

Report of Committee on Secondary punishments
in lieu of Transportation omitted from this volume.

New Zealand.

HOUSE OF REPRESENTATIVES.

APPENDIX A. TO REPORT OF SECONDARY PUNISHMENT COMMITTEE.

Auckland,
1st August, 1854.

SIR,

I beg to forward to you, as Chairman of the Secondary Punishment Committee, the notes I promised yesterday, I desire also to apologise for the length to which they have run, and to thank the Committee for the great courtesy they have shown me.

I have the honour to be,

Sir,

Very faithfully yours,

W. MARTIN.

E. J. Wakefield, Esq., M.H.R.,
&c., &c., &c.

MEMORANDUM ON DRAFT REPORT.

I believe the statements as to the number and sources of our criminal population are quite correct. Also, I must heartily concur in the hope expressed by the Committee, that some effort may be made to repress the vice of Drunkenness so frightfully prevalent in this Colony.

Before considering the several recommendations contained in the Report, I wish to premise a few remarks on the fundamental principle of Legislation on Criminal matters.

The main object then of all punishment awarded by the Criminal Law is the repression of crime by the dread of punishment, the reformation of the convict is not the primary object, except in no far as the term of reformation is taken in the narrow sense of a discontinuance of criminal acts, produced by the motive of fear.

But even with a view to this primary object it is necessary that the punishment be not such as to corrupt and harden the criminal. For if, in the course of punish-

ing him, we introduce a new source of criminality the means we employ are opposed to the end we seek, we ought then never to subject a prisoner to treatment or influences, which we know beforehand will certainly debase and corrupt him.

I do not see how this principle if accepted, can be faithfully or successfully carried out, except on what is called "the Separate System." I mean the system under which the prisoner is separated, (not from all his fellows creatures as under the "Solitary System") but only from his fellow prisoners, receiving regular visits from the officers of the prison, from a minister of religion, magistrates, and from discreet and trustworthy visitors of other classes under proper limitations. I believe that this entire isolation from fellowship with others of their class, this crossing of old habits, combined with silence, denial of indulgences, strict discipline and constant labour, is found to be a punishment greatly dreaded by criminals. It has also the vast advantage that the prisoner does not become acquainted with or known to others of the criminal class. Whilst the association of criminals, especially in public, (as in road-gangs) tend to form a special class of confirmed criminals known familiarly to each other, distrusted and feared by every one else, a class of men almost forced by circumstances to continue criminal, under such circumstances little or no benefit can be expected to flow from good instruction or moral influence of any kind, I am speaking of the tendency of the system. In a country like this, many years might elapse before the results would be manifest, but hitherto in countries which have had no means of banishing their criminals, a "dangerous class" of this kind has been formed, colonial legislation at this early stage must contemplate tendencies rather than results. If it be a real tendency in the nature of things, it should not be overlooked especially in forming a plan intended to be permanent.

It seems, therefore, that this should be regarded from the very beginning as that form of punishment which we desire to establish, and to which therefore we should endeavour practically to approximate as soon and as far as possible, whatever may be the difficulties lying in the way. Now I do not anticipate much difficulty in finding some kind of useful labour which may be combined with separate confinement.

RECOMMENDATION 2.

To try this principle, suppose like crimes committed by two men, a strong man and a weak one. Would not the two men receive different punishments the offences being equal.

4. I have mentioned above my reasons for thinking that under a permanent system no association of prisoners should be retained.

5. & 6. In these I entirely concur, the assignment system interferes especially with the equality of punishment. It may result in a cruel slavery, or a most easy service according to circumstances.

7. As to juvenile offenders, I am inclined to believe whipping to be a good punishment especially for a first offence, but to be effective it must be private and inglorious and severe. I remember to have heard statements strongly in favour of this opinion made by the Governor of the House of Correction in Coldbath Fields, persons of experience as humane as any of us, have come to the conviction that the first punishment of such offender should be severe, if we intend to keep the lad out of gaol for the rest of his life.

8. As far as I have learned no satisfactory result has followed attempts to classify criminals whether the class be composed of persons about the same age, or of persons convicted of like offences still persons of very different degrees of de-

pravity will be thrown together. The individuals who have the greatest power to corrupt their fellows cannot be picked out and set apart, and even if we could succeed in forming classes of exactly uniform criminality, still the mere association of such persons, the forming of small societies, governed by a criminal opinion common to all, will tend to deprave them further.

This defect has been attempted to be remedied by a further subdivision: I find it stated on authority that in some prisons in England there have been 15 Classes, at the best this seems a very imperfect approximation to the separate system

I take the words equality for "all denominations" in a sense consistent with good order; thus that each prisoner should be asked to name the religious body to which he professes to belong, and that notice should be given to the nearest minister of that body, and that the prisoner should be appropriated to such minister if he be willing to take upon him the task of instructing the prisoner.

As to the comparison between several local institutions and a single central or general one, there is one advantage attending the former plan which deserves to be noticed; viz., that a larger amount of experience might be accumulated, and by comparing the different results, the best method is sooner discovered.

APPENDIX B TO REPORT OF SECONDARY PUNISHMENT COMMITTEE.

Copy.

House of Representatives,
20 June, 1854.

Sir,

I have been instructed by a select Committee of this House, appointed to consider and report on "the best form of secondary punishment in lieu of transportation," to write to your Honour, in order to ascertain whether you would be willing to give the benefit of your advice and assistance to the Committee, and if so, in what way it would be most convenient to your Honour to do so.

In complying with the instructions of the Committee, I have to beg that your Honour will believe how entirely the request of its members is actuated by the desire that their deliberations should possess the great advantage which would be conferred upon them by a knowledge of the opinions of the highest authority on the subject in this country.

I have the honour to be

Your Honour's most obedient
humble servant,
E. J. WAKEFIELD,
Chairman of the Committee.

To his Honour the Chief Justice,
&c. &c.

Taurarua, 22 June, 1854,

Sir,

I cannot say that I have given much consideration to the subject of secondary punishments in lieu of transportation, having assumed that the system recently established in England would be adopted, in substance in this Colony. But I am very desirous to render to the Committee any assistance which may be in my power. I would propose therefore that (if consistent with the rules of the Committee) I may be allowed to see the draft of the report, or a memorandum of the principal matters to be comprised therein, before it is submitted to the Committee for their acceptance. I will then make a note of any suggestion that may appear worth offering to you.

Thanking yourself and the Committee for your courtesy,

I have the honour to be, Sir,

Your obedient servant,
WM. MARTIN.

To E. J. Wakefield, Esq.,
Chairman of Committee
on Secondary Punishments.

Copy.

House of Representatives,
20 June, 1854.

Sir,

I have been instructed by a select Committee of this House, appointed to consider and report on "the best form of secondary punishment in lieu

of transportation," to write to you to ascertain whether you would be willing to give the benefit of your advice and assistance to the Committee, and if so, in what way it would be most convenient to you to do so.

In complying with the instructions of the Committee, I have to assure you that its members have been induced to make this request by the desire to avail themselves, in their deliberations, of the valuable opinions on the subject which your position as the law adviser of the Crown has enabled you to form.

I have the honour to be, Sir,

Your most obt. servant,

E. J. WAKEFIELD
Chairman of Committee.

The honourable the Attorney General,
&c. &c.

COPY.

June 21, 1854.

Sir,

I reply to your note of yesterday, on the subject of the proposed enquiry as to the best form of secondary punishment. I shall be glad to meet the Committee at any time that may be most convenient to themselves, and to give them all the information and assistance it may be in my power to afford.

I have the honour to be, Sir,

Your most obt. servant,

WM. SWAINSON,
Attorney General.

To. E. J. Wakefield, Esq.

House of Representatives,
21 June, 1854.

My Lord,

I have been instructed by a select Committee of this House, appointed to consider and report on "the best form of secondary punishment in lieu of transportation," to write to your Lordship, in order to ascertain whether you would be willing to give the Committee the benefit of your advice and assistance, and if so, in what way it would be most convenient to your Lordship to do so.

In complying with the instructions of the Committee, I have the honour to explain to your Lordship that its members are especially desirous of availing themselves in their deliberations of the valuable opinions which your Lordship, as the head of a numerous and important class of teachers of religion and morality, has probably formed on the subject.

I take the liberty of suggesting, as important branches of it, the possibility of introducing a system of secondary punishment which should provide for the reformation of the criminal and the desirability of averting the degradation possibly ensuing from the exposure to the public gaze of prisoners at hard labour both to the prisoners and the public at large.

I indulge the hope that on these or other branches of the subject of the enquiry before the Committee, your Lordship may be willing to honour the Committee with a statement of your opinions either in writing, or orally, as may best meet your Lordship's convenience.

I have the honour to be,

My Lord,

Your Lordship's most obedient servant,

E. J. WAREFIELD.

To Bishop Pompallier.

Auckland, June 22, 1854.

Sir,

I received and perused with a peculiar attention the esteemed letter you wrote to me yesterday according to the wishes of the select Committee over which you preside, to consider and report on the best form of secondary punishment in lieu of transportation.

In reply, I beg to state to you and to the honourable members of your select Committee, that I will feel most happy to comply with your common request and indulgent confidence whenever my pastoral duties will allow me to do it, and in the manner it may please the Committee, for the matters concerning a system of curative punishment which charity, mercy, and prudence may suggest for the moral benefit of the persons who fall into iniquity and in the hands of civil justice.

Wherefore to peruse the documents or statements you would be pleased to hand over to me; to write or to say orally what I think about their contents; or even to give you some previous notes by writing on these subjects, and to go to your Committee and give the explanations you may wish to have on my part,—I will be glad to do it for co-operating in your so very laudable efforts towards the temporal and religious good of the poor prisoners.

As for the present, I have nothing prepared by writing on the subject of your letter, but in a few days can supply you with some general observations and information about the matter.

I have the honour to be, Sir,

Your most obedient humble servant,

† BT. POMPALLIER,

Bishop of Auckland.

E. J. Wakefield, Esq.,
Auckland.

COPY.

House of Representatives,

21 June, 1854.

Sir,

I have the honour to request that you will direct that the following documents be supplied at as early a date as possible, for the information of the select Committee appointed by this House, "to consider the best form of secondary punishment in lieu of transportation," viz :—

1. A return of all criminals sentenced by the Supreme Court of New Zealand, specifying the nature of their offences and punishments for the last two years ending on the 5th inst.

2. Copies of any despatches received by the Government from the Secretary of State for the Colonies, on the subject of substituting any punishment for transportation.

3. Copies of any London Gazette, or other documents in the possession of the Government, containing any information respecting the recent establishment of a system of penal servitude in England for a term of years, in lieu of transportation to the Colonies.

I have the honour to be, Sir,

Your most obedient servant,

E. J. WAKEFIELD,

Chairman of Committee.

To the hon. the Colonial Secretary.

Colonial Secretary's Office,

Auckland, 24th June, 1854.

Sir,

In accordance with the request contained in the 2nd paragraph of your letter of the 21st inst., I have the honour by direction of the Officer admi-

nistering the Government, to transmit herewith copies of two despatches received by the Colonial Government from Her Majesty's Secretary of State, on the subject of substituting any punishment for transportation.

The return of criminals you require will be furnished as soon as the necessary information has been received from the Registrars of the Supreme Court.

With reference to the third paragraph of your letter, his Excellency has directed me to inform you that he regrets being unable to furnish you with the recent Act of the 20th August, 1853. or with any of the London Gazettes, on the subject of "secondary punishment," as the Government are not in possession of these documents

Sir J. Pakington
to Sir G. Grey,
No. 20, 3 June,
1852.

Duke of Newcastle
to Sir G. Grey,
No. 92, 5 Dec.,
1853.

I have the honour to be, Sir,
Your very obedient servant,
ANDREW SINCLAIR.

To E. J. Wakefield, Esq.,
Chairman on Secondary Punishments.

COPY.

Downing Street, 3rd June, 1852.

Sir,

I have received from the Lieutenant-Governor of Van Dieman's Land a report that an aboriginal native, named "Te Aharu," having been transported to that Colony from New Zealand, he had sent him back.

I have felt it right to approve of the course which Sir William Denison adopted on this occasion. No native offenders must be transported from the Colony under your government to Van Dieman's Land.

I may further take this opportunity of stating, that in consideration of the various difficulties which New Zealand had to contend with, the practice of transporting European offenders from thence to Van Dieman's Land has been acquiesced in longer than in the case of any other Colonial possession. It is the only remaining one from which such transportation has not been prohibited. You will, however, have been prepared by my predecessor's circular despatch, dated 28 September, 1850, for expecting that this facility could not much longer be continued even to New Zealand.

I will not in this despatch put a sudden close to a means of punishment on which the Colonial Government has hitherto been able to rely. But I have to state that I do not think that it can be allowed to continue beyond next year, and I shall be glad if you will turn your attention to the best mode of providing for the secondary punishment of offenders within the limits of New Zealand, on the general objects to be arrived at in such secondary punishment. I feel it unnecessary to add to my predecessor's despatch, of which a copy is herewith enclosed for greater convenience of reference.

I h: &c.
JOHN S. PAKINGTON.

CIRCULAR.

COPY.

Downing Street, Sept. 28, 1850.

Sir,

1. Since I have had the honour of holding the seals of this department, my attention has repeatedly been called to the fact, that in most of the British Colonies the same difficulty of finding a good secondary punishment for offenders has been felt, which, you are doubtless aware, has been experienced in this country; and although I am not ignorant that the Colonies must differ too much in their circumstances from one another and from this country, to render it reasonable to suppose that any one system could serve for all; yet when I see that there is so

much similarity in the difficulties which are felt in Her Majesty's possessions abroad with those which have been met with here, it seems to me only due to the Colonies to put them in possession of any information it is in my power to supply as to the attempts which have been made at home to meet the exigency, although the details of the measures which have been adopted for the punishment of offenders convicted in the United Kingdom may not admit of being copied elsewhere. It is scarcely to be supposed that such extensive experiments can have been made without suggesting some general principles, which, with proper skill and attention, may be rendered applicable in other places.

* 1. Report on Portland Prison.

2. Lord Grey's Despatch, No. 66, April 27, 1848.

3. Lord Grey's Despatches, No. 114, July 25, and No. 116, July 27, 1850, with Enclosures.

3 A. Parliamentary Paper, No. 40, of 1850, and

3 B. Parliamentary Paper on Transportation by command, Feb. 16, 1847.

4. Parliamentary Paper, by command, on Transportation, Jan. 31, 1850.

5. Subsequent Half-Yearly Reports from Van Dieman's Land.

6. Parliamentary Paper, No. 104, 1850, on Penal Station at the Cape.

2. For this reason I transmit to you several papers, enumerated in the margin.* The report of Colonel Jebb, who is at the head of the administration of the prisons appointed for the reception of offenders sentenced to transportation, will show you the origin and the progress of the establishment at Portland, which has been lately formed, and in which great pains have been taken in rendering as perfect as possible the system of management adopted in employing convicts on a great public work. My own despatches to the Governor of Van Dieman's Land will exhibit the general views of Her Majesty's Government on the best mode of carrying into effect the punishment of transportation, both as these views were reduced to a system in April, 1848, and as they have been recently more completely developed in my despatches of the month of July of this year. The reports of the Lieutenant-Governor of Van Dieman's Land, and of the comptroller of convicts in that Colony, abound with important remarks both of principle and detail. And in the Parliamentary paper which I send you, on the penal gangs at the Cape of Good Hope, you will find an account of a signally successful Colonial establishment for the punishment of convicts.

3. You will observe that although the original name continues to be attached to the sentence of transportation, the removal of an offender from this country has long ceased to constitute the most important part of the punishment. According to the system which is now pursued, the prisoner is subject to three successive stages of punishment. First, a period of separate confinement; then employment at hard labour on public works; and, finally, removal for the most part accompanied with the indulgence of what is termed a ticket of leave to one of Her Majesty's Colonies.

4. The first stage is one of which the value must greatly depend on the existence of proper buildings, and also of a sufficient staff of officers for carrying it satisfactorily into effect. In some of the larger of Her Majesty's colonial possessions, such as the British provinces in North America, and in the Australian Colonies, it is probable that the means may exist, or may be provided, of administering the system as successfully as in this country. In others, it can hardly be expected that the expensive buildings and establishments which it requires, can be provided with the same perfection. This first stage of punishment is calculated to exercise a subduing and (if kept within proper limits) a salutary effect upon the minds of the prisoners; but whilst debarred all communication with one another, it is essential that they should receive frequent visits from the chaplain and officers of the prison, and should be taught some trade, and be carefully instructed, without which conditions the punishment has been found to be one of too painful a character.

5. The next stage of punishment appears well suited to restore the habits which fit men for acting together, and to revive the energy which long separate confinement is calculated to impair. But for the good working of the system of associated labour, it is of the utmost importance that effectual provision should be made for entirely separating the men at night, and for maintaining over them such a constant superintendence as may prevent bad language and disorderly conduct whilst they are engaged upon the works. When these requisites are duly provided for, experience proves that large bodies of convicts may be worked together in such a manner as to preserve amongst them decency and respectful conduct, and to afford fair securities against any spread of contaminating influence. Labour in gangs is

one of the punishments which, with more or less prospect of success, according to the extent to which the necessary means can be afforded, many of the Colonial Governments must have occasion to employ; and in many of the Colonies, where public works of various kinds, which it would be difficult otherwise to execute, are urgently wanted, the labour of convicts, properly applied, might become of very great value. Upon this subject I have particularly to call your attention to the great increase in the amount of labour, which it has been found possible to obtain from convicts under plans of late years adopted for stimulating their industry, as compared to that which could be enforced by a system of mere coercion.

6. But it is still necessary to look to an anterior stage in the progress of offenders before their punishment is completed, no one thing is more essential to good discipline amongst Convicts than that their hopes should be appealed to as well as their fears, and that they should feel conscious that they have in their own hands the means by good conduct of bringing about a progressive amelioration of their condition. For this reason they should not be detained too long in gangs upon public works; but should have in prospect a state of comparative freedom, where they may either work for private masters under certain restrictions, or if they shall work for the Government, may do so with higher advantages and under less restraint than when employed on the regular public works, this is what it is designed to effect by sending Convicts from this country with Tickets of Leave to the Colonies.

7. I am aware that that the Colonies have no means of adopting the same system is so far as this implies the expatriation of offenders, unless indeed it should be thought fit by the local authorities in any particular group of Colonies to effect this by co-operating with each other for the purpose. It is possible that it might be for their common benefit either in some cases to agree that there should be a penal settlement in some one Colony offering the greatest advantages for that purpose and that other Colonies should contribute towards the expense in proportion to the use they might make of it, or in other cases to agree for a mutual interchange of convicts, so that the part of the punishment of Transportation which consists of banishment would still be inflicted, this however, is a matter for the consideration of the local authorities in any Colonies of which the circumstances might admit of such an arrangement.

8. But I am anxious to point out to you that even if the removal of Convicts should be impracticable, there are few Colonies which do not possess within themselves the means of adopting that important part of the present system of this Country which consists in placing Convicts after they have passed through the earlier and more severe stages of punishment, in a situation in which they are still subject to a strict superintendence and some privations, and from which their restoration to more perfect freedom is made to depend upon their own industry and good conduct. There is no reason why offenders should not be placed under regulations similar to those which you will find laid down for the holders of Tickets of Leave in Van Diemen's Land without being removed from the Colonies in which they have been convicted. The high value of labour in most of the Colonies affords facilities for the adoption of such a system, and for requiring the payment of a certain sum from convicts before they are restored to more complete freedom, and in those which are still only partially settled the dispersion of convicts holding Tickets of Leave in the remoter districts, would answer all the purposes which in this country are accomplished by the removal to Australia. The payment so made and the forced labour of Convicts in the second stage of their punishment would afford material assistance in providing adequate buildings for the infliction of separate imprisonment, the value of which in the first put stage of punishment is becoming daily better established by experience.

I abstain from entering into the particulars of the system, it is intended to adopt, with respect to the holders of Tickets of Leave because you will find these explained as fully and as clearly as I could state them in my recent Despatches to the Lieutenant-Governor of Van Diemen's Land which accompanied this communication.

9. In conclusion, I have only to add that I shall rejoice if any part of the information which I now send you should prove useful to you, with a view to the satisfactory enforcement of the criminal law to the reformatory discipline of offenders, or to the beneficial application of their labour in the Colony under your Government.

I have, &c,
(Signed) GREY.

178.

Colonial Secretary's Office,
Auckland, 28th June, 1854.

SIR,
Referring to my letter of the 24th instant, No. 173, I have now the honour by direction of His Excellency the Officer Administering the Government to forward enclosed "a Return of Criminals sentenced by the Supreme Court at Auckland, specifying the nature of their offences and punishment for the last two years ending on the 5th instant."

I have the honour to be, Sir,
Your very obedient servant,
ANDREW SINCLAIR,
Colonial Secretary.

J. E. Wakefield, Esq.,
Chairman of Committee on
Secondary Punishment.

COPY.

Downing-street,
5th December, 1853.

SIR,—
With reference to the discontinuance of Van Diemen's Land as a Penal Settlement, my attention has been drawn by the Lieutenant-Governor to the circumstances that it is still the practice of your Government to send to that Colony occasional parties of convicts who may have been tried in New Zealand and sentenced to transportation.

I am aware that you have been entirely justified in hitherto following this course in pursuance of the instructions which you received from my predecessor, Sir John Pakington dated the 3rd June, 1852, that, under the peculiar circumstances of New Zealand he was not prepared to put a sudden and immediate close to the means of Secondary Punishment on which you had been able to rely up to that date.

It is necessary, however, that I should now instruct you that you must on no account send any more convicts from New Zealand to Van Diemen's Land. As you were apprized by my predecessor that the system must gradually be abandoned, and were directed to turn your attention to finding a substitute. I trust that you will have been prepared for the present instructions, and will have considered the changes that will be requisite in New Zealand. For some general observations on the means of providing for the punishment of offenders within the limits of the Colonies in which they are committed, I may refer you to Earl Grey's Circular Despatch dated the 28th of September, 1850.

I have already in a separate despatch addressed you on the subject of the disposal of Military Prisoners.

I have the honour, &c.,
(Signed) NEWCASTLE.

Governor Sir George Grey, K.C.B.,
&c., &c., &c.

June 28, 1855

DEAR SIR,

Respecting the documents referred to in the margin of Earl Grey's Circular of 28th September, 1850, about which Mr. Weld spoke to me this morning, stating that you wanted them. I beg leave to inform you that they cannot be found in the Private Secretary's Office where such documents are usually deposited. Herewith I forward to you for the perusal of the Committee an old Blue Book on the subject of their enquiry which may be of some use, and I hope to find in my private collection of papers some other such publications, which, if I find, I shall forward to you in the course of the forenoon.

A box has arrived by the Egmont with Acts of Parliament, which I suspect contain an Act of the last sessions on Secondary Punishments, and as soon as the box is landed I shall forward the Act for your inspection, &c.

I am, &c.,

A. SINCLAIR.

E. J. Wakefield, Esq.,

Legislative Council,

July 27, 1854.

SIR,—

I have the honour to acknowledge the receipt of your note of the 26th instant, requesting me to inform you "what progress the Secondary Punishment Bill has made in this Council," and to state, that, that Bill is ordered to be read a third time to-day.

I have the honour to be, Sir,

Your very obedient servant,

J. JNO. PIERCY,

Clerk of Legislative Council.

E. J. Wakefield, Esq.,
Chairman of Committee on
Secondary Punishment.

A RETURN of CRIMINALS sentenced by the Supreme Court at AUCKLAND, with the nature of their Offences and Punishments from 1st day of June, 1852, to the 5th day of June, 1854.

Prisoners.	Crime or offence charged	Date of committal	Day of Trial.	Verdict.	Sentence.
Frederick Florance	Forgery of a cheque on the Union Bank of Australia, Auckland	3rd April, 1852	1st June, 1852	Pleaded Guilty	To be transported beyond the seas to such place as his Excellency the Governor shall appoint for the term of seven years.
Daniel Sheeran	Highway Robbery, attended with violence	5th November, 1852	1st December, 1852	Guilty	To be transported beyond the seas to such place as his Excellency the Governor shall appoint for the term of fifteen years.
James MacMullen	Larceny	31st December, 1852	1st March, 1853	Plea Guilty	Imprisonment in the common Gaol of Auckland for the term of twelve calendar months, and to be kept to hard labour.
William Charles Heazlett	Larceny	21st June, 1853	1st September, 1853	Guilty	Imprisonment in the common Gaol of Auckland for the term of twelve calendar months, and to be kept to hard labour.
James Simpson	Larceny	18th July, 1853	2nd September, 1853	Guilty	Imprisonment in the common Gaol of Auckland for the term of eighteen calendar months, and to be kept to hard labour.
Jeremiah Cooper	Stabbing with intent to do some grievous bodily harm	20th June, 1853	1st September, 1853	Guilty	Transportation beyond the seas to such place as his Excellency the Governor shall appoint, for the term of his natural life.
William Moore	Wilful Murder	27th June, 1853	1st September, 1853	Guilty	To be taken to the place from whence he came and thence to the place of public execution at such time as his Excellency the Governor shall appoint, and there to be hanged by the neck till he be dead.
Thomas Walker	Larceny	17th September, 1853	1st December, 1853	Guilty	Imprisonment in the common Gaol of Auckland for the period of twelve calendar months, and to be kept to hard labour.
Henry Handcock	Larceny		1st December, 1853	Guilty	Imprisonment in the common Gaol of Auckland for the period of six calendar months, and to be kept to hard labour.
John Burke	Highway Robbery, with violence	17th February, 1854	1st March, 1854	Guilty of the assault	To be imprisoned in the common Gaol of Auckland for the period of eighteen calendar months, and to be kept to hard labour.
William Lamb	Larceny	21st February, 1854	1st March, 1854	Plea Guilty	Imprisonment in the common Gaol of Auckland for the term of six calendar months, and to be kept to hard labour.
Tamaki Waka	Assault, with intent to commit rape	4th April, 1854	1st June, 1854	Plea Guilty	Imprisonment in the common Gaol of Auckland for the term of two years, and to be kept to hard labour.
Edward Howell and Bernard McIlwrath	Feloniously and burglariously breaking and entering a dwelling house and stealing therefrom.	28th March, 1854	1st June, 1854	Guilty of the Larceny only	Transportation beyond the seas to such place as His Excellency the Governor shall appoint, for the term of seven years.
James Nudd and John Gowler	Larceny	12th April, 1854	1st June, 1854	Guilty	To be imprisoned in the common Gaol of Auckland for the period of eighteen calendar months, and to be kept to hard labour.
Taraiwara	Larceny	13th March, 1854	2nd June, 1854	Guilty	Transportation beyond the seas to such place as his Excellency the Governor shall appoint, for the term of seven years.

THOS. OUTHWAITE,
Registrar.

A RETURN of all CRIMINALS sentenced by the Supreme Court of New Zealand for the Southern Districts, from the 5th June, 1852, to the 5th June, 1854, in compliance with the Honourable the Colonial Secretary's letter, dated 22nd June, 1854.

Prisoners Name.	Age.	Trade or Employment.	Crime.	Place and date of Trial.	Sentence.	Remarks.
John Butler	60	Labourer	Larceny	Wellington, 1st Sept., 1852.	Six calendar months imprisonment with hard labour.	
William Wright	44	Ditto	A transported felon unlawfully at large before the expiration of his sentence.	Ditto Ditto	Transportation for life.	
Patrick Hayes	22	Ditto	Escape.	Ditto Ditto	Two years imprisonment with hard labour.	
George J. C. Godwin	19	Shopman	Stealing from his master.	Lyttelton, Nov. 8th, 1852.	Seven years transportation.	The prisoner was found guilty on the 2nd Count.
George Johnson	34	Labourer	Larceny, stealing a watch.	Lyttelton, Nov. 9th, 1852.	Seven years transportation.	
Patrick Hayes	22	Ditto	Asaault with intent to maim.	Wellington, Dec. 1st, 1852	Seven years transportation.	Had been previously convicted and sentenced to two years imprisonment, escaped from the Constable, was convicted and sentenced to 2 years further imprisonment on expiration of first sentence.
James Woods and Michael Morrisey	29 26	Labourers	Robbery from the person, attended with violence.	Wellington, Dec. 1st, 1852	Both prisoners sentenced to transportation for fifteen years.	Woods had been previously convicted of keeping a disorderly house and sentenced to three months imprisonment. Morrisey had been previously convicted of a similar offence and sentenced to two years imprisonment with hard labour.
Daniel Ikin Biass	53	Labourer	Felony, receiving money for discovering and yielding up stolen property without causing the offender to be apprehended and brought to trial.	Wellington, March 1st, 1853.	Seven years transportation.	Recommended to mercy.
Panapa	45	An aboriginal Native of New Zealand.	Felony, stealing.	Wellington, March 31, 1853	Seven years transportation.	
Ditto	"	Ditto	Felony, shooting with intent to murder or do some greivous bodily harm.	Ditto Ditto	Fifteen years transportation after expiration of first sentence.	
Joseph Brown	31	Labourer	Assault, with intent to ravish a child under the age of ten years.	Wellington, Sept. 1, 1853.	Six months imprisonment with hard labour.	The prisoner was found guilty of common assault only.
Richard Smith	53	Labourers	Richard Smith stealing in a dwelling house to above the value of five pounds. Thos. Anderson and John Thirst, being present, aiding, abetting, and assisting Richard Smith in the said felony.	Wellington, September 1, 1853.	The three prisoners were sentenced to transportation for ten years.	Richard Smith had been frequently tried for felonies and had been convicted several times. A shorter sentence of transportation would have been passed on the two other prisoners, but the Law does not allow it.
Thomas Anderson	32					
John Thirst, otherwise Thirst, otherwise Thurst	33					
John McAllarney	29	Labourer	Stealing in a dwelling house	Wellington, March 1, 1854	Three months imprisonment with hard labour.	The prisoner had returned the stolen property and was recommended to mercy by the Jury.
Wekipiri Kakahoroa	supposed about 40.	An Aboriginal Native	Setting fire to a stack of Wheat	Ditto ditto	Twelve calendar months imprisonment with hard labour.	The Jury recommended the prisoner to mercy.
Tabana Wira	supposed about 35.	Ditto	Stealing in a dwelling house	Ditto ditto	Six calendar months imprisonment with hard labour.	The prisoner was found guilty of stealing, but not in a dwelling house.

ROBERT R. STRANG,
Registrar.

