

I crave your indulgence for the space I have occupied, and I here must express my regret if any remarks of mine have unjustly aroused the susceptibilities, or unnecessarily pained the feelings, of any one. I regard what I have done as something which ought not to have been necessary, and what I am doing as necessitated only by the failure, neglect, or indifference of those whose duty it was to have taken action immediately upon the publication of the report revealing the state of things I have challenged.

Invercargill, April 26th, 1880.

Yours, &c.,  
P. K. McCaughan.

## No. 8.

### COPY OF INQUEST PROCEEDINGS.

COLONY OF } INFORMATIONS of witnesses severally taken and acknowledged on behalf of our  
NEW ZEALAND, } Sovereign Lady the Queen, touching the death of John Wilson, at the gaol, Inver-  
TO WIT. } cargill, in the Province of Otago, in the colony above mentioned, on Tuesday, the 6th  
day of April, 1880, before Henry McCulloch, one of the Coroners for the said colony, on an inquisition  
then and there taken on view of the body of John Wilson, then and there lying dead, as follows,  
to wit:—

William Fraser, being sworn, saith: I am the gaoler at Invercargill. The deceased was received into the gaol on the 29th February, 1879, on committal for trial. He was tried on the 29th April, and sentenced to two years' penal servitude on each of two charges of false pretences; sentences to be concurrent. He complained very shortly after his admission of feeling unwell. He said he thought he had palpitation of the heart. He said if I would give him a dose of house medicine, it would set him right. He took a dose, and did not apply for some time again. He applied at intervals several times after that, and I gave him the same. On the 5th March last he complained of being unwell. I sent for the medical officer, Dr. Button, who called the next morning, as the deceased said it was not urgent. It was on the 5th March the doctor came, so it must have been the evening of the 4th when deceased complained. About the 17th he applied to me again. The doctor in the interval several times saw him. The doctor saw him on the 17th March. The doctor examined his chest three times. I am not sure of the dates. On 17th March the doctor entered in the medical officer's visiting book [produced], "Prisoner Wilson perfectly fit to work." The deceased went out to work off and on up to the 23rd March. I did not wish him to go out that day. I told him not to go out. The following morning I found he had gone out to work. In the evening when the wardman brought the men home, the warder complained he was not doing his work, and that he had put his hand to his breast several times as if he were ill. I called Wilson into the office. I asked him why he went out after I told him not to go. He said he would sooner be out at work. I told him he had no business to go when I told him not. He did not go out to work after the 24th March. The doctor saw him that evening and made entry in the book [produced]: "Prisoner Wilson complains of shortness of breath." The doctor saw him again on 27th March, and made entry in book [produced]: "Prisoner Wilson is perfectly able to work, in spite of his complaints of pains in the chest. My own opinion is that he is malingering." The doctor next saw him on the 5th April, and entered in book [produced]: "Visited gaol about five minutes past 4. Found with Mr. Fraser prisoner Wilson lying dead in his cell. For report of this case see previous entry." On the 3rd April, when I called the roll in the evening, deceased was standing at the door, he saluted and appeared as usual; and the same on Sunday, the 4th, in the forenoon, he appeared as usual. About half-past 10 on Monday, the 5th, I passed through the corridor and looked into his cell. He was lying on his bed. Had a book in his hand, and appeared to be reading. He had not been taken out to work since the 23rd March. In the Description Book his birthday is stated as having occurred in 1829.

To the Jury: Doctor Button sounded the chest of deceased in my presence three times. The deceased was not treated as a malingerer—that is, not punished; he was treated as a prisoner not doing hard-labour. I heard no complaint of his not taking his food till the day he died. I did not think he was ill. When he first came in I thought he was ill, as he complained, and I gave him light jobs, such as cleaning arms, &c. Latterly he had nothing to do.

By the Police: If the deceased had been certified by the medical officer as being ill I would not have allowed him out. About a week ago, the warder told me that prisoner had been groaning, but that he had ceased on going to sleep. Deceased occupied a cell by himself. Some time ago he was occupying a cell with several others, among them a prisoner named Allan Young.

James McKellop, on his oath, saith as follows: I am a warder in the gaol at Invercargill. The deceased was a prisoner in the gaol. Since he was sentenced, he has been working under my charge up to the 24th March. On the evening of the 23rd I made a report, verbally, to Mr. Fraser, the gaoler, that he had stood for an hour after dinner, and did not do anything at all during that time. He stood up and rubbed his breast as if he was ill; he made no complaint to me to that effect. I heard him long before that speaking to the prisoners to the effect that he had a weak chest and could not do the work; he made no direct complaint, but murmured about it. On the 23rd of March it was my opinion that he was not so ill as he pretended to be. I never made him work as I would another man. When he was standing doing nothing on the 23rd I just left him alone, thinking he would turn to afterwards, and there would be no more about it. He made no complaint; he did not go out after the 23rd.

Frank Whiddon, on his oath, saith as follows: I am a prisoner awaiting trial in the Invercargill Gaol. Yesterday, 5th March, I brought the deceased, John Wilson, his dinner to his cell, between 1 and 2 p.m. I saw him in his cell; he was lying asleep on his bed, as I thought. I did not speak to him; he did not speak or move; I left his dinner there. In about three-quarters of an hour or an hour I returned to his cell; the dinner was there untouched; he was lying in the same position. I took the dinner, shut the door, and came away. I thought he was still asleep. I had been taking his meals to him for more than a week. Since he had done no work he eat his meals sometimes, and sometimes not; he always eat some.