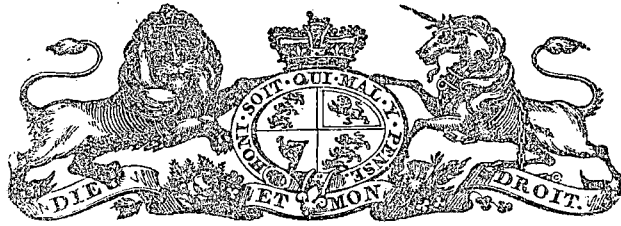


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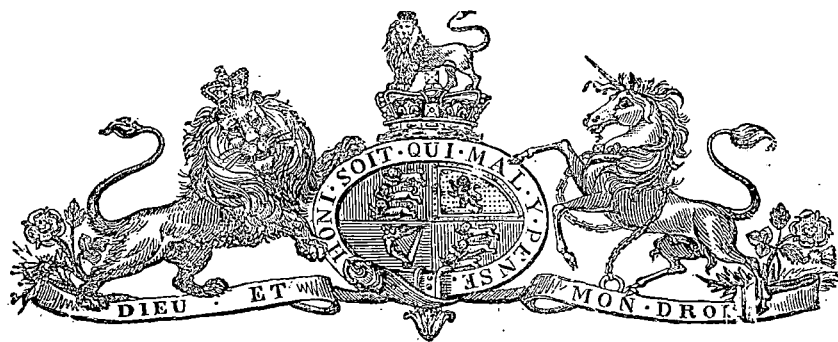
1861.

TASMANIA.

REGULATIONS AS TO INDULGENCIES TO
PRISONERS AT PORT ARTHUR.

CORRESPONDENCE.

Laid upon the Table by Mr. Henty, and ordered by the Council to be printed,
August 28, 1861.



Monday, 19th December, 1859.

SIR,

I HAVE the honor to acquaint you that at the Executive Council Meeting on Thursday next, consideration will be given to the Regulations under which Prisoners of the Crown are detained at Port Arthur, and I have the honor to request that you will favour the Council at their Meeting with your attendance and information.

I have, &c.,

WILLIAM HENTY.

The Comptroller-General.

EXTRACT from the Minutes of the Executive Council, April 9, 1858.

[MINUTE No. 76.]

12th May, 1858.

MR. NAIRN, Comptroller of Convicts being present, the Governor and Council have under consideration the subject of the disposal of such Convicts now at Port Arthur, who, having been guilty of heinous offences are, or may become, eligible for Passes.

The Council are unanimously of opinion, that it is inexpedient that such men should be allowed to enter private service as Passholders, and advise, that in all such cases they should be required to serve their time as Passholders at Port Arthur (credit being allowed them for task work); and that in no case should they be allowed Tickets-of-Leave, unless their conduct during such Probation shall have been without offence.

CHESTER EARDLEY-WILMOT.

The Hon. the Colonial Secretary.

MEMORANDUM for the information of the Governor upon the Memorial of the Mayor and Corporation of Hobart, in reference to the release of Convicts from Port Arthur.

Comptroller-General's Office, 6th August, 1861.

WITH regard to the release of Convicts from Port Arthur, I have to observe that no change has been made in the general rule under which Convicts have for the last 20 years been returned to the mainland. In former times, when Transportation constituted the punishment inflicted upon Convicts in the Colony, who were tried before the Supreme or other Superior Court, the practice was for the Governor to fix the period for which each prisoner was to be detained at Port Arthur, or other Penal Station, such periods varying from 2 to 10 years. At the expiration of this period of detention, (which could be reduced by one-third, and in several later cases prior to 1856, to one-half,) the Convict became eligible to return to society, either as an assigned servant, or since the abolition of assignment, as a Passholder. No Convict that I am aware of having ever been detained for life; but, let his character be what it might, he was at some period or other released from detention on his having continued for some time without offence at his Station.

In 1855, Transportation as a punishment was abolished in the Colony, and penal servitude for fixed periods substituted; and at the expiration of these periods which can, as has already been stated to the Legislature, be reduced by one-fourth with good conduct, the prisoner is released.

At Port Arthur there are at present 499 Convicts under sentence; of these, 18 are held under a sentence of transportation, 382 under sentence of penal servitude, 35 under sentence of imprisonment with hard labour passed by Superior Courts, and 64 under sentence passed by Magistrates.*

* Of these 18; 1 is an English sentence, 1 a Sydney sentence, and 16 were Local sentences; of the 499 total—48 were once under a life sentence; and of the 64 Magisterial sentences, 2 had been before life sentenced.

With regard to the Convicts under sentence of Transportation, each is required to serve the period of probation originally ordered; and which can (since 1856) only be reduced by one-fourth, and instead of as in former years being released at the expiration of such period, he is required to serve with good conduct for a Ticket-of-Leave for periods varying from 1 to 2 years, proportioned to his sentence of Transportation.

The other Convicts are released when the period of their sentence has been completed by time, and the diminution which they can earn by Regulation; and which cannot, as I have before stated, in any case exceed one-fourth.

With regard to the representation of the Memorialists that prisoners are, on their arrival in Hobart Town, thrown indiscriminately on the community without any means of support, I have to observe, that in 1858 Ticket-of-Leave holders were distinctly informed at the Prisoners' Barracks, that they would be provided with food and lodging at that Establishment while looking for work, and in April 1860, I made arrangements for providing men who could not obtain work with employment at stone-breaking, for which they were paid 1s. 6d. a cubic yard, and provided with food and lodging. There are now 16 men working at the Barracks under this plan.

Upon reference to the Act of Council, it will be found, that the Law applicable to the particular offence which was, I have no doubt, more immediately in the consideration of the Corporation, is contained in two Acts, viz., the 19th Vict. No. 15, and the 22nd Vict. No. 7: by the seventh Section of the first Act, there is a Summary Jurisdiction given to Magistrates to inflict a fine of Twenty Pounds or Six weeks' imprisonment; and by the 6th Section of the latter, a sentence of 6 years' Penal Servitude may be passed by the Superior Court. It is, I conceive, a matter deserving of consideration, whether the limits of punishment herein laid down should not be extended; and, as to Ticket-of-Leave holders, I consider that it might be notified to them, that in the event of their being convicted of any indecent offence, they will be liable to be detained at Port Arthur irrespective of the sentence passed for such offence, for such further period as the Governor may direct.

W. NAIRN, *Comptroller-General.*

His Excellency the Governor.