

these circumstances, and believing that when we saw him at Apis Creek he was a good member of society, we have now no hesitation in recommending the prayer of the petition.

(Signed),

E. S. HILL.

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G. HILL.

(No. 2.)

Minute of the Sheriff.

Francis Christie, *alias* Clarke, *alias* Gardiner.

In returning the petition in this case with the usual particulars of conviction, I have thought it desirable to accompany the same with a special report from the principal gaolers (herewith enclosed) upon the conduct and services, together with a report from the visiting surgeon, respecting the health of the prisoner.

Having regard to the prominence of prisoner's career, the circumstances attending the offences of which he was convicted, and the great length of his sentence (thirty-two years), the dealing with this case is of unusual importance, in respect of its bearing upon those of numerous other prisoners serving long sentences for offences of a similar character imposed during the prevalence of bushranging, who will form expectations or modify their hopes of commutation according to the decision that may be arrived at.

There is in the minds of those prisoners an expectation, founded partly upon the remarks of the judges when passing sentences, and partly upon the action of the Government in reductions made in some of the sentences referred to, that such sentences are not intended to be served in full, or even up to the periods of remission provided by the regulations. And if this view is to be entertained, it is desirable that the subject should be considered, and this and the other cases alluded to dealt with under a general idea of reduction of terms of sentence, modified in each case by the circumstances and the prison career of the prisoner; the greater proportionate reduction being allowed in the longer sentences according to the principle laid down in the Remission Regulations.

It probably was never contemplated that this prisoner should serve the full period of his sentence; and as he has now served eight years and the crime of bushranging has been practically abated, the time for making any limitation would not seem to be unfavourable. This remark applies to the other cases in the same category. Such a course would tend to settle the minds of the prisoners concerned, and give them encouragement in reformation of conduct and industry.

In the cases of the prisoners referred to, the granting of additional pardons (to exile) would in many respects be more desirable than the granting of actual remissions, and would admit of cases being dealt with at earlier periods, and without so apparent an interference with the ordinary operation of the Remission Regulations. The release of a prisoner under a conditional pardon is not open, as regards its effect on the criminal class, to so strong objections as his release in this Colony, wherein he might return to his former neighbourhood.

If any reduction be made in the sentence of this or any other similarly situated prisoner, I would suggest that it be made so that he could earn remission according to the regulations upon the reduced period, in order not to withdraw the incitement to good conduct and industry; thus, were his sentence reduced to twenty or fifteen years, that he could earn a further reduction of one-fourth. A conditional pardon granted after a service of ten years, would be about equivalent to the reduction of a sentence to fifteen years on the terms above mentioned. The advantage to the prisoner indeed would generally be with the latter.

(Signed),

HAROLD MACLEAN.

Principal Under-Secretary, B.C.
September 12th, 1872.