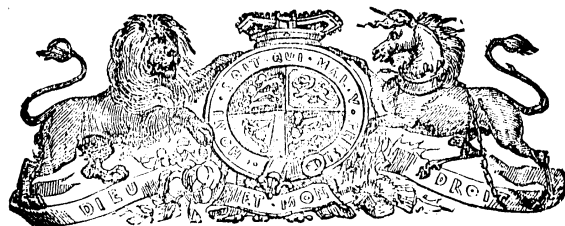


No. 29.



S U P P L E M E N T

TO THE

NEW SOUTH WALES

GOVERNMENT GAZETTE,

OF FRIDAY, 23 FEBRUARY, 1849.

Published by Authority.

SATURDAY, 24 FEBRUARY, 1849.

Colonial Secretary's Office,

Sydney, 22nd February, 1849.

HIS Excellency the GOVERNOR has been pleased to direct that the following Despatch, (signed in the absence of Earl Grey by the Secretary of State for the Home Department,) explanatory of the views and intentions of Her Majesty's Government on the subject of Convict discipline and transportation, be published for general information.

By His Excellency's Command,

E. DEAS THOMSON.

DESPATCH from EARL GREY, to GOVERNOR SIR C. FITZ ROY.

(No. 166.)

Downing-street,
8th September, 1848.

SIR,

I have had the honor of receiving your Despatch, of the 10th of April last, in which you have transmitted to me a copy of the Address presented to you by the Legislative Council of New South Wales, expressing the willingness of that Body to concur in the introduction into the Colony, of Convicts holding Tickets of Leave or Conditional Pardons, on the terms proposed in my Despatch of the 3rd of September, 1847.

2. The late period of the year at which your Despatch has been received, and the approaching termination of the Session, render it impossible that Her Majesty's Government should now apply to Parliament for any Grant for the purpose of sending Free Emigrants to New South Wales, in consideration of the consent of the Colony again to receive Convicts from this Country.

3. Independently also of the period of the year, the present financial circumstances of the Country oppose a difficulty, which I cannot hope will be removed by the commencement of the next Session, to our applying to Parliament for any Grant for this object.

4. Under these circumstances my first impression was that it would be necessary to abandon altogether the idea of sending out Convicts to New South Wales, as I readily acknowledge that after what has already taken place upon this subject, Her Majesty's Government cannot without the consent of the Colonists, refuse to provide for the conveyance of an equal number of Free Emigrants, if Convicts are to be sent at all to New South Wales.

5. But upon a further consideration of your Despatch, and of the information which has reached me from various sources as to the urgent want of Labour in the Colony, and as to the great usefulness, as labourers, of Convicts who have been previously trained under the system of punishment now adopted in this Country, I have been led to the conclusion that the Colonists of New South Wales would prefer to the entire abandonment of the measure proposed, receiving a moderate number of Convicts, even unaccompanied by an equal number of Free Emigrants sent out without charge to the Colony.

6. I am the more induced to adopt this conclusion because it appears from additional information received since the date of my Despatch of last year, that without incurring so large an expense as was then contemplated, there will be no difficulty in disposing of all the Convicts for whom it is necessary to provide, and who are well calculated to become laborers in the Colonies. An arrangement much less costly to this Country will, as I have reason to believe, be of so much advantage to several of the British Colonies where there is a great demand for labor, as to induce them gladly to receive all the Convicts that can be sent to them.

7. I enclose a copy of the Despatch which I have addressed to the Governors of the Colonies alluded to, on this subject; it will explain to you the terms upon which it is now proposed that Convicts should be sent abroad. If the Legislative Council of New South Wales should agree to receive Convicts upon these conditions, Her Majesty's Government will continue to send there a portion of those whom it may be necessary annually to remove from this Country; if not another destination must be found for them. As so much delay would be occasioned in sending to the Colony laborers who are urgently wanted, if I were to wait for an answer to this Despatch before any measure for carrying this arrangement into effect were adopted, I propose at once advising Her Majesty to revoke the Order in Council, by which New South Wales was made no longer a place for receiving Convicts under Sentence of Transportation.

8. This step is necessary in order that the Colonial Government may have the requisite authority to enforce the Regulations applying to Convicts holding Tickets of Leave, who may hereafter be sent to New South Wales. When that Colony shall thus again become a place to which Convicts may be transported, the necessary legal power for sending them thither in custody, and for subjecting them to all the laws applying to Transported Convicts will revive. This power includes, as you are aware, that of withdrawing the Ticket of Leave held by a Convict in the event of his misconducting himself, or failing to conform to those Regulations which are prescribed to him. This power of withdrawing Tickets of Leave when necessary is essential for carrying into effect the system in contemplation, as you will perceive from the enclosed copy of a Despatch I have recently addressed to Sir W. Denison, in explanation of the measures which it is intended to adopt in order to recover from the Convicts the cost of their conveyance to the Colony. You will distinctly understand that it is not intended to send to New South Wales any Convicts but those who are considered to be deserving of Tickets of Leave on their arrival, and to be also calculated to become useful as labourers in the Colony. You will further bear in mind that those from whom Tickets of Leave are withdrawn for misconduct will thereupon become punishable in the Penal Establishments of the Colony, and that the excess of the cost of their maintenance in these Establishments, beyond the value of the labour they may perform, will be charged to this Country until the expiration of their original sentences.

9. I anticipate with some confidence that this arrangement will be regarded as one calculated to prove beneficial to the Colony, though, perhaps, less so than that which I described in my Despatch of last year. New South Wales will thus obtain a class of persons who, though they have been guilty of crimes in this Country, yet will be likely in general to prove useful laborers under the restraints to which they will be subject, and after the preliminary punishment they will have undergone. It will also obtain the means of acquiring, in consideration of its reception of Convicts, an accession to the funds applicable to free Emigration, and though it is hardly probable that the re-payments obtained from the Convicts will suffice to defray the cost of sending out an equal number of free Settlers, this deficiency will become of less importance, inasmuch as the means of renewing free Emigration upon

upon a very large scale have been provided by the Colony, and there will thus be poured into it a stream of population of the best description, sufficient I trust to neutralize the demoralizing effect which might be apprehended if the persons introduced from this Country were principally Convicts.

10. In the expectation that for these reasons the reception of Convicts under this arrangement will not be unacceptable to the Colonists, it will be acted upon until I shall receive an answer to this Despatch; but if it should then appear that the Colonists object to receiving Convicts upon these terms, no more will be sent, and Her Majesty's Government will apply to Parliament for such a grant for free Emigration to New South Wales as, with the repayments from the Convicts previously sent, will be sufficient to send out an equal number of free Settlers.

I have the honor to be,

Sir,

Your most obedient humble servant,

G. GREY.

GOVERNOR, SIR C. FITZ ROY,

&c., &c., &c.

LETTER from EARL GREY.

COPY.

Downing-street,
7th August, 1848.

SIR,

I have the honor to transmit to you, the enclosed copy of a correspondence laid before Parliament in May last, on the subject of Convict Discipline and Transportation. Many of these papers will probably not be without interest to you; but my immediate object in sending you the accompanying copy of them, is to draw your attention to my Despatch to the Lieutenant-Governor of Van Diemen's Land, No. 66, of the 27th of April last, in which you will find an exposition of the views of Her Majesty's Government, respecting the future treatment of offenders who receive sentence of Transportation.

You are doubtless aware, that it has for some time past been resolved, that all Convicts should in the first instance, undergo a period of separate imprisonment in this Country, varying from six to eighteen months, followed by labor on Public Works, either here or at Bermuda, or Gibraltar. By several of the accompanying papers you will find, that the effects of this discipline have as yet been very satisfactory. The letter from Mr. Kingsford, who has so zealously and efficiently performed his duties as Chaplain at Gibraltar, and which is enclosed in my Despatch above referred to, bears testimony to the good and apparently lasting impressions produced on the minds of the Prisoners, who have fallen under his notice at that station. At Port Phillip, the Despatches referred to in the margin, will show with what rapidity the men who have arrived there under the name of "Exiles," have been engaged for the service of the resident proprietors. And similar information has since arrived, respecting a party of Exiles who landed so lately as December last, at Port Phillip. The settlers in that District have now for a considerable time, had an opportunity of observing the character of men of this class, and although the demand for labor is unquestionably great, it is not to be supposed that they would have been so eager to obtain the services of such persons, if there had not been much which was satisfactory in the conduct of those who had fallen under their observation. Whilst such evidences in their favor have been received from Gibraltar and Port Phillip, I enclose for your information, a Despatch from the Governor of Bermuda, in which you will find, that he gives the most gratifying account of a large party of men whom he had selected as deserving of the indulgence of being sent to Van Diemen's Land with Tickets of Leave; and that he expresses a sanguine anticipation of improvement in their future conduct and of the addition which they will make to the useful labor of the Colony.

Notwithstanding these encouraging circumstances however, it is not the opinion of Her Majesty's Government, that either with a view to the preservation of good order, or to the infliction of an adequate amount of punishment under their original sentences, the men ought to be set entirely at large on reaching the Colony to which they may be sent, after a certain period of good conduct. It is considered better that they should rather be allowed Tickets of Leave. These admit of restricting them to particular districts, and of enforcing the punctual payment of moderate sums in return for the cost of their conveyance, but do not in other respects interfere with the freedom of the men to whom they are granted, nor diminish the ordinary motives to industry and good conduct. You will further perceive, that while it is proposed to require from these persons repayment of the cost of their removal to the Colonies to which they may ultimately be sent, because it is conceived, that they ought not to receive free passages which cannot be granted to many of those unconvicted of crime who apply for that privilege, it is proposed that whatever sums are thus recovered from them, should be applied not to relieve this Country from the charge incurred on this account, but for the benefit of the Colonies which may receive them either by sending out free Emigrants to meet the great demand for labor which exists in most of these Colonies, in any other manner which may be more suitable to the peculiar circumstances of others of them.

Such being the system under which it is proposed hereafter to proceed, I think it right to point out to you, that if the Inhabitants of ———— should be willing to receive men with Tickets of Leave, they will obtain the advantage of a supply of labor, together with a probable addition to the funds applicable to General Emigration, or some other public object of importance, while by the power which is to be reserved of dispersing those men in different districts, together with the reformatory nature of their previous punishment

No. 68, 30th
Dec., 1846,
page 9.
No. 58, 26th
March, 1847,
page 19.
No. 124, 28th
June, 1847,
page 27.

15th April,
1848.

ment, there is good reason to hope that their presence in moderate numbers will not be found injurious to the general character of the community. Considering the urgent representations which are constantly received at this Office of the want of an adequate supply of labor, it seems possible, that if this system of Convict Discipline were well understood, the Colonists might be desirous of receiving men upon the foregoing terms in their last stage of punishment, and after they had earned a favorable character from the authorities under whose control they had been placed. I should be glad therefore, if you would ascertain in the manner which may appear to you best suited to the purpose, how far this would be the prevalent opinion in the Colony under your Government, and if I should learn from you that the measure should be wished for, I should be prepared to take the necessary steps for including _____ in the places into which Convicts holding Tickets of Leave may be introduced.

(To the Mauritius and Ceylon Despatch the following passage was added.)

I have made a communication to the above effect to the Governors of several of the Colonies situated in temperate climates, and I have not refrained from also addressing it to you, because I shall rely on you to inform me whether or not there are portions of the island in which working men of the English race could be settled and employed with safety to their health. Should this be the case I should wish to receive your report whether (even if they should not obtain private employment) their services might not be with advantage used by the Government on the roads and public works. I am led to believe from the former correspondence with regard to the deficiency in _____ of skilled labour required more particularly in the construction of bridges and similar works, that to obtain free of expense a certain number of men well trained to labour on public works, and required to reside in the parts of the Colony most suitable for them, might be attended with very great advantage.

I have, &c.,

(Signed) GREY.

CIRCULAR TO THE GOVERNORS OF
WESTERN AUSTRALIA, CEYLON,
NEW ZEALAND, MAURITIUS.
THE CAPE,

(Copy.)

DESPATCH from the GOVERNOR of Bermuda, to EARL GREY.

Convict Establishment.

No.

Bermuda, April 15th, 1848.

MY LORD,

I have the honour to forward copies of the Despatch which I addressed to the Lieutenant-Governor of Van Diemen's Land, with the 203 Prisoners who recently proceeded to that destination in the "Bangalore," as well as a copy of my letter to the Surgeon Superintendent, and of an address which I made to these men on their embarkation.

The ship was detained from the 9th to the 11th by the Master, for reasons unconnected with the public service, so that there would be no claim for demurrage during that period.

But I regretted the circumstance less because it afforded some opportunity of judging of the behaviour of the Prisoners after their release from the confinement and strict discipline of the Hulks.

The Surgeon said to the Officers of the Establishment, on the morning of his departure, that there had not been a single complaint; that he found the people remarkably orderly, clean, helpful, and kind to each other, and intelligent in their ways. The door of the prison on board the "Bangalore" had been open all day.

I have very little doubt that they will continue to conduct themselves to his satisfaction and incline to believe that the Colony of Van Diemen's Land will have rarely received 203 adult male passengers by one ship containing a larger number of useful Settlers in a new Country than those who will arrive in the "Bangalore."

Many of them are very skilful tradesmen, and they have all been trained to habits of regular and laborious industry.

They have all too experienced the bad consequences of misconduct, and the advantage of steadiness, and I hope a reflection which I pressed upon them will have its due weight—that is, the great difficulty of recovering any share of trustworthiness and respectability by men in their condition, and the certainty of its total loss by the least relapse to wrong courses.

Your Lordship will observe from my Despatch to Sir William Denison, that they are creditors of the Crown, for reserve earnings, in the considerable sum of £1071.

It should also be explained, that beyond that sum, there has been paid, or is due to this Establishment for their labour, by the Departments employing them £492 11s. 4d. This amount, according to the instructions, could not be carried to their credit, having been earned in what is called the period of probation, that is, during the two first years after conviction; but if they continue to conduct themselves satisfactorily in Australia, perhaps Her Majesty's Government may be pleased to render it available for assisting the passage out of any of their female relatives, who may desire to join them.

All the men who find their way into prisons are not irreclaimable, and I have the painful proof before me, that calamity and misguidance of others have their full share in the causes which shut those gates upon them.

I believe this plan, carefully worked, is happily devised for the encouragement of steadily disposed prisoners, and for the relief of their unfortunate and innocent families.

Knowing that your Lordship will take deep interest in securing to them every possible motive and helpfulness for the re-establishment of their characters, I hope to be excused for these suggestions.

I have omitted to mention, that one of the 204 prisoners specified in the List sent to England, died before the arrival of the "Bangalore," and agreeably to the instructions, his place was not filled up.

I have the honor, &c.,

(Signed) CHARLES ELLIOT,
Governor.

THE RIGHT HONORABLE,
EARL GREY,
&c., &c., &c.

LETTER from GOVERNOR of Bermuda, to SURGEON SUPERINTENDENT of the Bangalore.

(Copy.)

Bermuda, 9th April, 1848.

SIR,

The 203 Prisoners destined for Van Diemen's Land pursuant to the instructions of Her Majesty's Government, being now embarked in the "Bangalore," you will require the Master to put to sea, in execution of your orders without delay.

The inclosure No. 1 is a copy of the order which I issued to this Establishment explanatory of the principles and conditions on which these Prisoners are to be transferred to Van Diemen's Land. You will have the goodness to hand it, with your other Returns, to His Excellency the Lieutenant-Governor of the Colony.

The Inclosure No. 2 is a copy of the address which I have this day made to the Prisoners.

The Deputy Superintendent of Convicts will hand you a list of the Prisoners embarked in the "Bangalore," as well as lists of the 48 men selected for the station of sub-guards.

Relying with confidence upon your judgment and experience, and mindful that these persons are proceeding under every inducement to conduct themselves steadily, I trust that you will find their behaviour steady and their management perfectly easy.

I have the honor, &c.,

(Signed) CHARLES ELLIOT,
Governor.

HARVEY MORRIS, ESQ.,
SURGEON SUPERINTENDENT,
"BANGALORE."

LETTER from the GOVERNOR of Bermuda, to the LIEUTENANT GOVERNOR, Van Diemen's Land.

(Copy.)

Bermuda, April 9th, 1848.

SIR,

I have the honor to acquaint you that the "Bangalore," will leave these Islands to-day, bound to Van Diemen's Land, having on board 203 Prisoners, whom I have been instructed by Earl Grey to send on to that destination on the privilege of the ticket-of-leave, if the report of their conduct during the voyage shall seem to you to warrant that favour; I have distinctly explained this condition to them both by written order and in person.

They have been further informed, that Her Majesty's Government has permitted me to recommend to your favourable notice, the names of some of them to a Conditional Pardon at an early date after their arrival.

But I have not disclosed those names thinking that uncertainty in that respect may strengthen the other motives to general circumspection throughout the whole body during the voyage and after their arrival in the Colony. The names recommended to your favourable consideration for this act of grace, when you see fit to extend it, have been conspicuously marked in the list by a red cross.

You will observe by the accompanying papers that these prisoners are creditors of the Crown in the considerable sum of £1071, 19s. 11½d., and I have directed the Assistant Commissary General in charge to acquaint the Commissary in Van Diemen's Land to that effect, and request him whenever he may make any payments to those parties by your order to charge the same to the amount of Convict service at Bermuda.

I have also sent forward a guard from this establishment, named George Cherry, who has been employed for some months past as a school-master on board one of the Hulks, directing him to place himself under the orders of the Surgeon Superintendent, for the police and instruction of the people during the voyage.

May I request you, if his conduct shall appear to you to merit that consideration, to order him to be paid by the Commissary in Van Diemen's Land at the rate of £40 per annum, from the first instant to the date of his discharge in Van Diemen's Land; this amount also to be charged to Convict service at Bermuda.

I

I have thought it convenient to hand to the Surgeon Superintendent, the copy of the Instruction, which I issued in November last, announcing to the Prisoners in those Hulks, the considerate intentions of Her Majesty's Government in their behalf, in order that the principles upon which the selection has been made at Bermuda may be clearly understood, and I have requested him to forward that paper to you with his other Returns.

With the sincere hope that results of this experiment may be satisfactory,

I have the honor, &c.,

(Signed) CHARLES ELLIOT,
Governor of Bermuda.

HIS EXCELLENCY
THE LIEUTENANT GOVERNOR,
SIR WILLIAM DENISON,
Van Diemen's Land.

ADDRESS made by Governor Elliot, to the Prisoners proceeding to Van Diemen's Land, on the Ticket of Leave, in the "Bangalore."

I will not let you leave this place without personally explaining to you that your lot on arriving at Van Diemen's Land, will depend entirely upon the report made of your conduct during the voyage by the Surgeon Superintendent; all those who behave steadily will land on the ticket of leave, and all those who have misconducted themselves on the voyage, or after their arrival in the Colony, will return to the condition of Prisoners of the Crown.

You should also know that I have been permitted to recommend some amongst you to Conditional Pardon at an early period after your arrival, if they continue to behave correctly.

I hope that those whom I have selected, will prove by their conduct that they merit this extended clemency of the Queen.

You are now fairly started on the way to freedom and an honest independence, not as beggars, or men utterly without character, but owing to the munificence and guardianship of Her Majesty's Government during your imprisonment, with some helpfulness in your pockets, and with a still more helpful certificate of industrious and orderly habits, if you see fit to take advantage of it. It will be your own heavy faults if you throw away these excellent prospects.

Be particularly wary of your conduct on arriving at Van Diemen's Land; avoid evil company and idleness (of which there are enough there as elsewhere) as you would dangerous diseases; and remember steadfastly, that the least misconduct by men in your situation must be ruinous to you.

Encourage each other therefore for right purposes, and recollect that you are only acting justly for the body of your comrades, and prudently for yourselves, by discountenancing and denouncing wrongdoers.

In your situation the whole must suffer more or less for the misconduct of the few.

Repress it therefore openly and with manly determination whenever and by whomsoever of your body you see that it is intended.

My last directions to you are few and simple.

1st.—To do exactly what you are ordered promptly and cheerfully.

2nd.—To deliver up the first thief of the smallest trifle to punishment.

3rd.—To refrain from quarrels, or oaths, or bad language, remembering that they are disgraceful to you as reasonable beings and serious offences;—and I now, in all your presence, charge the Surgeon Superintendent to punish the first offender in this or any other respect in the most exemplary manner. Severity at first is mercy at last, and habits of good language and good conduct once acquired, are as easily followed as bad habits.

4th.—To attend diligently to the schools, to employ your leisure hours in reading good and instructive books, and above all to read your bibles morning and evening.

5th.—To maintain those habits of strict cleanliness which you have been taught in this establishment.

As I have said in one of my orders to you, remember that upon your conduct during this voyage, and the satisfaction you give where you are going, will probably depend the hope of your fellow prisoners here for a continuance of these beneficent purposes of Her Majesty's Government.

Ship "Bangalore,"

Bermuda, 9th April, 1848.

DESPATCH from EARL GREY to GOVERNOR of Van Diemen's Land.

COPY.

(No. 139.)

*Downing-street,
6th September, 1848.*

SIR,

With reference to that part of my Despatch, No. 66, of the 27th of April last, which related to the contribution to be made by future Holders of Tickets of Leave towards the cost of their conveyance, I have the honor to acquaint you that on consultation with the Secretary of State for the Home Department, I found that the condition of the Convicts was such as did not require or admit of any stipulation with them on this subject, but that the object could most fitly be accomplished by adopting, as a part of the system of Convict Discipline, the rule that no man should obtain the benefit of a Conditional Pardon until he had repaid out of his previous earnings the cost of his conveyance.

I enclose for your information the copy of a Despatch to the Governor of Gibraltar, Not sent. and similar instructions have also been addressed to the Governor of Bermuda, on this subject. You will see that I have directed them to cause all men henceforward sent from those Stations to Van Diemen's Land to be informed that before they can acquire Conditional Pardons it will be necessary for them to repay the cost of their conveyance to that place, and in case they be married men, to repay half the cost of sending their wives and families, unless that amount be contributed from parishes or from friends in England. I have also requested Secretary Sir George Grey to cause similar communications to be made to any men who may henceforward be sent from this Country with Tickets of Leave.

I have now to instruct you to frame, in concert with the Comptroller General, such Regulations as may appear best calculated to give effect to these intentions, and to provide for the regular and gradual collection of the required amounts from the Holders of Tickets of Leave, in such manner as shall not, on the one hand, be oppressive to them, nor yet, on the other hand, leave the contributions to fall into arrear, and thus become more burthensome to the parties. You will be so good as to report to me the measures you may consider it advisable to adopt with that view.

You will also bear in mind the circumstance that the Holders of Tickets of Leave are more completely than others under the control of the Government, and that it is in your power to assign to each some definite District, within which he will be bound to reside, and you will accordingly distribute the men into those parts of the country where they will be most likely to obtain employment, and be least liable to the temptation to relapse into criminal courses.

I have, &c.,

(Signed)

GREY.

LIEUTENANT-GOVERNOR

SIR W. DENISON,

&c., &c., &c.

SIDNEY :—Printed by W. W. DAVIES, at the Government Printing Office, 24th February, 1849.

