

R E T U R N

OF ALL

S E N T E N C E S R E M I T T E D

BY

HIS EXCELLENCY THE GOVERNOR,

FROM 1ST JANUARY, 1860, TO 14TH AUGUST, 1862.

RETURN TO AN ORDER OF THE HOUSE OF REPRESENTATIVES OF 14TH AUGUST, 1862.

(Mr. FitzGerald.)

Return not made until after the close of the Session.]

MEMORANDUM.

THE following Returns of Prisoners Pardoned, have been compiled chiefly from information furnished by the Gaolers.

In regard to the correspondence required by the House of Representatives, it appears that when the Government Records were sent to Wellington from Auckland, on 23th June, 1862, most of the Papers on the Subject of Pardons for a considerable time previous to that date were transmitted (in the Steamer "White Swan") and were lost.

No part of the remaining correspondence has been appended to this Return as it appears to be of a formal nature.

No pardons appear to have been granted to prisoners confined in the Gaols at Taranaki, Hawkes Bay, Marlborough or Southland.

JAS. H. CRAWFORD,
For the Assistant Law Officer.

Colonial Secretary's Office,
Auckland, 23rd December, 1862

PRISONERS PARDONED.

PROVINCE OF AUCKLAND.

Return of Prisoners whose Sentences have been commuted, in whole or in part, by His Excellency the Governor, since January 1st, 1860.

Name.	Date when Sentence would expire.	Date when Pardon took effect.	By what Court sentenced.	Term of Sentence.	By whom recommended for Pardon.	General Remarks.
1. Elizabeth Finlay	June 1, 1860	February 1, 1860	Supreme Court, Auckland	1 year	...	
2. Thomas Odium	June 1, 1860	April 10, 1860	Ditto	1 year	...	
3. Owen McCabe	March 1, 1862	May 5, 1860	Ditto	6 years	...	
4. Hugh McCrum	June 14th 1860	May 31, 1860	Resident Magistrate's Court, Auckland	2 months	...	
5. Michael Lydon	July 14th, 1860	June 4, 1860	Ditto	1 year	...	
6. James Madden	September 2, 1860	July 16, 1860	Supreme Court, Auckland	6 months	...	
7. Jeremiah Cooper	When Dead	November 24, 1860	Ditto	Natural life	...	
8. Charlotte Winden	February 13, 1861	December 14, 1860	Resident Magistrate's Court, Auckland	6 months	...	
9. Henry Blackman	April 16, 1861	March 4, 1861	Ditto	3 months	...	
10. Thomas Hill	June 3, 1863	June 4, 1861	Supreme Court, Auckland	6 years	...	
11. Stephen Pell	September 25, 1861	June 15, 1861	Resident Magistrate's Court, Auckland	4 months	...	
12. Abel Codd	September 25, 1861	June 25, 1861	Ditto	4 months	...	
13. Daniel Vestie	September 25, 1861	June 25, 1861	Ditto	4 months	...	
14. Mary Fleming	March 3, 1862	July 13, 1861	Supreme Court, Auckland	2 years	...	
15. George McKinlay	September 25, 1861	September 4, 1861	Resident Magistrate's Court, Auckland	4 months	...	
16. Mary Pollock	February 4, 1862	October 10, 1861	Supreme Court, Auckland	4 months	...	
17. Ann Nicholson	January 8, 1862	December 21, 1861	Ditto	6 months	...	
18. Francis Rowett	June 1, 1863	July 26, 1862	Ditto	4 years	...	
19. Buckingham Jas. Casher	January 13, 1863	January 16, 1862	Ditto	4 years	...	
20. Taeria (aboriginal native)	June 2, 1862	January 16, 1862	Ditto	2 years	...	
21. Tamati	June 2, 1862	January 16, 1862	Ditto	2 years	...	
22. Paora	March 24, 1862	January 16, 1862	Resident Magistrate's Court, Auckland	3 months	...	
23. Alfred Bowers	September 1, 1863	February 17, 1862	Supreme Court, Auckland	4 years	...	
24. John Crogan	January 14, 1867	May 16, 1862	Ditto	8 years	...	
25. Wai Whatu (native)	June 3, 1864	June 10, 1862	Ditto	2 years	...	
26. Joseph Staniland	July 4, 1862	June 28, 1862	Resident Magistrate's Court, Auckland	1 month	...	
27. Charles Monkton	August 27, 1862	July 11, 1862	Ditto	3 months	...	
28. John Shea	June 5, 1863	July 25, 1862	Supreme Court, Auckland	2 years	...	

I forward with the prisoner's Petition a statement of his conduct, during the period he is under my charge, to his Excellency the Governor, but having no opportunity of knowing on what recommendation the pardon is granted I only receive it to act on it.

GEO. Mc. ELWAIN,
Gaoler.

PROVINCE OF WELLINGTON.

Return of Prisoners whose Sentences have been remitted, in whole or in part, by His Excellency the Governor since 1st January, 1860.

Name of Prisoner.	Date when Sentence would expire.	Date when Pardon took effect.	By what Court sentenced.	Term of Sentence.	By whom recommended for Pardon.	General Remarks.
1 Puku Tanira ...	June 4, 1862 ...	January 30, 1860...	Court of Session, Ahuriri ...	6 years ...	This prisoner was pardoned in consequence of having assisted the officers of the Gaol, at the time of the outbreak, April 4, 1859.	Committed to penal servitude for life. (See No. 14.)
2 Charles Straker ..	Death ...	January 30, 1860...	Supreme Court ...	Death ...	A Petition, numerously signed by the inhabitants of Wellington, was forwarded to His Excellency.	
3 Thomas Gorman ...	April 12, 1861 ...	November 9, 1860 ...	Supreme Court ...	4 years ...	A Petition was forwarded by the prisoners to the Warden of the Gaol, their conduct reported upon by him as good; also reported upon by the Judge of Supreme Court.	
4 William Madden ...	April 7, 1862 ...	August 30, 1860 ...	Military Court Martial ...	4 years ...	These prisoners were recommended for pardon by W. W. Taylor, and W. Lyon, Esqrs., Visiting Justices of the Wellington Gaol.	
5 Robert Kidd ...	May 30, 1861 ...	April 13, 1861 ...	Supreme Court ...	1½ year ...		
6 John Hughes ...	June 1, 1862 ...	April 15, 1862 ...	Supreme Court ...	6 months ...	The whole of these pri-	
7 David Marshall ...	with his death ...	May 13, 1862 ...	Supreme Court ...	Life ...		
8 Patrick Cullen ...	with his death ...	May 13, 1862 ...	Supreme Court ...	Life ...	Both these prisoners were sentenced to 2 years' imprisonment Jan. 25, 1858: again sentenced to 12 months' imprisonment June 7, 1858: and again sentenced to 6 months' imprisonment March 1, 1859: and again sentenced to 6 years' penal servitude June 14, 1859.	
9 William Darley ...	July 24, 1867 ...	May 13, 1862 ...	Supreme Court ...	9½ years ...		
10 Benjamin Stringer	July 24, 1867 ...	May 13, 1862 ...		9½ years ...		

PROVINCE OF WELLINGTON (continued).

Name of Prisoner.	Date when Sentence would expire.	Date when Pardon took effect.	By what Court sentenced.	Term of Sentence.	By whom recommended for Pardon.	General Remarks.
11 James Kelly ...	June 21, 1867 ...	May 13, 1862 ...	Supreme Court ...	9½ years ...	soners were recommended for pardon by W. Waring Taylor, and W. Lyon, Esqrs., Visiting Justices of the Wellington Gaol.	First sentenced to 15 months' imprisonment, with hard labour, from March 22, 1858: again sentenced Sept. 2, 1858, to 2 years' imprisonment, with hard labour: and again sentenced June 14, 1859, to 6 years' penal servitude. Sentence of Military Court Martial commuted to 10 years' penal servitude, Sept. 4, 1857: and on June 7, 1858, the prisoner was sentenced by Supreme Court to 1 year's imprisonment, with hard labour, from expiration of existing sentence.
12 John D'Arcy ...	February 7, 1865 ...	May 13, 1862 ...	Military Court Martial Supreme Court ...	Life ... 1 year ...		Committed to penal servitude for life, Jan. 24, 1860: and again commuted to 7 years' penal servitude, on and from May 8, 1862.
13 John Straker ... 14 Charles Straker ...	Nov. 30, 1865 with his death ...	May 13, 1862 ... May 8, 1862 ...	Supreme Court ... Supreme Court ...	6 years ... Death ...		Sentence of death was recorded against this prisoner Jan. 25, 1858: commuted to 4 years' imprisonment, with hard labour, Feb. 17, 1858: prisoner was again sentenced to penal servitude for life June 14, 1859—this sentence was commuted to 7 years' penal servitude on and from May 8, 1862.
15 James Gaffney ...	with his death ...	May 8, 1862 ...	Supreme Court ...	Life ...		
16 Richard Gale ...	Feb. 28, 1863 ...	July 21, 1862 ...	Supreme Court ...	2 years ...	Petition forwarded through Warden of Gaol to the Judge of the Supreme Court.	

MICAH REED,
Warden.

PROVINCE OF NELSON.

Return of Prisoners whose Sentences have been remitted, in whole or in part by His Excellency the Governor since 1st January, 1860.

Names.	By what Court sentenced.	Term of sentence.	Date when Sentence would expire.	Date when Pardon took effect.	By whom recommended for Pardon.	General Remarks.
1 Alfred Saunders ...	By the Supreme Court	6 months	July 25, 1860 ...	April 22, 1860 ...	A Petition was sent to the Governor by the inhabitants of the Province with one thousand and seventy-seven signatures attached praying for remission of the sentence of imprisonment.	The Prisoner was convicted for a Libel upon the Judge of the District Court and was sentenced to 6 months imprisonment and to pay a fine of £150. A pardon was granted him on condition that he paid the fine, which was immediately paid.
2 Charles Rudman ...	By the Supreme Court	6 years ...	Feb. 11, 1864 ...	Dec. 7, 1860 ...	A Petition was presented by the prisoner through the Gaoler to His Excellency the Governor on his visiting Nelson with a character for good conduct. His Excellency said that he should lay it before Mr. Justice Gresson who tried the case and the memorial should be considered. The Prisoner was convicted on a charge of Bestiality.	On His Excellency's arrival again at Auckland, the prisoner received a letter to say that if his conduct could be recommended at the close of that year, a memorial would then be favourably received; his conduct had been uniformly good all the time and on a memorial being forwarded at the close of the year he received a pardon.
3 Henry Dillon ...	By the Supreme Court	2 years ...	July 15, 1862 ...	August 12, 1861	A Memorial was sent by the Prisoner through the Gaoler to His Excellency through the hands of Mr. Justice Johnston with a character for good behaviour in the Gaol, praying for a remission of his sentence on account of the conviction of Wm. Harper the constable the principal witness against him for Perjury.	The prisoner was convicted of highway robbery and violence through the evidence of Wm. Harper, the constable who swore that he took a certain knife from the prisoners pocket claimed by the prosecutor at his trial. The constable was afterwards indicted for Perjury, tried and convicted on the oaths of five witnesses who said the same knife was picked up by a boy the day after the robbery was committed.

PROVINCE OF NELSON (continued).

Names.	By what Court sentenced.	Term of Sentence.	Date when Sentence would expire.	Date when Pardon took effect.	By whom recommended for Pardon.	General Remarks.
4 William Harper ...	By the Supreme Court	2 years ...	July 14, 1863 ...	March 12, 1862	A Petition was sent to His Excellency through the hands of Mr. Justice Johnson signed by some inhabitants of Nelson praying for remission of his sentence on a declaration of his innocence of the charge, accompanied by the affirmation of another constable now in Sydney who was present when Harper searched Dillons pockets and took the knife from them at the Lock-up on the night of the Robbery.	The prisoner was tried and convicted on the oaths of five witnesses who said the knife was picked up by a boy (one of the witnesses) on the road where the robbery took place on the morning after the robbery and was sent down to the Police Office the following day. They all identified the knife as being the same and through their evidence he was convicted of Perjury against Dillon.
5 Pepene, (native) ...	By the Supreme Court	Death by hanging		Conditional pardon 3 years, Penal servitude will expire Jan. 17, 1865	The Jury in finding a verdict of guilty against the prisoner recommended him to mercy on account of his being provoked through jealousy, convicted for Murder.	His Honor Mr. Justice Johnston forwarded the verdict to His Excellency who granted him a pardon, on condition that he should be kept in penal servitude for three years from the day of his trial January 18th, 1862.

WM. RODGERSON,
Gaoler.

PROVINCE OF CANTERBURY.

Return of Prisoners whose Sentences have been remitted, in whole or in part, by His Excellency the Governor, since 1st January, 1860.

Name of Prisoner.	Date when Sentence would expire.	Date when Pardon took effect.	By what Court Sentenced.	Term of Sentence.	By whom Recommended for Pardon.	General Remarks.
1 William Butcher ...	May 8, 1860 ...	Jan. 6, 1860 ...	Supreme Court ...	12 months		
2 Adolphus James Andrews ...	May 8, 1860 ...	Jan. 5, 1860 ...	Supreme Court ...	12 months		
3 Alfred Ronnage ...	April 15, 1860 ...	Sept. 14, 1860 ...	Supreme Court, Lyttleton	12 months		
4 Thomas Metcalf ...	March 1, 1861 ...	Jan. 6, 1860 ...	Supreme Court, Christchurch	2 years ...		
5 John McLaughlin	Dec. 1, 1860 ...	Oct. 19, 1860 ...	Supreme Court, Lyttleton	12 months		
6 Thomas Codling ...	Feb. 2, 1862 ...	Oct. 19, 1860 ...	Supreme Court, Christchurch	2 years ...		
7 John Williams ...	Aug. 31, 1861 ...	July 23, 1861 ...	Supreme Court, Christchurch	12 months		
8 George Ashton ...	May ...	June 6, 1861 ...	Supreme Court, Christchurch	12 months	By Ministers, on report of	
9 Benjamin Milner ...	Dec. 4, 1861 ...	Aug. 5, 1861 ...	Supreme Court, Christchurch	12 months	His Honor Mr. Justice	
10 Alexander Scott ...	Nov. 1, 1861 ...	Sept. 2, 1861 ...	Supreme Court, Christchurch	12 months	Gresson.	
11 Alfred John Davies	Feb. 28, 1862 ...	Sept. 2, 1861 ...	Supreme Court, Christchurch	8 months	"	
12 William Wynne Goodrich ...	Feb. 28, 1862 ...	Sept. 2, 1861 ...	Supreme Court, Christchurch	12 months	"	
13 Robert Hoseason ...	Aug. 21, 1862 ...	Sept. 2, 1861 ...	Supreme Court, Christchurch	12 months	"	
14 Hannah Bone ...	Feb. 28, 1862 ...	Nov. 6, 1861 ...	Supreme Court, Christchurch	2 years ...	"	
15 James Johnson ...	June 14, 1862 ...	Dec. 3, 1861 ...	Supreme Court, Christchurch	2 years ...	"	
16 John Parsons ...	June 20, 1862 ...	Dec. 3, 1861 ...	Supreme Court, Lyttleton	3 years ...	"	
17 William Spong ...	Dec. 4, 1864 ...	Jan. 8, 1861 ...	Supreme Court, Christchurch	12 months	NOTE.—The records of the	
18 Charles Berjew Fooks	June 20, 1862 ...	Feb. 6, 1862 ...	Supreme Court, Christchurch	4 years ...	Attorney-General's Office,	
19 Westby Hawkshaw Percival ...	Sept. 28, 1862 ...	March 6, 1862 ...	Supreme Court, Christchurch	12 months	from 1st January to 28th	The petition endorsed by predecessor, Mr. Reston.
20 Michael Dooly ...	June 20, 1862 ...	March 6, 1862 ...	Supreme Court, Christchurch	18 months	June, 1862, were lost in	Petition endorsed by predecessor, Mr. Reston.
21 Bartholomew Hayden	May 27, 1862 ...	March 6, 1862 ...	Supreme Court, Christchurch	12 months	the "White Swan."	Petition endorsed by predecessor, Mr. Reston.
22 James Smith, <i>alias</i> John Ashworth ...	Dec. 26, 1862 ...	March 7, 1862 ...	Supreme Court, Christchurch	12 months		Petition endorsed by predecessor, Mr. Reston.
23 W. H. Johnstone ...		May 16, 1862 ...	Supreme Court, Christchurch	2 years ...		Recommended to His Honour the Judge by me for remission. Class 1. Exemplary.

PROVINCE OF CANTERBURY (continued).

Name of Prisoner.	Date when Sentence will expire.	Date when pardon took effect.	By what Court Sentenced.	Term of Sentence.	By whom Recommended for Pardon.	General Remarks.
24 James Evans ...	Feb. 28, 1864 ...	May 29, 1862 ...	Supreme Court, Christchurch	3 years ...		This petition endorsed by me, notifying continuance of bad habits, dating each breach of discipline and sentence of solitary confinement, by my predecessor and self. This man specially was recommended by gaoler as <i>not worthy</i> of His Excellency's clemency. He was classed 4. Bad.
25 Thomas Evenden...	August 31, 1862	May 29, 1862 ...	Supreme Court, Christchurch	6 months		This man, <i>before</i> and after his conviction had periodical fits. Recommended to His Honor the Judge by gaoler.
26 James Henry Pelham	Feb. 16, 1863 ...	Aug. 19, 1862 ...	Supreme Court, Christchurch	2 years ...		Class 1.—Recommended by gaoler to His Honor the Judge.
27 Thomas Strandet...	Feb. 16, 1863 ...	Aug. 19, 1862 ...	Supreme Court, Christchurch	2 years ...		Class 1.—Recommended by gaoler to His Honor the Judge.
28 Thomas King ...	Oct. 7, 1862 ...	Aug. 19, 1862 ...	Supreme Court, Christchurch	1 year ...		Class 1.—Recommended by gaoler to His Honor the Judge.

E W. SEAGER, Gaoler.

PROVINCE OF OTAGO.

Return of Prisoners whose Sentences have been remitted, in whole or in part, by His Excellency the Governor since 1st January, 1860.

Name of Prisoner.	Offence.	Date when Sentence would expire.	Date when Pardon took effect.	By what Court sentenced.	Term of Sentence.	By whom recommended for Pardon.	Remarks.
1 Michael McGlone	Desertion and escaping from Gaol	July 4, 1860	May 17th, 1860	Supreme Court...	9 months ...		These Prisoners conduct while in Gaol was good, and were allowed to Petition by Mr. Justice Gresson.
2 Charles Garthorne	Ditto	Ditto	Ditto	Ditto	Ditto		
3 John Hunter	Ditto	Ditto	Ditto	Ditto	Ditto		
4 John Bannon	Larceny and attempt to break out of Gaol	April 28, 1862	April 19, 1862	Ditto	6 months and 1 week ...		
5 James McGovern	Larceny	June 13	June 4	Ditto	6 months ...		
6 John Campbell	Assault	June 16	Ditto	Ditto	Ditto		
7 Thomas S. Souther	Larceny	June 20	Ditto	Ditto	Ditto		
8 Daniel Daw	Assault	July 6	Ditto	Ditto	Ditto		
9 George Smith	Larceny and attempt to break out of Gaol	July 28	Ditto	Ditto	9 months and 1 week ...		
10 Emily Ruffles	Larceny	September 15	August 11	Ditto	6 months ...		
11 John Wilson	Ditto	October 6	Ditto	Ditto	9 months ...		
12 Henry Jones	Burglary	October 26	Ditto	Ditto	12 months...		
13 James Kenny	Assault and Robbery	November 12	Ditto	Ditto	Ditto		

JOHN STODDART,
H. M. Gaol, Dunedin.

20th August, 1862.

DISTRICT OF WANGANUI.

Return of Prisoners whose Sentences have been commuted, in whole or in part, by His Excellency the Governor, since January 1, 1860.

Name of Prisoners.	Date when Sentence would expire.	Date when Pardon took effect.	By what Court sentenced.	Term of Sentence.	By whom recommended for Pardon.	Remarks.
1 Rapura (aboriginal native) ...	April 17, 1863 ...	August 2, 1862 ...	Resident Magistrates' Court ...	2 years ...	W. Wyburn, the prosecutor, H. B. Roberts, and D. S. Durie, Resident Magistrate.	—

DAVID ATKINSON,
Acting Gaoler, at Wanganui.

