

(No. 56.)



1864.

T A S M A N I A.

LEGISLATIVE COUNCIL.

CLAIMS OF THE COLONY.

Return to an Address dated August 12, 1864. (Mr. Innes.)

Presented by Mr. Wilson, and ordered by the Council to be printed,
August 23, 1864.



MEMORANDUM.

THERE has been no reply to the Secretary of State's Despatch of the 24th November, 1862, on the subject of the Claims of the Colony,—the Government feeling satisfied of the inutility of pressing them in the shape they had been formerly presented ; and also of the inexpediency of taking over the charge of the Imperial Convict Establishments at present, except upon terms which they were convinced would not be acceded to by the Home Government.

In accordance, however, with the Joint Resolution of both Houses of the Legislature in the last Session of Parliament, a Memorandum was addressed by the Ministry to His Excellency the Governor, representing the great injustice under which the Colony is, and has been, suffering since the adoption of the Regulations promulgated in the Despatch of His Grace the Duke of Newcastle, of the 14th February, 1854, No. 23, limiting the liability of the Imperial Government, in cases of re-conviction, to one twelvemonth from the expiration of the Convict's Imperial sentence.

His Excellency was requested to bring under the notice of the Secretary of State a Return of Convicts under sentence at Port Arthur, which accompanied the Memorandum, proving the justice of the terms used by Parliament, and to urge the adoption of the views embodied in the Resolution.

JAMES MILNE WILSON.

*Colonial Secretary's Office,
August, 1864.*

Colonial Secretary's Office, 16th March, 1864.

(Copy.)

MEMORANDUM.

WE have the honor to transmit to Your Excellency herewith a copy of a Resolution passed by both Houses of the Legislature during the last Session of Parliament ; to the effect that persons transported to the Colony should not be chargeable thereto, in case of their subsequent conviction in Tasmania, unless a period of Six years shall have elapsed from the termination of the original sentence of transportation.

The Ministry feel that they would be wanting in the discharge of their duty if they did not impress upon Your Excellency the great injustice under which the Colony is, and has been, suffering since the adoption of the Regulations promulgated in the Despatch of His Grace the Duke of Newcastle, of the 14th February, 1854, No. 23, limiting the liability of the Imperial Government, in cases of re-conviction, to one twelvemonth from the expiration of the Convict's Imperial sentence.

The Ministry trust that Your Excellency will bring under the consideration of the Right Honorable the Secretary of State the accompanying Return, which will prove that, in thus seeking relief from the Imperial Government of a portion of the enormous and unjust expenditure now pressing upon the Colony for the maintenance of incorrigible British offenders, they are supported by undeniable testimony in favour of the observation of Sir William Denison, in his Despatch, No. 154, of the 2nd July, 1853, that " it would seem hardly fair to charge the Colony with the expense of maintaining a man to whom a prison is almost a home."

By existing Regulations, published in July, 1854, the Secretary of State authorised the Convict authorities to shorten the period during which a Convict remained under Imperial control, that the British Treasury might thereby be the sooner relieved from the liability for his maintenance ; ignoring, it would seem, the increased probability that the funds of the Colony would be called upon to support him as a Criminal upon the commission of some new offence.

That such has been the result, the perusal of the enclosed Return conclusively proves: and the Ministry cannot for a moment conceive that it could be the premeditated design of the British Government to impose upon any Possession of the Crown the task of supporting, and controlling in prison, Imperial offenders whose history developes such a total absence of the moral principle, that, upon being liberated, their return to criminal courses may be predicted with almost unerring certainty.

The Ministry beg to express the hope that Your Excellency will lay before the Secretary of State, in the most forcible manner, the views embodied in the Resolution; and they submit that, in strict justice to a Colony suffering in no ordinary degree from the presence of British Criminals of the most abandoned character, the maintenance of all Imperial offenders now in prison, at Port Arthur or elsewhere, who have committed crimes within Six years of the termination of their Imperial sentences, and chargeable under existing Regulations upon Colonial, may be transferred to Imperial Funds from the date of their last convictions; and that, for the future, the liability on the part of the Colony in such cases shall not commence until the expiration of a period of Six years from the date of their freedom from any sentence during which they were chargeable upon British Convict Funds.

(Signed) JAMES WHYTE.
C. MEREDITH.
ROBERT BYRON MILLER.
JAMES MILNE WILSON.

His Excellency the Governor.

(Copy.)

Resolved, That it is unfair to the Colony that persons originally transported to the Colony should, in case of a subsequent conviction in Tasmania, be considered and charged to the Revenue of the Colony as Colonial offenders, unless and until a period of at least Six years shall have elapsed from the termination of their original sentence of Transportation.