

(No. 32.)



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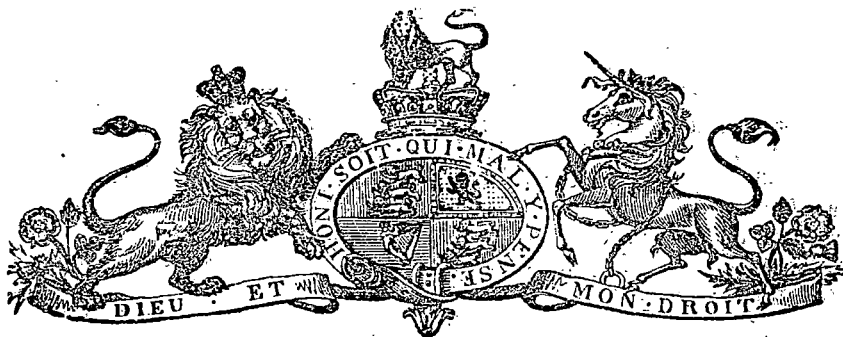
T A S M A N I A.

LEGISLATIVE COUNCIL.

P O R T A R T H U R.

DESPATCHES AND PAPERS RELATING TO TRANSFER.

Laid upon the Table by Mr. Wilson, and ordered by the Council to be printed,
November 8, 1871.



TRANSFER OF IMPERIAL ESTABLISHMENT ON TASMAN'S PENINSULA.

TASMANIA,
No. 46.

Downing-street, 21st July, 1869.

SIR,

I HAVE to acknowledge the receipt of your Despatch, No. 23, of 24th March, reporting your visit to the Convict Establishment at Tasman's Peninsula and the result.

Before taking any steps on your present Despatch I shall await the arrival of the proposals which you led me to expect from your Ministers on the subject of the transfer of the Imperial Establishment at Port Arthur to the Colonial Government.

If those proposals are not satisfactory, Her Majesty's Government will then consider with the information now supplied what alterations should be made in the present Establishment.

I have the honor to be,
Sir,

Your most obedient humble Servant,
GRANVILLE.

Governor DU CANE.

No. 86.—CONVICT.

Government House, Hobart Town, 2nd November, 1869.

MY LORD,

I HAVE the honor to forward to your Lordship a Memorandum addressed to me by my Responsible Advisers containing certain proposals for the transfer to the Colonial Government of the Convict Establishment at Port Arthur.

2. These proposals are as follows :—

Proposal of Transfer.

I. The Colonial Government to take over the Establishment at Port Arthur, with all Buildings, Stores, Furniture, Materials, Agricultural Implements, Crops, Farm Animals, Vessels, Boats, and all other chattels the property of Her Majesty, or of the War Department or Board of Ordnance. Stores on their way out from England for the use of the Establishment to be paid for by the Colonial Government on arrival at cost price, plus freight and charges.

II. The Imperial Government to pay to the Colonial Government an annual sum per head in respect of the maintenance by the Colony of Prisoners, Paupers, Lunatics, and Hospital Patients chargeable to Imperial Funds, so long as they are maintained by the Colony; viz.—

	£	s.	d.
Prisoners under sentence.....	35	0	0
Paupers	21	0	0
Lunatics	32	0	0
Hospital Patients	30	0	0

III. The Imperial Government to pay to the Colonial Government a sum of £8000 as a contribution towards the cost of construction of such additional buildings at Cascade and Hobart Town Houses of Correction, at the Brickfields Invalid Depot, and at the New Norfolk Hospital for the Insane, as will be necessary for the accommodation of the Imperial inmates transferred from Port Arthur.

IV. The Imperial Government to continue the contribution of £6000 a year from the British Treasury towards the charges for Police and Gaols in the Colony for a term of Twelve years from acceptance of the proposal.

3. The arguments of my Advisers in support of these proposals enter so fully and elaborately into the whole question at issue, as to render any lengthened statement on my part superfluous. It will be sufficient for me to say, that in the main I endorse their opinion that these proposals offer an equitable and satisfactory basis for the adjustment of the pecuniary relations of the two Governments, and I have no hesitation in recommending them to your Lordship's favourable consideration. As regards the annual sum per head proposed to be charged, it is estimated on the average cost of each class at Port Arthur during the year 1868. There is no doubt that both the Prisoner and Pauper Class could be maintained at the Cascades and Brickfields at Hobart Town at a lower rate per head, and I am unable myself to see the fairness or expediency of making a fixed charge for the maintenance of Imperial Convicts and Paupers. At the same time, I am authorised by my Advisers to state that, provided the terms of the 4th proposal be adhered to, they will be prepared to give a fair consideration to any reasonable modification Her Majesty's Government might suggest of the other three.

4. As regards the reasonableness of the IVth proposal,—viz., the continuation of the contribution of £6000 a year from the British Treasury towards the charges for Police and Gaols in the Colony for a term of Twelve years from acceptance of the proposal,—I would invite your Lordship's attention to the arguments by which it is supported in the Memorandum. It must, I think, be evident that the now comparatively small number of Imperial paupers, convicts, and lunatics at Port Arthur cannot be taken as a fair criterion of the actual diminution in the Colony of a criminal element of Imperial origin. The simple fact that out of 408 prisoners detained at Port Arthur and chargeable to the Colony during the past year 27 only were originally free, 381 transported to the Colony,—and that of 428 persons detained during the same period in the Gaols and Houses of Correction at the expense of the Colony 100 were free, 328 expirée convicts from Great Britain,—must surely speak for itself as to how far the heavy expenditure incurred by the Colony in the maintenance of Penal Establishments is still attributable to the result of the Transportation system. The Returns do, relative to the Pauper and Benevolent Institutions, show a still greater proportion of the expirée Convict element; and in connection with this subject I also enclose to your Lordship a Supplementary Memorandum sent to me by my Advisers, calling my attention to the operation of the regulation sanctioned some years since by the Duke of Newcastle, which requires that any Prisoner of the Crown reconvicted at any time after 12 months from the date of his becoming free by servitude or by pardon shall be chargeable thenceforward on Colonial funds. The effect of this regulation in gradually transferring to Colonial funds the whole burden of the maintenance of the originally Imperial criminal element is strikingly shown by the Returns for the twelve months ending September 30th, 1869. From those Returns it appears that out of 84 persons convicted of felonies and misdemeanors in the Superior Courts of the Colony no less than 64 were originally transported from Great Britain, and of those, under the regulations of the Imperial Government, 61 are rendered chargeable to Colonial and only 3 to Imperial funds.

5. Even, therefore, had the question of the continuance of the grant in aid of £6000 been unaccompanied by any proposals relative to Port Arthur, I should have been prepared, under all the circumstances of the case, strongly to urge its further continuance for some years to come as a matter of equity to the Colony.

6. That it is made a condition of such a proposal, appears to me to give it a strong additional recommendation to your Lordship's favourable consideration. As I have pointed out to your Lordship in my previous Despatches on the subject of Port Arthur, it is possible for the Colonial Government at any moment to withdraw their Convicts from that Establishment and to transfer them to the Cascades and Hobart Town Houses of Correction. The Imperial Government would then be left saddled with an Establishment out of all proportion to the actual number of Convicts, but in which, from the character of the Prisoners and dangerous nature of the service, it would be next to impossible to make any material reduction. The cost of the Establishment to the Imperial Government in the event of the Colonial Convicts being withdrawn is, as your Lordship will observe, estimated in the Memorandum at £15,000 or £4000 in excess of the charge under the existing joint system.

7. On these grounds, therefore, I again recommend these proposals to your Lordship's favourable consideration; and I should certainly regret if the opportunity were to be now lost of arriving at a final settlement of the whole question of Imperial expenditure for the custody and control of Imperial Convicts, Paupers, and Lunatics in Tasmania.

I have, &c.,

(Signed) CHARLES DU CANE.

The Right Hon. the EARL GRANVILLE, K.G.

Colonial Secretary's Office, 6th October, 1869.

MR. Wilson has the honor to acquaint the Governor that he has laid before the Ministry Lord Granville's Despatch under date 21st July, 1869, No. 46, on the subject of the Convict Establishment at Tasman's Peninsula.

His Excellency's Advisers have taken the necessary steps to obtain authority from Parliament to negotiate a final arrangement on this subject with the Imperial Government, in the shape of a joint Resolution of both Houses empowering the Governor in Council to conclude terms "with the Imperial Government for taking over the Imperial Convicts, Paupers, and Lunatics at Port Arthur;" and so soon as the present Session is brought to a close, His Excellency's Ministers will be in a position to submit proposals for a definitive arrangement with the Imperial authorities.

Mr. Wilson begs to say, that His Excellency may assure Lord Granville that these proposals will be transmitted by the November Mail.

J. M. WILSON.

His Excellency the Governor.

Colonial Secretary's Office, 27th October, 1869.

Mr. Wilson has the honor to enclose herewith for the Governor four printed copies of the Proposal to be submitted to the Imperial Government for taking over the Convict Establishment at Port Arthur.

The original Proposal (in writing) will be forwarded to His Excellency in the course of a day or two. It only awaits the signature of Ministers.

Mr. Wilson also begs to enclose printed copy of separate Memorandum bearing upon the condition of certain offenders referred to in the above Proposal.

J. M. WILSON.

His Excellency the Governor.

Colonial Secretary's Office, 5th November, 1869.

Mr. Wilson has the honor to transmit herewith to the Governor the Proposal by Ministers to transfer the Convict Establishment at Tasman's Peninsula to this Government; and also a Memorandum bearing upon the expense imposed on Colonial Funds for the control of certain persons previously transported from England.

His Excellency will at the same time receive printed copies of these documents to be substituted for those forwarded in the first instance, and which did not contain the signatures of Ministers.

J. M. WILSON.

His Excellency the Governor.

Colonial Secretary's Office, Tasmania, 27th October, 1869.

MEMORANDUM.

A DESPATCH from Lord Granville, No. 28, under date the 19th March, 1869, requests Your Excellency to make your Government aware that the reduction of the annual grant of £6000 from Imperial Funds in aid of Police and Gaols of this Colony is under the consideration of Her Majesty's Government.

The same Despatch intimates Lord Granville's wish for an early reply to the Duke of Buckingham's Despatch No. 43, 30th September, 1868, on the subject of the Transfer of the Establishment at Port Arthur to the Colony.

Under these circumstances Your Excellency's Advisers desire to submit for the consideration of the Right Honorable the Secretary of State for the Colonies a proposal which, they think, ought to form the basis of a final settlement, on terms of reciprocal advantage to the Mother Country and to the Colony, of the whole question of Imperial expenditure for the custody and control of Imperial Convicts, Lunatics, and Paupers in Tasmania.

The correspondence enclosed in Lord Granville's Despatch indicates that the Imperial Government is sensible of the heavy charges entailed upon the British Treasury by the necessity for keeping up the Establishment at Port Arthur.

As the lapse of time diminishes the number of Prisoners chargeable to Imperial Funds, the Lords Commissioners of the Treasury cannot fail to observe that no perceptible reduction is made in the cost of the Establishment, since no numerical reduction of the Staff of Officials can be effected without risking the maintenance of prison discipline or the safe custody of the Prisoners.

The cost per head of the maintenance at Port Arthur of Prisoners chargeable to Colonial Funds increases in proportion as the number of such Prisoners diminishes; and this circumstance has led Your Excellency's Advisers to the conclusion that such Prisoners could be more economically controlled elsewhere than at Port Arthur.

The removal of Colonial Convicts to Establishments under the sole control of the Colonial Government would necessarily cause an immediate and considerable increase in the cost of the maintenance and custody of the Prisoners chargeable to Imperial Funds at Port Arthur.

Your Excellency's Advisers are prepared to offer to relieve Her Majesty's Government of all further responsibility for the custody of British Criminals, Paupers, and Lunatics in Tasmania, and to take over the Establishments at Port Arthur on the following terms:—

Proposal of Transfer.

1. The Colonial Government to take over the Establishment at Port Arthur, with all buildings, stores, furniture, materials, agricultural implements, crops, farm animals, vessels, boats, and all other chattels the property of Her Majesty, or of the War Department or Board of Ordnance. Stores on their way out from England for the use of the Establishment to be paid for by the Colonial Government on arrival at cost price, plus freight and charges.

2. The Imperial Government to pay to the Colonial Government an annual sum per head in respect of the maintenance by the Colony of Prisoners, Paupers, Lunatics, and Hospital Patients chargeable to Imperial Funds, so long as they are maintained by the Colony; viz.—

	£	s.	d.
Prisoners under sentence	35	0	0
Paupers	21	0	0
Lunatics	32	0	0
Hospital Patients	30	0	0

3. The Imperial Government to pay to the Colonial Government a sum of £8000 as a contribution towards the cost of construction of such additional buildings at Cascade and Hobart Town Houses of Correction, at the Brickfields Invalid Depôt, and at the New Norfolk Hospital for the Insane, as will be necessary for the accommodation of the Imperial inmates transferred from Port Arthur.

4. The Imperial Government to continue the contribution of £6000 a year from the British Treasury towards the charges for Police and Gaols in the Colony for a term of Twelve years from acceptance of the Proposal.

The average strength of the inmates of the various institutions at Port Arthur chargeable to the Imperial Government may be taken to be, 80 under sentence, 120 Paupers, 80 Lunatics, 60 Hospital Patients. The maintenance of these by the Colony, at the rates to be charged under the Proposal, would entail upon the Imperial Government an expenditure of (say) £10,000 a year. The cost of the Establishment for 1868 was £20,763, of which £9596 was defrayed from Colonial funds, leaving the expenses to the British Treasury in that year £11,167. This shows an immediate saving to the Imperial Government on the present cost of the Establishment. In the event of the Colonial Convicts being withdrawn from Port Arthur, the cost of that Institution could scarcely be estimated at less than £15,000 a year, or say £4000 a year in excess of the present charge to the Home Government.

It would be obviously a more economical arrangement for the Imperial Government to pay £35 a head for such Prisoners than to maintain such a costly establishment at Port Arthur for the safe custody of a body of Prisoners, the expense of whose maintenance and control would increase from year to year in inverse proportion to the diminution of their number.

The requisition of £8000 as a contribution towards the cost of adapting the several Institutions to the accommodation of additional inmates will scarcely be deemed excessive, when it is remembered that the bulk of the Imperial Convicts at Port Arthur have been reported to the Secretary of State as men who, regard being had to their criminal antecedents and existing sentences, are required to be confined and treated in a separate Institution as *Prisoners for Life*.

There are at present in the Colony, outside Port Arthur, no proper places of confinement for this description of Prisoners. The proposed arrangement between the two Governments would also add largely to the number of inmates of the Brickfields Invalid Dépôt, and of the Hospital for the Insane at New Norfolk, which are now insufficient for the requirements of the Colonial Government in respect of Convict and expirée Paupers and Lunatics. It must also be borne in mind that a large proportion of the inmates of the Institutions at Port Arthur having been Lunatics, and being now simply out on trial, the number detained in the Lunatic Wards is confined to those who require the strictest supervision to ensure the safety of life.

It remains to offer some remarks upon the continuance of the grant of £6000 a year in aid of Police and Gaols throughout the Colony for twelve years.

Your Excellency's Advisers feel so confident of the strength of the moral claim of the Colony upon the British Government to continue this Contribution in its present reduced form, that they deem it unnecessary now to labour the arguments by which it has been repeatedly urged upon successive Secretaries of State by Your Excellency's predecessors, and by former Colonial Ministries.

It is superfluous to remind the Secretary of State that this Contribution was originally granted in consideration of the cost to the Colony of the apprehension, conviction, and punishment of criminals originally transported from Great Britain; but it may not be out of place to state here,—in anticipation of the objection that the prevalence in the community of this Criminal element of Imperial origin is gradually diminishing,—that during the last twelve months ending 30th September, 1869, out of 84 persons convicted of felonies and misdemeanors in the Superior Courts of the Colony no less than 64 were originally transported from Great Britain, and of these, under Regulations of the Imperial Government, 61 are rendered chargeable to Colonial, and only 3 to the Imperial Funds. A similar proportion of the offenders dealt with at the Courts of Petty Sessions throughout the Colony are traceable to the same source.

At Port Arthur, as well as in our Gaols and Houses of Correction, the same relation exists, our Establishments being mainly occupied by Prisoners originally transported from Great Britain. Out of 408 Prisoners detained at Port Arthur chargeable to the Colony during the past year 27 only were originally free, whilst the large proportion of 381 were transported to the Colony.

In our Gaols and Houses of Correction 428 persons were detained at the expense of the Colony 100 of this number were free, 328 being expirée Convicts from Great Britain.

But it is not only in the Penal Establishments and in our Gaols that the results of the system of transportation bear heavily on our finances. In the Pauper and Benevolent Institutions of the Colony we are taxed to the utmost limit of our means to provide for the relief of expirée Paupers, Lunatics, and Invalids.

In the Invalid Dépôts 451 Inmates were maintained at the cost of the Colony in 1868. Of this number 375 were originally transported, while only 76 are derived from the free population.

The record of the cases treated in our Hospitals for the past year repeats the same tale: 788 of the Patients having been free, while 745 were originally transported from Great Britain; and in the Hospital for the Insane at New Norfolk, despite the large number of Lunatics under treatment at Port Arthur, 85 of the 186 Patients are expirée Convicts originally transported from Great Britain.

Under these circumstances Your Excellency's Advisers cannot believe that Her Majesty's Government will refuse to acknowledge the equity of the Claim preferred by the Colony to the British Treasury for a continuance of this Grant.

Your Excellency's Advisers believe that the "Proposal" that forms the subject of this Memorandum offers an equitable and satisfactory basis for the adjustment of the pecuniary relations of the two Governments; and they request that Your Excellency will submit it to the consideration of the Right Honorable the Secretary of State.

(Signed) JAMES MILNE WILSON.
THOS. D. CHAPMAN.
W. L. DOBSON.
HENRY BUTLER.
JAMES A. DUNN.

His Excellency
The Governor.

Colonial Secretary's Office, Tasmania, 27th October, 1869.

MEMORANDUM.

WITH reference to the Memorandum transmitted to Your Excellency this day respecting the transfer of the Establishments at Port Arthur to this Government, Your Excellency's Advisers desire to call particular attention to the extraordinary anomaly which imposes on the Colony the expense of the maintenance and control of the 61 persons convicted of crime in Tasmania during the year ending 30th September, 1869, who were previously detained at the cost of the Home Government; while only 3, convicted under precisely similar circumstances, became chargeable to Imperial Funds. This obviously inequitable result is due to the Regulation sanctioned by the Duke of Newcastle, which requires that any Prisoner of the Crown reconvicted at any time after twelve months from the date of his becoming free by servitude or by pardon, shall be chargeable thenceforward wholly on Colonial Funds.

The operation of this Regulation, which imposes such a heavy obligation on the Colony, charging to its resources the control of men whose entire life since their transportation from Great Britain has been an uninterrupted course of crime and punishment, is illustrated very forcibly by the cases of two Prisoners reconvicted during the last twelve months. The police characters describing their respective careers are appended.—James Padfield, transported in 1845, maintained at the expense of the Imperial Government until April, 1868, is then pardoned, and thereby becomes chargeable to the Colony on his reconviction in September, 1869,—barely eighteen months having elapsed.—Edward Ryalls, transported in 1844, pursues an equally uninterrupted criminal career; is at the charge of the Imperial Government until 21st April, 1868. On the 14th of September, 1869, he is reconvicted of an offence of the same character as that to which he has served such a long apprenticeship, and then becomes chargeable to the Funds of the Colony.

(Signed) JAMES MILNE WILSON.
THOS. D. CHAPMAN.
W. L. DOBSON.
HENRY BUTLER.
JAMES A. DUNN.

*His Excellency
The Governor.*

15,979 PADFIELD, JAMES, per Theresa, tried Wells Q.S. 31 December, 1844, 10 years; arrived 4 July, 1845; Protestant; can read.

Transported for housebreaking and stealing therein. Penitentiary Report—1st conviction, single. Stated this offence, housebreaking and stealing money. Prisoner at Frome, for poaching, 2 months, 1 month, 2 months, 2 months, single.

Surgeon's Report good.

Trade coal miner, height 5 feet 2½, age 17, complexion fresh, head oval, hair brown, whiskers none, visage oval, forehead medium height, eyebrows brown, eyes brown, nose medium, mouth medium, chin medium, native place near Frome, Somersetshire.

Marks.—Scar on left cheek, anchor, heart and dart, blue mark, anchor, 7 dots, S. blue mark R.T. and several dots on left arm below elbow; J. P. on back; half moon, 7 stars between forefinger and thumb; ring on first finger, ring on third finger left hand.

Offences and Sentences.

Emerg'd from gang 4 October, 1846. 16 March, 1847, Dixon, Hamilton, neglect of duty, reprimanded.—(A.P.M.) 31 March, 1847, Dixon, Hamilton, drunk, four days' solitary.—(A.P.M.) 22 May, 1847, Austin, Hamilton, neglect of duty and refusing to work, three months' imprisonment and hard labour.—(Q. S.) Appd. Broad Marsh, 28 May, 1847. 28 August, 1847, Hamilton Party, misconduct in being absent from the Station without a pass, and feigning drunkenness, five months' imprisonment and hard labour.—(R.W.F.) Appd. (C.A.M.) 4 September, 1847. 22 April, 1848, Gibbons, Hobart, disobedience of orders and insolence, two months' imprisonment and hard labour, Glenorchy.—(P.M.) Appd. 28 April, 1848. 10 August, 1848, Padfield, Campbell Town, misconduct in purchasing a pair of Government boots, reprimanded.—(P.M.)

23 July, 1850, Ticket-of-Leave.

17 March, 1851, Hepburn, Swanport, stealing apples from his master's garden, six months' imprisonment and hard labour, Tunbridge, and recommending that he be deprived of his Ticket-of-Leave.—(W.T.W.) Appd. 28 March, 1851, and 4 April, 1851.

29 April, 1859, Ticket-of-Leave revoked.

26 April, 1852, Tunbridge, absconding, twenty days' solitary.—(R.P.S. & J.M.) 18 July, 1857, Launceston. Absconding from Tunbridge, existing sentence of imprisonment and hard labour extended twelve months.—(W.G. & F.E.) Appt. Cascades, 25 July, 1851. 22 August, 1851, Campbell Town, absconding, nine months' imprisonment and hard labour, P. B. Ln.—(F.M. & R.P.S.) Appt. Cascades, and to serve nine months on probation at expiration of existing sentences of hard labour, 29 August, 1851. 2 September, 1852, P. B. Ln., disobedience of orders, 14 days' solitary.—(W.G.) 16 September, 1851, P. B. Ln., misconduct in attempting to break out of his cell, existing sentence of imprisonment and hard labour extended four months.—(W.G.) Appd. 19 September, 1851.

20 Oct. 1852, Campbell Town, housebreaking, fully committed for trial, (P.M.). Tried Oatlands Supreme Court 31 December, 1851, housebreaking and stealing 1 gun and £2, and other articles, the property of John Taylor, guilty, to be transported for 7 years; 3 years and 6 months probation, Norfolk Island, L. G. D., 21 January, 1852; (Judg. order). Arrived Norfolk Island, 9 March, 1852. 6 April, 1852, neglect, 1 month's hard labour in chains. 14 April, 1852, committing a nuisance, 14 days' hard labour in chains. 27 April, 1852, disobedience, 1 month's hard labour in chains. 31 May, 1852, insolence, 1 month's hard labour in chains. 6 September, 1852, disobedience; 3 months' hard labour in chains. 22 August, 1853, disobedience, 7 days' hard labour in chains. 21 February, 1854, disobeying orders, 3 months' hard labour in chains. (Entered from record from Norfolk Island.)

Absconded 19 November, 1854. Gazetted 5 December, 1854.

Absconded 31 July, 1855. Gazetted 7 August, 1855.

Tried Oatlands S.C., 27 December, 1855, feloniously shooting at George Goddard, with intent to kill; death recorded. To be kept in penal servitude for life at Port Arthur. *Vide* Colonial Secretary's Memo., 19 February, 1856, filed with Judge's report.

4 October, 1856, Port Arthur, absconding, 1 month's solitary. Recommended 6 months separate treatment, and 12 months hard labour in heavy irons.—(J.B. & G.B.) Appd. 11 October, 1856. April 21, 1857, Port Arthur, misconduct, 10 days solitary.—(J.B.) 8 September, 1861, Port Arthur, absconding, 1 month's solitary confinement. To be kept in Separate Prison 12 months; and when released to be worked in heavy irons during the Governor's pleasure.

Tried Launceston Q.S., 28 September, 1869, burglary, five years' imprisonment, Port Arthur.

RYALLS, EDWARD, per Maria Jones 1, tried at York, Sheffield Q.S.S. January 1844; embarked, March 8, 1844; arrived, July 30, 1844; Protestant; can read and write.

Transported for stealing eighteen pounds of brass; single; prison report, third conviction, stated this offence shopbreaking and stealing eighteen pounds of brass: tried at Sheffield for a handkerchief, 1 month; cheese, 6 months; 2 months, assault; single; Surgeon's report fair.

Trade file cutter, height 5 feet 5, age 22, complexion fresh, head oval, hair brown, whiskers none, visage oval, forehead medium height, eyebrows dark brown, eyes hazel, nose medium, mouth medium, chin medium, native place Sheffield.

Marks—scar on forefinger left hand, scar on lower lip, scar under left eye, slightly pockpitted, mole back of neck.

24 June, 1845, absent from work; five days solitary: emerged from gang, 16 March, 1846. 10 August, 1846, misconduct in having in his possession a quantity of leather for which &c.; to be imprisoned and kept to hard labour for three months: appd. O.C. *vide* L.G., 15 August, 1846. 23 October, 1846, misconduct in putting out the lamp in his sleeping hut; existing sentence of imprisonment and hard labour extended to 3 months: appd. 30 October, 1846. 29 July, 1847, misconduct in doing unauthorised work, 14 days' solitary. 28 October, 1847, absent without leave, 3 months' imprisonment and hard labour: appd. Glenorchy, 30 October, 1847. 30 December, 1847, glaring misconduct; 10 days' solitary. 7 January, 1848, misconduct in quitting his cell without leave; 4 days' solitary. 1 February, 1848, misconduct in having part of a pack of cards in his possession; 4 days' solitary. 7 April, 1848, misconduct in having some eggs in his possession for which, &c.; 1 month's imprisonment and hard labour: appd. 18 April, 1848. 22 June, 1848, absent without leave; 6 weeks' imprisonment and hard labour: 24 June, 1848, 25 August, 1848, absent from his gang without leave; two months' imprisonment and hard labour: appd. 2 September, 1848. 2 October, 1849, larceny under £5; discharged. 15 October, larceny under £5; 12 months' imprisonment and hard labour: appd. 19 October, 1849, and Darlington, 20 October, 1849. 11 September, 1850, burglary in the dwelling-house of John Clarke; fully committed for trial: tried H.T. 7 Oct. 1850, burglary and stealing money from the dwelling-house of John Clarke; guilty,—to be transported for life, to be sent to Norfolk Island for 8 years, and to be confined in the new cells, Port Arthur, until he is removed: 19 October, 1850, chs. rept. arrived Norfolk Island 9 December, 1850. 21 February, 1851, privately working; 7 days H.L.C. 28 April, 1851, disobedience; 14 days H.L.C. 18 August, 1851, leaving work; 1 month H.L.C. 8 September, 1851, disobedience; 4 months H.L.C. 20 October, 1851, disobedience; 14 days S.C. 16 May, 1853, having a screw-driver handle; 2 months H.L.C. Same date, insolence; 7 days S.C. 19 January, 1854, out of wheelwright's shop; 1 month, H.L.C. 21 February, 1854, disobedience; 1 month, H.L.C. 11 April, 1854, disobedience; 14 days H.L.C. 15 August, 1854, insolence; 3 months H.L.C.: entered from record from Norfolk Island P.H., September, 1856; ticket-of-leave, 20 October, 1857. 20 November, 1857, L.B. drunk and assaulting a constable; fined £2. 19 January, 1858, larceny; 12 months' hard labour: ticket-of-leave revoked, absconding. 24 March, 1858; Govd. 30 March, 1858. Tried at the General Sessions, Launceston, 15 November, 1858, for stealing money from the person of James Lynch to the amount of £1, and 1 watch value £2; 6 months' imprisonment with hard labour: appd. Port Arthur, to be regarded as serving two years on account of both sentences, being an absconder,—*vide* Judge's report; period of imprisonment at 16 months from November, 1858. 29 March, 1859, ticket-of-leave, 27 December, 1859. 7 August, 1860, 7 days solitary. 24 October, 1860, burglary; 5 years' imprisonment and hard labour in chains. 30 November, 1863, misconduct; 3 months' hard labour, to operate against T.W.C. 11 February, 1864, misconduct; 6 weeks' hard labour. 29 November, 1864, misconduct in having two knives secreted; 3 months' imprisonment and hard labour, to operate against his T.W. credit. Misconduct, 13th January, 1867, P.A. 3 months' hard labour, to operate against T.W. credit.

Free Pardon granted 21 April, 1868. Tried S.C. Hobart Town, 14 September, 1869, larceny; 6 years' imprisonment, P.A.

TASMANIA.

No. 24.

Downing-street, 9th September, 1870.

SIR,

You will be informed by the Secretary of State for the Home Department of the decision of the Lords Commissioners of the Treasury on the proposals contained in your Despatch, No. 86, of 2nd November, for the transfer of the Imperial Convict Establishment in Tasmania to the Colonial Government.

In the letter announcing their decision to this Department, their Lordships express their trust that the Colonial Government will continue to discharge the arrears still due to Her Majesty's Government at the rate agreed on, viz.—£6000 per annum, in respect of Convict Services prior to the 31st of December, 1866, by annually providing that amount in the Colonial Estimates. In the event, however, of the Colony failing to meet this liability, they reserve to themselves the right to deduct the amount of the instalment due, either from the annual Police Contribution or from the payments for Convicts and others chargeable to Imperial Funds.

I have the honor to be,
Sir,

Your most obedient humble Servant,

ROBERT G. W. HERBERT,
For the EARL OF KIMBERLEY.

Governor DU CANE.

Whitehall, 27th September, 1870.

SIR,

WITH reference to your Despatch of the 2nd November last, addressed to Earl Granville, containing proposals for the transfer of the Imperial Convict Establishment at Port Arthur, in Tasmania, to the Colonial Government, I am directed by Mr. Secretary Bruce to transmit to you the accompanying copy of a letter from the Lords Commissioners of the Treasury, stating that they are prepared to agree to the terms proposed, subject to certain modifications specified by them; and to acquaint you that Mr. Bruce concurs in the views entertained by their Lordships.

I am,
Sir,

Your obedient Servant,

E. W. KNATCHBULL HUGESSEN.

The Governor of Tasmania.

(Copy.)

Treasury Chambers, 2nd September, 1870.

SIR,

I AM commanded by the Lords Commissioners of Her Majesty's Treasury to acquaint you, for the information of Mr. Secretary Bruce, that they have carefully considered your letters of the 18th May and 14th July last, and their enclosures, submitting proposals for the transfer of the Imperial Convict Establishment at Port Arthur in Tasmania to the Colonial Government, and that they are prepared to agree to the terms proposed for such transfer in Governor Du Cane's Despatch to Earl Granville of 2nd November, 1869, subject to the following modifications:—

1. That the Building and Fixtures be transferred without charge; but that all Stores, Furniture, Agricultural Implements, Crops, Farm Animals, Vessels, Boats, and other chattels (not being fixtures) belonging to the Establishment at Port Arthur, be taken over by the Colony at a valuation, in the same manner as in the case of the transfer of the Queen's Orphan Schools and the Prisoners Barracks at Hobart Town in 1859 and 1865 respectively. Stores on their way out from England to be charged for as proposed by the Colonial Government.

2. That, in lieu of a contribution of £8000 towards the cost of additional Buildings at the Colonial Convict and Pauper Establishments, the War Department premises at Hobart Town and Launceston, specified in the Schedule attached to Sir E. Lugard's letter to the Colonial Office of 22nd June last, shall, upon the final withdrawal of Her Majesty's Troops from Tasmania, be surrendered, free of charge, to the Colonial Government.

As regards the rates of pay for maintenance of Prisoners, Paupers, Lunatics, and Hospital Patients chargeable to Imperial Funds, My Lords are prepared to accept the Scale proposed by the Colonial Government; viz.:—

	£
Prisoners under sentence	35 per annum.
Paupers	21 ditto.
Lunatics	32 ditto.
Hospital Patients	30 ditto.

In like manner, their Lordships are willing to engage, should the Transfer be effected, to submit annually to Parliament, for a period of twelve years commencing with the year 1871-2, a vote of Six thousand Pounds (£6000) as a contribution in aid of the Police and Gaol Expenses of Tasmania. The Enclosures to your letter of 18th May last are returned herewith.

I am, &c.,

(Signed) WM. LAW.

The Hon. A. F. O. LIDDELL.

Colonial Secretary's Office, 1st December, 1870.

MEMORANDUM.

IN view of the transfer to the Colony of the Establishment at Port Arthur, I have to request that you will furnish me, with as little delay as possible, with an Inventory of all Stores (not being fixtures) now at that Establishment, with the cost of the same, in conformity with the terms contained in the following Extract from the Treasury Letter, under date 2nd September, 1870 :—

“That the Buildings and Fixtures be transferred without charge, but that all Stores, Furniture, Agricultural Implements, Crops, Farm Animals, Vessels, Boats, and other chattels (not being fixtures) belonging to the Establishment at Port Arthur, be taken over by the Colony at a valuation.”

J. M. WILSON.

The Governor's Secretary for the Penal Establishment.

*Penal Establishment,
Secretary's Office, 2nd December, 1870.*

SIR,

I HAVE the honor to acknowledge the receipt of your Memorandum, received on the 1st instant, requesting to be furnished with an Inventory of Stores now at Port Arthur, with the cost of the same, in conformity with the terms of a Treasury Letter dated 2nd September, 1870; and in reply I have to acquaint you that up to the present time I have received no official intimation of the decision of the Lords of the Treasury on the subject.

In accordance with your request, however, I shall be glad to instruct the Commandant to furnish the Inventory of the Stores, but I fear the data at the disposal of that Officer will not enable him to furnish, in all cases, the cost price.

I have the honor to be,

Sir,

Your most obedient Servant,

C. T. BELSTEAD, *Secretary.*

The Hon. the Colonial Secretary.

Colonial Secretary's Office, 5th December, 1870.

MEMORANDUM.

THE Colonial Secretary requests the Secretary Penal Establishments to cause a Return to be prepared of all Stores, Stock, and moveable property at Port Arthur, in the purchase of which the Colonial Government have paid their proportion of the cost, and setting forth the proportion so paid.

J. M. WILSON.

C. T. BELSTEAD, *Esq.*

Colonial Secretary's Office, 21st February, 1871.

MR. Wilson has the pleasure to transmit to the Governor printed copies of two Ministerial Memorandums on the subject, respectively, of the Transfer of Port Arthur, and the Claims of the Colony on the Imperial Government.

The originals, with enclosures, will be forwarded to His Excellency by to-morrow's post.

J. M. WILSON.

His Excellency the Governor.

Colonial Secretary's Office, Tasmania, 20th February, 1871.

MEMORANDUM.

MR. WILSON has the honor to return to the Governor herewith the Despatch from the Colonial Department, No. 24, of the 9th September, 1870, and the Despatch from the Home Office, No. 87,365, of the 27th of the same month, with an enclosure, conveying an intimation of the acceptance, with certain modifications, by the Lords Commissioners of the Treasury of the terms proposed by His Excellency's Advisers in their Memorandum of the 27th October, 1869, for the transfer of the Establishment at Port Arthur to the Colony.

His Excellency's Ministers are pleased to observe that the two main conditions proposed in that Memorandum are acquiesced in without reserve by the Imperial Authorities; viz.—(1.) The rate of charge per head for the maintenance by the Colony of Prisoners, Paupers, Lunatics, and Hospital Patients chargeable to Imperial Funds; and, (2) The contribution of £6000 a year from the British Treasury towards the charge for Police and Gaols in the Colony for a term of 12 years.

Some observations seem to be called for by the modifications of the original proposal insisted upon by the Lords of the Treasury.

These relate to (1) the transfer of Stores at Port Arthur; and (2) the demand for a sum of £8000 to cover the cost of additional buildings for the accommodation of inmates chargeable to Imperial Funds in Colonial Prisons, Depôts, and Hospitals.

(1.) As regards stores, furniture, materials, agricultural implements, farm animals, crops, vessels, boats, and other chattels, the Treasury desires to substitute a purchase by the Colony at a valuation, for an unconditional transfer. The Lords Commissioners of the Treasury cannot be aware of the nature and character of these chattels, or of the circumstances under which they are now at Port Arthur.

Mr. Wilson appends to this Memorandum four original Returns furnished on the application of the Colonial Government by the Civil Commandant at Port Arthur. No. 1 is a Statement of purchased Live Stock on charge at Tasman's Peninsula on the 31st December last. "The cost of these animals was charged in the expenses of the Establishment for the years when they were purchased." (Minute by Secretary of Penal Establishment.)

The produce of this and some other stock is now running at large on the Peninsula. The animals specified in the Return were originally placed there at the expense of the Establishment, of which the Colony has borne a share fully equal to half the cost, in the shape of contributions on account of maintenance and control of Colonially convicted inmates. The Live Stock is as much the property of the Colony as of the Imperial Government.

Return No. 2 is a Statement of a variety of "Stores (not being fixtures) part cost of which has been included in the annual expenditure Accounts." Of the "part cost" of these articles the Colony has in like manner paid its full proportion. Wear and tear has depreciated their value to such an extent as to render them too inconsiderable for notice in so large a transaction, after deducting the amount already paid for them in the joint cost of the Establishment.

Return No. 3 is a list of "articles manufactured at the station by convict labour, the materials for which have been charged in the expenditure accounts." These articles are for the most part manufactured from indigenous materials, and are the result of the skilled labour of Colonially convicted as well as of Imperial Prisoners. It would be almost impossible to assign any specific value to these articles, and still more difficult to discriminate the relative proportion of the cost of their production to Imperial and Colonial funds.

No. 4 enumerates the "articles purchased in the Colony or imported from England, and the full cost charged in the Port Arthur expenditure accounts." Of the cost of these articles the Colony has already paid probably a larger proportionate share than the Imperial Government in the shape of contribution to the expenditure account, as it is notorious that the inmates at Port Arthur chargeable to the Colony have for some years past exceeded the number of Imperial prisoners in that establishment.

His Excellency's Ministers cannot but regret that Her Majesty's Government should propose to complicate the final settlement of so large a question with the petty details of a valuation of a number of, with few exceptions, inconsiderable articles, which are for the most part valueless save as appliances of a Penal Settlement. A valuation would entail the expenditure of an amount of time and trouble altogether incommensurate with the importance of the transaction, or the practical value of its result.

The Governor's Advisers are of opinion that all chattel property of any kind in actual use at Port Arthur at the date of transfer of the establishment ought to be handed over to the Colony free of charge, with the buildings and fixtures.

Any articles in Store unissued, or unbroken packages, this Government would willingly pay for on the same footing as stores on their way from England; namely, cost price plus freight and charges.

(2.) The Lords Commissioners of the Treasury propose that the Military Buildings in Hobart Town and Launceston shall, upon the final withdrawal of H.M. Troops from Tasmania, be surrendered free of charge to the Colonial Government in lieu of the payment of £8000 towards the cost of additional buildings at the Colonial Convict and Pauper Establishments.

This proposal is open to several objections. It mixes up two questions which ought to be separately dealt with and determined.

The terms on which the Military Buildings in the Colony should be surrendered to the Local Government ought to be settled on considerations altogether distinct from, and unconnected with, the final transfer of the Port Arthur Establishments.

The British Government withdraws H.M. Troops on considerations of Imperial policy, and thereby at once entails upon this Colony an increased expenditure for local self-defence. The Colony is fairly entitled to expect that it should be dealt with liberally, under such circumstances, in the matter of the transfer of buildings which are no longer useful to the Imperial Government and occupy sites the property of the Colony.

It might at least be expected that Tasmania should not, in this respect, be less liberally dealt with than the larger and more important Colonies of New Zealand and the Dominion of Canada. In New Zealand the lands occupied by the War Department under free grants have been surrendered to the Colony without any charge for the buildings erected on them by the Imperial Government. In Canada all the Barracks and Fortifications as vacated by the Imperial Troops, and all the landed property of the War Department whether acquired by grant or purchase, have been transferred, or are to be transferred, to the Dominion Government, subject only to the natural and easy condition of supplying proper Barrack accommodation for Troops at any time sent to Canada in furtherance of Colonial interests.

Tasmania fairly claims to be treated in this matter with similar liberality.

The proposal under consideration is also a departure from the principle laid down by Mr. Secretary Labouchere for the guidance of the Governor of Tasmania in the analogous case of the transfer of Imperial buildings not required for the use of the Convict Department.

In a Despatch, No. 56, of the 20th December, 1855, Mr. Labouchere, in reply to an application in that behalf from Sir H. E. F. Young, expressly authorised His Excellency to "transfer to the Colonial Government all buildings no longer required for the Convict Department, subject only to your ascertaining from the resident Officers of Ordnance that they are no longer required for Military purposes." The application of this broad principle to the Barracks and Batteries and other Military buildings would involve their unconditional transfer to the Colonial Government, irrespective of any arrangement of the details of the final transfer of Port Arthur to the Colony.

It must also be observed that, in the case of the Batteries, the Imperial Government surrenders only the sites, which are in effect already the property of the Colony by virtue of the constitutional compact that transferred the Waste Lands of the Crown to the Colony in return for the Civil List granted to Her Majesty. The Batteries themselves have been recently constructed at the expense of the Colony.

The Governor's Advisers request His Excellency to urge these considerations upon the favourable attention of Her Majesty's Government; and trust that a sense of the justice, moderation, and equity of the claims now advanced on behalf of the Colony may induce the Lords Commissioners of the Treasury (1) to accept without modification the *first* condition in the original proposal in the Memorandum of the 27th October, 1869; and (2) to consent to separate the question of the terms of the surrender of the Military Barracks, Batteries, &c. from the details of the final settlement of the transfer of the Port Arthur Establishment.

Mr. Wilson will submit, in a separate memorandum, another proposal on the subject of the requisition for £8000 for additional buildings.

His Excellency's Advisers in the meanwhile, on the part of the Colony, are prepared to acquiesce in the terms of transfer as propounded by Her Majesty's Government, and propose the 1st of May next as the date on which the Establishment shall be handed over: they also undertake to make annual provision in the Estimates for the reduction of the Colonial Debt to the British Treasury at the rate agreed upon; viz., £6000 a year.

J. M. WILSON.

His Excellency the Governor.

Colonial Secretary's Office, Tasmania, 21st February, 1871.

MEMORANDUM.

THE acceptance by the Lords Commissioners of Her Majesty's Treasury, with certain modifications, of the terms of transfer of the Port Arthur Establishment to the Colony, proposed by Ministers in their Memorandum of the 27th October, 1869, coupled with the approaching final withdrawal of the Imperial Military Establishments in Tasmania, seems to afford a favourable opportunity for a final settlement of the Claims on Convict Account outstanding between the Imperial and Colonial Governments.

In a letter from Sir F. Rogers to the Treasury of the 13th August, 1868, forming an enclosure in a Despatch, No. 47, of the 26th October of the same year, from the Duke of Buckingham and Chandos, a system of settlement of this description of Claims is proposed by the Colonial Department in the nature of arbitration by a Board of Imperial and Colonial Officers, with the Governor as final umpire in cases of difference of opinion.

That suggestion has not been acted upon. The Colonial Government had no objection to the proposed mode of decision and settlement of the Claims in question; but the preliminary condition insisted upon by the Duke of Buckingham and Chandos,—namely, 1st. *That "no account should be disturbed prior to the 1st of January, 1864,"*—enunciates a principle which the Colonial Government is unable to admit as either reasonable or fair.

There are at this moment outstanding claims upon the Imperial Treasury "for accounts erroneously charged to the Colony" to the extent of £11,015 17s. 11d. These claims are made on account of the years 1859, 1860, 1861, and 1862. The accounts have been made up by an Officer of the Colonial Government from public records, and are certified as correct by an Imperial Officer, the Comptroller-General of the Convict Department.

The detailed statements of these Claims are annexed to this Memorandum. (*See Paper, "Claims of the Colony."*)

His Excellency's Advisers are firmly of opinion that, in the settlement of the debt of Tasmania to the Imperial Treasury, this sum of £11,015 17s. 11d. ought to be placed to the credit of the Colony. This opinion is shared by the Legislature and the community at large.

The Governor's Advisers now desire to suggest an arrangement for a final settlement of these disputed Claims in connection with the contemplated transfer of the Port Arthur Establishment, and surrender to the Colony of the Imperial Military buildings and landed property in Hobart Town and Launceston.

The Lords Commissioners of Her Majesty's Treasury desire that "the Stores, not being fixtures," at Port Arthur should be taken over by the Colony at a valuation. They also decline to admit the demand for a contribution of £8000 in money towards the cost of additional buildings to Colonial Gaols and Hospitals.

And the Colony is now required to pay a sum of £5190 2s. 5d. for munitions of war and military stores "issued on payment under instructions in War Office Letter 57, Victoria, 157."

His Excellency's Advisers are willing to forego any claim upon the Imperial Treasury for a money contribution to the cost of additional buildings to Prisons and Hospitals, as will appear by their acceptance of the terms of transfer of Port Arthur, contained in Mr. Wilson's Memorandum of yesterday.

In view of this ready acquiescence in the terms of transfer propounded by the Treasury, His Excellency's Advisers suggest that Her Majesty's Government should forego its claim to a money payment of the sum of £5190 2s. 5d. for munitions of war and military stores purchased by the Colony; and they are willing to meet this concession by an abandonment, on the part of the Colony, of all further claim upon the British Treasury for the sum of £11,015 17s. 11d. on outstanding Convict accounts.

The Governor's Advisers trust that the reasonableness of this suggestion for the final settlement of this long-pending controversy between the Imperial and Colonial Governments will enable His Excellency to recommend it for the favourable consideration of the Secretary of State; and they believe that the adoption of this method of balancing accounts will remove the only remaining cause for difference of opinion on questions of this nature between Her Majesty's Government and the Government of Tasmania.

J. M. WILSON.

His Excellency the Governor.

Colonial Secretary's Office, 22nd February, 1871.

MR. Wilson, in transmitting to the Governor the original Memorandum on the transfer of Port Arthur, also has the honor to enclose for His Excellency's perusal a copy of Mr. Labouchere's Despatch to Sir H. E. F. Young, No. 56, of the 20th December, 1855, referred to in that Paper.

The detailed statements of "Claims" to be annexed to the Memorandum on the "Claims of the Colony" are not yet printed; therefore Mr. Wilson has to defer the transmission of the original until to-morrow.

J. M. WILSON.

His Excellency the Governor.

Colonial Secretary's Office, 23rd February, 1871.

MR. Wilson, agreeably with the intimation conveyed to the Governor in his note of yesterday's date, has now the honor to transmit to His Excellency his original Memorandum on the "Claims of the Colony," dated 21st instant.

As the fourth paragraph of that Paper slightly differs from the printed copy in His Excellency's possession, Mr. Wilson forwards herewith five printed copies agreeing with the "original."

J. M. WILSON.

His Excellency the Governor.

No. 3.

CONVICT.

Government House, Tasmania, 24th February, 1871.

SIR,

I HAVE the honor to forward two Memorandums addressed to me by my Responsible Advisers, in reply to your Despatch (No. 87—365) of the 27th September, 1870, which endorsed an intimation of the acceptance, with certain modifications, by the Lords Commissioners of the Treasury of the terms proposed by my Advisers in their Memorandum of the 27th of October, 1869, for the transfer of the Establishment at Port Arthur to the Colony.

2. You will observe by the first of these documents that my Advisers on the part of the Colony announce their acceptance of the terms of transfer as propounded by Her Majesty's Government, and propose the 1st of May next as the date on which the Establishment shall be handed over. They also undertake to make annual provision in the Estimates for the reduction of the Colonial debt to the British Treasury at the rate agreed upon, viz.—£6000 a year.

3. They, however, trust that Her Majesty's Government may be induced to (1) accept without modification the first condition in the original proposals in the Memorandum of the 27th October, 1869; and (2) to consent to separate the question of the terms of the surrender of the Military Barracks, Batteries, &c. from the details of the final settlement of the question of the transfer of the Port Arthur Establishment.

4. In reference to the first of these requests you will remember that the condition referred to was as follows:—

"The Colonial Government to take over the Establishment at Port Arthur, with all buildings, stores, furniture, materials, agricultural implements, crops, farm animals, vessels, boats, and all other chattels the property of Her Majesty, or of the War Department or Board of Ordnance. Stores on their way out from England for the use of the Establishment to be paid for by the Colonial Government at cost price, plus freight and charges."

5. The reasons on which this request is based are fully set forth in the accompanying Memorandum, and I have no hesitation in recommending it to the favorable consideration of Her Majesty's Government.

It must be remembered in dealing with this question, that for some few years past the number of Colonial Convicts alone at Port Arthur has been nearly equal to the number of Imperial Convicts, Paupers, and Lunatics put together.

For the maintenance of these Convicts the Colony has annually paid its contribution *pro rata*, in which has been included its fair proportion of the cost of all stores, furniture, and other items as above enumerated, together with its share of the annual cost of the Establishment. As the Memo.

random also points out, many of the articles for which the Colony is now asked to pay have been manufactured at the Station by Convict labour, and are the result of the skilled labour of Colonially-convicted as well as of Imperial prisoners.

I may also add, too, that of late years the balance of skilled labour employed in these works has been very largely on the Colonial side, the majority of the Imperial Convicts being aged men under life sentences, incapable of skilled labour, or indeed of much work of any kind; so that to require the Colony to take over all these Stores and other items at a valuation would be, as it appears to me, to call upon it to pay the full cost of that to which it has already largely contributed, both in money and labour, and a large proportion of which it would seem in fairness entitled, in a transfer of this kind, to claim as its own.

6. As regards the second request made in my Advisers' first Memorandum,—viz. that the question of the terms of the surrender of the Military Barracks, Batteries, &c. be separated from the details of the final settlement of the transfer of the Port Arthur Establishment,—I can add but little to the arguments by which they support their view of the case. As it appears to me, had the withdrawal of Her Majesty's Troops not taken place while the question of the Port Arthur transfer was under discussion, the buildings and batteries in question would have been equally handed over to the Colonial Government, as in the cases of New Zealand and Canada, subject only to the condition that proper Barrack accommodation should be supplied for Imperial Troops in the event of their being sent to Tasmania in the furtherance of Colonial interests. If, therefore, the Colonial Government are entitled to receive any payment whatever for additional buildings, I think it can hardly be said that the claim is satisfactorily dealt with by the transfer to the Colony of buildings of which they would have obtained possession quite independently of the claim itself.

7. The question, however, of this requisition of £8000 for separate buildings forms the subject of a separate proposal, which is submitted by my Advisers in the second Memorandum herewith enclosed.

8. By this Memorandum you will observe that my Advisers are willing to forego this claim altogether, and also a further one of £11,015 17s. 11d. alleged to be due to the Colony from the Imperial Treasury from the Convict Accounts outstanding between the two Governments, on the condition that this Colony is exempted from payment of a sum of £5190 2s. 5d. for Munitions of War and Military Stores purchased by the Colony on the recent withdrawal of the Imperial Troops.

9. It is, I think, unnecessary for me to go into any further details of the history of this long outstanding claim of £11,015 17s. 11d. against the Imperial Treasury than are given in the outline supplied in the Memorandum. Her Majesty's Government are doubtless aware that these claims have been for years past a fruitful source of angry correspondence between the Imperial and Colonial Governments, and that much irritation has been excited respecting them both in the Tasmanian Legislature and throughout the community at large. An opportunity is now presented for their final settlement, which I should much regret to see lost, more especially as the terms offered by the Colonial Government appear to me to be far from unreasonable.

10. It must be remembered that the claim of Tasmania to the presence of Imperial Troops rested upon considerations which had no application to the case of any other Australian Colony. Up to the last moment this fact was recognized by the Troops being maintained at the cost of the Imperial Government, and their withdrawal may be fairly said to have been a comparatively greater pecuniary loss to this Colony than to any other. A large increased expenditure for local self-defence was thus necessitated; and had the Colony asked, on this ground alone, to be absolved from this payment, independently of any other considerations, it would hardly have appeared to be an unreasonable request. But the request, I conceive, gathers a great additional strength when it is coupled with the friendly settlement of two long pending questions, both of which for several years past have been a fertile source of difficulty and irritation.

11. By the 1st of May next I hope that all preliminary arrangements for the transfer of the Establishment at Port Arthur will have been concluded, and that it will then be handed over once for all to the Colonial Government. I have only further to add that in endeavouring to bring these questions to a settlement, according to the instructions I received from the Duke of Buckingham, I have from first to last been met by my Responsible Advisers in a fair and conciliatory spirit, and such as should of itself entitle them to meet with favourable attention at the hands of Her Majesty's Government for the requests they are now making.

12. I have forwarded a similar Despatch to the Secretary of State for the Colonies.

I have, &c.,

(Signed) CHARLES DU CANE.

*The Right Hon. the SECRETARY OF STATE,
Home Department.*

(Copy.)

*Penal Establishment, 6th March, 1871.***MEMORANDUM.**

REFERRING to Your Excellency's Minute notifying that the Colonial Government will take over the Penal Establishment at Port Arthur on the 1st of May next, I beg to bring under notice the necessity for a valuation being made of the stores, stock, standing crops, and produce on hand previous to the transfer.

The Stores consist of four classes:—

1. Stores the cost of which have in part or wholly been charged from time to time in the annual cost of the Establishment, and for which the Colony may be considered to have contributed in proportion to the number of inmates in the Establishment for whom they have paid.

2. Stores manufactured on the station by Convict labor, the material for construction of which has been charged in the annual cost of the Establishment, and for which material the Colony has paid in like manner to class 1.

3. Stores in use which have never been included in the expenditure of the Establishment, and for which the Colony at present has contributed no portion of the cost.

4. Articles in store wholly Imperial property.

In addition to the above, there are a quantity of stores belonging to the Convict Department now in the charge of the Acting Military Store Officer in Hobart Town.

The Stock is of two classes:—

1. Stock which has from time to time been purchased, and the cost charged in the annual expenditure returns, and for which the Colony has contributed as in the case of the stores in class 1. This stock comprises a very small proportion of the total number on the Station.

2. All other stock than the above. These are the accumulation of years, and have not formed an item in the accounts, though no doubt many of them are the progeny of those in the 1st class.

The next description of property is the standing crops and produce on hand. These are the result of the labor of both Imperial and Colonial inmates of the Establishment, the seed in some cases having been purchased in Hobart Town and charged to the Establishment, and in the other raised on the Station.

With regard to the mode of valuation of this property I believe that it will be found that the only course to adopt will be to appoint a Board for the purpose, consisting of equal numbers representing each Government, with a referee to decide in the case of disagreement, and this will have to be done on the spot, where all the complications of interests can be fully laid before the Board.

In the condition of transfer I find no reference made to the Coal Mines on Tasman's Peninsula, which are at present leased by the Imperial Government to Mr. J. Hurst for a period of ten years from 1866, at an annual rental of £200 per annum, paid to Her Majesty's Government. At the Mines there is some machinery and Imperial property leased with the Mines.

C. T. BELSTEAD, *Secretary.*

His Excellency the Governor.

Government House, 13th March, 1871.

MEMORANDUM FOR MINISTERS.

THE enclosed Memorandum relative to the stores, stock, standing crops, and produce in hand at the Penal Establishment at Port Arthur and on Tasman's Peninsula, and which are now the property of the Imperial Government, has been recently forwarded to me by the Governor's Secretary for the Penal Establishment.

2. Ministers will remember that one of the conditions named by the Imperial Government on which the Establishment at Port Arthur is to be transferred to the Colonial Government is, that all such stores, stock, standing crops, &c., are to be taken by the latter either at cost price or a fair valuation.

3. In the Memorandum of the Colonial Secretary of the 20th ultimo the proposals of the Imperial Government are stated to be provisionally accepted, and the Colonial Government has announced its readiness to take over the Establishment on the 1st of May next. An appeal, however, is also made to the Imperial Government on grounds fully set forth that the stores, &c., may be handed over free of all charge. This Memorandum has been forwarded by the last mail to the Secretaries of State for the Colonies and Home Department, with a covering Despatch from myself, in which I have supported the appeal made by Ministers on this subject.

4. As, however, it is not proposed to postpone the transfer of the Establishment pending the decision of Her Majesty's Government, it is necessary that a valuation of these stores, stocks, and materials should be made without delay, and the sum ascertained by which, should the Colonial Government not prove successful, payments will eventually have to be made.

5. Mr. Belstead's Memorandum supplies full description and classification of the stores and other property in question; and he further suggests that a Board should be appointed for the purpose of carrying out the valuation, consisting of a representative of each Government, with a referee to decide in case of disagreement. In this suggestion I concur; and I propose that the Imperial Government should be represented by Mr. Horne, a retired Officer of the Commissariat Department, now residing in Hobart Town, who is undoubtedly well qualified to conduct a valuation of this kind. I would also suggest that Mr. Assistant-Commissary-General Castray should be named referee in case of disagreement. If Ministers have no objection to offer to the appointment of these Officers it only remains for them to name a representative to act on behalf of the Colonial Government; and it is almost needless to point out that, as the time between this and the 1st of May is but short for getting through all the business connected with the transfer, no unnecessary delay should take place in appointing the Board and completing the valuation.

6. I shall postpone till after my return from my visit of inspection to Port Arthur any further suggestion I may have to make on the general transfer of the Establishment. But I shall be glad to be able to inform the Secretary of State by the next English Mail that this Valuation Board has been appointed and commenced operations. And I should also like to be furnished with a general outline of the views of Ministers as to the footing on which they propose to maintain the Establishment after the 1st of May next.

CHARLES DU CANE.

Colonial Secretary's Office, 22nd March, 1871.

MEMORANDUM.

In reply to the Governor's Memorandum, dated the 13th instant, Mr. Wilson has the honor to acquaint His Excellency that Ministers are prepared to adopt the suggestion of the appointment of a Board for the valuation of the stores, materials, stock, and other chattels at Port Arthur.

Ministers would name for this purpose A. H. Boyd, Esq., to represent the Colonial Government, who will be ready to proceed to Port Arthur with the other gentlemen named by His Excellency, whenever the Governor shall order the Valuation Board to assemble.

As regards the reference in Mr. Belstead's Memorandum to the Coal Mines at Tasman's Peninsula, Mr. Wilson desires to call the Governor's attention to the fact that the Imperial Government, although receiving for many years past all annual rental for these Coal Mines, has never credited the Colony with any portion of these receipts in the settlement of the proportion of the cost of the Establishment at Port Arthur to be borne by Colonial Funds.

The ownership of these Mines by the Imperial Government was obviously an accidental result of its occupation of Tasman's Peninsula as a Penal Station. By this means the Colony has suffered a diminution of its territorial revenue; and this loss—were it precisely stated—would be found probably to be equal to more than one-half the entire sum at which an official valuation is likely to assess the stock, materials, and other property which form the subject of His Excellency's Memorandum.

I annex a Return furnished by Mr. Assistant Commissary-General Castray of the revenue received from the Coal Mines since 1855, amounting to Three thousand four hundred and twelve pounds and ten shillings (£3412 10s.).

"A general outline of the views of Ministers as to the footing on which they propose to maintain the Establishment" will be submitted to His Excellency when it shall be ascertained what members of the existing staff desire to continue at Port Arthur in the service of the Colony.

J. M. WILSON.

His Excellency the Governor.

RETURN of Rents paid by Lessee of Coal Mines on Tasman's Peninsula from 1st November, 1853.

DATE.	FROM WHOM RECEIVED, AND FOR WHAT PERIOD.		AMOUNT.		
1855.			£	s.	d.
30 August	J. Fuller.	1 November, 1853, to 31 October, 1854	350	0	0
17 September	Ditto.	1 November, 1854, to 30 April, 1855	175	0	0
1856.					
15 January	Ditto.	1 May, 1855, to 31 July, 1855	87	10	0
14 March	Ditto.	1 August, 1855, to 31 October, 1855	87	10	0
13 June	Ditto.	1 November, 1855, to 31 January, 1856	87	10	0
19 July	Ditto.	1 February, 1856 to 30 April, 1856	87	10	0
15 August	Ditto.	1 May, 1856, to 31 July, 1856	87	10	0
1859.					
20 January	Wm. Turner.	For December quarter, 1858	50	0	0
28 April	Jas. Hurst.	For March quarter, 1859	50	0	0
22 July	Ditto.	For June ditto	50	0	0
11 October	Ditto.	For September ditto	50	0	0
1860.					
26 January	Ditto.	For December ditto	50	0	0
21 April	Ditto.	For March ditto, 1860	50	0	0
20 July	Ditto.	For June ditto	50	0	0
13 October	Ditto.	For September ditto	50	0	0
1861.					
19 January	Ditto.	For December ditto	50	0	0
12 April	Ditto.	For March ditto, 1861	50	0	0
16 July	Ditto.	For June ditto	50	0	0
30 October	Ditto.	For September ditto ..	50	0	0
1862.					
27 January	Ditto.	For December ditto	50	0	0
29 April	Ditto.	For March ditto, 1862	50	0	0
11 July	Ditto.	For June ditto ..	50	0	0
16 October	Ditto.	For September ditto	50	0	0
1863.					
30 January	Ditto.	For December ditto	50	0	0
28 April	Ditto.	For March ditto, 1863	50	0	0
13 July	Ditto.	For June ditto	50	0	0
13 October	Ditto.	For September ditto	50	0	0
1864.					
11 February	Ditto.	For December ditto	50	0	0
1 May	Ditto.	For March ditto, 1864	50	0	0
19 July	Ditto.	For June ditto	50	0	0
11 October	Ditto.	For September ditto	50	0	0
1865.					
28 February	Ditto.	For December ditto	50	0	0
31 May	Ditto.	For March ditto, 1865	50	0	0
22 August	Ditto.	For June ditto	50	0	0
24 October	Ditto.	For September ditto	50	0	0
1866.					
24 February	Ditto.	For December ditto	50	0	0
2 May	Ditto.	For March ditto, 1866	50	0	0
20 July	Ditto.	For June ditto	50	0	0
11 October	Ditto.	For September ditto	50	0	0
1867.					
11 January	Ditto.	For December ditto	50	0	0
12 April	Ditto.	For March ditto, 1867	50	0	0
11 July	Ditto.	For June ditto	50	0	0
12 October	Ditto.	For September ditto	50	0	0
1868.					
23 January	Ditto.	For December ditto	50	0	0
12 April	Ditto.	For March ditto, 1868	50	0	0
13 July	Ditto.	For June ditto	50	0	0
12 October	Ditto.	For September ditto	50	0	0
1869.					
11 January	Ditto.	For December ditto	50	0	0
17 April	Ditto.	For March ditto, 1869	50	0	0
14 July	Ditto.	For June ditto	50	0	0
11 October	Ditto.	For September ditto	50	0	0
1870.					
11 January	Ditto.	For December ditto	50	0	0
17 April	Ditto.	For March ditto, 1870	50	0	0
14 July	Ditto.	For June ditto	50	0	0
11 October	Ditto.	For September ditto	50	0	0
1871.					
30 January	Ditto.	For December ditto, 1870	50	0	0
			£3412 10 0		

*Penal Establishment,
Secretary's Office, 11th April, 1871.*

SIR,

I HAVE been directed by the Governor to acquaint you that the Commandant will be prepared to receive the Valuers appointed to value the Stores, Stock, &c., at Port Arthur at any time after the 15th instant.

His Excellency is anxious that no unnecessary delay should take place in making the valuation; so that he may be in a position to report the result to the Home Government by the mail which leaves this Colony on the 18th proximo, in order that every question connected with the transfer of Port Arthur may be brought to a settlement.

The Commandant is of opinion that it will take at least a fortnight to make out the valuation; and to enable the Governor to carry out his wishes it will be necessary that the Valuers should be at Port Arthur as early as possible after the time named by the Commandant.

I have the honor to be,
Sir,

Your most obedient Servant,

C. T. BELSTEAD, *Secretary.*

The Hon. the Colonial Secretary.

MINUTE PAPER FOR THE EXECUTIVE COUNCIL.

Colonial Secretary's Office, Hobart Town, 29th April, 1871.

SUBMITTED,—

THAT Commissary-General G. Horne and A. H. Boyd, Esquire, be appointed Members of a Board to value Imperial Property at Port Arthur prior to the transfer of that Establishment to the Colonial Government; and that Assistant Commissary L. R. Castray be appointed as Referee for both the Imperial and Colonial Governments in case of any difference arising between the Members of the Board.

Further, that the enclosed Instructions be communicated to the Board for their guidance in the discharge of their duties.

J. M. WILSON.

THE Governor in Council approves.

E. C. NOWELL.
29. 4. 71.

The Hon. the Colonial Secretary.

Colonial Secretary's Office, 29th April, 1871.

SIR,

I HAVE the honor to inform you that the Governor in Council has been pleased to appoint a Board, consisting of Mr. Commissary-General George Horne and yourself, with Mr. Assistant Commissary-General L. R. Castray as Referee in case of any difference of opinion, for the purpose of valuing the Imperial property at Port Arthur preparatory to the transfer of that Establishment to the Colonial Government.

I forward for the guidance of the Board the enclosed Instructions, and I have to request that you will proceed to Port Arthur and carry out the requisite valuation with the least possible delay.

I have, &c.,

(Signed) J. M. WILSON.

A. H. BOYD, *Esq.*

Similar letter to Mr. Commissary-General Horne.

Similar letter to Mr. Assistant Commissary-General L. R. Castray, substituting the following paragraph for the 2nd paragraph in this letter:—

I forward copy of Instructions issued for the guidance of the Board for your information, and I shall feel obliged by your proceeding to Port Arthur with the least possible delay, so as to secure an early settlement of this important matter.

INSTRUCTIONS TO BOARD APPOINTED TO VALUE IMPERIAL PROPERTY AT PORT ARTHUR.

THE Board will proceed to value all stores (not being fixtures), live stock, standing crops, and produce on Tasman's Peninsula at the time of meeting.

The stores consist of articles which the Board in estimating their value to the Imperial Government may place in four Classes:—

1. Stores the cost of which have, in part or wholly, been charged from time to time in fixing the rate per head for maintenance at the Establishment, and for which the Colony has contributed a *pro rata* share.

2. Stores manufactured on the Station by convict labour and the material for construction of which has been charged in the annual cost of the Establishment, and for which material the Colony has paid in like manner to Class 1.

3. Stores in use which have not been charged and for which the Colony has at present contributed no portion of the cost, and which are therefore wholly Imperial property.

4. Articles in store wholly Imperial property.

The Board will value this property under three heads:—

1st. Cost price to Imperial Government.

2nd. Probable price that would be obtained for the articles if sold in the local markets.

3rd. Estimated value to the Colonial Government for supplying the requirements of the Establishment.

In estimating the value of the four classes of stores under head 3, the Board will take into consideration the following particulars:—

With reference to those in Class 1, the balance of value remaining unpaid for at the time (and of which the Board will have information) will form the basis of the charge; and in valuing them under head 3 the deterioration in value over and above the amount which has already been contributed on account of them must be borne in mind.

The articles in Class 2 may be considered as paid for, either in money or by the labour of Colonial prisoners, to the full extent of their value, and therefore on account of these no charge will be made.

Class 3. Articles in use unpaid for.—The condition of these articles at the time of valuation must be taken into consideration and the value determined accordingly, having regard to the original cost price.

Class 4. Articles in store must be valued according to cost price, having regard to deterioration by lapse of time, storage, &c., and the conditions laid down under heads 2 & 3.

There is some machinery the property of the Imperial Government at the Coal Mines, which should be valued according to present condition and its suitability for the service of the lessee.

The live stock which is of two classes is to be valued under head 3 only.

Class 1 is stock which has been purchased from time to time and paid for by the Colonial Government, as in the case of the stores under Class 1. Having regard to the length of time this stock has been on the station, it may be looked upon as being already paid for to its full value.

Class 2 consists of all other stock than the above, and in arriving at a valuation the Board must have regard, as far as possible, to the fact that many of the animals are the progeny of Class 1, and that therefore the Colonial Government has already some claim to them.

The standing crops and produce on hand.—As these are the results of the labour of Colonial and Imperial prisoners, the only claim which the Imperial Government can make on account of them will be the proportion of their value as determined by the relative numbers of Imperial to Colonial Convicts.

Every information available to enable the Valuers to carry out these instructions will be placed at their disposal, and Mr. Castray, Commissary of the Control Department, has been appointed by His Excellency the Governor to act as Referee for the Board, who, in the event of disagreement will refer questions to that Officer for decision.

Hobart Town, 17th May, 1871.

SIR,

AGREEABLY to instructions conveyed in your letter dated 29th April, we have the honor to forward herewith our Report of the value of the Public Stores on Tasman's Peninsula, now in charge of the Civil Commandant, and trust our efforts to arrive at a just valuation may meet with the approval of His Excellency the Governor.

We have the honor to be,

Sir,

Your obedient Servants,

GEORGE HORNE, C.G.

A. H. BOYD.

The Hon. J. M. WILSON, Esq.

*Civil Commandant's Office,
Port Arthur, 1st June, 1871.*

SIR,

I HAVE the honor to inform you that I have this day taken over the charge of the Penal, Pauper, and Lunatic Establishment on Tasman's Peninsula from the ex-Commandant, James Boyd, Esq.

I beg to enclose for your information Nominal Returns of Effectives, Invalids, Paupers, and Lunatics, which have been handed over to my custody.

The Stock and other Returns will be transmitted when completed.

I have the honor to be,

Sir,

Your most obedient Servant,

A. H. BOYD, *Civil Commandant.*

The Hon. the Colonial Secretary.

Colonial Secretary's Office, 13th June, 1871.

MEMORANDUM.

MR. Wilson has the honor to acquaint the Governor that the Imperial, Penal, Pauper, and Lunatic Establishments on Tasman's Peninsula were duly transferred to the Colonial Government on the 1st instant, and that the Nominal Lists of Inmates chargeable to Imperial Funds exhibit the following result:—

58 Convicts.
118 Paupers.
56 Paupers in Hospital.
85 Lunatics.

The only reduction which has as yet been effected in the Staff maintained at the time of the transfer comprises two Petty Officers and two Constables, and any further changes in this direction can only be made with a due regard to the proper control and management of the dangerous class of Prisoners and Lunatics at Port Arthur.

With reference to the valuation of the Stores at the Establishment, the Board of Valuers have furnished their Return and Report on the value of the whole of the property of the Imperial Government on the Station; but, having regard to the proposition submitted in Mr. Wilson's Memorandum addressed to His Excellency, under date 20th February last, it was deemed desirable to request the Board to supplement their Report by a separate Return, showing the number and estimated value of all articles which were, or had been, in use for Convict purposes.

The Return in question is in course of preparation, and will be forwarded to His Excellency within two weeks from the present time.

J. M. WILSON.

His Excellency the Governor.

Colonial Secretary's Office, 27th June, 1871.

MEMORANDUM.

MR. Wilson has the honor to transmit herewith to the Governor two Returns of Dry Stores, the property of the Imperial Government at Port Arthur on the 31st ultimo, and also the letter of the Civil Commandant, dated 21st instant, having special reference to the same.

His Excellency is aware that the Return furnished by the Board of Valuers embraced the whole of the Imperial property at the Penal Establishment, and that it was found necessary to have separate Returns discriminating between articles that had been in use and those which had never been issued.

The value arrived at by the Board of the Dry Stores that have not been in use amounts to £8844 10s. 4½d.; and of similar articles that have been in use, £1836 9s. 11½d.

The following Recapitulation of the Board's Valuation, under the several heads, in their Report of the 17th, computed on the 31st ultimo, gives the following result:—

	£	s.	d.
Stores in use	1118	6	1
Stores which have been in use	1836	9	11½
Furniture in use	15	10	0
Books in use	166	2	3
Boat account	2	5	0
Surgical Instruments in use	27	17	4
Coal Mines	34	0	0
	3200	10	8
<i>Less 25 per cent. to be deducted, as per Report of the Board</i>	800	2	8
	2400	8	0
	£	s.	d.
Market value of Schooner	600	0	0
<i>Less proportion of original cost paid by the Colony</i>	271	10	0
	328	10	0
VALUE OF OLD STORES, &c.	£2728	18	0
	£	s.	d.
Dry Stores which have not been in use	8844	10	4
<i>Less 25 per cent. to be deducted, as per Report of the Board</i>	2211	2	7
VALUE OF DRY STORES NOT YET ISSUED	£6633	7	9

The concluding remarks by the Board of Valuers, in the Official Return, under date 17th ultimo, will enable His Excellency in a great measure to comprehend the present condition of the property in question, and the difficulty experienced in arriving at the valuation they have submitted.

The Valuers remark:—

“The Board have gone carefully through the Stores, Stock, &c., at Port Arthur and Saltwater River, and have, after mature consideration, valued them as above shown.

“The Board beg leave to remark that a large portion of these Stores were sent to Port Arthur on the breaking up of the establishments at Norfolk Island, Impression Bay, Cascades, Saltwater River, &c., some fourteen and fifteen years ago, then in a worn state, and have since greatly deteriorated from the effects of the damp atmosphere of Port Arthur.

“The Board find much difficulty in arriving at the prices the worn and almost useless Stores would realise at public auction from the fact of there being little or no demand in the limited market of Hobart Town for such Stores.

"The average prices at which some similar articles were sold in January last, at the Military Barracks, are affixed, as affording some idea of their market value,—those to which no market value can be arrived at with any degree of correctness, the Board consider that a reduction of 25 per cent. all round may be made from the Board's valuation.

"After much enquiry of competent ship-builders, the Board have been led to value the schooner *Harriet* at £1000, but at public auction might fetch not more than £600 in consequence of there not being now any buyers of this class of vessel in Hobart Town."

(Signed) J. M. WILSON.

His Excellency the Governor.