th, 1875.
 [2.] Yes, except such cases as have been brought under the notice of the Visiting Justices.
 [3.] Strictly enforced.
 [4.] To suit trains.
 [5.] Yes, favourable; but not more so as regards work in this prison than before its introduction.
 [6.] Not heard of any.
 [7.] Five: the Hon. Captain Fraser, W. H. Reynolds, John Logan, James Brown, and O. B. Cargill, Esquires, Justices of the Peace.
 [8.] Of inspection; to hear complaints, if any; to adjudicate on and award punishment for offences by prisoners or officers. Weekly and oftener if required. A record-book for Visiting Justices, signed each visit.
 [9.] No reports.
 [10.] No; the Visiting Justices of this Gaol are the proper inspectors, and, under the promptings of their own sense of duty or feeling of humanity, they perform the duty of inspection weekly, or oftener if required. This work is thoroughly done. For years past prison inspection in the Home country has been reduced in most cases to a mere formality, and is of a perfunctory character.
 [11.] General receiving-book, religion-book, male and female ration and labour books, property-book, daily and monthly discharge-books; daily state, cash, and punishment books. Every entry regular and prompt.
 [12.] None.
 [13.] 1,237; 1,230 by Visiting Justices and 7 by Gaoler. Insubordination, 70; idleness, 464; obscene and improper language, 285; other offences, 361; assaults on officers, 3; assaults on prisoners, 54.
 [14.] Would require a special return of considerable bulk, with the name of each offender. If requisite, will furnish.
 [15.] From 1873 to 1877 there were recommitted—once, 364; twice, 188; three times and over, 429.
 [16.] A full description of each prisoner, with all marks and peculiarities, in receiving-book.
 [17.] One, by prisoner Cyrus Haley, absconding from prison works, Bell Hill; death; unknown. Attempted to escape on morning of 4th October, 1875, and was shot at junction of Moray Place and Stuart Street, by Warder James Millar. Jury found verdict of "Justifiable homicide."
 [18.] Quarrying and filling tramway wagons, stone-breaking or building sea-wall, Beach Road, and solitary confinement on bread and water; during the winter months without a mattress.
 [19.] Yes. Passed to their credit in property-book, and used for requirements, such as socks, drawers, books, music, postage, &c., and, when liberated, balance or full amount, as may be, handed to each, and receipt taken in property-book.

4. *Number, Classification, and Separation of Prisoners.*

- | (1.) | 3,822. | (3 months. | 6 months. | 9 months. | 12 months. | 18 months. | 24 months. | | |
|------|--------|------------|-----------|-----------|------------|------------|------------|---------|--------------------|
| | | 2,767 | 188 | 17 | 58 | 27 | 29 | | |
| | | 3 yrs. | 4 yrs. | 5 yrs. | 6 yrs. | 7 yrs. | 12 yrs. | 13 yrs. | and upwards. |
| | | 20 | 5 | 12 | 2 | 4 | 1 | 2 | 2 |
| | | | | | | | | | Life. Unconvicted. |
| | | | | | | | | | 2 |
| | | | | | | | | | 688) |
- (2.) 764·40.
 (3.) (a.) 87.
 (b.) 1.
 (c.) 199.
 (d.) 1,591.
 (e.) 58.
 (f.) 99.
 (g.) 48.
 (h.) 978.
 (4.) None. Construction prevents separation in classes in any of these particulars.
 (5.) The above negative will suggest an answer here.

5. *Work done by Prisoners.*

(1.) None.

(2.) (a.) Quarrying, stone-breaking, filling tramway wagons, and such like. (b.) No.

(3.) (a.) Cooking, tailoring, boot-making, wardsmen, clerk, whitewashing, painting, and general repairs when requisite—males; knitting, washing, and needlework—females. (b.) City of Dunedin and suburbs; road-making, quarrying, stone-breaking, reclamation works, building, gardening, blacksmiths' and carpenters' work. (c.) None; gangs strictly guarded by warders. (d.) None can be thoroughly taught, but many are discharged qualified as assistant carpenters, blacksmiths, tailors, shoemakers, quarrymen, &c., and if so disposed could earn a livelihood.

(4.) Hours of labour here are much longer than in any other prison in the colony. Gangs working at a distance leave by early trains between 6 and 7 a.m., and are at work when prisoners in other gaols are leaving for daily employment, returning in evening as trains suit; those not at a distance leave at 7.15 a.m., and return at 5 p.m. After supper, at 5.30, prisoners are mustered and locked up for the night; some attend school, and all others are provided with lights for reading, if they so desire, until 8 p.m.

(5.) (a.) Skilled labour—carpenters, blacksmiths, masons, painters, &c., £2,871. (b.) Miscellaneous labour—road-making, quarrying, stone-breaking, reclamation, &c., £34,785 8s. 6d. (c.) Miscellaneous labour—gardening at Botanical Gardens, £3,363 5s; duties on station—tailors and shoemakers, £1,024 18s.; cooks, wardsmen, and clerk, £2,313 12s. 6d.; wood-cutters, £176 2s. 6d.; wardswoman, needlewomen, and knitters, £3,011 16s. 3d.; washerwomen, £772 5s. 6d. Total value, £48,318 8s. 3d.; average earnings per head in each year—1873, £73 0s. 5½d.; 1874, £72 19s. 4½d.; 1875, £78 16s. 11d.; 1876, £79 1s. 6½d.; 1877, £72 12s. 10d.

(6.) None; but on application to the Visiting Justices a prisoner when due for discharge, if destitute, is permitted to work for not longer than six days, at 5s. per day.

(7.) To engage them during their term of service at regular and constant work, under well-paid and competent tradesmen, overseers on public works of the colony, such as construction of breakwaters, improvement of harbours, deepening of channels, drainage of swamps, dredging rivers, clearing tracks, and forming roads. To enable prisoners to endure a continuance of sustained labour, it would be most unwise to starve or stint them to scanty rations, as by such means the bodily frame is rendered unhealthy, and demoralization of the mind must result. Their rations and treatment might, however, be graduated in proportion to the work effected, and the alacrity, or otherwise, with which it is performed.

(8.) The object of punishment is reformation, and although the Prisons Act of 1873 empowers Visiting Justices to inflict additional imprisonment or solitary confinement, yet the reformation required cannot be effected but with the assistance of a well-nourished body. The late Sir Joshua Jebb, Director of Convict Prisons, Great Britain, when examined by a Committee of the House of Lords, stated: "There are only two ways of dealing with prisoners; either drive or lead them. If you drive them, the public suffer from the effects of the demoralization; and if you lead them, they gain by a large proportion being reformed."

(9.) This question is answered by reply to No. 7.

(10.) None.

(11.) No.

(12.) No.

6. *What Differences other than in Labour made between Penal-servitude and Hard-labour Men?*

None. Penal work, which comprises shot-drill, treadmill, and crank, may truly be said to be dreary, wearying, discouraging, and unproductive, like

"Lowering buckets into empty wells,
And wasting life in drawing nothing up."

7. *Special Provisions, if any, for Juvenile Offenders and Females, and Lunatic Prisoners.*

Juvenile offenders and first-conviction females, or respectable women awaiting trial and on remand, are kept apart from convicted female prisoners. Amongst incorrigibles there is no separation. Lunatics only *in transitu* to Asylum.

8. *Food and Indulgences.*

(1.) Ration scales, *vide New Zealand Gazette*, No. 22, April 13, 1876.

(2.) Reduction as punishment to Scale No. 2, or to No. 3, with solitary confinement. Increase none. Scales Nos. 1 and 2c, male or female, never used.

(3.) It is to be feared not.

(4.) Yes, one plug per week to each male prisoner, on condition of good conduct and industry. Stopped as a punishment to offenders.

(5.) Tea and milk. Do not know of any special physical indulgence coveted. Irons dreaded, also deprivation of weekly allowance of tobacco. Other physical restraints than irons unknown in this Gaol.

(6.) Yes; visits and interviews which prisoners are allowed to have with their friends and relatives exercise an apparent moral influence.

(7.) No.

9. *Medical and Hygeian.*

See Medical Officer's report and replies appended.

10. *Religious and other Instruction offered*

(1.) Total numbers for five years with averages: Church of England 1,488, average 297'60; Presbyterian 1,025, average 205; Wesleyan 20, average 4; Independent 3, average '40; other Pro-

testants 108, average 21·60; Roman Catholics 1,099, average 219·80; Jews 10, average 2; Pagans 30, average 6; other persuasions 36, average 7·20; religion unknown 3, average ·60: total, 3,822.

(2.) The Rev. Mr. Torrance, Presbyterian, and the Rev. Father Larkin, Roman Catholic, every Sabbath for Divine service; the former, who is chaplain, two or three times every week.

(3.) *See* clergymen's report and remarks.

11. *Moral Effects of Imprisonment.*

(1.) (a.) The greatest difficulty is to ascertain who are first offenders. (b.) Of the existing punishments in this Gaol there are no apparent effects. The majority of the criminal class no kindness could conciliate, no discipline tame, and who as constantly return to crime as the dog to his vomit.

(2.) *See* reply to Schedule No. 7.

(3.) The evil effects of association, from there being no provision for separate sleeping in this more than in other gaols of the colony, are diminished by the fact that prisoners are fatigued by their work, and sleep soundly without giving any cause for complaint.

(4.) *See* clergyman's report.

12. *Cost of Prison and Prisoners.*

(1.) Do not know.

(2.) Aggregate salaries during the period of five years—viz., 1873 to 1877 inclusive: 1873—total officers, 30; total salaries, £5,505 19s. 6d.; daily average prisoners, 86·25; salary average per head per annum, £63 16s. 6d. 1874—total officers, 31; total salaries, £5,814 1s. 6d.; daily average prisoners, 106·96; salary average per head per annum, £54 6s. 9d. 1875—total officers, 36; total salaries, £7,096 4s. 8d.; daily average prisoners, 157·65; salary average per head per annum, £45 1s. 1d. 1876—total officers, 39; total salaries, £7,656 4s.; daily average prisoners, 152·82; salary average per head per annum, £50 0s. 9d. 1877—total officers, 37; total salaries, £7,071 2s.; daily average prisoners, 133·33. Salary average per head per annum, £53 0s. 9d. Salary average per head for term, £53 5s. 2d.; average officers for term, 34·60.

(3.) Aggregate for 1877, £1,177 12s. 10d. Average per head, £8 16s. 8d.

(4.) Bread supplied by the Dunedin Lunatic Asylum; other necessary rations under contract with one tradesman.

(5.) No.

(6.) Ration supplies, delivered daily in quantity as required, are received, weighed, and inspected by sergeant officer in charge, under the supervision of the Governor.

(7.) *See* (5), (a), (b), (c), Section 5. Penal servitude and hard labour as one.

(8.) Net cost of prisoners per head, after deducting share of salaries and rations, during 1877: (a) and (b). Cost share per head—Salaries, £53 0s. 9d.; general expenses, £13 16s. 7d.: total, £66 17s. 4d. Deduct share per head—Salaries, £53 0s. 9d.; rations, £8 16s. 8d.; net cost, £4 19s. 11d.: total, £66 17s. 4d. Average net cost for five years, £7 11s. 11½d.

13. *Pardons, Remissions, Petitions, and Recommendations.*

(1) and (2). Records of petitions, if any, by whom recommended, and the grounds urged for pardon, not here, but may be found in the office of Department of Justice.

(3.) None.

14. *Special Suggestions.*

In compiling the value of labour, 5 (a), (b), (c), section 5, it will be seen that the practice in Great Britain, Ireland, and the United States, with regard to similar returns, in crediting the establishments with the estimated value of tradesmen's, overseers', and foremen-warders' labour, has not in this instance been adopted; and, as the successful manner in which different works have been carried out is in a great measure due to the example of industry and honesty of thoroughly practical men having the supervision, and who themselves have worked with the various gangs during the day (and done regular duty with the other warders, except as night sentries), and as the Gaol has to pay the salaries of these officers, it is fairly entitled to have the value of their labour taken to its account when the question of the actual earnings of the institution is under consideration. Again, having such qualified officers obviates the necessity of employing free labour—a course highly detrimental to prison discipline; and their example will, in many instances, arouse amongst the prisoners a spirit of emulation, and be attended with beneficial results.

II.—IMPROVEMENT OF OLD PRISONS.

(1.) (a), (b), (c). The additions or changes, so far as H.M. Gaol, Dunedin, is concerned, for carrying out classification, separation, or industrial work, mean an entirely new edifice.

(2.) Not more than sufficient (*see* (3) (f), section 4).

(3.) Answer No. 18, section 2, also applicable here.

(4.) Professional opinion is here requisite, which would cost a considerable sum.

(5.) None.

(6.) No.

APPENDIX.

MEDICAL OFFICER'S REPORT ON AUCKLAND GAOL.

1. The site of Mount Eden Gaol is secluded and sufficiently salubrious, if the general healthiness of the prisoners is a good test. The propriety of its construction would not be maintained by any one familiar with the plan of county gaols in the Home country (Ireland for instance). Ventilation and sewerage are of the most primitive kind.

2. The general health of the prisoners is all that can be desired, the average number of hospital cases being about three per diem.

3. The deaths during the last five years have amounted to ten, being $1\frac{1}{3}$ per cent. The average mortality of the inhabitants of the district, I imagine, is much higher, and may be found in the Registrar-General's annual statistics.

4. There are no special diseases at present, nor have there been any, if we may except accidents.

5. The dietary scale is well calculated to maintain the prisoners in health and vigour requisite for labour.

6. The apparent physical signs in prisoners generally are robust health and contentment stamped on their countenances.

7. The hospital arrangements are of the most primitive character. They have sufficed in the majority of such cases of illness as have occurred hitherto, but in the event of a contagious infectious disease breaking out would be utterly inadequate to meet the requirements of the sick.

8. As to the Medical Officer's opinions or suggestions in matters generally, it is as clear as noon-day that a new prison on modern principles, and an isolated properly-appointed hospital or infirmary for male and female prisoners, are imperatively required. In a few instances prisoners, when taken seriously ill, have had to be removed to the District Hospital for proper accommodation and treatment.

MEDICAL OFFICER'S REPORT ON DUNEDIN GAOL.

1. *a.* No objection on sanitary grounds can be taken to the salubrity of the site. There are many open spaces around the prison walls, the bay is in close proximity, and no manufacturing industry deleterious to health is carried on in its vicinity. *b, c, and d.* My comparatively recent official connection with the Gaol hardly entitles me to pronounce on its propriety of construction, but the ventilation throughout all parts of the building is good and abundant; no unpleasant smell is anywhere perceptible, and the water-closets are ample in number and so flushed that no impure air can be generated, far less allowed to accumulate.

2. The general health of the prisoners is good.

3. Five deaths have occurred in the last five years, the average yearly number of prisoners during that period being 875. I believe this compares favourably with the average death-rate outside; but no exactitude can be attained in the absence of yearly census returns, and the registered death-rate of Dunedin proper being swelled by that of the surrounding districts and the general Hospital.

4. There are no special diseases in gaol, or in Dunedin.

5. The rations of the prisoners are sufficiently ample, without being in excess. In the case of ailing men, they are modified and varied, at the discretion of the Medical Officer.

6. The apparent physical effects on prisoners generally consist in a general improvement of health and vigour, observed most rapidly in those who have been living an irregular and hard life before admission. In long-sentenced men, symptoms of indigestion show themselves, or are complained of, which usually cease when a slight change of dietary is made.

7. A large airy and sun-lit room is used for acute cases of illness; chronic cases, unless special considerations forbid, are sent into the general Hospital.

8. The absence of all epidemic disease, and the general good health of the prisoners, is ample proof that the sanitary condition of the Gaol is good, a result due in great measure to the unceasing attention of the officials to cleanliness and ventilation, and the employment of the prisoners in the open air.

ROBERT BURNS, F.R.C.S., Ed.

CHAPLAIN'S REPORT ON DUNEDIN GAOL.

Religious and other Instructions offered.

3. The general influence of the religious instruction is good, and the ministrations are apparently as a rule appreciated by the prisoners. Occasionally prisoners acknowledge the advantage they have derived, and in particular instances their conduct in gaol and after their discharge confirms their acknowledgment.

4. Divine Service is held every Sabbath morning, and, when practicable, on religious holidays.

5. Yes. An excellent choir composed of prisoners leads the psalmody. A small American organ supplied to the Gaol by the present Chaplain has been of great advantage.

6. Miscellaneous. On condition of good conduct. Some prisoners manifest a liking for works of a high class, chiefly scientific; a few prefer religious books; but the general taste runs in the direction of light reading. As far as possible superior books are supplied either from the Gaol library or from outside the prison.

7. Excepting during the wet and cold season of the year, a good night-school, conducted by an educated prisoner under my supervision, is carried on. The good resulting from the instruction there imparted has been very marked. Grown men and boys, ignorant even of the alphabet, have acquired a surprising degree of knowledge of the three "Rs." In a number of instances prisoners have devoted their evenings to special studies, such as languages, phraseography, engineering, &c., every encouragement being afforded them.

8. None.

Moral Effects of Imprisonment.

4. There is a Patients' and Prisoners' Aid Society in Dunedin, the objects of which, as stated in rule 2 of its constitution, are "to supply an agent to encourage and instruct, by means of religious services and otherwise, the inmates of the Dunedin Gaol, Hospital, and Lunatic Asylum, and to aid persons discharged from these institutions to make a fresh start in life." The Society is now in the second year of its existence, and the report of its proceedings for the past year is herewith appended.

J. A. TORRANCE.

CHAPLAIN'S REPORT ON WELLINGTON GAOL.

Religious and other Instruction offered.

2. Since 1856 I have attended the Gaol, giving one service on each Sunday. During the three last years this service has been conducted by the Rev. C. D. De Castro at my request. I only give service on the first Sunday afternoon of each month. The Roman Catholic clergy attend the Gaol—I do not know how often. No other ministers of any denomination attend the Gaol, I believe.

Besides the Sunday services, I have visited the Gaol to attend on the sick, on those sentenced to death, on any who have sent for me.

3. *a.* Difficult to answer, as prisoners leaving the Gaol often leave Wellington. But I know that much good has been thus gained, especially in the case of Collins, executed January, 1861.

4. I have used part only of the Church of England liturgy, with an address, taking care that the whole service shall not last more than three-quarters of an hour. Two hymns are sung.

ARTHUR STOCK.

SPECIAL REPORT OF GAOLEE, LYTTELTON GAOL, OF THE VISITING JUSTICES.

Penal Prison.

OF all important measures the building of a penal prison is most necessary and urgent. No attempt at effective prison discipline can be made until this is done. The number of penal prisoners is, I believe, between 200 and 300, and by their removal from the several gaols a great portion of the old associated sheds now used as prison buildings might be done away with. No effective discipline, no moral reformation, nor scarcely any hope of reform, can be had whilst prisoners are thus herded together. Those who are vile have opportunities of carrying out their evil desires and imparting them to others, and any with good intentions soon have them upset.

I have submitted a plan to the Government of a new penal prison which was being built on my leaving England—the receipt of which plan was acknowledged. 300 prisoners in a penal prison are not too many for proper working of the prison, nor for the carrying on of any important works. Great care will have to be made in properly starting such a place; and I beg leave to say the present prison code of rules would need altering, for whoever has charge will require more power than the present regulations afford, for all depends on its proper management at first.

The need of the erection of a penal prison is so generally admitted that further comment is unnecessary, but those only in charge of the present gaols see daily the great urgency of the matter.

Gaols.

It appears that, in a new country such as this, it is deemed advisable to employ prisoners for the public good on road and other works. I would therefore suggest that prisons be of two descriptions—viz., public-works prisons and close prisons. There is no reason why these should not be attached to each other as one prison building, though kept strictly separate from each other in working. All prisoners on conviction could be committed to the close prison, and those over a sentence of six months' hard labour would be eligible, by good conduct after a stated period, to removal to a public-works prison. Prisoners seriously misconducting themselves in public-works prison to be liable to be transferred back to a close prison for a time to be specified (subject to future good conduct) as part of their punishment for misconduct, which time must be served in addition to any additional periods fixed for continued misconduct whilst in close prison. No remission to be granted for any time spent in close prison, except in any case in which a prisoner may be detained in close prison (after six months) in the interest of the prison service, when his time may be permitted to count towards remission of sentence, as if he had been transferred to a public-works prison.

The treatment in close prisons should be very deterrent, so as to make it a privilege to be transferred to public works. Prisoners sentenced to six months and under should not be removed to public-works prisons, so as to, as much as possible, prevent the prisoners being so fully supplied with the current news of the day. Perfect silence and seclusion should reign in the close prisons. Such would do much to prevent a class of prisoners continuing the system of coming in for short sentences.

Of course such close prisoners cannot be considered remunerative as regards labour. Oakum-picking, grinding by crank, and other monotonous works should be provided, and all in silence.

Diet on the lowest scale allowed by the medical officer, with strict silence and monotonous employment, would be a great difference to the present system of being admitted for forty-eight hours on evening of sentence—sick next day—and following day discharged by noon, after only a few hours of work, and that according to inclination.

No visits allowed to prisoners whilst in close prisons.

One letter may be written after the expiration of three months' imprisonment, the last two months of which conduct to have been exemplary.

Public-works Prisons.

The prisoners in public-works prisons should be better dieted than in close prisons. Luxuries, such as tobacco, &c., should be strictly prohibited in all prisons, and visits and communication with friends less frequent than at present, and according to classification.

No prisoner should be transferred into a public-works prison until he has undergone at least six months in close prison, the last three months of which his conduct should be exemplary.

The 1st fourth of a sentence should be termed Probation class.

The 2nd { An equivalent for each quarter should be provided in a number of marks, } 3rd " which number must be earned in a class before promotion to the next.

The 3rd { Prisoners misconducting themselves, say in the 3rd class, may be re- } 2nd " duced to a lower class, or may be subject to an addition of marks, which

The 4th { they will have to earn in 3rd class, and before being promoted to 2nd. } 1st "

Special privileges should be given to each class, so as to act as an incentive to prisoners to endeavour to get promoted.

Prisoners would be noted in their respective classes by badges on clothing, and each class, as far as the building affords facilities, should be kept separate.

It would also be a fit subject for consideration as to the advisability of having centrally situated in each Island one of the prisons, or a special part of one of them, as an invalid prison. To this prison should be sent (of those over a six months' sentence) the old, the lame, the epileptic, the invalid, and the imbecile. At present the prisons are lumbered up with prisoners who are totally unfit for labour, and who are an encumbrance and obstruction to the introduction of hard labour and discipline.

To this invalid prison—in the Island in which the penal prison may be situated—could be specially built a wing for invalid penal prisoners.

One female prison for each Island would be quite sufficient for all sentences over three months. This might also be attached to a male prison, but be kept entirely separate in working, except to the gaoler. An efficiently-trained matron would be required.

A Director or Inspector of Prisons would be necessary, and a dividing of the colony into districts desirable, with an appointment of a Chief Gaoler in each district.

If so divided the Chief Gaoler of the district would visit each prison in his district at uncertain periods, and all reports and business correspondence could pass through him to the Director, who would then have to correspond and deal with about eight persons (or less), instead of probably twenty. This could be so arranged as in no way to interfere with a sub-gaoler's special duty as regards safe custody of the prisoners under his charge. At present, graduation of officers is very weak, being only as regards salary.

Uniformity is much needed in prison matters—appointments of officers and uniforms, as also the prisoners' clothing and accommodation—all require attending to; and these matters need not be delayed till new permanent gaols are built; but, as all extensive changes in prison matters require to be done very cautiously and gradually, the sooner they are commenced, as regard disciplinary purposes, the better.

I would strongly urge for consideration the necessity for inquiring into an applicant's antecedents before he is appointed to any position in the prison service, and unless under special circumstances, would suggest that all officers pass through the lower prisons to the upper—that is to say, officers employed at small outlying gaols should be eligible to transfers as vacancies occur in the close or public-works prisons, and those in the close or public-works prisons to the penal prisons.

Of course, as the duties of the penal prison will be more severe and responsible, the salary will be greater; and an officer of the penal prison should be liable to be transferred to close or public-works prison if considered necessary.

A graduated scale of pay is very desirable. At present the officers have nothing to look forward to, but that in ten years hence they will draw the same amount of salary as at present; and, as all persons desire to improve their positions, and no prospects are held out, he holds on till he accumulates a trifle, with which he retires and opens a tavern, or otherwise aims at benefiting himself.

A low scale of pay on appointment, with an annual increment, and ultimate pension after a term of years, would induce a number of persons to apply for situations, from which selections could be made.

The salaries throughout the colony, according to the class of the prison, should be assimilated. If an officer is situated in any position, whereby he is placed at a disadvantage, it could be rectified by an allowance being granted whilst such special circumstances exist, and on removal, such allowances would not go with the officer, but be taken over by his successor, should they still be deemed necessary.

The shoemaking and tailoring, and the trade-work (if possible) for the whole of the prison service, and, if circumstances permit, the work of some other Government departments, as at present, should be done in the prisons. The female prisoners could be fully employed in working for the male and female prisons in making clothing, &c., for the prison department, if they, the female prisoners, were concentrated, and the question of assimilation of prisoners' clothing settled.

In England the prison officers' and police uniforms are made in the prisons, and several thousand pairs of boots are made annually for the constabulary department, at a great saving to the Government.

I do not think the bringing into operation the above or similar suggestions would involve any very great outlay. I do believe they would be very beneficial.

The only additional appointments would be (setting aside the penal prison): 1st, a Director of Prisons; 2nd, two surgeons (if new prisons were built), one for each of the invalid prisons; and a discipline clerk (a warder), and a schoolmaster, at each of the large prisons. The subordinate staff of warders should be—one warder to every eight prisoners in public-works prisons, and one warder to every ten prisoners in close prisons. The existing prisons, in so far as they are suitable, could be utilized and converted into close or public-works prisons.

The interior economy of prison matters requires careful handling, and it is a hard question—far from being yet decided—as to the best mode of dealing with the criminal classes.

Trusting that I shall not have been thought to be dictatorial in the above, but simply jotting down my ideas of New Zealand prison requirements,

I have, &c.,
SAM. CHAS. PHILLIPS,
Chief Gaoler.

RETURN of the NUMBER of PRISONERS CONFINED in the PRISONS in NEW ZEALAND, according to latest Returns received.

Prison at	Males.	Females.	Prison at	Males.	Females.
Addington	64	32	Nelson	16	1
Ahaura	1	...	Newcastle	5	...
Arrowtown	1	...	New Plymouth	13	1
Auckland	181	53	Oamaru	7	1
Charleston	1	...	Opotiki	2	...
Clyde	8	1	Picton	7	...
Dunedin	145	35	Queenstown	1	...
Gisborne	8	...	Reefton	2	...
Greymouth	5	1	Ross	1	...
Hokitika	25	9	Russell	2	...
„ (Lower Gaol)	3	2	Thames	15	3
Invercargill	24	3	Tauranga	4	...
Kumara	2	3	Timaru	37	4
Lawrence	2	2	Wanganui	37	1
Lyell	1	1	Wellington	100	13
Lyttelton	114	...	Westport	2	...
Napier	46	1			
Naseby	5	...	Total	887	167

LIST of VISITING JUSTICES to PRISONS.

Prison.	Visiting Justices.
Auckland ...	B. Maclean, R. C. Barstow, D. M. Luckie.
Tauranga ...	H. W. Brabant.
Gisborne ...	A. Graham, H. Kenrick.
Opotiki ...	C. Thomson, G. A. Preece.
Newcastle ...	W. N. Searancke, A. Cox.
New Plymouth ...	W. M. Crompton, H. E. Kenny, T. King, R. Parris, C. Brown.
Napier ...	H. S. Tiffen, J. Anderson.
Wanganui ...	W. H. Watt, J. Nixon, E. Hardcastle.
Wellington ...	W. Lyon, J. Woodward, E. Pearce, J. Dransfield, J. Paul.
Nelson ...	W. Wells, R. Pollock, C. H. Brown, O. Curtis, J. Sharp.
Westport ...	J. W. Humphrey, C. Broad.
Picton ...	J. Allen, A. P. Seymour, W. D. H. Baillie.
Addington ...	G. L. Mellish, G. W. Hall.
Lyttelton ...	T. H. Potts, W. Donald, H. R. Webb.
Timaru ...	B. Woolcombe, F. Archer.
Hokitika ...	J. A. Bonar, R. C. Reid, J. Giles.
Greymouth ...	W. H. Revell, J. Greenwood, jun.
Dunedin ...	A. Chetham-Strode, J. Logan, T. Fraser, W. H. Reynolds, I. N. Watt, W. Purdie, J. F. Thomson, A. Willis, E. B. Cargill, W. H. Cutten, W. Fraser, James Brown.
Clyde ...	W. L. Simpson, V. Pyke.
Arrow ...	H. A. Stratford, J. B. Lake.
Lawrence ...	E. H. Carew, W. G. Rees.
Naseby ...	H. W. Robinson, L. W. Bush.
Invercargill ...	W. H. Pearson, J. F. Dundas, D. McArthur.
Chatthams ...	S. Deighton, H. T. Pattison.
Oamaru ...	T. W. Parker, J. Udall.
Queenstown ...	H. A. Stratford, W. Mason.

