

Correspondence  
respecting  
Mr. Gagy.

that he had been called the previous day to see Collins, "who was in the last state of destitution, evidently sinking from the want of food and raiment."

Upon this evidence the jury found that the deceased "died through the want of food, and by cold and misery." A bill of indictment was in consequence preferred against the gaoler for the murder of Collins, but was ignored by the grand jury of the district. The matter was however taken up by the House of Assembly, who appointed a committee to inquire into the circumstances of the case and into the state of the gaol. The result of the investigations thus instituted has been to attribute the death of Collins in a great measure to the culpable negligence of the subordinate officers of the gaol, and to charge the sheriff with a violation of his duty in not superintending these subordinate officers with sufficient care, and in neglecting to see that the gaol was kept in proper order. He is also accused of having, in his examination before the committee, shown himself ignorant of the state, keeping, and management of the prison, and of having permitted the existence of various abuses and vicious regulations in the gaol without any attempt to remedy them.

Mr. Gagy commences his defence by complaining that the House of Assembly have attempted to impose upon him more arduous duties than legally belong to his office, many of them appertaining to the gaoler, and he contends that the law requires no more of him than such a general superintendence of the gaol as would produce a salutary control of the subordinate officers. But I cannot discover that the Assembly and Mr. Gagy are at all at variance with regard to the nature and extent of this part of the sheriff's duties.

It is not necessary, nor would it answer any useful purpose to attempt an inquiry into the immediate causes of Collins's death, further than as they involve the question of the alleged culpability of the gaoler, &c., and the inefficiency of the sheriff's superintendence. Confining myself within these limits, I observe that Mr. Gagy refers to the fact of the indictment of the gaoler for the murder of Collins having been quashed, and he contends that as the gaoler has been by that proceeding absolved from culpability, the charge of the Assembly against himself falls to the ground. He proceeds to complain, that the verdict of the coroner's jury rested entirely upon the evidence of three prisoners, who were not only confined on charges of a highly criminal nature, but must have had a natural inclination to vilify the character of the person in whose immediate custody they were placed.

Against the evidence of these prisoners, Mr. Gagy places the affidavits of Dr. Arnoldi and others which accompany his defence. The doctor deposes, that it was about the 1st of December, when attending another prisoner, that he first saw Collins staggering about the ward in which he was confined. That at that time Collins had no specific complaint, but, with a constitution completely worn out, he appeared to be declining so fast that the doctor considered him to be in the last stage of existence, and beyond the reach of medical aid; that his death was not purely ascribable to coldness in the cell, and that the gaol was always sufficiently well warmed. The other depositions referred to speak to a sufficient supply of fuel; and one of them, that of James Spears, who had known Collins for many years, represents him to have been a great drunkard, that his constitution had been ruined by intemperate habits, and that he was subject to fits.

To whatever cause the death of Collins may have been more immediately owing, I am surprised to find that on the evening preceding his death, and when he was so ill as to require the attendance of Dr. Arnoldi, no provision seems to have been made for his comfort during the night. The physician describes him as in the last stage of existence and nearly destitute of clothing, yet he was locked up in the same manner as the other prisoners, without the slightest precaution being taken for securing him any degree of attention, for it appears that he died between one and two o'clock in the morning, and was not found by the officers of the gaol to be dead until six. This one fact in itself is conclusive as to the existence of gross negligence, if not of inhumanity, on the part of the officers of the gaol. It gives much colour to the statement made before the committee by a labourer employed about the gaol as to the brutal treatment of the prisoners by the gaoler, an officer whom all parties, and amongst the rest the sheriff himself, concur in representing as a man of a hasty and violent temper. It is a circumstance, moreover, which could not have occurred in a  
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