

The Chief Justice recommended a remission of sentence in the case of Francis Clarke or Gardiner, provided it was found that he had conducted himself well. It appears by the report of the Inspector of Police that this is not the case, and that the account received of him from the district is very unfavourable.

Prayer of petition cannot be acceded to.—J.Y., 24th May, 1861.

C.C.  
23rd May, 1861.

(No. 15.)

The UNDER SECRETARY to GOVERNMENT to the INSPECTOR-GENERAL of POLICE.

SIR,—

Colonial Secretary's Office, Sydney, 27th May, 1861.

Referring to the petition from the prisoner named in the margin,\* praying for a mitigation of his sentence of fourteen years' labour on the roads, &c., I am desired by the Colonial Secretary to inform you that the Governor has not seen fit to authorize the remission of any portion of the prisoner's sentence, and to request that that individual may be apprised accordingly.

I have, &c.,  
W. ELYARD.

(No. 16.)

MEMORANDUM.

Police Department, Inspector-General's Office,  
Sydney, 12th October, 1863.

FRANCIS CLARKE or Gardiner, the bushranger, was convicted at Goulburn Circuit Court on 17th March, 1854, and sentenced to two sentences of seven years each to the roads, on two charges of horse-stealing.

A native of Boro Creek, near Goulburn.

Obtained a ticket-of-leave on 31st December, 1859, for Carcoar, which was cancelled on 15th May, 1861; absence from district, and suspected of cattle-stealing.

### Enclosure 4 in No. 3.

(D.)

1873-74.

LEGISLATIVE ASSEMBLY.—NEW SOUTH WALES.

*Administration of Justice. (Liberation and Exile of Prisoners.)*

Ordered by the Legislative Assembly to be printed, 12th May, 1874.

RETURN to an Address of the Honorable the Legislative Assembly of New South Wales, dated 8th May, 1874, praying that His Excellency the Governor would be pleased to cause to be laid upon the table of this House,—

"A return of the prisoners whom it is proposed to exile or liberate during the next twelve months, showing in each case the name of the prisoner, his offence, the duration of imprisonment to which he was sentenced, the period of sentence already elapsed, whether he had been previously convicted, and, if so, for what offence, and the duration of his sentence; also, the minutes of His Excellency's Adviser, giving the reasons, if any, for such exile or liberation."—(*Mr. Combes.*)

(No. 1.)

MINUTE of the COLONIAL SECRETARY.

I HAVE spoken to the Chief Justice on the subject of the sentences of the men convicted of the crime of bush-ranging at and about the time of Christie's conviction. I concur in a suggestion made by Sir Alfred Stephen, that the Sheriff prepare a statement of each case, showing age, previous character, number of offences, sentence, conduct in gaol, and other particulars, with a view to the consideration of all the cases.

H. P., 20/9/72.

The Sheriff, B. C., September, 21/72.—For U.S., W.G. To be returned.

(No. 2.)

The SHERIFF to the PRINCIPAL UNDER SECRETARY.

SIR,—

Prisons Department, Sydney, 21st January, 1873.

In compliance with the desire of the Honorable the Colonial Secretary, I have given my careful attention to the cases of prisoners serving long sentences under convictions of robbery with arms, or, as is termed, "bush-ranging," and which sentences were imposed at a period when it was thought necessary to deter from the commission of crime of that particular character, by severe examples of punishment.

2. In my report of the 12th September last, on the case of Christie *alias* Gardiner, I took occasion to refer to this subject, and to the expectations generated in the minds of the prisoners of the class mentioned, by reason of remarks made by the Judges at the times of sentencing, and from the action of the Executive in commuting from time to time a number of sentences; and I pointed out that the

\* Francis Christie *alias* Gardiner.