

66. *Mr. Harley.*] That is to say, the Department understood that the boys were being punished at St. Mary's in the same way as at Government industrial schools?—Yes. The authorities at St. Mary's held themselves bound to follow such regulations.

67. Have instructions been given by the Department to the management of St. Mary's as to the form of punishment?—St. Mary's have been asked a question as to whether they recognised these regulations which apply to Government schools, and they have replied that they recognised them.

68. You heard Maher and James say how they had been put in the cells, taken out and caned, fed on bread and water, tea sometimes. Is that in accord with the regulations affecting Government schools?—The confinement is not in accordance with the Government regulations. The confinement allowed is three hours in the same day, but there must be a proper interval between each confinement of three hours.

69. The Government regulations are gazetted, no doubt?—Yes.

70. Can you produce the *Gazette*?—[Copy of regulations produced and put in.]

71. And you say the punishment received by Maher and James exceeded that?—Yes. Solitary confinement for more than three hours in one day, confinement in a dark cell, or at night, is forbidden—is contrary to what is laid down in the regulations. Any confinement, solitary or otherwise, in a dark cell is forbidden by law.

72. Is the punishment laid down in these regulations considered severe enough by the department?—It may be considered necessary to modify them. They are on the light side, in my opinion.

73. What is your opinion of the punishment as detailed by Maher and James: is that on the light or the heavy side?—First of all, I object to the use of the supplejack for a boy at all. It is used by many parents and some schoolmasters, but I think unwisely. I also think that punishment on the hand, though recognised by public opinion as proper punishment, even when given with an instrument such as a strap or pliable cane, is improper. That is my opinion; but it is general nevertheless. Used with proper restrictions, it leads very rarely to harm. I think a strap is a better and safer instrument for strokes on the hand than a supplejack. It is not so liable to cause harm if undue violence is used in temper. I think all punishment should be administered on the fleshy part of the back.

74. With a proper instrument?—Yes. There is practically no danger with a proper instrument; and if one garment at least is kept on there is no insult to the respect of the person.

75. Now, as to the punishment of these two boys?—It is excessive. I think it would be dangerous to extend the regulations much. They might be extended to four hours, possibly more; but I would limit it to daylight. And I think an inmate confined should be able to call for assistance at any time.

76. I gather that seven days' confinement in the cell under the tower night and day is excessive, in your opinion?—Yes.

77. In fact, anything over a limited number of hours is excessive?—Of course, it varies with the age of the boy. One of these boys is a little under fourteen, and the other a little under fifteen. There are very few there under ten years of age.

78. Do I understand you to say there are very few under ten?—Very few. There might be one or two under nine.

79. Are they not small for that age?—Industrial-school boys on the average are smaller than other boys.

80. Is that because they are small when they go there, or because of the treatment they get?—It is probably due to hereditary causes with a great many of them. Some of them are simply orphans. The very fact that they are industrial-school boys raises a *prima facie* suspicion that their heredity is imperfect. Measurements and statistics show that their development is under the development of a normal boy of the same age.

81. Would a boy confined in the cell under the tower be in solitary confinement within the meaning of these regulations?—Yes, in my opinion.

82. Supposing a boy was shut up in the one below?—Yes.

83. So that Maher and James were both getting solitary confinement?—Yes, presuming that they were in those rooms.

*Mr. Fell.*] There is no doubt about that. It is admitted at once.

84. *Mr. Harley.*] You have heard it said by the boys that sometimes when they were holding out their hands and would draw them back they would be struck across the back?—Striking across the back is not outside the regulations. The instrument is defined. The supplejack is outside the regulations unless certified to by a medical officer as suitable. But I think a cane is the most suitable of all.

85. *Mr. Harley.*] You distinguish between a "cane" and a "supplejack"?—Oh, yes! Most distinctly.

86. *Mr. Wardell.*] What is the distinction?—A cane is perfectly pliable, and a supplejack is not.

87. And there are no knots on the cane?—Yes; but you might easily get a supplejack without knots.

88. *Mr. Harley.*] Of course, such treatment as punching and kicking, supposing it occurred, that is necessarily outside the regulations?—Oh, yes.

89. And outside, of course, what would be deemed proper treatment?—Yes.

90. As to the food at Government industrial-schools: have they any dietary scale?—We could name the scale at any time; but there is no scale laid down by the Department, nor do the Department think it expedient to lay down a scale. There are general directions.

91. Would the Department expect such general directions to apply to such institutions as St.