

No. 6.

The Hon. Mr. ROLLESTON to P. K. McCaughan, Esq., M.H.R.

(Telegram.)

Government Buildings, 20th April, 1880.

Re inquest on prisoner. The Resident Magistrate was telegraphed to immediately on receipt of your telegram of the 16th instant. He answered that he had just posted inquest proceedings and report on case. As soon as these are received, Government will at once take matter in hand. Thank you for your telegram.

P. K. McCaughan, Esq., M.H.R., Invercargill.

W. ROLLESTON.

No. 7.

The RESIDENT MAGISTRATE, Invercargill, to the Hon. the MINISTER of JUSTICE.

SIR,—

Resident Magistrate's Office, Invercargill, 16th April, 1880.

I have the honor to forward by this mail a copy of the *Southland Times* of the 15th April instant, containing a letter signed "P. K. McCaughan," commenting on an inquest held by me at the gaol, Invercargill, on John Wilson, lately a prisoner in the gaol, and also a copy of the *Southland News* of the same date, in which is an article referring to the inquest mentioned above, and to one on Robert Curtis, a lad of ten years of age, who was killed by the discharge of a gun, then in the hands of Arthur Cocks, another lad of fifteen.

The inquest on John Wilson at the gaol is probably invalid, as the jury was composed of six prisoners and six good and lawful men, and as the latter part of "The Prisons Act, 1873," provides that "in no case shall any officer of the prison, or any prisoner confined in prison, be a juror on such inquest."

In justice to myself I must explain that when the constable came to me for the precept, and being in some doubt as to how the jury should be constituted, I consulted the "New Zealand Justice of the Peace," new edition, 1879, and at page 337, found, "Where the death takes place in prison it seems doubtful whether the jury ought not to be composed of six prisoners and of six honest and lawful men of the neighbourhood, for although the Statute 4, Geo. IV., c. 64, s. 11, provides that prisoners should no longer be put on such juries, it can hardly be said that the Act was one which is applicable to New Zealand." On reading this, I directed the constable to summon six prisoners and six honest men of the neighbourhood, and I am sorry to report that I did not discover the mistake until the inquest was over. Had the provision in the Prisons Act been inserted in a Coroner's Amendment Act, as I think it ought to have been, it could hardly have been passed over either by Mr. Justice Johnston or by any Coroner.

I may here state that Mr. McCaughan has, through the police, applied to have the body disinterred and a fresh inquest held, but I have declined, as it seems that the inquisition already taken must first be quashed, and an order obtained from the Supreme Court for the disinterment, which order is not, perhaps, likely to be granted in this case. As far as I am aware, Mr. McCaughan, and, perhaps, Mr. Joyce, the Editor of the *News*, are the only persons not satisfied.

Beyond this unfortunate mistake, which I trust will be held excusable under the circumstances, I have to state that there is no truth whatever in Mr. McCaughan's statement that there was any indecent haste, or haste of any sort shown by me or the jury, and that all the evidence was taken carefully throughout on both days; and the verdict, as will be seen from the depositions, was in accordance with the evidence.

In the other case, that of Robert Curtis, in my opinion, there was really no material evidence that could be depended on. Cocks had, as he admitted, told different stories before; and at the inquest he and the constable were quite at variance in their evidence. Both could not be witnesses of truth, and, most likely, neither. However, I told the jury that if they believed the evidence of Cocks they could bring in "Accidental death;" and, if not, they had better return an open verdict, which I thought the safer course, and leave further proceedings to be taken before the Magistrates. As will be seen by the proceedings, they returned a verdict of "Accidental death." The boy Cocks has since been committed in the Magistrate's Court on a charge of manslaughter, and it remains to be seen if the jury in the Supreme Court will arrive at the same conclusion as the Coroner's jury.

I have only to add, in conclusion, that both these inquests were taken most carefully, and that I have at any time ample proof that the statements of Mr. McCaughan and Mr. Joyce, the Editor of the *News*, are utterly unfounded.

I have, &c.,

HENRY McCULLOCH,
Resident Magistrate.

The Hon. the Minister of Justice, Wellington.

Enclosure 1 in No. 7.

Another View.—Died, at Her Majesty's Gaol, Invercargill, on Monday, the 5th April, 1880, John Wilson, Aged 51.

[TO THE EDITOR.]

SIR,—The circumstances of the demise of this unhappy man are of a most painful nature. Deceased was a soldier in the 18th Foot—Royal Irish—and had therefore something to commend him to the generous feelings of his fellow subjects. He had seen active and honorable service in fighting the battles of his country, and, through good conduct and faithful discharge of his duties, had attained the rank of sergeant-major, from which rank he retired after sixteen years soldiering. In quest of employment he seems to have travelled south, and was engaged rabbiting on some of the stations, until he accumulated a small amount of earnings, when he came to town, as most station hands do, and forthwith proceeded to spend his cheque. This was easily done; and, presently, getting into a state of