

(No. 27.)



1857.

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T A S M A N I A.

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F R E E P A R D O N S.

PETITION—FROM M. RIELY.

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Presented by Mr. Balfe, and ordered by the House to be printed, 4 November,  
1857.



*To the Honorable the Members of the House of Assembly of Tasmania,  
in Parliament assembled.*

The humble Petition of Matthew Riely, of Hobart Town, in Tasmania.

MOST RESPECTFULLY SHOWETH :

THAT, in the year 1854, your Petitioner prepared the respectful Memorial of the Inhabitants of Van Diemen's Land, now Tasmania, praying that the then Legislative Council of this Colony would be pleased to address Her Majesty that She would be graciously pleased to authorise the grant of Free Pardons as therein mentioned, the original of which said Memorial is of record of the said Legislative Council.

That the said Memorial, bearing the signatures of about five hundred Inhabitants of Tasmania, many of them of great wealth and respectability, was presented to the said Legislative Council on the 5th day of September, 1854, and was read, received, and afterwards ordered to be printed.

That, on the 27th October, 1854, the said Legislative Council was pleased to adopt an Address to Her Majesty, praying the grant of Free Pardons generally, so as to remove from Tasmania as soon as possible every vestige of its former Penal System, and as a measure of equity and grace to the persons in whose behalf the great boon of unconditional freedom was so kindly solicited.

That, in answer to the said Address, the Right Honorable the Secretary of State for the Colonies transmitted to His Excellency the Governor of Tasmania a Despatch, dated 12th June, 1855, a copy of which was laid before the said Legislative Council, and is now among the Records of your Honorable House.

That, in accordance with the terms of the said Despatch, and in exercise of the powers and authorities vested in His Excellency the Governor of Tasmania, in and by the Imperial Act of Parliament, 6th Vict., cap. 7, His Excellency Sir Henry Edward Fox Young, Knight, C. B., as such Governor, was graciously pleased to recommend to Her Majesty for the indulgence of Absolute Pardon a small number of persons, most of whom had served upwards of a quarter of a century under expatriation with good character, and who had been publicly recommended and gazetted for such indulgence thirteen years ago; others of whom had distinct claims upon the Crown for special services performed under written contracts with the Local Government; and all of whom had been shut out from obtaining such indulgence solely on account of the retrospective operation of the said Act of the Imperial Parliament.

That His Excellency received a Despatch from the Secretary of State for the Colonies in answer to such recommendations, dated 5th October, 1856, a copy of which said Despatch was laid before your Honorable House on 13th January last, and to which your Petitioner most respectfully refers.

That, on 18th June, 1856, your Petitioner presented to His Excellency the Governor of Tasmania, for transmission to England, a Petition addressed by your Petitioner to Her Majesty the Queen, a true copy whereof is in His Excellency's possession, and to which your Petitioner most respectfully refers.

That, on 11th July, 1856, your Petitioner also presented to His Excellency the Governor of Tasmania, for transmission to England, a Letter addressed to His Royal Highness Prince Albert, a true copy of which Letter is also in His Excellency's possession, and to which your Petitioner most respectfully refers.

That both the said last-mentioned Documents have been received by the High Personages to whom they were addressed, and have been graciously acknowledged by their command through His Excellency the Governor of Tasmania.

Your Petitioner humbly submits to your Honorable House that facts of a startling character, equally affecting the Sovereignty of the Crown in Her Majesty's Australian Possessions, and the moral and material interests of the Community of Tasmania, are disclosed by these Documents; and that the matters therein contained demand the consideration and interference of your Honorable House, not only for the reason herein stated, but also on account of the long-continued violation of the great principles of the British Constitution under which Her Majesty's Subjects made free in Tasmania have suffered since September, 1852, through the enactment and enforcement of Laws passed in the neighbouring British Dependency of Victoria, known as the "Convicts Prevention Acts," and the "Act to prevent the Influx of Criminals into Victoria;" which latter Act especially (according to the Secretary of State's Despatch, dated 4th June, 1855,) confounds under one common penalty the fugitive from justice, the holder of a Conditional Pardon, the holder of a Free Pardon (possibly on the ground of established innocence), and even those whose sentences have expired unless three years have passed since such expiration.

Your Petitioner, therefore, humbly prays,—

1. That your Honorable House will consider the premises, and be pleased to address Her Majesty that She will be graciously pleased to direct that the *retrospective* operation of the Imperial Act of Parliament, 6th Vict., cap. 7, be rescinded in favour of persons who were transported Convicts to Tasmania previous to its coming into operation in October, 1843; and that the indulgence of Absolute Pardon may be granted to all such persons according to the Statutes and Regulations that were in force in Tasmania up to the operation therein of the said Imperial Act.
2. That Her Majesty will be graciously pleased, by Her Royal Warrant, to authorise His Excellency the Governor of Tasmania, to issue Absolute Pardons under the Seal of his Government to those persons now living who have been already recommended to the Crown for that indulgence subsequent to October 1843, and who are of good and reformed character.
3. That Her Majesty will be further graciously pleased in like manner to authorise His Excellency the Governor of Tasmania to grant Absolute Pardons to all persons now holding Conditional Pardons, and others who are Prisoners of the Crown, according to their sentences, under the scale of servitude prescribed by the Imperial Act of Parliament, 2nd and 3rd Will. 4th, cap. 62.
4. And your Petitioner further humbly prays that your Honorable House will be pleased to adopt such other and further measures tending to afford relief in the premises as to your Honorable House in your wisdom may seem meet.

And your Petitioner will ever pray.

MATTHEW RIELY.

27 October, 1857.