

The first point, therefore, which it appeared to the Government to be its duty to determine was whether, upon the evidence given, there was ground for believing that a fresh inquisition would lead to a different conclusion as to the cause and manner of prisoner Wilson's death. In order to decide this point, the Government has itself carefully considered the evidence forwarded by you, together with your report upon the case, and it has taken the best medical and legal advice thereupon. On a review of all the circumstances it is of opinion that, though it is very unfortunate that a mistake should have occurred in the constitution of the jury, yet another jury would not be likely to come to a different verdict, and that the interests of justice do not call for the quashing of the inquisition.

With regard to the manner of the prisoner's death, the Government is of opinion that, while the evidence would not justify a conclusion that it was accelerated by neglect or ill treatment, yet a consideration of the depositions shows undoubtedly that there was an error in judgment on the part of the medical officer in his diagnosis of the symptoms related to him, and leads to the conclusion that greater care should have been taken both on the part of the gaoler and medical officer to obtain fuller information as to the real condition of a prisoner who complained of pain and inability to move, and was at the same time suspected of malingering.

It would further appear that, had all the facts which were disclosed in the evidence at the inquest been previously collated and brought under the attention of the medical officer, they might and probably would have led to the conclusion that the prisoner was suffering from the disease of which he afterwards died.

Before finally communicating to the medical officer and gaoler the decision of the Government upon a matter of such grave moment, I think it right to ask you to inform those officers of the conclusion to which the Government, as at present informed, considers the evidence points, and to give them an opportunity of making such statements as they think fit.

H. McCulloch, Esq., R.M., Invercargill.

I have, &c.,  
W. ROLLESTON.

#### No. 10.

MEMORANDUM for Dr. JOHNSTON and Dr. SKAE.

THROUGH an informality in the constitution of the jury, the proceedings of the Coroner's inquest in the case at which the attached evidence was taken have been called in question.

Before determining as to whether a fresh inquisition should be instituted, the Government is desirous of obtaining your opinion upon the evidence which was taken, as to whether, from a medical point of view, any different verdict would be likely to be arrived at if fresh proceedings were taken.

In furnishing your opinion I should be obliged if you will, in addition to any other points which may occur to you after reading the evidence, state—

1. Whether you consider there is any doubt as to the cause of death?
2. Whether you concur in the statement "That it is possible to find no symptoms to indicate the disease" (*angina pectoris*)?
3. Whether you consider that the prisoner's death was accelerated by any neglect, or the absence of precautions which ought properly to have been adopted?

23rd April, 1880.

WM. ROLLESTON.

#### No. 11.

ALEXANDER JOHNSTON, Esq., M.D., to the Hon. the MINISTER of JUSTICE.

Wellington, 23rd April, 1880.

Re CORONER'S inquest on the body of John Wilson. I do not believe that a different verdict would be returned in the case if fresh proceedings were taken. In my opinion there is no doubt as to the cause of death being *angina pectoris*, but I cannot concur with the statement that it is quite possible to find no symptoms to indicate the disease. The evidence of the gaol warders, and other witnesses who saw the deceased during several severe paroxysms, clearly gives the usual symptoms of *angina pectoris*. It does not, however, appear from the evidence that the medical officer was present during any of these attacks, and if the symptoms were not as clearly given by the patient as they were by the witnesses, it probably would not be possible for him to detect the presence of the disease by stethoscopic examination; and, finally, I do not think that John Wilson's death was accelerated by neglect or the absence of precautions which ought to have been adopted.

The Hon. the Minister of Justice.

ALEXANDER JOHNSTON, M.D.

#### No. 12.

INSPECTOR of LUNATIC ASYLUMS and HOSPITALS, Wellington, to the MINISTER of JUSTICE.

SIR,—

Wellington, 28th April, 1880.

I have the honor to acknowledge receipt of your memorandum of the 23rd instant, regarding the inquest in the case of a late prisoner in the gaol at Invercargill, named John Wilson, and have to reply as follows:—

1. I do not think it is likely that any different verdict would be arrived at if fresh proceedings were taken.

2. I do not think there is any doubt as to the cause of death having been *angina pectoris*.

3. I do not concur in the statement that it is possible to find no symptoms to indicate the disease (*angina pectoris*). I think it right to point out that this question has apparently been asked owing to

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