

(No. 177.)



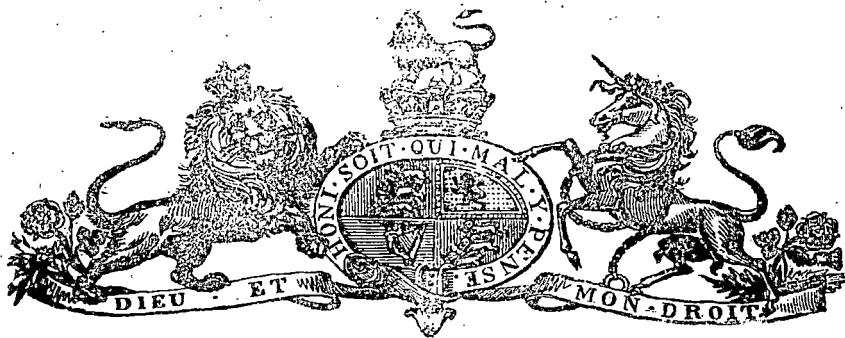
1884.

PARLIAMENT OF TASMANIA.

GAOL DISCIPLINE :

**REPORT FROM THE SELECT COMMITTEE, WITH MINUTES
OF PROCEEDINGS AND EVIDENCE.**

Brought up by Mr. Reibey, and ordered by the House to be printed,
November 11 1884.



SELECT COMMITTEE appointed, on the 2nd October, 1884, to inquire into and report upon the Discipline and existing Management of the Gaols in Tasmania.

MEMBERS OF THE COMMITTEE.

MR. N. J. BROWN.
MR. ROOKE.
MR. REIBEY.
MR. DAVIES.

MR. ARCHER.
MR. PILLINGER.
MR. GUESDON. (*Mover.*)

DAYS OF MEETING.

Friday, 10th October.
Friday, 17th October.
Wednesday, 22nd October.
Thursday, 23rd October.

Friday, 24th October.
Thursday, 30th October.
Friday, 31st October.
Tuesday, 4th November.

Wednesday, 5th November.
Thursday, 6th November.

WITNESSES EXAMINED.

Mr Alfred Jones, Superintendent Launceston Gaol for Males.
Mr. Henry Quodling, Superintendent Gaol for Males, Hobart.
Mr. John T. Smith, Deputy-Gaoler, Gaol for Males, Hobart.
Andrew Blong, ex-Gatekeeper, Gaol for Males, Hobart.
Mrs. C. E. Paul, Nurse and Senior Warder, Gaol for Females, Hobart.
Mr. John Swan, Sheriff, and Inspector of Police.
Mr. A. G. Pogue, ex-Station and Receiving Master, H.M. Gaol for Males, Hobart.
Mr. T. G. Ford, Foreman Cook-house, Gaol for Males, Hobart.

WITNESSES EXPENSES. £ s. d.

Mr. A. Jones	9	11	6
Mr. A. Blong.....	0	15	0

REPORT.

Your Committee beg to report that they have inquired into the "General Discipline and system of Management of Gaols in Tasmania."

Your Committee have examined eight witnesses, and had under their consideration letters and documents attached (see Appendices), and they are of opinion that improvements are urgently demanded, not only as regards discipline, but increased accommodation.

Your Committee therefore recommend that immediate action be taken to remedy the many evils shown to exist, and so often brought under the notice of the Government by the Sheriff. Under the present arrangements, effectual discipline and proper classification of prisoners are impossible.

Your Committee especially desire to recommend that revised and approved Regulations be printed, and placed by the Sheriff in the hands of his subordinates for their guidance and instruction.

THOS. REIBEY, *Chairman.*

Committee Room, Thursday, 6th November, 1884.

MINUTES OF PROCEEDINGS.

FRIDAY, OCTOBER 10, 1884.

The Committee met at 12:15 P.M.

1. Mr. Guesdon was voted to the Chair.

2. Resolved—That the Sheriff be requested to supply, for the information of the Committee, a copy of the Gaol Regulations, and also a list of all officials at present employed in, or who have resigned or been discharged from, the Penal Establishments in Hobart and Launceston during the last three years.

3. Resolved—That the following witnesses be summoned:—Alfred Jones, Gaoler and Superintendent, Launceston Gaol, for Wednesday next, at 11 A.M. Henry Quodling, Gaoler and Superintendent, Hobart Gaol for Males, Thursday next, at 11 A.M.

4. Committee adjourned at 12:45 P.M. to Friday, at 11 A.M.

FRIDAY, OCTOBER 17, 1884.

The Committee met at 11 A.M.

Present—Mr. Reibey, Mr. Archer, Mr. Pillinger, Mr. Rooke, Mr. Brown, Mr. Davies, Mr. Guesdon (Chairman.)

The Minutes of last meeting were read and confirmed.

Resolved—That all witnesses examined by the Committee be called upon to make a declaration under 35 Vict. No. 11.

The Regulations of the Gaol for Males, Hobart; the Gaol for Females, Hobart; and the Gaol, Launceston; with a Return showing the names of all officials at present employed in the Penal Establishments in Tasmania, as well as the names of those resigned or dismissed during the last three years, were laid upon the Table.

Mr. Alfred Jones, Superintendent of the Gaol for Males, Launceston, was called in, and having made the declaration, was examined.

Mr. Jones withdrew.

Mr. Henry George Quodling, Superintendent of the Gaol for Males for Hobart, was called in, and having made the declaration, was examined.

Mr. Quodling withdrew.

Resolved—That the following witnesses be summoned:—Mr. Henry G. Quodling, for Wednesday next, at 11 A.M.; Mr. J. T. Smith, Deputy Gaoler, Gaol for Males, Hobart, for Wednesday next, at 12 A.M.; Mr. A. Blong, for Thursday next, at 11 A.M.; Mrs. Paul, Nurse, Gaol for Females, Hobart, Thursday next, at noon.

The production of the following papers was ordered:—(1.) Memo. from Mr. Superintendent Quodling, recommending payment of gratuity to Charles Hardinge. (2.) Correspondence between Mr. Superintendent Jones and the Sheriff *re* Charles Hardinge. (3.) Letter from Charles Hardinge to Mr. Superintendent Quodling. (4.) Letter from O. Latham to the Hon. the Premier *re* Charles Hardinge.

The Committee adjourned at 12:45 P.M. to Wednesday next, at 11 A.M.

WEDNESDAY, OCTOBER 22, 1884.

The Committee met at 2:30 P.M.

Present—Mr. Archer, Mr. Reibey, Mr. Brown, Mr. Rooke, Mr. Pillinger, Mr. Guesdon (Chairman.)

The Minutes of the last meeting were read and confirmed.

The following documents were laid on the Table:—(1.) Memo. from Mr. Superintendent Quodling recommending payment of a gratuity to Charles Hardinge. (2.) Correspondence between Mr. Superintendent Jones and the Sheriff *re* Charles Hardinge. (3.) Letter from Charles Hardinge to Mr. Superintendent Quodling. (4.) Letter from O. Latham to the Hon. the Premier.

Mr. Quodling was called in.

Mr. Quodling laid on the Table a Memo. of his remarks on the evidence given by Mr. R. A. Atkins before the Royal Commission on Gaol Discipline in Tasmania.

Mr. Quodling having been further examined, withdrew.

Mr. John Thomas Smith, Deputy Gaoler, Gaol for Males, Hobart, was called in, and having made the declaration, was examined.

Mr. Smith withdrew.

THURSDAY, OCTOBER 23, 1884.

The Committee met at 10:30 A.M.

Present—Mr. Reibey, Mr. Pillinger, The Minister of Lands, Mr. Guesdon (Chairman.)

The Minutes of the last meeting were read and confirmed.

Mr. J. T. Smith was re-called, and further examined.

Mr. Smith withdrew.

Mrs. Cecilia Eliza Paul was called in, and having made the declaration, was examined.

Mrs. Paul withdrew.

Mr. J. T. Smith was, by his own request, re-called to explain portion of his evidence.

Mr. Smith withdrew.

Mr. Andrew Blong was called in, and having made the declaration, was examined.

Mr. Blong withdrew.

Resolved—That Mr. A. G. Pogue be summoned to attend to-morrow, at 11 A.M.

The Committee adjourned till Friday next at 11 A.M.

FRIDAY, OCTOBER 24, 1884.

The Committee met at 11 A.M.

Present.—Mr. Brown, Mr. Reibey, Mr. Archer, Mr. Pillinger, Mr. Guesdon (Chairman).

The Minutes of last meeting were read and confirmed.

Mr. Andrew George Pogue was called in, and having made the declaration, was examined.

Mr. Pogue withdrew.

Resolved—That Mr. John Swan be summoned to attend.

Resolved—That the copy of the Regulations issued to Mr. A. G. Pogue at the Gaol, endorsed with his name, and initialled by the late Superintendent, be sent for.

The Committee adjourned till Friday, the 28th October, at 11 A.M.

THURSDAY, OCTOBER 30, 1884.

The Committee met at 3.30 P.M.

Present.—Mr. Rooke, Mr. Reibey, Mr. Pillinger, Mr. Brown.

The Minutes of last meeting were read and confirmed.

Mr. Brown intimated to the Committee that it would be necessary to elect another Chairman, Mr. Guesdon having left the Colony.

Mr. Reibey was voted to the Chair.

Resolved—That Mr. Swan be examined to-morrow at 11 o'clock.

FRIDAY, OCTOBER 31, 1884.

The Committee met at 11 A.M.

Present.—Mr. Reibey (Chairman), Mr. Rooke, Mr. Brown, Mr. Pillinger.

The Minutes of the last meeting were read and confirmed.

Mr. John Swan, Sheriff and Inspector of Police, was called in, and having made the declaration, was examined.

Mr. Swan withdrew.

The Committee adjourned, at 12.30 P.M., to Tuesday, the 4th November, at 11 A.M.

TUESDAY, NOVEMBER 4, 1884.

Present.—Mr. Reibey (Chairman), The Minister of Lands, Mr. Rooke, and Mr. Pillinger.

The Minutes of the last meeting were read and confirmed.

Mr. Swan was admitted, and his examination continued.

Mr. Swan put in a copy of Correspondence relating to the Deputy Gaoler's residence in the Gaol. (Appendix E.)

Resolved—That Mr. Swan's examination be continued next day.

The Committee adjourned, at 12.5, till 11 o'clock next day.

WEDNESDAY, NOVEMBER 5, 1884.

Present.—Mr. Reibey (Chairman), The Minister of Lands, Mr. Davies, Mr. Pillinger, and Mr. Rooke.

Mr. Swan was called, and his examination continued.

Mr. Swan withdrew.

The Committee adjourned, at 12.15, till 11 o'clock next day.

THURSDAY, NOVEMBER 6, 1884.

Present.—Mr. Reibey (Chairman), The Minister of Lands, and Mr. Pillinger.

Mr. Andrew George Pogue was called in and further examined.

Mr. Pogue withdrew.

Mr. Thomas Gillard Ford was called in and examined.

Mr. Ford withdrew.

The Committee adjourned, at 11.40, till the same afternoon at 3.45 P.M.

AFTERNOON SITTING.

The Committee met at 3.45 P.M.

Present.—Mr. Reibey (Chairman), Mr. Pillinger, Mr. Rooke, The Minister of Lands.

Draft Report submitted and adopted.

The Committee adjourned *sine die*.

EVIDENCE.

FRIDAY, OCTOBER 17, 1884.

MR. ALFRED JONES, *Superintendent H.M. Gaol, Launceston, called in and examined.*

1. *By the Chairman.*—You are Superintendent of the Launceston Gaol? I am.
2. Under what regulations do you work there? Under those passed by the Bench of Magistrates in 1886, contained in the three books produced, having reference to the Penal Establishment, the House of Correction for Males, and the House of Correction for Females.
3. Are you aware of any other copy of regulations? No.
4. You take your guidance entirely from them? Yes, entirely.
5. Has there been any modification or amendment of them? One part of one of them was amended by an order of the Governor in Council. In those regulations prisoners are prohibited from having tobacco; but some years ago an order from the Governor in Council was issued permitting prisoners to have tobacco. That is the only instance of alteration that I am aware of, and it does not appear in the regulations.
6. You have seen a report in reference to the treatment of Hardinge at Launceston: it appeared in the newspapers, reference having been made to it in the House? I saw the complaint made by Hardinge.
7. While under your charge what was his general behaviour? Very good, both before conviction and afterwards. The whole time he was there it was very good indeed. Before his conviction he did my books in the Gaol, and was anxious, in case he should be convicted, to become acquainted with the work. One day prior to his removal to Hobart, when I was absent, some little occurrence took place which occasioned his removal from Launceston.
8. There is some correspondence between you and the Sheriff with reference to his removal? Yes; that correspondence will be in the Sheriff's office.
9. Can you give the substance of what took place? Hardinge was employed as a writer in the office. We had recently had a new clerk appointed, and, not being thoroughly acquainted with the work, he had asked for the assistance of Hardinge, at that time employed in the Gaol proper, and not allowed out of that part. This request was complied with, and Hardinge was brought from the Gaol into the office. The work was rather intricate, but work of a nature easily picked up after a time. I was absent at George Town one day, and on my return I found a written complaint of Hardinge's against the clerk, Roberts, for having called him a liar. Hardinge had some work to do in collecting some information for the Chief Secretary, for which purpose the Under Gaoler brought some information into the office. Directly the Under Gaoler went out of the office the clerk took the papers and said he would do them. Hardinge said he would inform the Under Gaoler, and the clerk said "You shall not interfere with them." About half an hour afterwards the Under Gaoler went in, and Hardinge informed him that Roberts had taken the papers from him and would not let him obtain the information. Roberts turned round and said he had never touched the papers. Hardinge said "There are the papers under his elbow"—where they were. Then Hardinge complained of Roberts's general conduct towards him in such a way that he lost his temper. Hardinge then asked Miller's permission to write an official complaint to me, which request Miller granted. On my return Roberts came to me and said he understood Hardinge had made a complaint against him, and asked whether I would let him see it. I replied, "If you wish it I will refer it to you for your comment." I did so, and then sent the same to the Sheriff. Other correspondence followed.
10. I see by the regulations there is provision for dealing with trumpery and needless complaints. Can you say why this complaint was made formally? Had I been present Hardinge would have made a verbal complaint to me, and I should then have judged whether it was necessary to have it written. I thought the man was, in one sense, justified in making the complaint, but not in writing it. His excuse was that in my absence he thought it better to write it. Had I been at home he might have sent for me—it would never have occurred, that is the fact, because I should have gone in. I wrote to the Sheriff and told him how it occurred, and the Sheriff ordered Hardinge's removal to Hobart. I must confess I looked upon his letter to me in reply as a censure upon my conduct in the matter.
11. In what respect was there any breach of the prison regulations? In allowing the man to send such a letter. I pointed out that the letter had been written in my absence, and it was out of my power to suppress it. It was my duty to let it go, the Under Gaoler having given permission to write it. I protested against what I considered the Sheriff's censure of me. He then replied that he did not intend it as a censure, but his instructions had not been complied with. When Hardinge was convicted the question arose how he was to be employed. Ever since I have been at the gaol until the last eighteen months I had to get the whole of the clerical work done in the best way I could by prisoners' work and other inconvenient ways. I was therefore very glad of the services of the prisoner, and the man having been convicted I availed myself of his services. The Sheriff told me to keep him employed in the gaol office work, but that no ordinary clerk should be placed with him; but on the request of Roberts that Hardinge should assist him I consented, the object being to get the work done and oblige the clerk. The Sheriff's objection was to allowing Hardinge to be there.

12. Did you represent to the Sheriff that it was done in order to forward the work, prior to Hardinge's removal to Hobart? I did not; for the next day or the day after the order came for his removal to Hobart.

13. What was the character of Roberts in the gaol—was he a capable officer? No.

14. If it was a breach of the prison regulations, would you hold Hardinge responsible or the Under Gaoler? Certainly not Hardinge, though I told him he had acted foolishly in not waiting till I came home. He made the complaint with the consent of the Under Gaoler.

15. It was not a breach of the prison rules if he had the consent of the superior officer? No.

16. What system have you with regard to the remarks and suggestions made by Visiting Magistrates?—do you forward them to the Sheriff, or leave them till the Sheriff visits the Gaol? If there is anything necessary to call the attention of the Sheriff to I forward it. Sometimes the matters referred to are of minor importance; but it frequently happens that the suggestions of the Visiting Magistrates point out a remedy, and copies are then sent to the Sheriff.

17. Minutes of a very important character have been made lately? Yes; during the current year.

18. Is the receipt of these acknowledged? and do you ever get instructions what to do in such cases? They are not acknowledged; certainly not lately. In some cases the suggestions of the Visiting Justices are deemed so necessary that they are carried out. For instance, with regard to the closet system,—but that is two or three years ago. Recently there have not been many forwarded to the Sheriff,—I do not suppose more than half a dozen for a period of four or five years.

19. Under your regulations what provision is made as to special classes of labour? None whatever.

20. Supposing you have a tradesman in the Gaol, can he be employed upon the requisition of an officer of the Gaol? If I get any tradesman I always find work for him, having two establishments—the Invalid Dépôt and the Gaol—under my charge.

21. Do the regulations allow any private work to be done by prisoners for the officers of the Gaol? There is nothing to prevent it. It has been the custom. They pay so much a day for the use of the prisoners—two shillings.

22. What is the usual form of application: is it done by requisition? Not so far as I know. In Launceston it is only in the case of shoemakers. If a man wants a pair of boots made or repaired he pays two shillings a day for the use of a prisoner. The whole amount received is not more than £5 a year. The system has been adopted for a good many years, but the labour is always paid for.

23. When prisoners of a certain criminal class are in the Gaol, have you ever heard the Sheriff address them by their Christian names in going through? I do not think so—I never did.

24. Is it the custom of the Sheriff to closet himself for any lengthy period with criminals in the cell alone? Not in the Launceston Gaol. I have never known him to do so.

25. You never get, I suppose, any instructions unless in writing?—you never get verbal instructions as to the management of the Gaol in any respect? No, not as to general management. Sometimes Mr. Swan may make remarks about little things, but not general instructions.

26. Not a continued regulation? Not in any case.

27. *By Mr. Rooke.*—Is it not a fact that in the Launceston Gaol prisoners under remand are confined, like the criminals, in cells without light? Oh yes, for 14 hours in winter.

28. This has been reported to the Sheriff by the Visiting Magistrates? Yes.

29. Very strongly? Yes; I know the Sheriff has verbally reported it to Ministers years ago.

30. There has been strong representations made within the last twelve months? Yes.

31. The same treatment is applied to suspected lunatics also? Yes; there is no other place to keep them in.

32. *By Mr. N. J. Brown.*—Without any light? No light. The only light proceeding into the cell at all is through a very small window, about three panes of glass, 8 by 10.

33. Do they open upon the corridor or at the back of the cell? Into the open air.

34. Are there any means of lighting the cells? No.

35. *By Mr. Rooke.*—Could any difference be made in the case of a debtor confined in the gaol? No; we had one or two there lately. They are treated in precisely the same way—debtors brought up under judgment summons and men for nonpayment of mining calls.

36. The female invalids are also lodged in the gaol? They are.

37. They are treated like the prisoners? They are not restricted so much. They are free to go out into the garden, and otherwise have more liberty. They can see visitors, and are provided with comforts that the prisoners do not get.

38. Are not some cells in a bad state as regards vermin? Yes; some of the old cells where we have been obliged to confine prisoners are in a shocking state in that respect; but latterly, in consequence of the reduction of the number of prisoners, they have not been used in any way.

39. Do you think that, with the expenditure of a small sum of money, an alteration could be made,—such as providing light for the cells? Yes; and that would equally apply to the House of Correction for Males as well as to the Gaol.

40. *By Mr. Archer.*—Have any improvements been made to the Gaol since the time of the Royal Commission on Discipline? No; the only alteration made has been in consequence of the old men from the Dépôt sleeping in one part of the Gaol. All the battens were taken down and the walls bricked up and made much better, rather than send the men to Hobart, to avoid expense. This part formerly belonged to the Gaol proper, but not being required it was used for the invalids.

41. No other money was spent in improvements in the Gaol? No.
42. *By the Minister of Lands.*—Have any requests been sent to the Sheriff by you to be forwarded by the Sheriff to the Government? No; only for drainage.
43. Not for repairs? None. Of course it was contemplated that the Gaol would be broken up. Immediately before the opening of Parliament one of the officers of the Public Works Department came round and took an estimate of what was required next year, presumably to have something done next year.
44. *By Mr. Rooke.*—You think you could do more prison labour if you had more able-bodied prisoners left with you, while long-sentenced men could do more work out of the Gaol? In an establishment like this there is always work to be done, and able-bodied men are necessarily required to do it. I have not enough now to do the work of the establishment.
45. At present all over three months are sent away? No, some over six months are.
46. *By the Chairman.*—Is there any particular system under which prisoners are removed from the different gaols, or is it simply caprice at the will of the Sheriff? The law allows the Sheriff power to remove them.
47. Is there any system by which prisoners are drafted off for certain purposes? In every week I send down a return of those received during the week, and whether able-bodied or not.
48. *By Mr. Rooke.*—There is no system actually? No.
49. *By the Chairman.*—Is there any provision for proper classification? No.
50. You have certain rules laid down in the regulations? Yes, but we cannot carry them out. As a rule prisoners on remand for lighter offences are put by themselves, and not with others on remand for heavy offences like murder. Special circumstances might arise under which we might have to put them together, or prisoners waiting to be removed might be put with those on remand for heavier crimes.
51. You have a certain discretionary power in dealing with them,—the Sheriff does not interfere in details? No.
52. That is the usual thing? Yes.
53. You would consider it unusual if, when you had placed a clerk in your office, the Sheriff came in and ordered him to be employed in stone-breaking,—would you consider it exceptional if such an order were issued by the Sheriff? Yes, I should.
54. That is not part of the details, I suppose—something more than courtesy,—the present regulations give the working of the gaol to you? Yes. Of course the Sheriff is the head officer.
55. Yes; but, as a matter of fact, the details of the work are left to you? Yes.
56. *By the Minister of Lands.*—Suppose a complaint had been made against this supposed clerk whom Mr. Guesdon has imagined, would you consider that the Sheriff was stepping outside his usual course if he ordered the man to other employment? No, decidedly not then.
57. Then what you meant by saying it would be unusual, was that it would be unusual in the absence of any complaint? Decidedly.
58. *By the Chairman.*—Is it long since you had an execution at Launceston? About twelve months last July,—a man named Braxton.
59. Is it imperative that the Sheriff, or the Deputy Sheriff, should be present at all executions? Always; the Deputy Sheriff as a rule performs the duty.
60. At the time of execution? Yes, at the time always, and also the Medical Officer.
61. *By Mr. Rooke.*—Do you consider the drop on the scaffold sufficiently deep to effectually break the prisoner's neck, without suffocation? Last time a prisoner was hanged in Launceston I had a hole dug under the drop to prevent the chance of that. It was certainly deep enough then. Our gallows is a very bad one, and I some time ago recommended that a new one should be procured. Ours is a portable one, and the arrangements are very bad.
62. Without digging the hole? That would depend on the height of the man. The men hanged in my time have been short men.
63. In your opinion, Mr. Jones, as an official, a new gallows is necessary? Yes. Something different to the present one.
64. *By the Chairman.*—You have represented that? Yes. The Sheriff had that some time ago. I think I was in error in saying the last execution was in July twelve months since. I think it must have been July two years since.
65. How do you treat condemned men?—do you allow people to see them? Never, except the relatives. Of course my experience is limited in these things, and I have not had much opportunity of judging. I never had a request from anyone outside of the Ministers of religion and members of the family.
66. You consider it is not advisable to have them there as a sort of show. If officers of the gaol wished to take distinguished visitors there would you allow the condemned man to be looked at? It has not occurred in my experience.
67. Has the Deputy Sheriff never done it? No. The Sheriff might bring one to see him, and it might be allowed. So far as I remember, nobody but the officers of the gaol has seen a man in the condemned cell.
68. Is it advisable, in your opinion, to allow persons under committal or remand for other than capital charges to be seen by visitors? Not unless they came specially to see any prisoner. Of course there are visitors to the gaol who inspect the premises generally; but if a man is not standing out in the yard he

would not be ranged up and made an exhibition of. Although a man has been committed for trial I do not look upon him as a prisoner, in the general acceptance of the term, until he is convicted.

69. Is any difference made between prisoners under committal or being detained for slight offences, and those under committal for any misdemeanour? If other portions of the gaol were unoccupied I would not put a man under committal on a charge of murder with others committed for petty offences or misdemeanours. I keep them separate as far as I can. It sometimes happens, in the case of a lad under 16 years of age, under sentence for a week or a fortnight, that he is put in a yard in the Gaol where there are six cells attached. He occupies one of these, and I am consequently deprived of the use of the others. There is no place in the House of Correction for them.

70. Does the Gaol accommodation afford you the means of dealing separately with different classes of prisoners?—Would a man who had occupied a respectable position in society and had been convicted of embezzlement (*mentioning a name*) be placed with another man of a worse type who had been convicted of some heavy offence, or would you, as much as possible, endeavour to keep them apart by classification? I have always done so, and I have laid myself open to censure perhaps for having done so. Particularly in the day time in the House of Correction they are kept and employed by themselves, so that if they do mix with the others it is their own fault. My endeavour is always not to make men go out worse than they came in.

71. Do you think it desirable to have further classification for persons convicted of misdemeanour? Yes; I think men should, as a rule, be employed at the class of work they have been accustomed to before they entered the prison. If a clerk they should be employed as clerks; if mechanics they should be employed as mechanics, or a carpenter should be employed in similar work. You would thus get more value out of the men than you would by putting them to digging.

72. You think, then, that for the purpose of reformation as well as punishment, there should be more classification, and that all such cases should not be dealt with under the general heading of misdemeanour? Yes.

73. *By Mr. Reibey.*—Do you find prisoners, as a rule, anxious to make complaints? No.

74. Especially young criminals: are they given to making complaints? No. I do not suppose any of them have made complaints either to me or the other officials of the treatment they receive in Gaol. I do not suppose that within the last ten years ten complaints have been made by prisoners, either to the Visiting Justices, the Sheriff, or the Governor.

75. *By the Minister of Lands.*—As to treatment? Yes.

76. *By Mr. Reibey.*—There is no tendency, then, among the prisoners, especially young ones, to make complaints? No; I have never found it so.

77. Are short sentence prisoners, as a rule, removed to Hobart? They have been lately, during the current year—those of six months and upwards.

78. By whose authority? By the Sheriff's.

79. Do you think it necessary in order to maintain discipline? Necessary for Hobart, do you mean?

80. No.—Do you think it necessary to send them to Hobart to maintain prison discipline? No, I do not.

81. You think it is an unnecessary cost? That would all depend on the labour they might require. They might get full value out of the man, and so make up for the expense. It is a hardship, though, for a man to be discharged in Hobart, after he has been sent from Launceston there, without a shilling in his pocket, and so have to walk all the way back to Launceston again. Men might be employed with equal advantage in Launceston—I speak now as to a certain number—for any surplus labour is taken by the Corporation, who, by the decision of the Governor in Council, receive the services of seven men if we have them.

82. Could you employ short sentence prisoners up to a certain number in Launceston with advantage? Yes.

83. *By the Minister of Lands.*—More than you maintain there now? Yes. In fact I have none to do the work of the establishment.

84. *By Mr. Reibey.*—You say there is hardship in discharging transferred prisoners in Hobart? It is a hardship for short sentence prisoners to be discharged in Hobart, without having anything given them to pay their fares back to Launceston. I remember a case of the kind occurring last week.

85. Are prisoners allowed, as a right, to make complaints before the Justices, as Visiting Magistrates? Yes. They are all asked the question if they have any complaints to make—either singly or together—when the Visiting Magistrates are present, and the same with the Governor.

86. You gave evidence, Mr. Jones, before the Royal Commission on the 11th April, 1883: do you remember that? I remember some of it.

87. Will you read over that evidence, and then say whether you confirm it or not? Yes. (See Appendix A.)

88. *By the Chairman.*—Do you know of any other information you can add to that evidence as to gaol discipline? I am not aware of any. In the evidence I gave before the Royal Commission I think I included almost everything absolutely necessary.

HENRY GEORGE QUODLING, *sworn*.

89. *By the Chairman.*—You are the Superintendent of the Hobart Gaol, and these are the regulations you produce under which you act? Yes.

90. Are they the only regulations? Yes.

91. These regulations were made by the Visiting Magistrates and the Governor in Council? Yes, in 1866.

92. Have they been in any way revised or amended without the authority of the Governor in Council? They were amended by the late Superintendent, without that approval.

93. As a fact, then, the present regulations in force have not been approved of by the Governor in Council? The amendments were merely verbal, containing nothing to affect the discipline of the Gaol.

94. In what respect have the regulations been altered? Merely as to the designation of the officers,—nothing to affect the discipline of the Gaol.

95. Were you Superintendent of the Gaol when a prisoner named Hardinge was there? He was there when I took charge.

96. What was his general conduct when in the Gaol with you? Good. I had no cause to complain.

97. Were you there at the time he was brought down from Launceston? No; he was there when I took charge.

98. How was he employed? He was employed as a writer, and acted as monitor in the school during the evening for about an hour and a half.

99. Had he done that all the time he was there? All the time I was there.

100. Was that in any way considered in his remission of sentence? I think it must have been, as I believe he had three months' remission.

101. Was not that the outcome of a petition from outside? I do not know.

102. Did you recommend a small gratuity for his services as monitor? I did recommend some small amount; I think it was £1. It was not approved of.

103. You recommended that, believing that his services as monitor entitled him to it? Yes, I so represented it.

104. Who would approve or disapprove of that? The Sheriff would submit it to the Attorney-General. That is the usual course; but I do not know whether it was adopted in this case or not.

105. What is the general character of the work done in the Gaol?—is there anything embodied in your regulations by which a prisoner may be employed by the officers of the Gaol to do work for them? No; the officers are allowed servants.

106. Are they allowed mechanics to do work for them except by special requisition? Certainly not.

107. Is there no work done for the officers of the Gaol for which they pay? Yes, for which they pay. It is charged at the end of the month and deducted from their salaries. The officers are allowed to have boots made and tailors' work done in the Gaol if the work is paid for.

108. Is that privilege generally availed of? Yes, and always paid for so far as I know.

109. What is the form?—do the officers sign a requisition for the work they require done? It is entered in a requisition book and submitted to me every morning, and I approve of it.

110. Who receives the payments? The clerk receives the payments, Mr. Oldham deducting it from the salaries, except in my own case. I always pay by cheque, and the Sheriff does the same.

111. Is there no authority by which you can let a servant to others than officers in the Gaol? No, except the Sheriff, who has authority from the Government to employ a servant as groom in his capacity as Inspector of Police.

112. Do the prison regulations require that servant to wear the prisoner uniform? He wears the same uniform as the carters wear,—instead of wearing a grey jacket he wears a white duck jacket.

113. What system is there for taking that prisoner down and taking him back? is there any system? He is taken down by a constable from the Gaol, and accompanied back by a messenger from the Inspector's office.

114. *By Minister of Lands.*—You stated that Hardinge was employed as a writer in the office: what was his conduct during the time that he performed that duty? I had no occasion for complaint.

115. Did he make any complaint of his treatment in the Gaol to you or anybody else? Not as to his treatment at the Hobart Gaol. He wrote me a letter.

116. What was done with it? I forwarded it to the Sheriff.

117. Did it contain a complaint? I think it did, so I submitted it to the Sheriff. It was returned with the statement that it should never have been forwarded.

118. Can you inform us what the complaint was? I cannot. The letter, of course, can be produced, as I presume it is in the Sheriff's office.

119. After the return of that letter did anything further occur between yourself and Hardinge as to his treatment?—did he make any verbal complaint? I do not remember any complaint.

120. Did he continue in his employment as writer? No; the Sheriff visiting upon one occasion found him employed in the writer's room and objected, saying he had given instructions that no prisoner should be employed as a writer in the office. The Sheriff ordered his removal, and I placed him in the printers' room, where he remained until his discharge.

121. Did the Sheriff say he had given general instructions that no prisoner should be employed as a writer? Verbal instructions. I subsequently received written instructions to that effect.

122. Was he put to any other employment? No other employment. He was employed there the whole time till his discharge.

123. Was he sent outside the Gaol to work? Not at all. Of course I am speaking of the time he was there after I took charge.

124. When was he discharged? July,—I think the 5th of July.

125. Have you any knowledge as to whether he was previously employed outside of the Gaol? From the books I know he was employed outside of the Gaol.

126. Do the books show from what cause he was sent outside of the Gaol?—was it for any breach of discipline? No. He was sent with the other prisoners in the usual course to the quarries.

127. He was treated as other prisoners before you took charge, and he was brought in and placed as a writer? Yes. He was employed stone-breaking and sawing wood to the 30th of July. He came down from Launceston on the 5th of June. From the 30th of July he was employed in the stone-breaking yard writing and issuing tickets and other employment.

128. He had sort of charge at the quarry, so far as a prisoner could have any charge? Yes, of the issuing of the metal.

129. What happened after that? He was exempted from labour from the 31st of July to the 5th of August on account of illness, and employed issuing tickets from the 5th of August to the 22nd of September.

130. *By the Chairman.*—This issuing of tickets,—did it involve any physical labour? No; it was merely keeping an account of the metal.

131. *By Mr. Rooke.*—He was actually engaged in physical labour? About six weeks.

132. *By the Minister of Lands.*—He continued issuing tickets up to the 22nd September,—what did he do after that? He was employed as a writer from the 23rd September to the 6th April of the present year, and from the 7th April to the day of his discharge in the printing-room.

133. He having been punished to a certain extent by his removal to the printing-room? No. I would not consider it any greater hardship to be employed as a compositor than as a writer.

134. *By the Chairman.*—Do you think his treatment was any different to other prisoners of that class? I think he was treated the same so far as I am aware of that class. They occupy a cell, and in the evening are allowed gas.

135. *By Mr. Davies.*—You say that the Sheriff came in, and finding this man engaged in clerical work immediately ordered him to be removed? I do. I beg pardon; he first asked why he was there, and I replied that I found him there.

136. How long had he been at the clerical work in the office before the Sheriff took notice of it? He was in the office from the 23rd December to the 6th April.

137. The Sheriff did not notice it till the 6th of April? Yes. He did not know where he was employed.

138. I presume the Sheriff goes all through the building? Yes. He went into the writer's room on that occasion.

139. Is it customary for the Sheriff to go all through the building occasionally? Yes. He goes all over the buildings, but not always to the writer's office, which is over mine, and you have to go upstairs to it.

140. Then that accounts for the man not being seen? Yes.

141. *By the Chairman.*—A letter has been read to you (*vide* Appendix B),—was it addressed to yourself as Superintendent of the Gaol? It was addressed to me, but as I did not think myself in a position to deal with it I sent it to the Sheriff, thinking he would be more competent.

142. Was it of such a nature as to merit punishment? No; I do not think so.

143. The letter was dated the 27th March, and on the 6th April he is put to a different class of work? To a different class, yes; but not severer.

144. It is very closely subsequent to the date of the letter? Yes. If I had thought there was anything offensive in the letter I should not have forwarded it. He was not harshly treated at all; quite the contrary.

145. *By Mr. Rooke.*—You were present officially at the recent execution? I was.

146. Do you consider the drop there is of sufficient depth? I consider it is insufficient, and I intend to get it remedied as soon as possible.

147. Is it not the duty of the doctor, in prison discipline, to be present at the execution? No, not at the execution—not till after the body is cut down. He is merely called in to prove the death—that the body is dead.

148. Have you taken any steps, and represented to the authorities about the insufficient drop? They are quite aware of it already, and I intend to have it deepened some two or three feet if it can be done. They say the reason this was not done before was on account of a drain running close to it. If I find that I cannot deepen it I shall take steps to have the beams raised.

149. Are you aware of any representations having been made to the Sheriff? I am not aware of any.

150. *By the Chairman.*—Were you Superintendent of the Gaol when Ogden and Sutherland were there? No.

151. Was the prisoner Stock much visited in gaol by persons other than his relatives? The clergyman, the Deputy Sheriff, and myself saw him daily; and the Sheriff was there two or three times also.

152. Alone? Yes.

153. Were any other visitors admitted to him? No. The Bishop of Tasmania visited him on one occasion, but no others.

154. Did many while he was under committal? No. I think his father saw him.

155. Except his relatives? No.

156. *By Mr. Davies.*—Did you know of any applying for admission? Not that I am aware of. If anyone had applied it would have been submitted to me. No relative or friend saw him when he was under committal.

157. *By Mr. Pillinger.*—Have you Hardinge's letter? I am not sure, but I will enquire and see. If I find it I will bring it up to the Committee; but you have a copy of it.

158. *By the Chairman.*—Will you look through the evidence which Mr. Atkins gave before the Royal Commission and see if anything strikes you as now requiring alteration, and make representations to the Committee accordingly? Yes. The copy of the Regulations of the Gaol is the only one I have; there are none others left.

159. Are they not posted up for the information of prisoners? Yes; and in accordance with the Regulations they are all read over to them every Sunday morning.

160. What! the whole of them? Yes.

WEDNESDAY, OCTOBER 22, 1884.

HENRY GEORGE QUODLING, *recalled.*

161. *By the Chairman.*—Have you read through the evidence given by Mr. Atkins before the Royal Commission? Yes.

162. Do you affirm it? Yes, with the exceptions set forth in the Paper (Appendix C.)

163. You have said that the Sheriff ordered Hardinge out of the writers' room on the 6th April; can you give us the exact terms in which the Sheriff ordered his removal? He asked me the question, what Hardinge was doing there. I said I had found him there and had not disturbed him. The Sheriff then expressed his disapproval of prisoners being employed to assist in the office,

164. That was all that passed? Was there anything peculiar in the manner or way Hardinge was sent from that particular kind of work to show that he was under punishment? Nothing at all.

165. Were you in the Gaol when a difficulty occurred with a man named Blong? I was.

166. Will you give the particulars of that occurrence? Shortly after the death of Mrs. Montgomerie there were only two warders in the female gaol, one of whom did not reside on the premises, and did not come till nine o'clock in the morning. Before nine o'clock one morning, Mrs. Paul, the only warder on the premises at the time, took four females from the House of Correction to the public wash-yard and locked them in, returning to her own quarters. It appears that before Miss Proctor arrived, Blong, who had possession of a duplicate key, made use of it, which he had no right to do, to enter the women's quarters, where he took improper liberties with a woman in the needleroom upstairs. Two of the females below in the yard said they saw Blong enter the yard. He admitted that he was there, but did not admit that he went so far as his accusers say.

167. Was there any examination or inquiry into the affair? Yes, the Sheriff made an enquiry.

168. Then, I suppose, there was certain evidence taken? Yes, and submitted to the Attorney-General. I think the Sheriff reported that he did not consider the evidence sufficient to dismiss Blong, but he referred it to the Attorney-General, who thought his conduct so bad that his services were dispensed with. The fact of his going to the yard without my knowledge and making an improper use of the key was, of course, a very gross offence. The duplicate key, it appeared, had been left with him by Mr. Atkins to use in the event of finding any disturbance in the yard.

169. Was it an offence for which an officer might be discharged without reference to the Attorney-General? Not without reference to the Attorney-General. No officer would be discharged for misconduct without reference to the Attorney-General.

170. Was there anything in Blong's evidence to implicate anyone else? No. Immediately after the occurrence the duplicate key passed into my possession, as I do not think anyone else should have possession of duplicate keys.

171. Have you ascertained the length of the drop at the Gaol? I have measured it myself. It is 8 ft. 6 in. from the platform to the ground. The last man executed had a drop of 8 ft. 3 in., for I measured the distance between his toes and the ground and found it was exactly three inches. He was allowed rather too much fall. Previously 5 ft. was the longest drop.

172. *By Mr. Rooke.*—Is not 10 feet recommended? For a man of 10 or 11 stone 8 feet is recommended.

173. But 10 feet for a lighter man? Yes, I think it is 10 feet.

174. *By Mr. Reibey.*—Was Blong a man of good character? Mr. Atkins gave him a good character, and said he was a man in whom he could place confidence.

175. Did he attempt to have criminal intercourse? I cannot say.

176. Was the woman a well-known prostitute? She was not a prostitute at all, but a married woman from the country who had been in gaol upwards of two years.

177. He was entrusted with the duplicate key? Yes, but I had not the slightest suspicion of the man or I certainly should have taken it away.

178. *By the Chairman.*—Since you have been in charge of the Hobart Gaol has there been any complaints or suggestions from the visiting magistrates? I do not remember any.

179. In reference to the employment of prisoners in certain parts of the Gaol, do you get your instructions verbally or in writing?—of course I mean continuous instructions. Have you received any written instructions with regard to the employment of prisoners within the Gaol since Hardinge was found in the office? I have since received written instructions that prisoners are not to be employed as writers in the office.

180. Were the written instructions in force at the time Hardinge was found in the office? No.

181. Do you receive verbal instructions at all with reference to the employment of prisoners? None whatever.

JOHN THOMAS SMITH, *sworn.*

182. *By the Chairman.*—What position do you hold? I am Deputy Gaoler of the Hobart Gaol.

183. How long have you been there? Since 1861; I have been Deputy Gaoler since 1881.

184. Were you in the Gaol when the prisoner Charles Hardinge was brought down from Launceston? I was.

185. What sort of work was he set to do as soon as he came down? He was ordered by the Superintendent, Mr. Atkins, to go to the stone quarry.

186. To do what kind of work? He was employed filling the carts, carting stone to the stone-breaking machine, and afterwards in sawing wood. There was no particular work ordered for him, but that he was to work in the quarry, the overseer using his discretion as to what work he put him to when ordered there. He afterwards was employed in making out the tickets and assisting the overseer, who had no clerk or any one to assist him at the time, so Hardinge was placed there to assist him for some time. I do not think he was very long doing the harder work.

187. *By the Minister of Lands.*—How long? About a month, but I could not say exactly. He was afterwards employed there, but at lighter work.

188. *By the Chairman.*—How long was he with the gang? About six weeks or two months.

189. Altogether, or previous to his making out the tickets? From the time he was sent to the quarry till his removal.

190. Was he not sent to work again with the gang? The books would show better than I could tell, but I think it was only about 6 or 8 weeks. There is a record kept when they go out to work.

191. Was his treatment different to that pursued to other prisoners of his class, such as (naming two prisoners)?—were they sent to the stone quarry? No; one of those men went to carpentry work at the bench during the time he was there.

192. Were prisoners of Hardinge's class ever sent to the stone quarry before? No, I do not remember any. I understood he was sent at the special order of the Sheriff.

193. Have you ever known prisoners of that class sent to such work before? No, I cannot remember any at the present moment.

194. *By the Minister of Lands.*—Of course what is conveyed by your answer is that different arrangements are made with regard to men who have been in the position of clerks, or other superior positions, to that made with regard to ordinary mechanics or labouring men? Yes, if the office is in want of a clerk, of course they are sent there; if not, they are sent to work at some light employment.

195. *By the Chairman.*—The question is, are they ever sent to work in the gangs? I do not remember any.

196. Do you think they ever have? I think so, but cannot say I recollect any.

197. *By the Minister of Lands.*—What would they be sent out for?—as punishment for misconduct or breach of the Gaol discipline? Not for misconduct. Of course if they misconduct themselves they might be sent out. If a man is a good tradesman he is sent to his trade, and if he is guilty of misconduct he would be punished and then sent back to his trade.

198. How punished? According to his misconduct. If very bad he would be brought before the visiting magistrates and punished by one or two months additional. If the misconduct was merely a breach of discipline he would probably receive two or three days' solitary, which would be an extension of his time.

199. Is sending a man who has been occupied as a tradesman or mechanic to the quarry used as a means of punishing a slight misdemeanour or breach of discipline? Yes, I believe it has been done; but a tradesman is sent back to his work again.

200. *By the Chairman.*—It is not the rule? No, it is no rule.

201. *By the Minister of Lands.*—What I want to make quite clear is this: when a prisoner who has occupied a good position—be it as a clerk, manager of a business, or anything else above the position of a mere labourer—is employed at his trade, or in the writers' or printers' room, and has committed any breach of discipline, is it regarded as a punishment to send him from his ordinary employment within the Gaol out to the stone quarry? Yes, this would be considered a punishment.

202. *By the Chairman.*—Is it the general practice? No, it is not the usual practice; it is an exceptional thing. Some men, though, would rather be out in the quarries pottering about; it would depend upon what the man was.

203. *By Mr. Rooke.*—Supposing a man was an exceptional man, who had been a clerk, not used to mechanical labour, would it not be considered heavy punishment? Yes, of course he would consider he was being more punished after being in the office, and would consider it rather hard to be put there.

204. *By the Minister of Lands.*—He would consider it a degradation? Yes.

FRIDAY, OCTOBER 24, 1884.

JOHN THOMAS SMITH, *recalled.*

204A. *By Mr. Reibey.*—How often does the Sheriff visit the Gaol as a rule? He visits pretty often—very frequently.

205. What do you mean by very frequently? I suppose it is sometimes once or twice a month, and if there is anything particular going on he may come oftener.

206. Does he regularly inspect the cells, the wards, and the food? No; I do not know that he does that. He goes round to hear if there is any complaint, the question being asked as he goes through, "Is there any complaint?" and, of course, if there is any he attends to it; but generally there is no complaint made to the Sheriff.

207. He does not regularly inspect the cells, wards, and food? Not to my knowledge. If there is any complaint it is brought under his notice. He has been at times in the mess-room while the men are getting their meals, and they have never complained to him.

208. And the Sheriff hears the complaints? Yes.

209. Does he sit in judgment upon the prisoners and sentence them for any breach of prison rules? No, never.

210. Does he not order prisoners to be placed in confinement, at times, in cells for infringement of rules? He might do so in a special case, but I am not aware of its having been done. Prisoners wanting to see the Sheriff inform the Superintendent, who allows them to speak to the Sheriff upon his next visit, and then if he has any complaint or wishes to petition, the Sheriff attends to it. But I have never known the Sheriff to order a prisoner to be confined.

211. *By the Chairman.*—Then the case of Hardinge, who was ordered out to work in the quarry, which you considered a punishment, was a special case? Yes; I should think so. Mr. Atkins told me the Sheriff ordered Hardinge should be kept in the quarry at work; but, of course, I could not say whether it was for punishment.

212. *By Mr. Reibey.*—Do you consider the scale of rations sufficient? Quite so; in fact, as far as the dinner is concerned, I think it is rather too much. The allowance of bread is too much, for at times they do not eat all the bread.

213. Is the meat amply sufficient? The dinner is amply sufficient. I have heard men say themselves they had quite sufficient; and from what returns I should judge they get too much.

214. Do the prisoners during the winter months suffer from the coldness of the cells? No; they are always allowed an extra blanket in winter time, and if they suffer from the weather being too cold they apply to the doctor, who may order them an extra blanket. In the summer time the extra blankets are removed.

215. Are the cells artificially heated in winter? There is no way of heating the cells, and I have often heard of them complaining of the cells being cold.

216. There is no other provision for warmth in winter save the extra blanket? No; I have heard men complain of cold, and ask the doctor for an extra blanket, and he gives them an extra blanket.

217. You knew the old Cascade Female Gaol? Yes; but I never went through the cells, and do not know much about it.

218. *By the Chairman.*—Were you in the Gaol when Ogden and Sutherland were prisoners? Yes.

219. Was there anything exceptional in the way they were treated?—it is not customary, is it, to have many people to interview condemned prisoners, or prisoners under committal for capital offences? No; not without an order.

220. Was there any exception made in this case? I think there was.

221. Were they brought out simply to be made a show of to distinguished visitors? No, they were not.

222. The rules of the Gaol, I understand, simply provide that the relatives, ministers of religion, and officers of the Gaol are the only persons who are supposed to visit prisoners of that class—is that the general rule? Yes. Others visited Ogden and Sutherland by their own wish, including some of the other prisoners.

223. I mean from the outside? The only persons I know of were the Deputy Sheriff, who came with the Deputy Sheriff of Launceston; Mr. Shoobridge, a minister of religion, who brought Mr. Shropsall there with him. The latter was a local preacher, or something of the sort. The Sheriff came on one occasion, about five o'clock in the evening, and brought Mr. Russell Young with him. Another time I wrote a letter to the Sheriff for the prisoners. It was on a holiday—the 24th May—Queen's Birthday. The Sheriff did

not receive the letter until late in the evening, and about 10:45 he came with Dr. Butler and the Honorable Wallop, and stayed some time. The letter was written by the request of the prisoners, and the Sheriff came to see what they wanted. Those are the only persons I remember. I always made a report of the persons visiting them.

224. If a prisoner makes a complaint in the Gaol, do you say it is determined by the visiting magistrates? Yes. They make their complaints in the first place to the Superintendent, and they are then referred to the Sheriff, who hears the complaint at his next visit. If prisoners wish to see the visiting magistrates they put their names down specially.

225. Which tribunal are they tried before?—who decides the nature of the complaint, and how it is to be dealt with—whether by the visiting magistrates or not? That is just according to the complaint. If the complaint is against an officer of the establishment the Sheriff would decide it, and if it were proved he would punish the officer as he thought fit.

226. Would he deal with a prisoner? No.

227. A prisoner would be dealt with by the visiting magistrates? Yes.

228. Then it is a breach of the rules, as far as you know, for the Sheriff to deal with a prisoner at all, except to remove him from one Gaol to another? I have never known the Sheriff to punish a prisoner.

229. Not to order him solitary confinement? No; I cannot say what the powers of the Sheriff are.

230. But it is not the custom? No; I do not remember it. The visiting justices generally deal with those cases; or the Superintendent could issue punishment to a prisoner.

231. Is there any further information you can give to the Committee which would be likely to be of value to them? As to the discipline, do you mean?

232. Any suggestion as to improvements? There is one thing to be taken into consideration. Our numbers are now so very small in the Gaol, and the long-time men are so few, that there is hardly any suggestion I can make. The buildings now are not sufficiently large. If the women were removed from where they now are the debtors' and the insolvents' wards would be available as places where young men could be kept separate from the older prisoners.

233. You could classify them better? Yes. There are two parts of the building which are very insecure—the Brisbane-street end, and towards the Police Office. We have to have a constable on the watch at each place, in consequence of the walls being so very low. Prisoners could scale them very easily and get away. A great deal of attention is required in that respect.

234. Did fourteen men go out the other morning to work? More than that, I think,—between thirteen and sixteen.

235. How many men were there to watch them? The overseer and two guards—that is all. There was one man, who received a sentence of two years yesterday, who told us distinctly that if we sent him to the quarry he would abscond, and I have no doubt he would if we did not watch him. So one guard is placed on the hill and another in the street.

236. *By the Minister of Lands.*—During your experience of the Gaol have you heard of many instances of prisoners complaining of their treatment in the Gaol after their release? No, I have not.

237. The complaint of Hardinge, then, was exceptional? Yes. I do not remember any other.

238. *By the Chairman.*—Do you wish to make any further statement? I should like to have this letter (produces document, *vide* Appendix D) read in reference to my quarters in the Gaol.

239. Was that sent to the Sheriff? Yes.

240. How long ago? About twelve months ago. I received a verbal answer through Mr. Quodling, who went down to see the Sheriff about it, who, I was informed, had made some recommendation in the matter. I thought it very hard that, after the number of years I have been in the department and never the scratch of a pen against me, I should not receive any answer to it. Mr. Oldham, the late Deputy Gaoler, was glad to get away from the quarters. He said he never had good health while he was there.

241. *By the Minister of Lands.*—How long have you been acting as Under Gaoler? Since 1881. I spoke to Mr. Atkins about the matter, but he did not know what he could do.

242. Have none of the evils of which you complain been removed? No.

CECILIA ELIZA PAUL, *sworn.*

243. *By the Chairman.*—What position do you occupy in the Gaol? Nurse, midwife, and senior warder.

244. Do you reside in the Gaol? Yes.

245. Do you adopt any means whatever of classifying the different classes of prisoners in your charge? Yes, as much as we can, with the defects of the building. We are so straitened for room that sufficient cannot be spared for proper classification. As far as we can we do it. We separate them at night.

246. You separate the different classes at night? We separate the first-timers at night from the others. There are no means of doing more.

247. Are there any means of separating women who have been prostitutes from women who have not been? None whatever.

248. Do you consider it desirable that they should be separated? I seldom meet one who is not equal to the others in that particular.

249. In reference to young criminals, do you get them separated from the older prisoners? Yes, as much as we can,—putting an older prisoner, if she is one I believe to be well conducted, with them to check them a little.

249A. Do they sleep many in a ward? Six is the most; and between that number and four the general thing.

250. Of course you think it desirable, if it were possible, that all the prisoners should sleep separately?—sleep in cells? Yes. It was so at the Cascades, and it was better. Excepting the sick, they all slept separately there.

251. What supervision is your department under?—what officers generally visit your department? The Superintendent, the Under Gaoler occasionally, but the Superintendent each day.

252. We presume the Sheriff or Deputy Sheriff? Yes; the Sheriff, the Visiting Magistrates, and the Mayor.

253. Does the Sheriff come frequently? Yes; sometimes once or twice a month, sometimes not for a month,—that is as far as my memory serves me; I do not book his visits.

254. *By Mr. Reibey.*—You were the Matron at the Cascades—one of the Matrons I believe? Yes; over the hospital.

255. How long were you there? From 1867 until the Cascades was broken up.

256. Did you consider the discipline of that institution good? Yes, there were greater means there of carrying discipline out. It became too large for us latterly; but still there were all the means to separate them.

257. Did you know of any cases of immorality amongst the prisoners and male attendants at the Cascades? I was not aware of any in my time.

258. No cases of drunkenness? I cannot call to mind any; I am not sure, but I think not at all.

259. Did you consider the cells in which the women had to sleep at the Cascades fit to sleep in? No; the lower ones were damp and unhealthy.

260. Do you consider the accommodation for sleeping better and healthier at Campbell-street for the women than at the Cascades? Yes, much better.

261. Have not the women comforts and attendance during the evening after they go to bed, that they could not have at the Cascades? Yes; they have the privilege of reading, which they could not have at the Cascades.

262. Why? They would be in cells where there was no arrangement for lights.

263. On the whole, you consider the removal of the women to Campbell-street a considerable improvement upon the old institution? A very great deal. We only require a little more room to separate them. There is every other comfort and convenience. The surroundings are brighter, more cheerful, and more humanising.

264. Do you consider the food supplied the women sufficient? Yes, I do, by the improvement of the women while they are in there. Unless they are very delicate women they improve upon the food.

265. They fatten, in fact? Yes, they are all better when they go out than when they come in, except, perhaps, the delicate women.

266. Is the present building sufficient for the safe keeping of the women? Yes, quite sufficient; there is no possibility of escape.

267. Under what authority is punishment inflicted upon the women for breaches of discipline? The officer who may be in charge of a woman reports her for disturbance or whatever it may be, and it is laid before the Superintendent, who directs that the woman shall be brought before him, and, if necessary, punished.

268. She is taken before the Superintendent, that is, the Gaoler? Yes, Mr. Quodling.

269. He punishes? Yes.

270. *By the Minister of Lands.*—What is the form of punishment? We have nothing more severe than a few hours' solitary confinement since I have been in Campbell-street.

271. What is the greatest number of days given? Three; that is the greatest number given by the Superintendent. Any more severe punishment is given by the Visiting Magistrate. He has never given so much since I have been there; neither has anyone been brought before the Magistrates.

272. Solitary confinement carries with it a reduction of diet? Bread and water, and no bed, unless it is an aged person, when a bed is specially ordered.

273. *By the Chairman.*—No covering? Oh yes. There are blankets and a rug, but no bed. That is the rule, but I do not think it is carried out.

274. *By the Minister of Lands.*—Is the floor stone or wood? Boards, and boards around.

275. *By the Chairman.*—Is there any provision made for warming the cells? Not now.

276.—I suppose they are very cold? No, they are sheltered by being built against another building.

277. *By the Minister of Lands.*—Is there no light in the cells in which they are confined? No, only what may be shown when the gas is alight outside at night.

278. No sunlight? No; a little light may come in through the board fixed over the window for other purposes. They are not wholly dark.

279. Is there light enough for anybody to read by? No, there is not light enough for that.

280. *By the Chairman.*—Then they are quite dark? Yes.

281. What is the longest extent of solitary confinement? I have never known more than seven days. That was the longest ordered at the Cascades when we had a great number of women.

282. What is the effect of solitary confinement upon the prisoners? They are in great terror and fear of it.

283. Does it improve them in any way? It makes them better behaved; there is no other improvement.

284. It frightens them? Yes.

285. When they come out after a period of confinement do the women seem in any way as though their mental faculties were interfered with?—are they stupid or silly? No, I have never observed that.

286. Did you have a prisoner named Forey in your charge? Yes, I think there was. Povey, I think, was her name.

287. Did ever anything occur in connection with that woman and one of the officers? No, I do not think there could, for that was a special case. She had never been in before, and was kept in a small room at needlework. She was a first-timer, and there was no other way of keeping her from mixing with the rest.

288. *By Mr. Reibey.*—By herself? By herself; if she went out for exercise it was while the other women were at labour. One or two women slept with her. They were girls,—not first-timers, I think, but second-timers.

289. *By the Chairman.*—Did the Sheriff ever visit her? Once or twice.

290. And remain alone with her in the cell? While she was under remand he came in and had some conversation with her in the little ward alone.

291. Did she ever make any statement to you at all as to what happened outside or when she left there? No; only that she had been an orphan school girl, and had been in service, and got in for robbing in service, I think at Mr. Barnard's, if I remember rightly. She was a very well behaved girl.

292. Do you know anything of her life before she went there? No further than that she came from the orphan school to service at Mr. Swan's, and then left there. I do not think she told me anything, or whether she held any other situation before she got her sentence while at Mr. Barnard's.

293. *By the Minister of Lands.*—Did the Sheriff visit the cell at the request of the prisoner for the purpose of hearing any complaint? No, he came there with others, and then went to see her. He always speaks to the remanded women or those under committal.

294. Was there anything special in the Sheriff's visit to the cell to visit this one prisoner more than any other? I do not remember it being done before.

295. It was an unusual occurrence, then? I never remember it being done before or after.

296. *By the Chairman.*—Did this woman tell you she had a child? She did not.

297. *By Mr. Reibey.*—What labour do women do in the Gaol? Washing is now the only work they have to do. There is no needlework now except the making of the women's things.

298. Washing for private families outside? A few, and for the hospital.

299. Are the women allowed to earn by extra work? No, unless, perhaps, I do not understand the question. They get something on going out if they have been for a period, I think twelve months.

300. They are not allowed to earn wages? No.

301. Do they receive money on leaving the gaol? If they have been in a period of twelve months Sometimes the Superintendent kindly gives them something if they have only been in six months, but the usual thing is not to give anything unless they have been in twelve months.

302. Do you know what amount? No, I could not be sure of that, so I would rather not say.

303. Is there any arrangement made to find employment for women prisoners, especially young girls, when their sentence is completed? Yes, there is a great number of ladies who visit the Gaol, and with whom I correspond, who desire to know when any girl is leaving.

304. Do many ladies take an interest in the Gaol? Yes, a great number of ladies take an interest in it, and some come and read to the prisoners.

305. Have you a good supply of books? Pretty good; but the number of women is now so reduced that we do not require many books. The ladies bring many entertaining books, which they like better than those in the library.

306. There is a Gaol library? Yes, there is a library attached to the Gaol.

307. Have you found in your experience that the younger prisoners are contaminated by intercourse with the older ones? No, I cannot say I ever did. They know quite as much when they come in as they do after they have been in once or twice.

308. You have used every effort to keep them apart from the old and confirmed criminals? Yes; we have not so much difficulty now since there has been a reformatory for girls.

309. What is the name of the woman at present in the Gaol for child murder? Mary Ann Hellington.

310. How many years has she been in? I think about 8 years and 6 months.

311. What has her conduct been? Exceedingly good,—all that can be wished for.

312. Systematically good? Yes, she is now working for the Superintendent in his house; it is a nice change for her.

ANDREW BLONG, *sworn*.

313. *By the Chairman*.—You were in the Gaol some time ago,—what position did you occupy? I held three positions,—first constable, then night-officer, then gate-keeper.

314. How long have you been in the Gaol? Since the 7th August, 1878.

315. You were dismissed for some irregularity? My services were dispensed with, I understood.

316. For some irregularity there? Yes.

317. Were any reasons given why your services were dispensed with? No reason whatever, except the statement of the prostitute Rachel Thompson made against me.

318. Were your services dispensed with on account of that statement? I have reason to understand that my services were dispensed with for quitting my post.

319. That is not the nature of the statement? It is a false statement. I had authority to go there, for the key was in my possession, having been given me to go there.

320. Was the key left in your possession? The key was given me by Mr. Atkins when I was gate-keeper, to use when short eruptions occurred among the women, and my services were required to suppress it, by taking some of the women out and locking them up. I got the key on the understanding that I was to use it to go there if necessary. On previous occasions there was a female warder there, except on three or four occasions. After Mrs. Montgomerie died Mrs. Paul used some mornings to bring over three, four, or six women down to the yard, leaving them there and going back again. This morning—at the end of April or beginning of May—I heard a noise, not once or twice but several times, and thinking there was something up I went over there. I knew before going up there was no female warder there. Upon opening the door I saw the woman Thompson standing in front of the entrance to the second yard. She had no cap on, and her hair seemed to be rumpled about her head. I said “There’s something up,” as soon as I opened the door. There was another woman further up the yard, standing against the wash clothes. She had her cap on, and I could not think she had been fighting. I then turned into the division where the women are locked up, and stood for a moment to hear if there was anyone breathing; for when the place is quiet you could hear a person breathing inside. I stayed there two or three minutes, and thought there was no one there. I then went up the steps leading to the room, and I there saw Wicks. She had no cap on. I said “This is the party; those two have been at it.” That is what I supposed. I asked her if she had been making the row. She said “No.” I waited about two seconds and then came out. All this time the outer door was open. I supposed it must have been these two, but of course I did not catch them at it. As I came out Thompson asked me for tobacco. I said I had no tobacco for her. It is the usual thing for these women to ask for tobacco, but I never gave it. I passed on, locked the door, and heard no more of the matter from that day till the 7th of June. On the 27th of May Wicks was discharged, by order of the Attorney-General, with a mitigation of sentence. She went away with a good character, given by Mrs. Paul to Mr. Quodling in my presence, and Mr. Quodling gave her ten shillings to help her back to her friends in the country. On the 7th of June Thompson was discharged, her sentence having expired. On going out she made a statement to Mr. Quodling, but I did not know anything about it till next morning. Mr. Quodling said he was very sorry he had to deal with me in the way he had to do; he had to write to the Sheriff about me. I said “What for?” He said “I will read it.” After hearing it I said “I know nothing about it.” He replied, “If you like to make a statement or any defence I will attach that to it and send it on.” I heard no more till the Sheriff came up. Mr. Swan asked me the particulars, which I gave him, and I heard no more of the matter till I was dismissed.

321. What was the character of Wicks—what was she there for? She was in for the ill-treatment of an old man whom she nearly beat to death over a cheque. She and her husband got in together, and were remanded for that long session. She got three years, and her husband was discharged.

322. *By Mr. Reibey*.—In which Gaol did this occur? The women were in the public wash-yard, on the left side of the Superintendent’s house as you enter the Gaol.

323. At what hour? It must have been about half-past eight in the morning—about that time.

324. How many women were there? Three. I saw them going there.

325. No matron? No.

326. No one in charge? No.

327. Could the woman have witnessed any act of yours? She could have witnessed anything that happened.

328. You have not admitted any act of immorality to anybody? No, I never. I always denied the charge fully.

329. Had this woman been an old prisoner—Wicks? No.

330. Had Thompson? Yes; she is in and out every fortnight or so. She is an old offender, about 30 years, and has been the best part of her time in Government.

331. *By the Chairman*.—What time do these women begin work—six o’clock? No; they do not commence in the winter months till after breakfast, about a quarter past eight. In the summer months they go to labour after the gang muster is made; that would be about ten minutes after six; and when the men come in to breakfast the women cross the yard shortly before or shortly afterwards, so that they do not mix.

332. Is it the custom to allow women to work without warders? No; wherever one woman is at work there is supposed to be a female warder present.

333. Then the irregularity comes about through no female warder being present? Yes.

334. *By Mr. Pillinger*.—It might not then have occurred? Yes; I would have gone even if there had been a warder there to see if my services were wanted.

335. You knew there was no warder there? Yes; because I had seen Mrs. Paul take the women over and lock them in.

336. *By Mr. Reibey.*—It was your duty to go? It was.

337. *By the Chairman.*—Do the regulations provide that wherever a prisoner is there must be a warder present? Yes.

338. *By Mr. Pillinger.*—There was no other evidence but that of this woman Rachel Thompson? None that ever I heard of.

339. *By the Chairman.*—In your statement you said that you asked a question about the woman Wicks? I asked a question simply to discover what was going on.

340. Is there any statement you would like to make with reference to the discipline of the Gaol that would be likely to be of any assistance to the Committee? Well, I have noticed a difference in the treatment of prisoners to a certain extent. During my time I have always seen the town prisoners get off lighter than country prisoners. The men seem frightened to say anything to the larrikins, as they are called. If things were overhauled it would be found that more prisoners from the country districts get punished for gaol offences than prisoners from the town. There is another case came under my notice: I cannot remember the date nor the name. [*By the Chairman.*—You are giving your evidence upon oath, so be careful.] Yes. There was a man placed in confinement in H.M. Gaol. I do not know his name, but Mr. Oldham knows all about the case if he likes to speak. He had committed an offence for which he got one month. He was a travelling sort of man, who wanted to get away, but had no means to get away except a watch which he had in his possession. This watch was valued by Colin Bain, an old watchmaker, in prison at the time, and well known in the town, at £7 10s. or £7 15s. when first purchased, and the watch was very nigh new. He wanted Mr. A. G. Pogue, then station officer, to purchase the watch to pay his fine. Pogue said No, he would do no such thing; and Mr. Oldham said he did not deal in such things. Mr. John Thomas Smith, now Deputy-Gaoler, purchased the watch, paid the man's fine,—£1 3s.,—and gave him five shillings to go away with,—£1 8s. When the man was discharged, he turned to me at the gate, and, showing the five shillings in his hand, said, "That's all they gave me out of the watch." I knew nothing about it till after that time.

341. *By Mr. Reibey.*—Did you receive orders from time to time as to the discipline of the prisoners,—orders from superior officers to inferior officers? Yes; but they are often given in a verbal sort of manner.

342. That is, continuous orders? Yes, orders intended to be carried out. They are given verbally, and then, after a time, they are broken through, and if anything turns up there is nothing to show what ought to have been done. An order Mr. Atkins gave at one time, that the gang should be searched on going out to labour, and when the gang came back again to be re-searched. That was kept up for a short time,—about three days, I think,—and then knocked on the head.

JOHN THOMAS SMITH, *recalled.*

343. I wish to say, with reference to the inspection of the food, which did not strike me at the time I was speaking about it, that the Sheriff, when he visits, which is about dinner-time or when the men are in the mess-room, generally goes to the mess-room to have a look at the food, and he then asks them if they have any complaints to make. He never makes a special visit to inspect the food; but if he visits the Gaol at dinner-time he looks at the food.

ANDREW GEORGE POGUE, *sworn.*

344. *By the Chairman.*—Were you an officer in the Hobart Gaol? I was.

345. In what position? Station and Receiving Officer.

346. What were your duties? To receive all prisoners under sentence, dress them in prison clothes, and discharge them on termination of sentence.

347. Did you fill any other position when in the Gaol? Yes, Muster Master.

348. What were your duties? As Muster Master, to be inside the walls and about the establishment day and night; as Muster Master to muster the gangs for labour, and to muster them to their beds and cells at night.

349. While you were in the Gaol—all officers are supposed to be in at 10 o'clock at night—have you ever known an officer to be clandestinely out after 10? Not while I was in the Gaol. If an officer was absent while I was in the Gaol he was reported and brought under notice of authority; but I have heard since of cases where they have left the Gaol without it being reported.

350. How was such absence effected, in the usual way?—that is with the connivance of the Gatekeeper—or is it possible to get out without the Gatekeeper knowing it? There is another way,—through the Deputy-gaoler's quarters, over the Court House.

351. Have you ever heard of officers getting out that way? I have since I left the Gaol, but not in my time.

352. Being out after 10 o'clock? Yes.

353. Do you know who the officers were? I do not think that a fair question to put to me. I am not in a Government situation now, and to mention the names of any officers would be doing them an injury.

354. What are the respective hours that the Guards and Constables work in the Gaol? Well, they change about; some work from half-past five till half-past seven in the evening.

355. What is about the average length of work done by the Guards in the Gaol, and by the Constables? I should think they average at least ten hours a day.

356. Are the Guards longer on duty than the Constables, or less? About the same.

357. Are the Guards generally Constables promoted for good conduct? No. I might explain that the Guards are entirely different from Constables. They are appointed by special Act of Parliament, and as such entitled to carry rifles, and to shoot at a prisoner should he attempt to run away. The law has frequently been violated by placing fire-arms in Constables' hands, which is an illegal proceeding insomuch that if a Constable shot a man he might be tried for murder. The rifles are frequently placed in the hands of men who are not fit to use them, they never having handled a rifle in their lives. One Sunday morning one of these let his rifle off accidentally, and a few weeks afterwards he shot himself dead. The weapons in use are very dangerous to place in the hands of men unacquainted with them, and the men might use them in the street to the great danger of passers by. The other morning I saw 13 men marched out to work with the Guards, one each side of them. People were passing at the time, and if they had been called upon to fire there is no saying who might be killed. The men should be trained in the use of fire-arms before being trusted with them.

358. Who appoints the Guards? The Sheriff. There was another one not long ago let his rifle off by accident through never having been used to fire-arms, and never having been trained. They carry them in a careless manner. I was always afraid myself when about with them.

359. Have you been used to discipline before you went into the Gaol? Yes; I was in a New Zealand Militia Regiment for three years, doing duty in barracks and at the front also.

359A. What do you think about the system of discipline in the Gaol? It is very bad—in fact there is no discipline.

360. Are the rules for the prison regulation observed? The Rules and Regulations were passed by the Bench of Magistrates in Petty Sessions many years ago, and have been so mutilated and altered to suit the purposes of the Superintendent and his convenience that they are entirely unworkable.

361. Perhaps you can point out to the Committee in what way these Regulations have been altered in the way you state? There is a copy I know which Mr. Quodling should have produced, bearing my own name which would show. There is the regulation with reference to cutting the hair, which was altered. I got a copy of the Regulations with the alterations and put my name across it, and asked the Superintendent to initial it so that I could produce it at any other time. Regulation 38, page 10, is struck out, but that did not apply to my part of the work, it being the Deputy-Gaoler's.

362. *By the Minister of Lands.*—These regulations that you refer to as having been struck out—on whose authority? I do not know by whose authority. If Mr. Quodling would produce the copy issued to me I could point out several alterations. Upon enquiry at the Gaol I was told that it was before the Committee.

363. *By the Chairman.*—Mr. Quodling said these were the only copies in existence? The copy I refer to was issued to myself, and I know it for a fact, for I made enquiry of the Deputy Gaoler about it, and he told me he had given it to Mr. Quodling to produce before the Committee.

364. Can you mention one of the altered regulations from memory? There is the one with reference to hair cutting. A man might only be in 24 hours with a handsome beard and it must be cut off. I must say that Mr. Quodling would not allow that.

365. *By the Minister of Lands.*—These regulations that you refer to, and that you were governed by: was it a properly printed copy, or altered with ink? It was altered with ink.

365. By the authority of the Sheriff? I do not say so, but the Sheriff was aware of it, because he had a similar copy.

367. You mean to say these regulations have been altered and have never been reprinted in a proper form? No, they have never been reprinted.

368. *By the Chairman.*—Is there any other instance you can give from memory in which the rules have been amended? No.

369. You say there were other alterations in the copy you worked by? Yes.

370. Not merely applying to the designation of officers, but to the discipline of the Gaol? Yes; in fact there is no discipline. There are no rules.

371. You say there is no discipline: can you give any instance where you consider there is a want of discipline in the Gaol?—when you say in general terms, "There is no discipline," you must have some instances to justify it: can you give any instances? There are no rules to work by. There are no two officers who understand each other. You do not understand your duty from one day to another. There is no classification of the officers, let alone the prisoners. A prisoner who is in for the first time for drunkenness is put beside one of the greatest criminals, one each side of him. Such men take a pleasure in coming by the side of respectable prisoners unless the officers choose to remove them.

372. This refers to classification—but in reference to actual discipline as far as the officers themselves are concerned? There is a want of accord between the officers. No two understand each other. There is no respect for those over them; I am personally aware of that. Just to show the discipline—not only have I known male officers to go into the female gaol, but I have known male prisoners to go there too. The lady examined yesterday, Mrs. Paul, caught one there.

373. How was it possible for him to get there unless with the cognizance of his officer? He got there. He could not get through the wall. He must have gone through the door.

374. While you were there did the Sheriff visit the Gaol at all frequently? Very frequently, especially the first month I was there. He told me to wait upon him.

375. Did the Sheriff seem to take any trouble or pains to satisfy himself that the discipline of the Gaol was being properly carried out? I do not think he did. He only went there to get a barrow, a dog-kennel, or a hen-coop, or some other thing made; that was the extent of his official visits there.

376. Then you never saw him enquiring into the discipline of the goal? No, only to get work done: unless there were murderers there—he then very frequently brought his friends to have a look at them.

377. What would be inferred from that is that he used to make a show of notorious criminals? Of course he did. Mind you there were no murderers there in my time.

378. Can you give any evidence as to your own time? There were no murderers in my time, but I have seen him point out old criminals, especially committed or remanded men. He has had them stand like lions behind iron bars.

379. You state emphatically, as far as you are concerned, that you never saw him go into the discipline of the Gaol whilst there? I never saw him look into the discipline.

380. What was the reason you left the Gaol? My office was abolished. I may say I went there against the wishes of the Sheriff.

381. Why do you say that? Because he wanted to appoint some one else, and the Attorney-General and the Ministry of the day appointed me instead: therefore whatever I did was a crime even though in anybody else it might be a virtue.

382. Have you any sufficient grounds for your belief that he was opposed to your appointment in any way? I have very distinct information that he was opposed to it. Mr Swan wanted to appoint a man named Purdie.

383. Has your office since been filled up? Yes, partially so.

384. Was your office necessary to the discipline of the Gaol? Well, I think it is,—it is a very necessary office.

385. When you say that it has been partially filled up since, did you wish us to infer that the office was abolished for the purpose of getting rid of you? That is my impression, and it is borne out by the Royal Commission Report, page 27, in the latter part of a letter from Mr. Swan, dated August 20th, 1879.

386. That does not refer to your office? I refer to Mr. Swan's recommendation of Smith to be placed on the pension list, and he afterwards took him back to fill my position under the designation of Constable. He did not call him Station Officer, because he had abolished that office, but takes him under the designation of Constable.

387. *By Mr. Reibey.*—To do the same duty as you did? Not to dress the prisoners; but to see that they are washed, and dressed in prison clothing.

388. *By Mr. Pillinger.*—How much of these regulations are abolished? All those marked in red ink.

389. Those marked in black? No; those regulations are still in force.

390. Sure of that? Yes.

391. *By the Chairman.*—Is each officer of the Gaol provided with a copy of the regulations? Yes.

392. Did you receive one? Yes. One of the regulations, No. 253, on page 28, referring to the cutting of hair and beard, was struck out entirely from the regulations supplied to me, and I was told to shave every man irrespective of his position.

393. Irrespective of the time he might be in for? Yes.

394. *By Mr. Reibey.*—What! Suppose I had been sent to Gaol for a few hours because I could not pay a small fine, would you have cut off my hair and shave me? If you had come in for twenty-four hours I should have shaved you. I should be bound to do so, or be brought before the Sheriff for disobedience of orders. I have seen a man come in and have his nice beard and moustache taken off, and be dressed in the prison uniform, and twenty-four hours afterwards the fine was paid, and he had to go out disgraced. I believe Mr. Quodling now will not allow this kind of thing.

395. *By Mr. Archer.*—This was the rule in Mr. Atkins' time? Yes. The Sheriff knew it was taking place.

396. *By Mr. Reibey.*—How long were you in office? Three years three months and sixteen days.

397. Were any complaints made against you? None of a serious nature. Never for drunkenness nor dishonesty. Entirely in connection with prison discipline—smoking under a covered roof, which is a breach of the prison rules, and being a little late for muster.

398. What notice did you receive? One month's notice.

399. Did you receive any compensation for loss of office? I did not.

400. What amount of salary were you receiving? Five shillings per day, or £91 5s. per annum.

401. Did other discharged servants receive compensation for loss of office? Yes; Miss Gault, the matron, and another one is on the Estimates now—a man who was dismissed, and absent dozens of times.

402. Have you in the past, before you were in the public service, taken an active part in political matters? Yes.

403. Have you acted as agent in elections? Yes, for several candidates, and always on the opposition side.

404. Did you think your past action as a partisan in political matters had an injurious and prejudicial effect upon you? I am certain of it; it had, and has up to the present moment.

405. Did the Gaoler, Mr. Atkins, ever accuse you of being inattentive or inefficient? Yes, he said so; but I took no notice of him, because I was quite competent to judge myself in the matter. He used to make complaints, but what was a crime in me was a virtue in others. I had a dead set made at me on account of my political proclivities.

406. How did the Sheriff treat you? He always treated me very coolly, and the first time he came to the Gaol after my appointment he told me he should always expect me to wait upon him.

407. Are the bathing arrangements good? Yes; very good.

408. How often are the prisoners bathed? Once a week—every Saturday.

409. Do you think once a week is often enough for prisoners to wash their feet? In the winter it is; perhaps not in the summer. The regulations say they shall wash their feet whenever they put on a clean shirt. They are bathed all over on Saturdays.

410. How many bathe in a bath together? Only one at a time. There are seven baths, and one goes in each bath.

411. Is there clean water to each? Yes; each man turns on his own water from the coppers.

412. *By Mr. Archer.*—What was the arrangement made with you when you entered on your duties at the Gaol? As to salary, 5s. a day.

413. Was it mentioned that you would have a certain amount of notice in the event of there being any intention to discharge you? No.

414. How often do you suppose you were charged with inattention to duty? The Attorney-General said in the House that it was seven times, but I know nothing about it; I simply don't believe it.

415. Is there any record in the Gaol of such charges? Yes, I believe there is; but the thing was so frivolous, that if you were two minutes late for muster they called it a crime.

416. Were there any charges of a very serious nature, considering your position, made against you? None at all; there was nothing I was ashamed of.

417. *By Mr. Reibey.*—Was any reason ever assigned for your dismissal? None; simply "your office is abolished."

418. Not on account of any offence? No.

419. *By Mr. Archer.*—Was this on account of any inattention? I had known privately that the office was to be abolished, but I cannot give my authority to the Committee.

420. What was the date of your discharge? 31st September, 1882.

421. *By the Chairman.*—Is there anything further you would like to say in reference to the Gaol? No, nothing further.

FRIDAY, OCTOBER 31, 1884.

MR. JOHN SWAN, *Sheriff and Inspector of Police, called in and examined.*

422. *By the Chairman.*—Your name? John Swan.

423. You are the Sheriff and Inspector of Police? I am.

424. *By Mr. Rooke.*—As to the removal of prisoners from Hobart to Launceston, is their removal regulated by any system, based on the length of their sentences? When prisoners are sentenced by the Superior Courts, a list of the convictions is submitted to me for my decision as to the prison in which the sentence is to be carried out. With regard to the short-sentenced men for terms under six months, police court convictions, I never interfere with them unless I have some special reason for so doing. About two years ago I commenced taking short-sentenced prisoners from Inferior Courts in Launceston down to Hobart, but not any with sentences under six months. Up to a certain point the same prison staff is necessary when there are but a few prisoners as when there are many; the lengthened hours the men are on duty may render any reduction undesirable.

425. Is it your opinion that there are necessary alterations required in the Launceston Gaol, which could be effected at a very small outlay? There are. I have made several reports on the subject. I may state that it has been represented to me that the House of Correction in Launceston would be likely to be abolished.

426. I read you a letter from Mr. J. T. Smith, Deputy Gaoler, to the Sheriff (Appendix D.)—Was that letter forwarded to you? I recollect having seen it before.

427. Mr. Smith states that he got no reply to it,—was that so? I cannot say without reference to the office. I can say that Mr. Smith when he accepted the office knew what the quarters were, and also that these quarters, although called part of the Gaol, are in what are known as the Supreme Court buildings, and that no further accommodation for the Deputy-Gaoler can be obtained in them; the Police Court and Watch-house are in the same sense part of the Gaol, but the prison authorities do not control them. Under the existing circumstances of the temporary use of the buildings by the Police Court officials, it would be a very difficult matter to give the Deputy-Gaoler any increased accommodation.

428. *By Mr. Pillinger.*—Are we to understand, then, that the state of affairs described in that letter is to continue? I am unable to alter it.

429. *By Mr. Brown.*—You are aware that statements have been made as to the ill-treatment of a prisoner named Hardinge? Yes, I am aware from the reports in the papers that such statements have been made in Parliament.

430. Hardinge was in the Launceston Gaol for some time? He was.

431. Were orders given that he was to be treated differently from other prisoners? No. The Superintendent of the Launceston Gaol wished to employ Hardinge to do some writing. I said that he might be so employed, provided that he worked on the Gaol side, and not in the room with the clerks. On this understanding he was allowed to remain in the Launceston Gaol.

432. In the absence of that understanding, what course would have been adopted? He would have been at once removed to the Hobart Gaol.

433. Were your instructions carried out? No; they were disregarded in this way: Hardinge was permitted (at the clerk's request) to work in the clerk's room. Until this enquiry I was under the impression that Hardinge was allowed to work in the clerk's room without Mr. Jones' knowledge and consent, but Mr. Jones has since explained to me that he had given his permission for the proceeding.

434. What occurred when he was so employed to cause his removal from Hobart to Launceston? A letter was written by prisoner Hardinge to Mr. Superintendent Jones complaining of the conduct of one of the officers, a clerk. In this letter he made use of very strong expressions as to the efficiency of this officer. This letter was submitted to the officer in question for his remarks. The correspondence was then placed in my hands. I considered the conduct of the prisoner to be grossly insubordinate, and thought that the letter of a prisoner reflecting in such terms on the conduct of an officer should not have been dealt with in the manner it was; and thinking it undesirable that the prisoner should continue to serve his sentence in Launceston, had him removed to Hobart.

435. Then it was a measure of consideration and leniency in the first instance to allow the prisoner to remain in Launceston? It was; and I was influenced by consideration for his friends, many of whom were residents in Hobart, where Hardinge had held an official position.

436. Did you regard his removal to Hobart as a punishment for a breach of prison discipline? Not altogether; but I considered it advisable in the interests of discipline to remove him to Hobart.

437. How was he employed when he came to Hobart? I think at first he was in the stone-shed. I have seen him working about the engine there.

438. Was he not employed in the office? No, not properly in the office. There is a clerk employed in the Gaol who has an office near the gateway. This clerk has no right to employ prison assistance, but I found Hardinge one day at work alone in his office. I enquired how he came to be there, pointing out that no prisoner should be employed in clerical work without authority. He was then removed from the office, and, I understood, employed in the printing department.

439. Then his position was gradually improved from the time of his arrival? I suppose the inside work would be considered an improvement in his position. I remember asking whether he would be suitable for employment in the workshops, and getting a negative answer.

440. Are you aware of any complaint having been made by him as to his treatment in the Hobart Gaol? No, I am not, either to myself or to the Visiting Magistrates, to whom such complaints are generally made, and whose special province it is to protect prisoners from official ill-treatment.

441. *By Mr. Rooke.*—Have not other prisoners been engaged in clerical work in the Launceston Gaol before Hardinge was? Yes; but it is a practice to which I had a strong objection. In this case there was a prisoner already employed in the Launceston office, and I did not approve of two prisoners being employed at the same time in the same place.

442. *By Mr. Brown.*—Do you remember a female prisoner named Povey being in the Hobart Gaol? I do.

443. Was she treated differently from other prisoners? I hardly remember, but I do not think so; but as hers was a first conviction it would be very likely that instructions would have been given to keep her apart from other more hardened criminals as much as possible.

444. Would she have a separate cell? When under remand. She was in the women's room. There are no cells on that side. She was never in a cell, and was sentenced to two months only.

445. Do you remember visiting the cell in which she was confined? I must have done so. She was an old servant of ours, having been apprenticed to me as child from the Orphan School, and had spent the whole of her time to the period when her indentures were completed, in my family. I was, in fact, her guardian, being one of the guardians of the Asylum.

446. Was she a girl of good character? Yes; we had never suspected her of any dishonesty, and were naturally surprised to hear anything against her.

TUESDAY, NOVEMBER 4, 1884.

MR. JOHN SWAN'S *examination continued.*

447. *By the Minister of Lands.*—A charge was made against one of the Gate-keepers, Andrew Blong, some few months ago. It is stated that there is no reason whatever given for his discharge, except the statement that the prostitute, Rachel Thompson, made against him—is that correct, or incorrect? There is some correspondence on this matter which was gone into very fully by me, and submitted to the Government. That correspondence would show the particulars more satisfactorily than anything I can give from memory. I got the statement, but did not like to decide the case upon the evidence of the woman, who has undeniably a bad character, and I asked the Attorney-General whether the man's services should be

continued or not. The Attorney-General wrote back that it was not desirable to retain his services, not on the ground of what was alleged to have taken place with the woman, but because he had left the gate without authority. The correspondence will show this fully.

448. It is not correct that he was dismissed on the unsupported testimony of this woman? No; I refused to deal with that, as the correspondence discloses. It is not at all the custom to take the unsupported statement of a prisoner against an officer as proof.

449. It is stated that rifles are placed in the hands of men who have never had any previous knowledge of them—is that true? The weapons in use now would certainly be dangerous to bystanders if fired in a thoroughfare, but not to the extent a rifle bullet would be. It would be ridiculous to suppose that there was not a certain amount of public danger in the use of any sort of firearms in the street. We do not always get men who have been drilled as soldiers for constables, very likely therefore they may not have been drilled in the use of the rifle. We do not now place rifles in their hands, but have substituted double shot guns, being fully alive to the public danger of discharging a rifle at an escaping prisoner in a thoroughfare. Once a prisoner escaped from the quarry near the High School, when the guard fired at him the bullet went through a first-class carriage at the Railway Station.

450. *By Mr. Rooke.*—Is it true, as stated, that one guard, through inexperience, shot himself dead? I do not know that—how can one say so? It is true that one of the men during a session of the Supreme Court met his death from a gun-shot. The men were going in from the stone-shed, and the constable, who was in one of the little watch-boxes, was noticed not to reply back. Upon going there he was found dead in the box with a gunshot wound in his side,—how obtained no one could tell. There was a high wind blowing at the time, and the report was not heard either by the number of people about at the time or by the prisoners at work. Every precaution that can be taken is met by the guns now in use, which are snap-action with rebounding locks, and cannot go off at half-cock. Except by cocking the gun and pulling the trigger they cannot go off. They are smooth-bore fowling pieces, with shot cartridges.

451. Have any alterations been made in the rules and regulations for the guidance of officers since they were agreed to by the Bench of Magistrates in Petty Sessions many years ago? They have never been altered by me in any way. When the women came down from the Cascades they had to take the Cascades regulations with them. There were no fresh regulations made. I do know that a number of manuscript alterations are in the regulations now in use, but most of those alterations were made before my time, if not all of them; at any rate they were not made by me. I should like to refer the Committee to my evidence given before the Commission to show the reasons why no new Gaol regulations were made. I had been given to understand from the first that considerable changes were going to take place. We were going to have the men classified, and then it would have been necessary to recast the rules altogether. Pending these arrangements the rules, though objectionable, were continued. I cannot recall any rule which I think should be altered at once whilst the Gaol remains in its present state.

452. There is one regulation, for instance, with regard to cutting the men's hair and shaving them whether a man is in for a long or a short term—(reading portion of the evidence given by Pogue)—is that enforced? Not literally, for I frequently see a man with his beard and moustache on. I think that last month or so Mr. Quodling submitted a case to me, and I sent it on to the Attorney-General to see what power there was to disregard the regulations in that particular. But I doubt the statement contained in the evidence read to me that a man who was only in for 24 hours had his beard cut off. Although Mr. Quodling is a most humane man, Mr. Atkins was one also, and was never a tyrant or a bully. I have seen men repeatedly, and have asked the question, "Why that man has got his beard on," and the answer has been that he was going out in such a short time that it was not worth while to take it off. So that I am not willing to believe it, though I am not prepared to say it is not so—it is one of the details of the Institution which need not come under my notice. The regulation is that prisoners should be shaved.

453. Do you consider that it works well? I think they should be shaved if they are to remain any length of time, but certainly not if only in for a very short term, though a man may sometimes be liberated sooner than the officers expected.

454. *By the Minister of Lands.*—What was the reason of Pogue's services being dispensed with—because he says he is not aware of any charge being made against him? Not at the time. It was reported when the Estimates were made up by the Superintendent that he could dispense with that particular office, and that was why Pogue's connection with the Department was severed. But there were repeated complaints made against him, and one of rather a serious character.

455. What was the serious complaint? A rather valuable meerschaum pipe belonging to one of the prisoners had been taken, and it was asserted that Pogue had been seen smoking it. The matter was dealt with by the Superintendent, and Pogue paid for the pipe.

456. Would you consider Pogue a reliable witness? No, utterly unreliable. I had no confidence in him as an officer, and refused to grant him the certificate of efficiency which was required in his case before his provisional appointment was made permanent.

457. *By Mr. Rooke.*—The present Regulations are those passed in 1866,—there has not been any passed since? No, no new Regulations.

458. Do you consider it would be a good thing for the discipline of the Gaol to alter these in any shape or way,—to have another meeting of Magistrates and pass new regulations? Yes; if it is decided to continue the present Gaol it would be better to have new regulations, and if there were any alteration of arrangements it would be indispensable. Under any circumstances it would be better, but it would be indispensable if any alteration for classification were carried out.

459. Is there any truth in the statement made by Blong about a watch—(reading a portion of Blong's evidence)? I did not hear of that case,—at least it was not represented to me in the light it is put there.

WEDNESDAY, NOVEMBER 5, 1884.

MR. JOHN SWAN'S *examination continued.*

460. *By the Chairman.*—A Mr. Roberts was a Clerk in the Launceston Gaol? He was.

461. How long was he employed? I could not say without reference, but not long.

462. He is not now in the Gaol? No; in the correspondence before the Committee, I have supplied the particulars.

463. Do you consider him to be a capable officer? I consider him in one sense a capable Officer—that is he could do the work if he liked; but he turned out a very inefficient Officer.

464. Not reliable? No. He was a man of considerable ability, having been a Bank Clerk, and had charge of clerks; he wrote a good letter, and was a good Accountant, and could have done very well, but had fallen from his former estate. He was in one sense capable had he chosen to do the work, but I did not consider him a good clerk.

465. Do you consider him reliable? In the performance of his duties, I do not; but I was not able to personally judge of the matter, having had no opportunity; and I afterwards judged from the report of Mr. Jones that the man failed in the performance of his duty.

466. In ordering the removal of Hardinge from Launceston to Hobart, did you do so without the knowledge and consent of the Visiting Magistrates? It never occurred to me to consult them upon the subject.

467. Then you consider, as Sheriff, you have the right to remove prisoners and order their employment without the consent of the Visiting Magistrates? Certainly.

468. Do you not think that Hardinge was less to blame than the Under-Gaoler for sending a written complaint against Roberts? Well, I consider the Under-Gaoler was to be blamed too; but the offences are totally distinct.

469. One was a prisoner, and the other an Officer? Just so; the offence of one was that of insubordination on the part of a prisoner, and the other a great want of knowledge of what was officially proper on the part of an Officer who allowed it. It is difficult to draw a comparison between them.

470. The question I put is whether you consider Hardinge was less to blame than the Under-Gaoler for sending in the written complaint? I consider they were both to blame. I do not know which I consider the more blameworthy of the two; but the Under-Gaoler had no right to permit it.

471. Do the Visiting Magistrates regularly visit the Gaols in Launceston and Hobart? Well, I have had a Return published of the number of visits, but I do not know what would be considered regular. I think they visit often enough.

472. Do they make notes of their visits and suggest improvements? There is a visitors' book in which they note their visits, and anything which, in their opinion, requires amendment.

473. As Sheriff, do you feel bound to observe their suggestions and recommendations?—bound to see that they are carried out? No, not if I do not approve of them. If any important recommendations are made, I forward them to the Government of the day.

474. Is there any difference made in the case of debtors that are confined in either of our Gaols? It is supposed there is no such thing as imprisonment for debt, as it has been abolished; but people may be imprisoned for disobedience to the Order of the Court, and in that sense may be debtors, and may find themselves in prison, when if they had not been debtors they certainly would not have been there. If persons in debt are about to leave the country and disregard the Order of the Court, they may be imprisoned.

475. Then they are treated as ordinary prisoners under sentence? I cannot say I know of a case. I remember a girl who was taken as a debtor when about to leave the country who was detained in the Cascades; but she was placed by herself all the time she was there. There is no debtors' place, because there is no imprisonment for debt; but anyone imprisoned for an offence originating in debt is kept apart as much as the circumstances of the place will admit.

476. Have you any system under which you order prisoners to be sent from Launceston to Hobart? Yes, the system I previously explained. A list is sent to me, and I write against the man's name the Gaol where he is to do his sentence. That is the system; but there are sometimes special reasons why particular men should be brought down. There might be a blacksmith or carpenter at Launceston, and such might be required at Hobart, in which case a man would be brought down who would otherwise be left in Launceston.

477. In the classification of prisoners, do you interfere, or do you leave it to the discretion of the Gaolers? I do not generally interfere, but I pretty well understand what is done with them at Hobart; and if I saw a prisoner in the wrong place I would interfere, though, in the first instance, they are placed by the Superintendents. If I saw a first-time convicted man, as I did upon one occasion, who should be on the Gaol side, I should enquire why he was there. With regard to this man I ascertained that he was in the House of Correction side at his own request, though he should have been on the Gaol side. This is a rough sort of classification that exists.

478. Are the details of Gaol work left to the Gaolers? Oh, yes!

479. Do you often inspect the cells and wards? When I go there I pass through them and see that they are clean.

480. Is it your practice to enquire if prisoners have any complaints to make? Yes; invariably.

481. Do you find prisoners, as a rule, especially young criminals, anxious to make complaints? No.

482. You are both Sheriff and Inspector of Police? I am.

483. Do you know if the two offices are held by the same person in England, or any of her Colonies, excepting Tasmania? I know the office of Sheriff of England is a very different thing from the office of

Sheriff here. I do not know of any case where the same officer is employed in both capacities; but there is little or no comparison between the office of Sheriff in Tasmania and the office of Sheriff in England.

484. Do you consider it desirable that the two offices should be combined? I see no objection to it.

485. Do you, as Sheriff, hear complaints? I do.

486. Do you sit in judgment upon prisoners when charged by the Gaol officers with misconduct? No, that is if I understand what is meant by sitting in judgment.

487. Order them to be punished? No; but I should do this: if I thought a man should be employed at one thing when he could be better employed at something else I should order the change, but not as a punishment. I do not punish men by having them brought before me and passing sentence upon them.

488. When you order a prisoner to be placed in a cell, for instance. There are circumstances when I must use my judgment. If a man is charged with indecent conduct and he is placed in a dormitory with other men, I should order him to be placed in a cell instead of the dormitory.

489. You would order him to be placed in a cell? Yes, not in the sense of punishment, but for the better discipline of the Gaol. Where a man is addicted to unnatural offences or anything of that character, I should see that other men were not placed with him.

490. Do you ever visit the Gaol at nights? Sometimes; not very often.

491. Is it your opinion that the treatment of prisoners in both our Gaols is in unison with modern improvements? I think that there are a great many improvements required to be effected before we shall have things in unison with modern requirements. I might take this opportunity of saying in explanation that I think it would be very difficult for any person—for any executive officer—to venture to remonstrate with a Government on that point in stronger terms than I have done. I have persistently recommended such alterations as would enable us to have proper classification.

492. Do you think our system tends to the reformation, or to the degradation of criminals? I think our system might be improved.

493. Do you not think there is still too much of the old Imperial convict system in everything connected with the management and discipline of our Gaols? I think it would be impossible for it to be otherwise until a new system is started. The end effects of the old system are apparent, and it will be a long time before the relicts of that system disappear. It is disappearing: the social conduct of the newly-appointed officers is better, and that, in time, would bring about a reformation.

494. Are the prisoners allowed to read after they retire in the evening? I have had gas put on in a number of the cells on the Gaol side, and the better conducted prisoners are allowed to read if they like. On the House of Correction side, men are employed as readers to read to the others after they go in.

495. In Sir William Denison's time there was a rule that certain men should read to the others after they went to bed: is that rule observed now? Yes; whenever I have gone there while the reading should be going on I have always heard the men reading, and do not know that it has ever been discontinued.

496. There is a Chaplain deputed to each gaol? There is.

497. Do you know how often they visit the gaols? I have had a return up to last year, which will be found in the Report of the Royal Commission.

498. Have you ever received any complaints of neglect on the part of the Gaol Chaplains of a want of attention to the religious instruction of prisoners? I have heard the matter spoken of and commented upon, but do not know of any formal complaint. I do not think I have heard anything I would be justified in calling a complaint from any one entitled to make a complaint. I have heard the question discussed.

499. Have you never heard that it is considered that they neglect the duty? Well, I should not like to say I have. I cannot be expected to say what I have heard just in free conversation about it; but I have not heard any complaint, or anything I would feel justified in giving to the Committee in the shape of an official complaint.

500. You have heard remarks about it? Yes, several times. But I may say I have seen Mr. Hogg's work in Launceston, and am pleased to bear testimony to it. I have known his ministrations to have very signal effect, and I can speak in very high terms of the work done by Mr. Gray.

501. Do you consider the religious instruction of the prisoners sufficient? Well, again I must decline to say. It is really not in my department.

502. Is it not the Sheriff's duty to speak of it? Really, I must distinguish between the work of Cæsar and the work of God.

503. *By the Minister of Lands.*—You are unable to say that it is sufficient? What would my opinion be? It is the very one thing that I have studiously avoided any interference with, and I really do not think I should be justified, or would be supported if I endeavoured to interfere with it.

504. *By Mr. Pillinger.*—Whose duty would it be? It is the duty of the various Churches, I take it—the bodies who supply the Chaplains.

505. *By the Chairman.*—Do you think the religious instruction of the prisoners sufficient? I do not think there is sufficient time devoted to religious instruction in the gaols.

506. When you remove prisoners from Launceston to Hobart do you make any provision for the cost of their return home when released from gaol? Not unless they have earned something.

507. Have not men been turned out of gaol without a penny to buy food or secure a night's lodgings? I do not think so, not lately. No case has been brought under my notice.

508. Is sufficient care taken to obtain homes or employment for young girls or lads when their sentences have expired? It is not taken by the prison authorities. Of course, now and then something is done out of philanthropy, but it is not incumbent on the officers from their position to do so.

509. Have you ever known of young women being turned out of gaol without money and without friends? Supposing a person came in for a week or any short period they would simply be liberated, and I should not know anything more about them. There is no machinery for looking after discharged prisoners.

510. But if you had known of any case of the kind, would you consider it your duty to make provision for such a case? I should represent it to the Government if I thought that destitution or any evil effects were likely to follow.

511. You do not think any prisoner should be turned out of gaol without means to obtain food and shelter? I do not know of any prisoner who, after a long sentence, has left the gaol without some means; but regarding men who come in for a few weeks they return to society, as far as the prison authorities are concerned, just as they left it. With long-sentence prisoners, it would be very hard, when their associations were all broken from and they might have no home to go to, if they were turned out without some means.

512. Are the police in the habit of hounding down released prisoners and warning employers of labour against them? Well, I cannot say they are in the habit of doing it; but prisoners have very often complained to me that they were prevented from getting employment by the police in certain places warning employers as to their character. I cannot say it is often enough to be considered a habit, but there are two or three places where I know men who have been in prison have failed to get employment on account of that. Some extra-vigilant officers interfere in that way. One very excellent and energetic officer in the country if he sees a man of this kind will not let him loiter about, and lets him know that he will have to move out of the district.

513. For many years you have recommended improvements and alterations in the gaol, have you not? I have.

514. Have your suggestions ever been carried out? There, of course, I should be placed in the position of passing strictures upon the Government,—always an unpleasant thing for any executive officer to do. They have not been carried out, but there have been reasons why it has not been done. It has always been supposed that there was to be a change. The Royal Commission printed my letters, which contain the whole history of my efforts in that direction. When first the prisoners were brought up from Port Arthur it was the intention of the Government at that time to make those alterations. Then there was a change, and a desire to go back to the Cascades. Personally, it is pretty well known that I was not in favour of having the Cascades for a prison again. By and by there was another change, and the work which had been commenced at the Cascades, and carried on up to that time satisfactorily, was abandoned. That was so much time lost: while, if the buildings in Campbell-street had been altered, that would have been time saved.

515. You believe that if your suggestions as to alterations and improvements had been effected, the discipline and good management of our criminals would have been improved many years ago? I am quite sure of it.

516. Do you wish to make any suggestion or statement to the Committee? No; I think, beyond what I have said, all the suggestions I could make are printed in the evidence taken before Commission of 1883.

517. *By Mr. Rooke.*—Have any steps been taken to remedy the want of light in the cells at the Launceston Gaol? No. Some time ago I made some representations to the Government about the matter of the House of Correction, Launceston. These were approved of at the time, and the matter was brought before Parliament. I think I am correct in saying the vote was proposed, and then I think Mr. Douglas, who was then Member for Fingal, opposed it, on the ground that the Launceston people did not want to have any money spent on the present buildings because they wanted to have the gaol removed outside the town. If that proposal had been carried out it would have made the gaol quite sufficient for all requirements.

518. Do you consider it right that prisoners under remand should be subjected to this unnatural treatment when there is no proof that they are guilty—the cells being quite darkened? With regard to light, it would be better and more comfortable if there was more. In saying that they are cells all is conveyed, for in no cells that I am acquainted with—excepting some I had altered myself in Hobart so far as to give them light—is it usual to have windows.

519. Gas could be used to give a light after dark with but little expense? Yes; that could be done by the simple expense of laying on gas.

THURSDAY, NOVEMBER 6, 1884.

ANDREW GEORGE POGUE, *called in and re-examined.*

520. *By the Chairman.*—Mr. Pogue, you desire to be re-examined, do you not? Just so, Sir; yes.

521. When you were in office at the gaol had you any serious complaint preferred against you? None whatever. Nothing that I am ashamed of, as I told the Committee the other day.

522. Were you not charged with having in your possession, or of having taken from a prisoner, a valuable meerschaum pipe? Yes, I was.

523. That was a serious charge? Yes, it was; but the explanation I gave afterwards pulled me through. I never was charged with it. Perhaps you will allow me to explain. It occurred in the following way. A young man arrived from Launceston sentenced for three years, and he had valuable property in his possession, watch and chain, breast-pin, rings, and so on, and a pipe. Shortly after his arrival he

obtained permission to give up his property to his friends to take care of, and all the property that I knew of was given to them. Three years afterwards, when he was discharged, he asked me for a pipe. I said I had given all his property up to his friends. He said I didn't give them the pipe. I said "Didn't I, I believe I did," and I went over all the papers to try and find the receipt which I had received for the things, but could not find it. I afterwards told Mr. Atkins so, and said that if the man would put a value on the pipe I would pay him for it. He put a value on the pipe, and I paid him the money.

524. He put the value on. He did, in the presence of Mr. Atkins, and Mr. Ford will tell you so.

525. Were you ever seen with that pipe in your possession? I never had it, Sir.

526. You were never seen with it in your possession? I might have had it in my hand, but I have never smoked a meerschaum pipe in my life. I never had one.

527. How do you account for your being charged with having it? That will follow in another way. My press had been broken open by some person or persons unknown during my absence from the gaol, and it might have been taken then. There were dozens of pipes; and I should not think of looking for it until the man went away.

528. You had a number of pipes besides in the drawer? Yes, and watches and jewellery of all sorts?

529. Is it the habit in the gaol to leave the officer in your position in possession of jewellery and other valuable goods? Yes. I did not complain of my place having been broken into, because I had no proof; but I spoke to the Superintendent, and the things were handed over to Mr. Oldham, who had an iron-proof safe, by my own wish.

530. *By the Minister of Lands.*—Are the Committee to understand that there was no place for locking up these valuable articles during the time you were in charge? No, there was no place at all, except one with an ordinary lock, which I could pick with a bit of wire if I liked.

531. Your explanation of the statement that the pipe was seen in your possession by some one is —? The man himself stated in my presence that he saw it in my hand one day, but I have never owned a meerschaum pipe in my life, and have never smoked one. I always smoke a clay one. Any imputation on my character in regard to the pipe is decidedly wrong. Mr. Atkins's bad feeling towards me—his own and Mr. Swan's—left a record against me which ought never to have been there.

Mr. Pogue withdrew.

THOMAS GILLARD FORD, *called in and examined.*

532. *By the Chairman.*—What is your office in the Gaol? Overseer of the Cook-house, Mess-room and Dormitories.

533. How long have you been in the Gaol? Three years last May.

534. Do you know Mr. Pogue? Yes. He was Station Officer when I first went to the Gaol.

535. Did you ever know of any charge being brought against him whilst he was in the Gaol? Mr. Pogue was brought up on one occasion in regard to some of the clothes of a prisoner named Smith being missing when he left, but he was exonerated from it. It was cleared up.

536. Was he ever charged with any other thing being missed? I do not remember his being brought up on any other case to the office.

537. Do you remember him being charged in respect to a missing pipe? No charge was brought, though he was deficient in a pipe belonging to a prisoner named King.

538. How did he account for the loss of the pipe? He did not account for the loss at the time, but he agreed to compensate him.

539. Did he compensate him? Mr. Pogue told me he had left 10s. at the gate.

540. You don't know that he compensated him? No. He said he left it at the gate, and the man did not come again for the pipe. He asked me to look for a receipt which he had received from the man's friends, but I could not find it amongst the old papers.

Mr. Ford withdrew.

APPENDIX A.

EVIDENCE given before the Royal Commission on Penal Discipline by Mr. Alfred Jones, Superintendent of the Gaol at Launceston, on Wednesday, April 11, 1883.

55. What is your name? Alfred Jones.
56. What office do you hold? I am Superintendent of the Gaol, Houses of Correction, and the Invalid Dépôt.
57. What number of warders have you? I will furnish a return of them.
58. Are they sufficient for the requirements of the Institution? I think not; there ought to be an increase of one. [Provision has been made for the employment of an additional warder].
59. Have you made any representation to that effect? Yes, to the Sheriff. I may instance that at the present moment I have a condemned man in my custody, and that I have to bring a constable from the Male House of Correction to attend him. I ought to have another warder of a superior class.
60. Have you any difficulty in obtaining suitable officers for the establishment at the salaries they receive? Yes, with regard to male officers; not so with female officers. [The pay of the constables has been increased].
61. Are you aware of the pay given to the Municipal Police? I believe it is 6s. 3d. per diem, with a certain increase after a certain number of years, and superannuation, which my men have no prospect of. The warders are on duty 12 hours daily. One week from 6 A.M. to 6 P.M., and the following week from 6 P.M. to 6 A.M.
62. Do you say that your warders are longer on duty and have more arduous hours than the Municipal police? Yes; certainly.
63. Who are the inmates of the Gaol and Houses of Correction respectively? Prisoners under remand, committed for trial, and under sentence, male and female pauper invalids, and occasionally children whose mothers are under sentence.
64. Upon what authority do you retain these invalids? By an order from the Government in every case under instructions from the Administrator of Charitable Grants, except in the case of women whose sentences have expired and who have nowhere to go to pending getting employment, when I use my own discretion. This has been the practice for many years.
65. Then you have no legal instrument for the detention of these pauper invalids? No, none whatever. I made an application some time ago on the passing of 37 Vict. No. 15 to have a portion of the Female House of Correction declared a Charitable Institution, but the law officers decided it could not be done. Great inconvenience and breach of discipline and good order has been experienced from admitting this class of invalids. Those who are able are allowed out on pass, and attempt to introduce prohibited articles; one yesterday bringing in two bottles of spirits concealed in her clothing.
66. For what term do sentenced prisoners remain in your charge? From twenty-four hours to five and six years; but long-sentenced prisoners are the exception, unless in the case of old men.
67. Who determines what prisoners shall be sent to Hobart and what remain here? The Sheriff.
68. How often is the Gaol visited by the Sheriff, Chaplain, and Visiting Magistrates? I have already furnished a return.
69. Can you tell us what number of male and female prisoners are in your custody to-day? 59 males and 17 females.
70. What is the number of male and female invalids? 19 female invalids. There are 40 male invalids from the male dépôt who sleep in the building at present, being returned to the dépôt in the morning.
71. How are the prisoners classified? The remanded prisoners, those committed for trial, and those under sentence waiting disposal by the Sheriff, are placed in the 23 cells in the four yards of the gaol. There are no means of classification in the male division during the day time. I have attempted to separate those of the respectable class who are in for a first offence, allowing them to have meals by themselves and keeping them as much apart as possible.
72. The remanded and committed prisoners are not employed, are they? Prisoners committed for trial are occasionally employed picking hair, for which I allow them tobacco.
73. How are the sentenced prisoners employed? This information is fully shown in Return No. 48.
74. Is there any task work? None; the work the men are employed on at the Swnmp is of a very severe character.
75. Is the work sufficiently deterrent? Yes, I think so, as men coming into gaol generally look to do lighter work.
76. Is the present building sufficient for the safe keeping of the prisoners? I think it is for the class of prisoners we have, but I would prefer to have another warder.
77. Do you consider the area of the present gaol too large? No, but the arrangement is bad.
78. Under what authority is punishment inflicted for breach of prison discipline, and will you give us an account of such punishment during 1882? I have furnished the information in Return No. 42.
79. What arrangements are made for separating boys or juvenile offenders from older criminals? None whatever.

80. Is the dietary scale that you have furnished in Return No. 55 sufficient? Yes, in my opinion it is.

81. How often are convicted prisoners permitted to write to or see their friends? To write once in three months, or oftener, by permission from myself, and to see their friends once a month.

82. How are debtors maintained? By the Crown; we have only had three or four during the last three years.

83. Will you favour the Commissioners with any suggestions or remarks you may think it desirable to make with regard to the present buildings? If it is intended that the Gaol is to remain on its present site I consider that the range of buildings known as the Old Gaol and Debtors' Prison, which comprise the Hospital Dormitory (occupied by 21 prisoners from Male House of Correction), the old cells and the four dormitories used by male paupers, should be removed and suitable buildings for the better classification of prisoners erected thereon; this would also necessitate the erection of offices, stores, hospital, bath-room, condemned cell, and gallows. The buildings comprising the Male and Female Houses of Correction could not, in my opinion, be altered to provide classification for both sexes. If the buildings before referred to are removed, accommodation for about 40 male prisoners would have to be provided. This could only be done by the removal of the female invalids who now occupy the dormitories formerly used by male offenders.

84. What is the general conduct of the "native" prisoners in gaol? Good. I have always found them willing to work, both men and girls, especially the girls, but if in for a long time they got contaminated and get into what is termed the "Government stroke."

85. Do you think that class of prisoners should be separated from the older prisoners? Yes, by all means.

86. Have you any effectual means of carrying out that separation under the existing system? No, only at night, as regards sleeping.

87. We understand you have no means of carrying out prison discipline as generally understood? None.

88. Do you consider the present arrangement of prisoners satisfactory? Unsatisfactory, both as regards the officers and prisoners.

89. Do you find the "native" class have been taught trades, as a rule? No, we very seldom get a native lad who has been taught a trade.

90. Do you think the juvenile native prisoners should be taught a trade? Yes, certainly, as is done so successfully at Darlinghurst. It is better to put a lad to learn something, even if he is only in for three months.

91. What trades should they be taught? Carpentering, mat-making, blacksmith's work, painting, tinsmith's work, shoemaking, and others.

92. And what about the women? They seldom know anything about sewing when they come in; they should be taught hand and machine sewing and cutting-out, besides washing and domestic work generally.

93. When a prisoner is discharged does he receive any money for work done in the Gaol? No, none, not as a system, though I have made exceptional cases where I thought it well deserved.

94. Do you think it would be desirable to establish such a system? Yes, on certain conditions, at the discretion of the Superintendent, but not for the men to claim it as a right.

95. Have you many recommitments of juvenile offenders? No.

96. Is there any difference in the dietary scale of committed prisoners and remanded offenders? No, none.

97. You state that you have only had three debtors under your charge for some years; have you any place in which to confine them if any come in for contempt? No, they would have to go into goal; as a fact they would be treated precisely the same as criminals.

98. The new portion of the gaol is divided into four sections, is it not? Yes.

99. Then it is intended that six individuals should be confined in each compartment? Yes, in three of the sections, and five in the other, there being only 23 cells.

100. And is that a desirable arrangement in your opinion? Certainly not; it is most objectionable.

101. We noticed a young man in Gaol yesterday who was sent in for a breach of "The Masters and Servants Act,"—he was herded with the rest of the criminals. Do you think that a desirable state of affairs? No, most objectionable, but it is unavoidable, owing to want of accommodation in Gaol division.

102. Where do the men eat their meals? On the door-step under verandah.

103. In all kinds of weather? Yes.

104. Do you think the present cells are fit for men to sleep in? If you refer to the old cells in the Gaol, certainly not. I think the cells are not fit for animals to sleep in, and I know the men become affected in health from the vermin existing in these cells. [Since this evidence was given I have not been compelled to use these cells, owing to the reduction in the number of offenders. The daily average during the current year is far below previous years.]

105. Would not the present buildings have to be remodelled in order to carry out your ideas as to proper accommodation and discipline? A portion would have to be removed altogether, the rest would have to be remodelled.

106. How many able-bodied men have you in the Male House of Correction to-day? Twenty-four out of the fifty-one inspected yesterday.

107. What number of prisoners do you consider accommodation should be provided for at Launceston, i.e., how many remanded, how many committed, how many convicted, say for some few years, on the supposition that prisoners with sentences over three months are sent to Hobart? I consider that the following accommodation should be provided for the class of prisoners referred to:—Gaol proper—Prisoners remanded, 8; prisoners committed for trial, 16; prisoners sentenced and debtors, 6; total, 30: this does not include juvenile offenders under sentence. Male House of Correction—40. During the year 1882, 378 prisoners were received in this division whose respective sentences did not exceed three months, (*vide* Return herewith); the present strength is 49, which is below the average, 28 of whose original sentences did not exceed the period above mentioned. Female House of Correction—16. During the past year 219 female prisoners under sentences of three months and under were received. Total, 85.

108. What is the maximum number of prisoners you have had in the Gaol proper at any time? Twenty-seven, in January, 1879.

I have no correction to make in the above evidence other than that in brackets.

A. JONES.
16. 10. 84.

APPENDIX B.

H.M. Gaol, Hobart, 27th March, 1884.

SIR,

Having been informed that the Executive Council, in answer to an influentially signed petition sent in to them for a mitigation of my sentence, have only taken three months off, I beg respectfully to offer the following observations with a view of obtaining your advice and assistance in the matter, if you will be kind enough to afford me them:—

1st. That I was nearly two months awaiting trial. Others have had the length of time awaiting trial taken into consideration when fixing date for discharge.

2nd. That I was of material assistance to the late Superintendent by aiding in preparing his accounts prior to his "leave"; and, indeed, Mr. Atkins told me, in the presence of Mr. James Connolly, "that a petition was going in for me, and that if it came before him he would most strongly recommend it, or, if not in his time, he would acquaint his successor of what he would have done."

3rd. That I have acted as monitor in the school at night almost ever since I was sent here, which entails service of 10 hours weekly; this, formerly, would have counted as overtime, and been deducted accordingly from the sentence. This time gives two-elevenths of the whole working hours. Now two-elevenths of 18 months is more than equal to three months, so that at the time specified for my release I shall have been imprisoned for a period equal to 20 months, or two months more than my actual sentence.

I beg that, unless I am to receive some remission of time or pecuniary consideration for assisting in the school, I may be relieved from acting as monitor. I believe a man named Forbes was remunerated for having acted as monitor, though barely able to read and write.

The above treatment, in conjunction with my innocence (which I can conscientiously and do most strenuously assert), and the fact that for reporting the truth as to the incompetency of the clerk at the Penal Establishment, Launceston, I was removed from the office there and sent to Hobart, and thrust out to work in the quarry, sent through the streets with some of the worst criminals in the colony, and inside the walls have been herded with them, renders my treatment a peculiarly hard one.

If six months had been taken off my sentence I should then virtually have done 18 months, with allowance for services rendered, good conduct, and school assistance.

I submit that it is no small tax on a man to devote two hours five nights a week to teaching, when the day commences at 5.30 A.M., as well as during the cold winter evenings.

I respectfully solicit your attention to the difference in Lewald's treatment and mine. He received four months off two years, it being his second offence and sentence (within a very short period) for forgery; and my three months off, it being my first time and after 21 years faithful service comprising the best part of my life, beside the loss of position, pension, and income, equal to about £400 per annum salary and overtime, with prospective increase annually.

I have the honor to be,
Sir,

Your most obedient Servant,

C. HARDINGE.

H. G. QUODLING, *Esq., Superintendent H. M. Gaol, Hobart.*

SUBMITTED for consideration of the Sheriff.

H. G. QUODLING, *Superintendent
Penal Establishment, Hobart.*
27. 3. 84.

I CONSIDER that the Superintendent should not have submitted this letter to me, with its unauthorised speculation as to my motives in removing Prisoner Hardinge from Launceston.

JOHN SWAN, *Sheriff.*

APPENDIX C.

FOR THE COMMITTEE ON "GAOL DISCIPLINE."

REMARKS re Evidence of Mr. R. A. Atkins in "Report of Commission on Penal Discipline in Tasmania, 1883,"—page 15.

Paragraph 32. The pay of the constables has been increased to 5s., 4s. 6d. and 4s., according to classification, and there is now no difficulty in obtaining suitable men to fill any vacancy that may occur.

Paragraph 39. If the buildings occupied by the City Police extending from the House of Correction to Bathurst-street were available, an improved House of Correction for Females could be erected on the site, with the much desired advantage of being quite unconnected with the male division, and that portion of the gaol at present used as a Female House of Correction would be utilised for the classification of male prisoners, thereby materially increasing the accommodation in the gaol.

The House of Correction for Females is unsuitable in every respect, being too limited in space, and without cells for the isolation of prisoners,—a serious defect in any prison.

The House of Correction for Males needs considerable improvement and repairs; cells should be erected on the ground floor to provide means of isolating a certain class of habitual offenders. Roofing with corrugated iron, and other minor repairs would, in my opinion, render the present buildings sufficient for all requirements for many years.

Paragraph 45. The outer wall enclosing the workshops and lumber yard at the rear of the gaol being entirely formed of wooden planks and slabs, offers great facility for the escape of prisoners, and should be rebuilt with stone.

The House of Correction would be secure if the alterations before referred to were carried out.

H. G. QUODLING, *Superintendent H.M. Gaol, Hobart.*
22. 10. 84.

APPENDIX D.

Hobart Penal Establishment, 1st November, 1883.

SIR,

I HAVE the honor to address you with respect to the unhealthy and insufficient nature of the quarters now occupied by me as Assistant Superintendent and Deputy-Gaoler of this Establishment.

My quarters consist of three rooms,—one a dining room, the end of which has a partition about six feet high, the space enclosed by this partition is about six feet wide, and serves as a kitchen; and two small bedrooms, one of which is about seven feet square, beneath is a water-closet for the use of the Police Clerks, and a hole in the ceiling of this closet allows the air and effluvia to pass up.

No convenience in the shape of water-closet is attached to these quarters, and everything for use has to be carried upstairs.

When I first took possession of these quarters I had the use of the closet attached to the Puisné Judge's Court, except on those few days in the year when the Court was sitting; but since the removal of the Police Office work to the Puisné Judge's Court I am debarred from the use of this convenience whenever the Police Magistrate is sitting, which sometimes extends over the greater part of the day; at these times therefore my family is reduced to the necessity of leaving home for the necessary purposes of nature, or of making use of a night-stool in one of the rooms,—a practice you will admit that is not only unhealthy, but may be characterised as barely decent, whilst the alternative of leaving home for the purpose is more inconvenient than can be described.

The limited nature of my quarters further entails this inconvenience,—I have no accommodation for a servant, and the domestic duties thus thrown upon my wife (whose health has been failing for some time), I fear, is a burden she will not be able to bear much longer.

As the regulations of the prison compel me to reside on the Establishment, it is not open to me to take a private residence, and if I were to do so, would be a heavy tax upon my salary, of which official quarters is reckoned as a part.

Under these circumstances I venture to hope that you may not deem me importunate if I beg of you to urge upon the Government the somewhat pressing necessity of providing me with such quarters as may enable my family and myself to live in a manner more conformable to health and comfort than is now possible.

I have, &c.

J. T. SMITH, *Deputy-Gaoler.*

APPENDIX E.

DEPUTY Gaoler Smith, 1st November, 1883, drawing attention to the unhealthy and insufficient nature of the Quarters he now occupies, &c.

Has the Superintendent any recommendation to make to the Sheriff upon this letter?

P. S. SEAGER, *Deputy Sheriff.*
30 Nov., 1883.

As these Quarters are situated over the Supreme Court, I can make no recommendation.

There are no Quarters in the Prison that could be given to Mr. Smith.

R. A. ATKINS.
3. 12. 83.

FORWARDED to the Hon. the Attorney-General. The Regulations say that the Under Gaoler should reside within the precincts of the Gaol, which Mr. Smith does not actually do. There is no accommodation inside, as pointed out by Mr. Atkins; but I do not propose to make any alteration in the Supreme Court quarters now occupied by Mr. Smith.

JOHN SWAN, *Sheriff.*
3rd December, 1883.

DEPUTY Gaoler Smith, on 16th May, 1884, brings under notice the unsuitableness of the quarters now occupied by him, and states that if nothing can be done to improve them that he would be prepared to take a house near the Prison conditionally on an allowance, in lieu of quarters, being granted him.

Gaoler remarks that Deputy Gaoler's quarters are unsuitable for a family, and recommends Mr. Smith's application for an allowance in lieu of quarters if no improvement can be effected in the house he occupies.

I cannot recommend a house allowance to the Deputy Gaoler. I shall be glad, however, if some steps can be taken to improve his quarters in the Gaol.

JOHN SWAN, *Sheriff.*
13th June, 1884.

The Hon. the Attorney-General.