

Enclosure 2 in No. 7.

Re the late Sergeant-Major Wilson.

[TO THE EDITOR]

SIR,—I observed with surprise and regret your leading article of 23rd instant, touching the death of Sergeant-Major Wilson. Your article may be divided into four cardinal points, and its effort is to exonerate everybody from blame in connection with this unhappy man's neglect and death. I will deal with the four in the order in which they come.

Your first assertion is: "Except as revealing an undoubted error in practice, and as serving to call attention to the real state of the law, little benefit, we think, can accrue from this matter occupying the mind of the public." It is sad to find such an expression of opinion in the columns of a leading and respectable journal. Instead of fearlessly assailing the guilty, and insisting that the error and neglect, which in this case amounted to little short of a crime, shall be commensurably atoned for, you endeavour to hush up and smooth over the matter. If such things pass with two or three newspaper articles, and a letter or two of protest, the authorities meanwhile looking on with indifference, what, I ask, must be, the inevitable result?

You next say: "It may not be generally known that a new inquest could not be held until an appeal should be made to the Supreme Court to quash the inquiry already made." I will here point out to you that there was either a legally-constituted inquest in the eyes of the law, or there was no inquest at all, no provision being made for any degree or measure of an inquest; and, insomuch as the existing statute law of this colony distinctly says, "No prisoner shall serve on the jury," and as a jury must consist of a given number of free men, but not a portion or part thereof, it follows, and need hardly be added, that legally there was no jury, no verdict, and no inquest; and the body of deceased prisoner was interred as though the Coroner had never been acquainted with his dissolution. The unfortunate man's remains may be exhumed and an inquest held on the order of the Colonial Secretary, or that of the Coroner, if he chooses to admit his own error.

You next proceed to exonerate the Coroner from undue haste. You say: "We pass by as unworthy of attention imputations that have been made on the Coroner's haste in conducting the inquiry, and his seeming unwillingness to probe to the bottom the conduct of all connected with the gaol." It was I who made that charge, and it now behoves me to sustain it. I made the charge after a careful perusal of the entire proceedings. A further perusal strengthens rather than weakens my opinion, and I will now lay before the bar of public opinion part of the evidence and Coroner's remarks, and let the public judge. The case which the Coroner was called upon to inquire into was—to ascertain the cause of death of a prisoner in the Invercargill Gaol, who was found dead in his cell. The investigation demanded at the Coroner's hands more than ordinary care, and required mature consideration of all the available evidence. I speak now of a time as the inquiry proceeded, and at that stage of the inquest before the medical evidence and result of the *post-mortem* examination were adduced, throwing some light on the probable cause of death. All that appeared before the Coroner at the stage of which I speak was, that a prisoner who was certified in the prison records then before him in sound health and fit for work, on the occasion of the doctor's last visit of inspection, as late as the 27th March, was found dead in his cell. It was thus no ordinary death, but rather extraordinary, mysterious, and inexplicable, and therefore it became all the more imperative to trace not only the true cause of death, but as well any surrounding circumstances which may not improbably have accelerated it. For aught, then, before him in evidence to the contrary, the man may have been murdered, or have died from neglect, or over-punishment, or from insufficiency in the quantity or quality of food supplied, or perhaps from having been "kept more strictly than he ought of right." Such untoward events have happened before, and may doubtless happen again. The history of Invercargill records a case where a cowardly policeman carried a drunken man to the police cells, and there, if not half-murdered, at least most cruelly beat and punished, a defenceless handcuffed prisoner—but I am diverging. Any of the treatments to which I have referred might have exercised either direct or indirect influences in causing death; yet, notwithstanding this, the Coroner refused to take evidence bearing on such surroundings. I will now quote the Coroner's words addressed to the constable conducting the inquiry: "It would appear we are making this more an inquiry into the gaol management than as to the death of the unfortunate man Wilson. This is a Coroner's inquest, the object of which is to ascertain the cause of death. No evidence of this kind can possibly alter the verdict, unless indeed, it is a case of manslaughter or murder."

And why might it not, in the absence of evidence to the contrary, be a case of manslaughter or murder? Again, the Coroner said, "The gentlemen of the jury have met here to ascertain the cause of this poor man's death, and I don't think it is right to go into the question of gaol management. All this evidence can be of no use."

I viewed this widely different from the Coroner. I held, and still believe, that all the evidence relating to the gaol management, so far as that management bore on or affected the deceased, was of the highest possible importance in determining the cause of this mysterious, sudden, and unaccountable death of a prisoner, certified in good health and fit for work, in his cell.

I made the charge of indecent haste and unwillingness to probe to the bottom the conduct of all connected with the gaol; you invite your readers to pass it by, as unworthy of notice. Let the public judge between us.

To borrow your words, I would "pass by as unworthy of attention," your apology for the Coroner's ignorance of the law, were it not to remind you that it is an abstract and fundamental principle that all are familiar and acquainted with the laws by which they are governed. Now, if so much is expected from the lowly and unlettered, we can, and will, demand that our Judges, magistrates, and coroners—whilst they occupy such positions—shall, at any rate, have a correct knowledge of the laws they are the mouthpieces to expound.

Having now alike disposed of your article and your arguments, I pass to the main question, and to the notice of a letter, I believe signed "Citizen," in your columns last Monday. It was my opinion, from the first, that most of the blame lay at the hands of the gaolers, and nothing has since come to