

*Showeth,—*

That on or about the seventeenth day of March, one thousand eight hundred and fifty-four, one Francis Clarke was tried at the Circuit Court, Goulburn, and convicted of horse-stealing on two several indictments.

That the said Francis Clarke was sentenced in each case to seven years' imprisonment.

That he served nearly six years at Cockatoo Island, and then obtained a ticket-of-leave for the district of Carcoar.

That he has been residing in the district of Carcoar for some months past, and his character and behaviour has been such as authorizes your petitioner in seeking on his behalf some mitigation of punishment.

Your petitioner, therefore, humbly prays that your Excellency will be pleased to mercifully consider the premises, and afford such relief to the said Francis Clarke as to your Excellency shall seem meet.

And your petitioner, as in duty bound, will ever pray, &c.

FREDERICK GARDINER.

Weogo, December, 1860.

We, the undersigned householders, residing in the districts of Bathurst and Carcoar, hereby certify to your Excellency that we have read the annexed petition, and declare that we knew the said Francis Clarke a considerable time before his conviction, and have known him since, and we beg conscientiously and strongly to recommend the prayer of the petition.

ISAAC SHEPHERD, J.P., Wheeo.

JOHN REID, Grazier,

EDWARD BARKER, Grazier, } Prosecutors.

FRANCIS HARRIS, Grazier.

WILLIAM FOGG, Grazier.

WILLIAM ATKINS, Grazier.

CHARLES AUGUSTUS HOWARD, Grazier.

RICHARD TAYLOR, Grazier.

HENRY NEWMAN, Grazier.

By direction of the Administrator of the Government, referred to the Hon. the Colonial Secretary for a report from the Judge who tried the case.—B.C., 11th February, 1861—W. E. OLIVER, Private Secretary.

C.C., 13th February, 1861.

(No. 13.)

The UNDER SECRETARY to GOVERNMENT to His Honor the ACTING CHIEF JUSTICE.

SIR,—

Colonial Secretary's Office, Sydney, 15th February, 1861.

I am directed to request the favour of your Honor's report upon the accompanying petition for mitigation of the sentence of seven years' hard labour on the roads passed upon the prisoner named in the margin,\* by His Honor Sir Alfred Stephen.

I have, &c.,

W. ELYARD.

(No. 14.)

The CHIEF JUSTICE to the COLONIAL SECRETARY.

SIR,—

Supreme Court, 2nd April, 1861.

I have perused all the papers sent me respecting Francis Clarke, otherwise Gardiner; although many of them appear to me to be unnecessary to my report.

I know nothing of any of the parties signing the various recommendations; and I observe that the names of Messrs. Ledsam and Newham, on whom I feel disposed, from the style and tenor of their letters, to place much reliance, do not appear to the recent application.

If there be no reason to doubt the representation, however, that Clarke has conducted himself well since the acquisition of his ticket-of-leave, then I should not hesitate to advise compliance with the petition, bearing in mind the assurances given, prior to that indulgence, that the prisoner had been led to the crime for which I sentenced him by other persons practising on an inexperienced young man, and that there was every reason to hope that restoration to society would benefit him without inflicting injury on others.

The only matters apparent on my notes of the trial are, that the prisoner committed some wholesale larcenies of horses, and found an easy sale, by travelling with a pretended servant—really his accomplice.

I am, &c.,

ALFRED STEPHEN.

Refer to the district authorities to ascertain what character the man now bears there.—C.C., 5th April, 1861.

The Inspector-General of Police, for inquiry and report.—B.C., 8th April, 1861, W.E. To be returned.

The Police Magistrate of Carcoar (the district in which Clarke has been holding a ticket-of-leave) has reported most unfavourably of the man's conduct, so much so that I have recommended the cancellation of the indulgence he holds.

Police Department, Convict Branch, 14th May, 1861.

B.C.—To the P.U. Secretary.—14th.

JNO. McLERIE,

Inspector-General of Police.

\* Francis Christie *alias* Gardiner.