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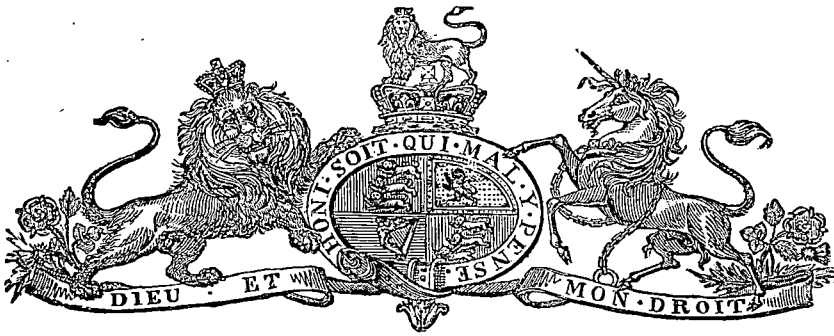
1858.

T A S M A N I A.

ROBBERY AT SANDY BAY.

REPORT FROM THE SELECT COMMITTEE.

Brought up by Dr. Butler, and ordered by the House to be printed, 2 November,
1858.



THE SELECT COMMITTEE appointed on the 15th September, 1858, "for the purpose of investigating the Circumstances under which the Persons now charged with a Robbery at Sandy Bay; on Mr. Garth, are at large in the Colony," have agreed to the following

REPORT.

YOUR Committee, in the prosecution of the enquiry remitted to them, ascertained that the persons charged with the robbery at Sandy Bay had all been previously convicted and transported to this Colony; two of those committed being at large by virtue of Tickets-of-Leave which had been granted to them in February and June of the present year.

Your Committee deemed it their duty to ascertain under what regulations indulgences are granted, giving comparative freedom to men of this class, and to make a minute investigation into the character of the men as shown by their Police Records.

The evidence of the Comptroller-General clearly showed that persons under sentence of Transportation could obtain the indulgence of a Pass or Ticket-of-Leave at such an early period as to render the sentences passed on them almost nugatory,—and most certainly not likely to deter persons of this class from the re-commission of crime whenever the temptation might be presented to them; a prisoner under sentence of Transportation for Life being enabled to come up to Town in Eighteen Months,—and this indulgence being granted to him without any reference to his character before conviction.

Under the operation of the present Law which substitutes Penal Servitude for Transportation, these indulgences can no longer be granted except in cases where the sentence is for Life, and not then till after the expiration of ten years; but your Committee were informed that Regulations are in force under which $\frac{1}{6}$ ths of the sentences under this Act are remitted; and it is the opinion of the Comptroller-General that Regulations of this character are absolutely essential in the management and control of Prisoners, and that it is the system adopted in England.

The Magisterial sentences which Prisoners receive while under detention are not, however, subject to these Regulations; and even where they are stated in the sentence to be cumulative, they are not necessarily acted upon as extensions of the original sentence,—such sentences being remitted on a much larger scale, and without reference to any general system.

The investigation of the Police characters of the persons before alluded to has brought prominently before the Committee the serious evils resulting from this system of

fictitious punishment: heavy punishments have been inflicted, and sentences repeated almost *ad infinitum*, without having operated in the slightest extent to deter from the re-commission of crime at the first opportunity; while the habitual misconduct, and the numerous sentences imposed, have not prevented the grant of indulgences and the mitigation of punishment to men whose career as Prisoners must have satisfied those under whose management and control they were placed that to let them loose on society would endanger the lives and property of the community, while it exposed the unhappy persons themselves to the dangers resulting from an infraction of the Law.

In short, the grant of Pass or Ticket-of-Leave does not appear to depend in any degree on the character borne by the individual in the Penal Establishments; and these conclusions the Committee conceive are fully borne out by the Police Records of three of the individuals referred to in this Report, and hereto appended.

HENRY BUTLER.

EVIDENCE.

1. William Tarleton, Esq., P.M.	PAGE 5
2. W. E. Nairn, Esq., Comptroller-General	<i>ib.</i>

EVIDENCE.

MR. TARLETON *examined.*

1. You are the Magistrate before whom the men charged with the robbery at Mr. Garth's were brought? Yes.

2. Can you state the names of them? There were a number of persons charged before me with the robbery; some of whom were discharged, no evidence being tendered against them; three were fully committed for trial: Joseph Johnson, T.L., sentence life, *Marian Watson* from Sydney; Thomas Gault, T.L., sentence life, *Isabella Watson* from Sydney; Anthony Saville or Savill, *Lord Auckland*, F.S. Against all these prisoners the evidence was conclusive; I had no doubt of their guilt.

3. Can you state the names and condition of those charged but not committed? I can obtain the names from the Office.

4. Had you the Police characters of those men? I had those of Johnson and Gault; I cannot produce them to-day, for I considered it my duty to bring them before the Government, and so I handed them over to the Colonial Secretary.

5. Had you the Police characters of the other men? No; Saville was free by servitude; I have not those of the others now; I had them, but they were returned, in the usual course, to the Comptroller-General's Office.

6. The record of the residences of the Ticket-of-leave Convicts is in your Office? Yes; it is kept by a Clerk in my Office,—he is attached to the Convict Department, and put under my orders.

7. Has the Inspector access to this record for information? Yes.

8. *By Mr. Anstey.*—Are the Prisoners who come up from Port Arthur on Tickets-of-Leave obliged to attend at the Police Office to register their residence at once on their arrival? I do not know whether they attend at once, but they are punishable if they do not register their residences; it is their duty, when they receive their Ticket-of-Leave, to report their residence immediately at the Police Office.

Mr. Tarleton withdrew.

MR. NAIRN *examined.*

1. You are Comptroller-General of Convicts? Yes.

2. Can you inform the Committee under what regulations Tickets-of-Leave are issued to Prisoners convicted previous to 1855? Every life man before he got a Ticket-of-Leave was required to serve 2 years as a Passholder; every 15 years' man, 18 months; 10 years, 15 months; 7 years, 12 months.

3. *By Mr. Anstey.*—Is that rule acted upon now? The rule is acted upon with men now at Port Arthur under sentence of transportation; a Convict under punishment at Port Arthur, being due for a Ticket-of-Leave, is now required to serve the above period at Port Arthur as a Passholder before he is allowed to come up on his Ticket-of-Leave.

4. Can you furnish a Return of men at Port Arthur, under sentence of transportation, serving probation? Yes.

5. Can you tell us under what circumstances remissions of sentence occur under the Penal Servitude Act? Yes, by task-work: by what is termed ordinary day labour a remission of $\frac{1}{5}$ of the time may be earned; for special labour $\frac{1}{4}$ can be earned; the maximum is $\frac{6}{8}$.

6. Does the Police character of the man before detention operate in the grant of a Ticket-of-Leave to men at Port Arthur? No; the sentence for which he is sent there regulates the issue of his Ticket-of-Leave; his character regulates the period of detention, but not his service for a Ticket-of-Leave.

7. What is the course adopted with regard to remissions at Port Arthur? If a man's conduct is good for a time at the Settlement, he may look for a remission of a portion of his punishment; the rule is arbitrary, extending to $\frac{1}{2}$.

8. What is the minimum period of a life man serving for a Ticket-of-Leave? In 18 months he is eligible to come up to Town with a Ticket-of-Leave; this is the highest case.

9. Does each recommendation of the conduct for remission go necessarily through the Comptroller-General? Yes, decidedly; and these are only for sentences passed on the Settlement.

10. Is there any Regulation under which persons who came from Norfolk Island are detained at Port Arthur for the full period of their sentence? No; they come under the general Regulations.

11. Can you state from what date the hiring out of Passholders has ceased? Very lately—since April last; and in certain cases, where the characters were difficult to deal with, I recommended them to serve as Probationers before getting their Ticket-of-Leave.

12. Have you any now at Port Arthur detained under sentences passed out of the Colony? I think not; I will furnish you with the information.

13. Are the sentences which men receive at Port Arthur for offences considered extra to their original sentence? No; there is a power, as a general rule, to make them cumulative: no case has come under my notice of a penal servitude man with additional sentence emerging as yet.

14. Can you inform me if the Ticket-of-Leave holders are compelled to register their residence? Yes; they are told on receiving their Ticket-of-Leave that if they do not immediately register they will be punished; they are considered to be under the surveillance of the Police; he is gazetted, and is supposed to be his own master.

15. Are the Police characters of the Ticket-of-Leave holders in your possession? Yes; and the Police can always have access to them.

16. Can you supply the Police characters of the following men? Yes.

Mr. Nairn withdrew.

SUMMARY of the Sentences passed upon the Three Men.

THOMAS GAULT.

Lashes, 183.
Days of Solitary Confinement, 293.
Days of Hard Labour in Chains, 3810.
Days of Extension of Probation, 122.
Months of Extension of Sentence, 18.
Admonished, once.

JOSEPH JOHNSON.

Lashes, 412.
Days of Solitary Confinement, 37.
Days of Hard Labour in Chains, 4015.
Days on the Tread-wheel, 50.
Reprimanded, once.

WILLIAM STYLES.

Days of Solitary Confinement, 107.
Days of Hard Labour, 1470.
Days of Hard Labour in Chains, 1520.
Reprimanded, twice.
Admonished, once.

POLICE History of —————, arrived in Tasmania 3rd August, 1842, under a Sentence of 10 Years for Sheep-stealing.

TASMANIA.

1. 14 September, 1842, disorderly, 10 days' solitary.
2. 24 February, 1843, misconduct, ditto.
3. July, 1843, ditto, ditto.
4. November, 1843, absence, 4 months' hard labour in chains.
5. January, 1844, misconduct, 5 months' hard labour in chains.
6. April, 1844, insubordination, 50 lashes.
7. May, 1844, disobedience, 14 days' solitary.
8. June, 1844, stealing potatoes, 4 months' hard labour in chains.
9. June, 1844, stealing turnips, probation extended 4 months.
10. July, 1844, insubordination, existing sentence extended 12 months.
11. October, 1844, disobedience, 36 lashes.
12. January, 1845, bread in possession, 6 months' hard labour in chains.
13. June, 1845, insolence, 3 months' hard labour in chains.
14. July, 1845, rioting, 10 days' solitary.
15. August, 1845, misconduct, 14 days' solitary.
16. October, 1845, misconduct, admonished.
17. April, 1846, misconduct, 12 days' solitary.
18. August, 1846, misconduct, 4 days' solitary.
19. September, 1846, destroying blanket, discharged.
20. Ditto, misconduct, 3 months' hard labour.
21. Ditto, fighting, 6 days' solitary.
22. April, 1847, insubordination, 30 days' solitary.
23. July, 1847, stealing carrots, 1 month hard labour in chains.
24. August, 1847, absence, 30 days' hard labour in chains.
25. Ditto, ditto, ditto.
26. March, 1848, larceny, existing sentence of transportation extended 18 months.
27. October, 1848, misconduct, placed in wood gang, Port Arthur.

Passholder 30 November, 1848.

28. June, 1849, absence, &c., 4 months' hard labour.
29. July, 1849, misconduct, 1 month hard labour.
30. October, 1849, robbery and putting in fear, transported for life, and to be sent to Norfolk Island for 4 years.
31. November, 1849, assaulting a constable, 18 months' hard labour at Port Arthur.

Arrived at Norfolk Island 4 January, 1850, for detention for 5 years.

32. February, 1850, disobedience, 3 months' hard labour.
33. Ditto, ditto, 14 days' hard labour.
34. Ditto, telling lies, 6 months' hard labour.
35. March, 1850, idleness, 14 days' solitary.
36. Disobedience, 7 days' solitary.
37. April, 1850, defacing jacket, 6 days' solitary.
38. Ditto, altering trowsers, 10 days' solitary.
39. June, 1850, profane language, 7 days' solitary.
40. July, 1850, disobedience, 14 days' solitary.
41. August, 1850, ditto, ditto.
42. 12 November, 1850, indecent language, 6 months' hard labour in chains.
43. Ditto, disobedience, 1 month hard labour in chains.
44. Ditto, ditto, ditto.
45. 18 November, 1850, disorderly, 14 days' solitary.
46. 16 December, 1850, disobedience, 10 days' solitary.
47. 3 January, 1851, disobedience, 7 days' solitary.
48. 14 January, 1851, not rising in proper time, 3 days' solitary.
49. 10 February, 1851, disobedience, 6 days' solitary.
50. Ditto, ditto, 10 days' solitary.
51. 10 March, 1851, disobedience, 3 months' hard labour in chains.
52. 21 March, 1851, idleness, 1 month hard labour in chains.
53. Ditto, disobedience, 3 months' hard labour in chains.
54. 11 April, 1851, neglect, 14 days' hard labour in chains.
55. Ditto, ditto, 2 months' hard labour in chains.
56. 21 April, 1851, resisting Police, 36 lashes.

57. 21 April, 1851, disorderly, 36 lashes.
58. 2 June, 1851, disobedience, 3 months' hard labour in chains.
59. Ditto, ditto, 14 days' hard labour in chains.
60. 11 July, 1851, disobedience, 3 months' hard labour in chains.
61. Ditto, ditto, 4 months' hard labour in chains.
62. 15 July, 1851, disobedience, 25 lashes.
63. 11 August, 1851, disorderly, 14 days' hard labour in chains.
64. 8 September, 1851, disobedience, ditto.
65. 13 October, 1851, neglect, 1 month's hard labour.
66. 20 October, 1851, disobedience, 14 days' hard labour in chains.
67. 28 October, 1851, disobedience, 7 days' hard labour in chains.
68. 9 December, 1851, neglect, 14 days' hard labour in chains.
69. 10 December, 1851, disobedience, 7 days' hard labour in chains.
70. Ditto, stealing tobacco, 3 months' hard labour.
71. 23 December, 1851, disobedience, 7 days' hard labour in chains.
72. 30 December, 1851, tobacco in possession, 3 months' hard labour in chains.
73. 27 January, 1852, disobedience, 7 days' hard labour.
74. Ditto, insolence, 25 lashes.
75. Ditto, disobedience, 14 days' hard labour in chains.
76. 4 May, 1852, having candle in possession, 1 month's hard labour in chains.
77. Ditto, insolence, 2 months' hard labour in chains.
78. 1 June, 1852, fighting, 3 months' hard labour in chains.
79. August, 1852, cutting meat and cooking it improperly, 6 months' hard labour in chains.

PORT ARTHUR.

80. 12 January, 1854, absconding, 30 days' solitary.
81. Ditto, larceny, 18 months' hard labour.
82. 21 June, 1854, misconduct, 14 days' solitary.
83. 31 January, 1857, idleness and having money in possession, 7 days' solitary.

Ticket-of-Leave 1st June, 1858.

POLICE History of ————, arrived in Sydney in 1833, under a Sentence of 14 years' Transportation for picking Pockets.

SYDNEY.

1. August, 1834, absence, 10 days on tread-wheel.
2. September, 1834, absence, 5 days on tread-wheel.
3. November, 1834, absence, 25 lashes.
4. December, 1834, absence, ditto.
5. March, 1835, absconding, 50 lashes.
6. Ditto, absence, 14 days on tread-wheel.
7. June, 1835, absence, 21 days on tread-wheel.
8. September, 1835, absconding, 50 lashes.
9. January, 1836, absconding, ditto.
10. February, 1836, absconding, ditto.
11. March, 1838, neglect, ditto.
12. April, 1838, neglect, ditto.
13. December, 1838, illegally at large, ditto.
14. May, 1839, absence, 12 lashes.
15. August, 1840, stealing money, 6 months in chains.
Tried in April, 1842, for shooting at the Colonial Secretary, transported for life, and sent to

TASMANIA,

Where he arrived on the 8th June, 1842.

16. December, 1842, misconduct, 2 months' hard labour in chains.
17. March, 1843, misconduct, 3 months' hard labour in chains.
18. May, 1843, insolence, 10 days' solitary.
19. December, 1843, idleness, 3 months' hard labour in chains.

Passholder, 27 January, 1846.

20. February, 1846, misconduct, 6 days' solitary.
21. March, 1846, larceny, 18 months' hard labour in chains.
22. Ditto, fighting, reprimanded.
23. June, 1847, neglect, 7 days' solitary.
24. March, 1848, trafficking, 4 months' hard labour.
25. October, 1848, conveying letters, ditto.
26. April, 1849, stealing, 6 months' hard labour.
27. January, 1850, absence, 2 months' hard labour.
28. July, 1850, burglary, 5 years' hard labour in chains, and to be sent to

NORFOLK ISLAND,

Where he arrived on 21 September, 1850.

29. November, 1850, disturbing peace, 2 months' hard labour in chains.
30. April, 1851, disorderly, 7 days in chains.
31. October, 1851, disobedience, 4 months' hard labour in chains.
32. 17 November, 1851, neglect, 2 months' hard labour in chains.
33. Ditto, obscene language, 3 months' hard labour in chains.
34. 18 November, 1851, neglect, 14 days' hard labour in chains.
35. January, 1852, disobedience, 1 month hard labour in chains.
36. Ditto, disorderly, 7 days' hard labour in chains.
37. April, 1852, misconduct, ditto.

Returned from Norfolk Island, 21 September, 1852.

TASMANIA again.

38. June, 1853, misconduct, 2 months' strict separate treatment.
39. November, 1854, disobedience, 6 months' hard labour.
40. November, 1856, absconding, 12 months' hard labour.
41. May, 1857, refusing to work, 14 days' solitary.

*Ticket-of-Leave, 23 February, 1858.**POLICE History of WILLIAM STILES, arrived in Tasmania 12 October, 1843, under a Sentence of 7 Years for receiving Stolen Goods.*

1. 22 December, 1843, neglect of duty, reprimanded.
2. 23 March, 1844, absconding, 20 days' solitary confinement.
3. 16 April, 1844, absence, 6 days' solitary confinement.
4. 7 May, 1844, disobedience, reprimanded.
5. Ditto, disobedience, 7 days' solitary.
6. 10 May, 1844, absence, 3 months' hard labour in chains.
7. 5 July, 1844, absconding, sentence above extended 9 months.
8. 31 December, 1844, disobedience, 10 days' solitary.
9. 14 February, 1845, absence, admonished.
10. 24 October, 1845, disobedience, 1 month hard labour in chains.
11. 20 February, 1846, absconding, 6 months' hard labour in chains.
12. 26 March, 1846, larceny, 12 months' hard labour in chains.
13. 22 August, 1846, misconduct, 3 months' hard labour in chains.
14. 30 March, 1847, misconduct, 1 month hard labour in chains.
15. 8 July, 1847, misconduct, 7 days' solitary.
16. 5 August, 1847, misconduct, 10 days' solitary.

Passholder, 2 October, 1847.

17. 12 January, 1848, larceny, 12 months' hard labour.
18. 9 March, 1848, gambling, 1 month hard labour.
19. 22 March, 1848, disobedience, 3 months' hard labour.
20. 24 March, 1848, misconduct, 10 days' solitary.
21. 22 August, 1848, larceny, 12 months' hard labour.
22. Ditto, assault, 6 months' hard labour in chains.

- 23. 19 September, 1848, entering a house with intent to steal, 6 months' hard labour in chains.
- 24. 10 October, 1848, insubordination, 7 days' solitary.
- 25. 21 May, 1849, absent, 6 months' hard labour in chains.
- 26. 25 October, 1849, assault, 30 days' solitary.

Free by Servitude, 2 December, 1850.

- 27. Again tried Hobart Town Quarter Sessions 7 January, 1851, stealing gowns,—*acquitted.*
- 28. Again tried Hobart Town Quarter Sessions 29 August, 1851, for burglary, and sentenced to 12 years' Transportation, with 4 years Probation at *Norfolk Island.*
- 29. 24 Jan., 1853, misconduct, 14 days' hard labour in chains.
- 30. 8 August, 1853, stealing silk, 1 month hard labour in chains.

Passholder, 28 September, 1854.

Ticket-of-Leave, 25 March, 1856.

- 31. 18 August, 1856, found in enclosed yard for unlawful purpose, 9 months' hard labour.

Ticket revoked, 9 December, 1856.

- 32. 30 December, 1856, absconding, 12 months' hard labour, cumulative.

Ticket-of-Leave, 9 February, 1858.

Conditional Pardon, 10 August, 1858, available elsewhere than in Tasmania.