

(No. 10.)



1856.

T A S M A N I A.

DESPATCHES.

TRANSFER OF CONVICT ESTABLISHMENTS TO THE COLONIAL
AUTHORITIES.

Presented to the House, and ordered to be printed, 11 December, 1856.



(No. 182.)
[EXECUTIVE.]

Government House, Hobart Town, 14th December, 1855.

SIR,

REFERRING to my Despatch, Separate, of the 19th November, in favour of the policy of transferring the Imperial Convict Establishments in Tasmania to the Colonial Authorities, I have the honour to enclose copies of a letter from the Comptroller-General, dated the 6th instant, with copy Memorandum of the Deputy-Commissary-General; and I beg to report my opinion to be in favour of the plan of transfer therein set forth.

In the event of the approval of Her Majesty's Government being given to the plan, it will be necessary to submit it to the Colonial Parliament for their concurrence; because, however improbable, it is still possible that, notwithstanding the reiterated applications of the present Council, the assumption by the Colony of the charge of British Convicts may not meet with the sanction of the Colonial Parliament.

I have, &c.

H. E. F. YOUNG.

The Right Hon. SIR W. MOLESWORTH, Bart.

[Dr. Hampton's Minute was submitted direct to His Excellency, and no copy was retained in the Comptroller-General's Office: the following Extract, however, has been obtained from the Assistant Commissary-General.]

EXTRACT from the Comptroller-General's Minute.

“THE control and management of the Convict Department to be transferred from the Secretary of State to the Local Government of Tasmania.

The whole cost of the Convict Department to be defrayed rateably from Imperial and Colonial funds, in proportion to the number of Criminals chargeable against each of these funds, and actually maintained by the Government: Criminals earning their own livelihood to be excluded from all such calculations.

The cost of that part of the Military Establishment which is retained in Tasmania for Convict purposes to be defrayed from Imperial and Colonial funds, in accordance with the above-mentioned proportion of Colonial and Imperial Convicts.

All the Stores sent to the Colony for Convict purposes, and in the charge of the Ordnance Storekeeper, or at the different Stations and Establishments, to be transferred to the Colonial Government; and, instead of any direct money payment being required for them, the value thereof allowed from time to time in liquidation of the claim which may arise against the Imperial Government for the rateable British proportion of the cost of the Convict Department. The estimated value of the Stores at the Stations to be fixed at the time of the transfer of the Department by a Board appointed for that purpose; those in the hands of the Ordnance Storekeeper to be charged for in accordance with the existing regulations of his Department. All Live Stock to be taken over in the same manner as the Stores at the Establishments.

As it is probable that the Colonial Government might not wish all the Officers of the Convict Department to be transferred to the Colonial Service, such a transfer to be optional on both sides; and, accordingly, Officers not required by the Colony, or who may not wish to leave

the British Service for that of the Colony, to be reduced when the transfer of the Department takes place, and granted from Imperial Funds the amount of Compensation or Pension to which they may then be entitled for their past services. The claims against the Imperial Government of all who are transferred to be in abeyance while they remain in the Colonial Service; and when they are finally reduced, the amount of their Compensation or Pension to be defrayed by the Imperial and Colonial Governments, in proportion to their length of service in each.

Under the proposed arrangement, the Colony would secure the benefit of the whole of the labour of the Convicts,—acquire valuable Penal Establishments in perfect order,—and the Legislative Council attain the unquestionable right to inquire into the state of the Convict Department.

THE Deputy-Commissary-General's Memorandum on the above.

I HAVE on more than one occasion within the past year had the honour of expressing to the Home Authorities my opinion how very desirable it was that the control and management of the Convict Department should be transferred from the Imperial to the Colonial Government. Recent events have added most strongly to this opinion. The political position in which Tasmania is about to be placed under the New Constitution renders it, if not impossible, at least very inexpedient, that the Convicts, of whom a large number are “Colonially convicted,” should remain under any Department that is not responsible to the Legislature of the Colony. An Imperial Department cannot be rendered thus responsible without materially affecting the efficiency of the Service.

The plan now submitted by the Comptroller-General appears to me comprehensive, though still so simple in its provisions as to be easily worked out; its general bearing has a liberal tendency towards the interests of the Colony without any material sacrifice of the claims of the Home Government.

The first and most important consideration is,—Can it be viewed as a matter of certainty that the financial position of this Colony will be such as to warrant the assumption of so important a charge? According to the plan now proposed, a considerable outlay of money would have to be made by the Colony before any claim could be made upon the Imperial Chest.

The strength of the “Military Protection” should be clearly defined, showing to what extent the Colony would concur to be assessed for.

(No. 56.)

Downing-street, 4th May, 1856.

SIR,

I HAVE had under my consideration your Despatch, No. 182, of the 14th of December, 1855, upon the question of transferring the Imperial Convict Establishment in Tasmania to the Colonial Authorities.

A similar measure, as you are doubtless aware, has already been carried out in New South Wales.

The principle of the arrangement adopted in that Colony has been very simple; viz.—that the management of the Convict Department should be vested in the Colonial Government; and that the cost of the discipline and maintenance of the whole body of Prisoners should be paid in the first instance out of the Colonial Revenue, dividing the amount afterwards between the Imperial and Local Governments in exact proportion to the number of Imperial and Colonial Prisoners maintained. The number of Convicts in Tasmania has become so much smaller than it was, and the rate of progressive reduction is so rapid, that the time has come when Her Majesty's Government consider that they may with propriety offer to the Colonial Legislature the adoption of a similar course.

The enclosed Memorandum contains the heads of the arrangement, which I have to authorise you accordingly to propose to the Colonial Legislature. You will, at the same time, inform the Legislature that, for the present, Great Britain will continue to defray the charge of the whole of the Troops in the Colony; but that at a future period, when the number of Convicts shall be further diminished, the Military Force will be greatly reduced unless the Colony should wish it to be continued, and be prepared to pay a part of the

charge. In order also to prevent the possibility of misconception, you will announce in express terms, although the statement can hardly be necessary, that the proposal is simply to transfer the control and management of the Convict Department to the Colony; and that the Royal Prerogative of granting or withholding pardon must of course continue to rest exclusively with the Crown, either directly, or through the Governor of the Colony acting for the Crown under the provisions of the existing law.

I have, &c.

H. LABOUCHERE.

Governor SIR H. E. F. YOUNG,
Tasmania.

HEADS of the proposed Arrangement for the Transfer of the Convict Department in Tasmania to the Colonial Government.

1. THE control and management of the Convict Department to be transferred from the Secretary of State to the Local Government of Tasmania.

2. The whole cost of the Convict Department to be defrayed rateably from Imperial and Colonial Funds, in proportion to the number of Convicts chargeable against each of these Funds and actually maintained by the Government. Convicts earning their own livelihood to be excluded from all such calculations.

3. All the stores sent to the Colony for Convict purposes, and in the charge of the Ordnance Storekeeper, or at the different Stations and Establishments, to be transferred to the Colonial Government; and, instead of any direct money payment being required for them, the value thereof to be allowed from time to time in liquidation of the claims which may arise against the Imperial Government for the rateable British proportion of the cost of the Convict Department. The estimated value of the stores at the Stations to be fixed at the time of the transfer of the Department by a Board appointed for that purpose: those in the hands of the Ordnance Storekeeper to be charged for in accordance with the existing Regulations of his Department.

4. All live stock to be taken over in the same manner as the stores at the Establishment.

5. As it is possible that the Colonial Government might not wish all the Officers of the Convict Department to be transferred to the Colonial Service, and that some of those Officers would not desire to enter the Colonial Service, such a transfer to be optional on both sides; and, accordingly, Officers not required by the Colony, or who may not wish to leave the British for the Colonial Service, to be reduced when the transfer of the Department takes place, and granted from Imperial Funds the amount of compensation or pension to which they may then be entitled for their past services. The claims against the Imperial Government of all who are transferred to be in abeyance while they remain in the Colonial Service; and when they are finally reduced, the amount of their compensation or pension to be defrayed by the Imperial and Colonial Governments in proportion to their length of service in each.

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Ordered to be printed, 11 December, 1856.

JAMES BARNARD,
GOVERNMENT PRINTER, TASMANIA.