

AN EX-CONVICT ON REFORMATION.

THE CAREER OF A BUSHRANGER.

The Melbourne "Argus" of Monday reports a case that was heard before the Police Bench of that city, curiously illustrative of the wavering fortunes attending a bushranger's career, and pointing with unmistakable clearness to the deficient working of our present penal system. Henry Garratt, *alias* Rouse, was charged with being a prisoner of the Crown illegally at large. Garratt had been "forwarded from New Zealand in charge of two detectives, and in accordance with instructions issued by Police-Commissioner Brannagan at Otago. During the year 1854 Garratt's name figured conspicuously in Victorian bushranging annals. In 1855 he appeared as ring-leader of a band of desperadoes who robbed the Bank of Victoria at Ballarat. Soon after the perpetration of that outrage he was arrested, tried, and sentenced to ten years' penal servitude in Pentridge Stockade. In consequence of his good conduct while in confinement, he was granted a ticket-of-leave in 1861. According to his own account, he was then advised by the heads of the police department to leave the colony without loss of time, or else he would be subjected to the endless persecution of the police. Acting upon this suggestion, Garratt started on foot from Melbourne on an overland trip to Sydney, with a floating capital of one shilling and a halfpenny in his pocket. After enduring many privations and surmounting numerous difficulties, he arrived at his destination. By friendly assistance a passage was secured for him in a sailing vessel bound for a New Zealand port, and in the course of a few weeks Garratt once more felt firm earth and a virgin soil beneath his tread, and his individuality in a great measure screened from the prying interference of Victorian detectives. Whatever

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schemes of social prosperity and peaceful occupation Garrett may have been revolving in his mind at this period of his history appear to have been completely dispelled by the first sight of the waving forests and sunny slopes of the Maungatien Ranges. His old spirit of lawlessness returned with renewed vigor, and, by way of speedily establishing for himself a local habitation and a name, he "stuck up" twenty-three persons during one day. His capture soon followed, and he was sentenced to eight years' penal servitude in Dunedin Gaol. His exemplary prison conduct again brought him under the notice of the gaol functionaries, and on the expiration of the sixth year of his term, His Excellency the Governor granted him a free pardon. About a fortnight ago he was discharged from custody. Shortly before his discharge, and while at work in the quarries, Garratt sustained a severe injury in the knee, which necessitated his going into hospital after leaving the gaol. While under medical treatment he received a message from the chief commissioner of police, inquiring if it was his (Garratt's) intention to remain in the colony. Garratt replied that he did intend to remain in Otago, because he could secure an honest livelihood in New Zealand; but that his well known character in Victoria would debar him of all chance of remunerative employment. He likewise expressed his willingness to go to America if the Government would guarantee his passage. This answer seems not to have dovetailed with the police-commissioner's arrangements, and he accordingly proceeded to the hospital, accompanied by eight subordinates, arrested Garratt, refused him an interview with his medical adviser, bundled him into a dray, and subsequently shipped him, in the custody of two detectives, on board the steamer Auckland, which was about sailing for Melbourne, at which city he was to be charged, under the Convicts Prevention Act, with being a prisoner of the Crown illegally at large. When

placed in front of the dock on Saturday, Garratt persistently protested against being remanded. He mentioned that he had no desire to remain in Melbourne, where "people would set their dogs upon him;" and that he preferred returning to Otago. He further insisted that the offence with which he was charged was a compulsory one, and had been pressed upon him by the malevolent course adopted by the New Zealand police. In fact he was guiltless of the charge. The Act provided a penalty of two years' imprisonment for any felon landing in this colony who had not exercised the privileges of a freeman for two years previously. One of the detectives who accompanied Garratt from New Zealand informed the Bench that the prisoner had been arrested without a warrant. Superintendent Lyttelton read a letter which had been received by Captain Standish, from the police department at Otago, intimating that the time of the Auckland's sailing prevented the issuing of a warrant, and that the prisoner had been "forwarded" without the document. Mr Sturt censured the course Mr Brannagan had taken in the matter. The prisoner was allowed seven days to leave the colony, otherwise he would be sent back to Otago. Garratt said if the Government would not grant him a passage he would be "knocked about like a shuttlecock" between the police functionaries of Otago and Victoria. He was told to bring the matter before the chief commissioner in Melbourne.

It may not be generally known, but we have reason to believe that men of the Garratt stamp are frequently forwarded from Melbourne to Sydney and other portions of Australia at the expense of the Government of Victoria. The unfortunate man has made himself heard, and has succeeded in bringing the "Argus" to his aid, as we find the following article in that journal of Thursday last:—

When the police constable, in "Bleak House," who has peremptorily ordered

the crossing-sweeper to "move on," is meekly questioned by Mr Snagsby "Where?" the civil functionary makes answer, "My instructions are that this boy is to move on." Whereupon, says Mr Dickens, "Mr Snagsby coughed his forlornist cough, expressive of no thoroughfare in any direction." The poor boy's dilemma was precisely that in which our correspondent, Henry Garratt, finds himself. Released from penal servitude in 1861, he was ordered to "move on," and travelled overland from Melbourne to Sydney. Thence he "moved on" to New Zealand, where he relapsed into his old habits as a bushranger. He was again sentenced to penal servitude, and after six years' imprisonment, received a free pardon. On his discharge, he was once more directed to "move on," and was shipped to Melbourne in the custody of two detectives. Here he finds himself confronted by the inevitable police officer uttering the unvarying mandate "move on." To quote his own words, he appeared to have "no right to be anywhere," and like the benevolent law stationer, he can discover "no thoroughfare in any direction." His case is truly a hard one, and it is one for which neither the law nor society makes any provision. The law has punished him for his crimes, and society rejects all fellowship with him. He exposes the hardship of his position with an earnestness and a simplicity that are as impressive as eloquence. "The law," he says, "gives me no rights, affords me no protection. What is it that confers a right of residence; and what is it that deprives me of this right? When is the law satisfied, and when may an error or even a crime be supposed to be atoned for? If, as in any case, never, what a mockery to talk of reformation." It is not often that we have the advantage of hearing this problem propounded by an ex-convict; and it assumes all the greater importance now that we know in what

light the question presents itself to the minds of men who have a vital interest in its satisfactory solution.

Assuming, as in charity it may be assumed, that our correspondent would become an honest and reputable member of society if he could, what opportunity is afforded him of so doing? The discharged convict is treated as an Ishmaelite, whose hand is supposed to be against every man, and against whom, accordingly, every hand is lifted up, if not to strike, at any rate to warn and repel. For him there is no *locus penitentiae*, no process of lustration, no period of transition during which he may be enabled to pass from a life of crime and immorality to one of virtue or decorum. Practically, society declares that "once a criminal always a criminal," and thus violates the fundamental precepts of that religion which is commonly believed to constitute the basis of our ethics and of our system of jurisprudence.

That society individually should entertain a strong objection to furnish employment to, and to place confidence in, men who have been convicted of serious crimes, is only natural. But that society collectively, by its government or by benevolent associations, might do much for the permanent reclamation of discharged criminals, and their restoration to the pursuits of honest industry, is proved by what has been accomplished in Europe. About thirty years ago, a French Abbé, named Conral, painfully impressed by the obstacles which presented themselves in the way of female convicts, more especially, obtaining employment on their discharge from prison, opened an asylum for the reception of such persons near Montpellier. He placed it under the care of a religious sisterhood, whose efforts were directed to the moral and industrial instruction of the inmates. A garden, vineyard, and olive plantation were cultivated by the more robust of the women, and others found occupation in needlework. the

laundry, and the general duties of the household. In this establishment, which received the name of the Solitude of Nazareth, there was no restraint upon the liberty of the inmates, and the only punishment it was found necessary to institute was to threaten them with expulsion before the term of their moral and industrial apprenticeship had expired. To quote the language of one of the Nazarenes—"It was a place of transition, a free family, where they found protection, sympathy, employment, and good example; a family from which they departed with a certificate of good conduct, after having learned to practise the duties of a free condition, before availing themselves of their right to freedom." Up to the year 1852 no less than 360 of these unfortunates had been either restored to their families, or placed in respectable situations; and of this number six only had fallen back upon evil courses. Yet the cost of maintaining this institution did not exceed L1300 per annum. Besides discharged female convicts, the Solitude of Nazareth opened its doors to young women above sixteen who had no other refuge from a life of vice, to those who had been acquitted of offences in consideration of their youth and ignorance, and to others who had rendered themselves liable to a brief imprisonment. All these continued under the guardianship of the sisterhood until the age of twenty; and it was found that a sensible diminution took place in the number of female convicts committed to the Central Prison at Montpelier after the foundation of the Solitude of Nazareth.

The efficacy of such a probationary establishment having been proved in respect to female criminals, there can be no reason to doubt that an institution of this kind would be equally beneficial as regards male prisoners who have received their discharge. But, although the State might be justly asked to contribute to such an object, we believe that it would be most

effectually carried out by private effort; especially if it were possible to enlist in the work some zealous philanthropist, or one of those benevolent and self-denying associations of Christian men and women, to whose noble devotedness to the cause of charity no differences of religious opinion should render us indifferent or unjust. It is by agencies like these, in which the moral beauty, the unselfishness, and the benignity of personal character, are brought to bear immediately and constantly upon the people to be instructed and reformed, that the greatest and happiest results are effected. What is required is not so much the theories of a Beccaria or a Bentham, but the practical kindness, sympathy, and benevolence of a St Vincent de Paul, a Florence Nightingale, or a Mrs Fry.

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