

properly regulated establishment, or among officers who were subjected to any thing like an efficient control.

In proof, however, of his having exercised a vigilant superintendence of the gaol, Mr. Guky refers to the affidavits of Mr. Perry, his chief clerk; of Dr. Arnoldi, the physician to the gaol; of J. Spears, the blacksmith to the gaol; and of J. Glassford, who supplied the gaol with fuel. It may be said that the evidence of parties, whose connexion with the gaol was so much at the pleasure of the sheriff, could hardly be given without considerable bias in favour of that officer, but I am aware that the internal arrangements of such an establishment can only be thoroughly known to those whose occupation leads them constantly there; and I should therefore feel bound to accept the testimony of the four individuals in question as conclusive, did not the tenor of Mr. Guky's own evidence before the committee convince me that his alleged frequent visits to the gaol were made to very little purpose. Of all the most important regulations of a gaol, the degrees of restraint under which the different classes of prisoners are placed, their classification, the means taken to secure their health, and their safe custody; in fact, of the entire system of prison discipline pursued in Montreal gaol, Mr. Guky proves himself to have been in complete ignorance.

Mr. Guky states that he was satisfied with the conduct of the gaoler. It would therefore seem unnecessary to examine that part of his defence in which he claims to be relieved from all responsibility for the conduct of that officer, because appointed by the head of the Government. But on that statement I have to remark, that if Mr. Guky felt any difficulty in enforcing his orders to the gaoler, or had been impressed with a conviction of that officer's unfitness for his duties, his course was a clear one: if it was not in his power to remove him it was his duty to represent the case to the Government.

I remark that Mr. Guky passed by without comment the charge of ignorance shown by him before the committee respecting the state of the gaol. I have already given it as my opinion that that charge is well founded, and it follows that the abuses and vicious regulations to which the Assembly advert, may have existed without his knowledge. He seems, however, to have been perfectly aware of the bad character of the two turnkeys, whose continuance in office is made a special ground of accusation against him by the Assembly. For not dismissing these men, whose infamous character and practices were notorious, he excuses himself by asserting that he had no money with which to pay their arrears of wages, or to provide other turnkeys. Here again it appears to me that his course was clear. If on application to the Government of the province it might not have been possible to furnish him with the means of paying the turnkeys, he would at least, by a representation of their conduct and of the difficulty in which he was placed, have relieved himself from the responsibility of retaining their services.

There are many topics which have arisen out of this investigation to which I have purposely refrained from adverting; to the insecure and general bad state of the gaol, for example, which is no longer a question for discussion, because the necessity for a new building has been admitted and acted upon; to the deficiency of beds and clothing, and other necessaries; because, after the sanction which has been given by the Assembly to the supply of such articles of this nature as may be indispensable, your Lordship can no longer have any difficulty in authorizing a compliance with the requisitions which you may receive under this head.

Nor have I entered upon any review of the treatment of the prisoners, their classification, or the general regulations adopted in the gaol, because the restraint to which it has been usual to subject prisoners, and the want of proper means for classifying them, as well as for promoting the salubrity of their apartments, have been all attributed to the insecurity and imperfections of the building, and the accommodations of the new building, will probably permit of a satisfactory remedy to all these subjects of complaint.

But the projected removal to a new gaol points this out as a proper time for instituting a rigorous inquiry into the regulations which are at present observed in Montreal gaol, with a view to the establishment of an unobjectionable system of prison discipline. I leave it to your Lordship to decide in what manner and by whom this inquiry should be prosecuted. But such a new system being established it will remain to be considered whether its operation should be left to the superintendence and control of Mr. Guky. His ignorance of all the internal