

There is one matter which came under our notice in the course of the inquiry which we deem it our duty to remark upon, although not strictly within the scope of the Commission issued to us. In the evidence of the gaoler, Mr. Fraser, it will be seen that from the 27th January to the 27th April last the gaol at Invercargill was not visited by any Justice of the Peace, and likewise prior to the latter date no visit was made since the 19th September, 1879. This would, in our opinion, account in some degree for an inclination to a laxity of discipline observable in the prison.

We have, &c.,

A. R. CHETHAM STRODE.

W. LAWRENCE SIMPSON.

The Hon. the Minister of Justice, Wellington.

#### COMMISSIONERS' REPORT.

To His Excellency Sir HERCULES GEORGE ROBERT ROBINSON, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony of New Zealand.

MAY IT PLEASE YOUR EXCELLENCY,—

In obedience to your Excellency's Commission, dated the 29th day of June, 1880, appointing us to be Commissioners for the purpose of inquiring into all the circumstances attending the death of one John Wilson, late a prisoner in the public prison at Invercargill, and who died therein on or about the 5th day of April, 1880, and the causes which led thereto, and particularly to inquire whether there was any improper treatment or neglect of the said John Wilson by the keeper of the said prison at Invercargill, or any of his officers or assistants, or by the medical officer of the said prison during the period the said John Wilson was confined therein, we have the honor to state that on the 15th day of July, 1880, we proceeded to Invercargill, and on the following day in the prison at that place we commenced our inquiry in terms of said Commission. We examined the keeper of the prison, the surgeon thereof, the medical man who made the *post-mortem* examination, the warders of the prison, and five prisoners in said prison: these, we ascertained, would exhaust all the evidence then available.

Upon considering the evidence and papers we arrived at the conclusion that there had been no improper treatment or neglect of John Wilson by the keeper of the Invercargill Prison, or any of his officers or assistants: indeed, we rather inclined to the belief that kindness and consideration was extended to the prisoner by the gaoler and his officers, for, although pronounced by the medical officer of the prison a malingerer, he, the prisoner, was not treated as such. He was neither punished nor sent out to labour; and the evidence of all the prisoners tended to confirm the view that nothing but kindness had been extended to prisoner Wilson by the keeper and his officers.

With reference to the treatment of prisoner Wilson by the medical officer, we have to state our conviction that he spared no pains to discover the real malady from which the prisoner was suffering, and that the prisoner was not subjected to any ill-treatment or neglect at his hands; but we nevertheless think that on the 27th March, when he pronounced the prisoner in the Medical Officer's Book to be a malingerer, he had scarcely data to express that opinion so decidedly.

We would here repeat that no punishment resulted to the prisoner from the opinion expressed. It may be to be regretted that the medical officer did not discover during the life of this prisoner the actual disease (*angina pectoris*) from which he died; but from the opinions of the medical men who were consulted, and of Dr. Hanan, who made the *post mortem* examination, the disease seems extremely difficult of detection unless the patient is seen by the medical man in the actual paroxysm of pain, in which state on no occasion did the medical officer see the prisoner. The medical evidence discloses the fact that the disease is an incurable one, and the opinion that the prisoner had suffered from it for a length of time.

From a review of the whole circumstances we are of opinion, as borne out by the evidence, the whole of which accompanies this report, that no different treatment from that he experienced could have prevented the prisoner's death; but that if the prisoner had complained sooner, and if the medical officer had discovered the real malady, it is possible that the prisoner's life might have been prolonged a short time. And this we respectfully certify to your Excellency as our report.

We have, &c.,

A. R. CHETHAM STRODE.

W. LAWRENCE SIMPSON.

Dunedin, 31st July, 1880.

MINUTES of EVIDENCE in the matter of John Wilson, Deceased, at one time a Prisoner in Gaol, Invercargill. Evidence of Witnesses examined at Inquiry.

*William Fraser*, sworn: I am Gaoler at Invercargill, and I knew John Wilson, who was received into the gaol on the 28th March, 1879, on remand, and on the 1st of April, 1879, was committed for trial, and on 21st of same month was tried and convicted by the District Court and sentenced on two charges of false pretences to two years' penal servitude on each, sentences to be concurrent. To all appearances he was in good health when received, and did not complain of ill-health for six weeks after he was sentenced. At that time he came round to me—to my office—and said, in answer to my inquiries, that he did not know if he suffered palpitation or disease of the heart. I suggested to him that he should see the doctor, and he said there was no occasion—"If you give me a dose of medicine it will set me all right." I gave him a dose of house medicine—that is how it is called. The prisoner took the medicine in my presence. He subsequently applied at intervals for medicine—I would say three or four times before the doctor saw him for the first time. I always gave him the same house medicine on each occasion. The first special visit of the doctor to prisoner Wilson was on 3rd September, in answer to a request by prisoner to see him. The prisoner from the time he was received up to 3rd September was always at hard labour, and never complained of the work, nor were there complaints of his not doing the work, and he did not complain of being ill further than what I have already stated. On the 3rd September, 1879, prisoner John Wilson complained of cough to the