

(No. 24.)



1866.

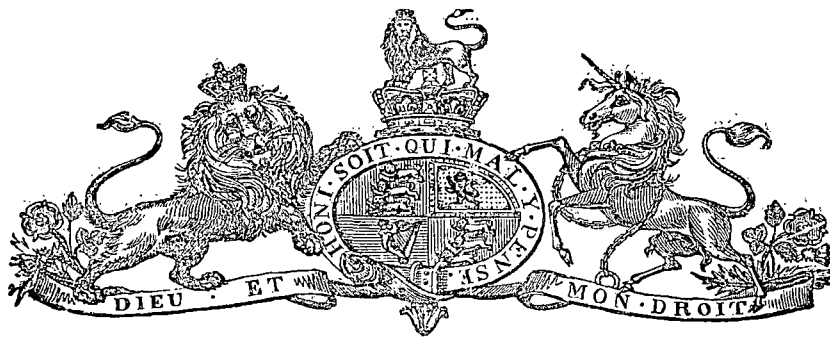
T A S M A N I A.

LEGISLATIVE COUNCIL.

MAINTENANCE OF CONVICTS BY THE HOME
GOVERNMENT.

DESPATCH, No. 24, FROM THE SECRETARY OF STATE.

Laid upon the Table by Mr. Whyte; and ordered by the Council to be printed,
July 31, 1866.



TASMANIA.
No. 24.

Downing-street, 26th April, 1865.

SIR,

I HAVE received your Despatch, No. 102, of the 16th of December last, accompanied by a letter from your Responsible Advisers, written in consequence of my Despatch to you, No. 57, of the 25th of August last.

The existing rule in Tasmania is, that if a person who has been transported from England shall within twelve months after acquiring his freedom be reconvicted, the expense consequent on his second sentence shall be defrayed by this Country, but that otherwise it shall be defrayed by the Colony. The Colonial Legislature expressed a desire that the period named in this rule should be extended from one to six years. I informed you in my Despatch, No. 57, of August, that I must adhere to the decision on this subject which was contained in my predecessor's Despatch, dated the 5th of March, 1861.

Your Ministers have thereupon turned to a Despatch from the Duke of Newcastle, dated the 5th of March, objecting to a grant for retransporting persons under certain circumstances to England, and they point out, very justly, that this Despatch did not bear on the subject on which it had fallen to me to express a decision. But I am surprised that you did not at once perceive and correct the mistake into which your Advisers had fallen. In order more effectually to remove any error, I will very briefly trace the thread of the correspondence from an earlier period.

In a Despatch, No. 75, of the 12th of August, 1858, Sir Henry Young forwarded Resolutions of both Houses of the Legislature, claiming relief from some of the charges arising out of the presence of Convicts, and especially complaining of the reduction of the contribution to Police and Gaols.

On the 25th of February, 1859, Sir Edward Lytton, being then the Secretary of State for this Department, explained the reasons why the Queen's Government declined to add to the contribution to Police and Gaols, but intimated that it would be continued for some years longer than had been intended when transportation ceased.

Both of these Despatches are contained in the Papers on Convict Discipline laid before Parliament in August, 1859.

On the 14th of May, 1860, Sir Henry Young transmitted a Memorandum from his Ministry controverting the view taken by Sir Edward Lytton of the contribution to Police and Gaols, and adding the topic (which has been continued in your correspondence with me) of the expenses of reconvicted offenders.

To this the Duke of Newcastle replied in his Despatch, No. 21, of the 5th of March, 1861, in which he entered into a review of the whole question of the claim of the Colony to any re-adjustment of the distribution of the expenditure between itself and this Country, and explained the reasons why Her Majesty's Government declined to alter the existing arrangement. I need scarcely say that this is the Despatch to which I referred in mine to you, No. 57, of the 25th of August. It is printed on the very same page of the Parliamentary Paper as the other Despatch of the same date, which your Ministers have pointed out as irrelevant to the question which I had to determine.

Will be sent
via South-
ampton next
Mail.

I enclose two spare copies of the Parliamentary Paper containing the Despatch, and I should be obliged to you to take care that it is duly brought within the notice of your Advisers, with this explanation of the misconception which has arisen on the subject.

I continue to adhere to the principles laid down by the Duke of Newcastle. My view is that the arrangement respecting expenditure must be regarded as a whole, and that, looking to the length of time which has elapsed since Transportation was discontinued, and to the very large sums which continue nevertheless to be annually contributed from Imperial Revenue both in direct connection with Convicts and in the payment of Troops, there is no sufficient ground to warrant any additional claim on this Country.

I have the honor to be,
Sir,

Your most obedient humble Servant,

EDWARD CARDWELL.

Governor GORE BROWNE, C.B.