

No 42070 Name Murray, Graham Charles.

72

Height	5' 5 1/2"	Sentence	6 mos. impl.	2 months	6 months
Weight	18. 4			impl. (1st & 2nd cts.)	
Complexion	Light		6 mos. impl.	on each	18 months
Hair	Dark			count	on 3rd & 4th cts.
Eyes	Brown		6 mos. impl.	2 months	concurrent
Nose	Grey			concurrent	on 3rd & 4th cts.
Mouth		Date of Conviction	19. 5. 32.	16. 10. 35	1. 7. 36
Chin				21. 10. 35	
Eye brows		Offence	False Representations	Imposition	False
Visage			3 counts	3 counts	Preterence (2)
Forehead				Imposition	Forgery
Date of Birth	10. 12. 1898			Imposition	Uttering
Native Place	Ex. Clerk.	Where and Before	Melbourne	Land	Melbourne
Trade	Ex. Clerk.		Kelly Ser.	Melbourne	General
Religion	Ch. of E.	Whom Tried	Chairman	D. S.	Sessions
Read & Write	Both.		of Bench	Ch. J. Bench	Judge
				Ch. J. Bench	Judge
				Ch. J. Bench	Judge
Previous History	3. 3. 34				

Particular Marks

PHOTOGRAPHS

42070 Graham C. Murray. July 1933 | Born Dec. 1901



At Which Station	When Received
Metropolitan	12. 5. 32.
Pentridge	25. 5. 32.
To Freedom	11. 8. 33.
Pentridge	12. 10. 35
To Freedom	9. 3. 36
Pentridge	13. 6. 36
Belong	9. 7. 36
To Freedom	7. 4. 38

WARRANTS DISCHARGE 15. 2. 36
TO FREEDOM BY PERMISSION 9. 3. 36

WARRANTS DISCHARGE 14. 4. 38
TO FREEDOM BY PERMISSION 7. 4. 38

Offences, Sentences, etc

Extensions by
Visiting Justice Governor

M D M D

42070 Graham C. Murray. Mar 1938 Born Dec 1898



No 42071 Name Barnes, Arthur John

Height	5' 7"	Sentence	To be imprisoned until he pay the sum of £9.12.0.			
Weight	10. 7.		arrear due at 12 p per week			
Complexion	Fresh		for support of his child.			
Hair	Brown					
Eyes	Brown					
Nose		Date of	16. 5. 32.			
Mouth		Conviction	Warrant for 19. 5. 32.			
Chin						
Eyebrows		Offence	Arrears of Maintenance.			
Visage						
Forehead						
Date of Birth	29. 12. 96					
Native Place	vic.					
Trade	heliogr.	Where and	P. Fitzroy			
Religion	B. & B.	Before	Petty Sessions			
Read & Write	Both.	Whom Tried	Chairman of Bench.			
	Married					

Previous History Nil.

Particular Marks —

PHOTOGRAPHS

At Which Station	When Received	Offences, Sentences, etc	Extensions by			
			Visiting Justice	Governor		
Metropolitan	20. 5. 32.		M	D	M	D
Ballaarat	2-6-32.					
Metrop.	8. 15-7-32.					
Go Freedom	16-7-32.	By Ch. Just. 32/4167				

No 42072 Name Moyle, Samuel H. A.

74

Height	5' 6"	Sentence	To be imprisoned until he find a surety of £50 to pay the weekly sum of 22s per wk. for support of his wife.
Weight	10. 10.	Date of Conviction	29. 4. 32.
Complexion	Fresh	Where and Before Whom Tried	Warren Sec. 19. 5. 32.
Hair	Brown	Offence	Maintenance.
Eyes	Blue.		
Nose			
Mouth			
Chin			
Eye brows			
Visage			
Forehead			
Date of Birth	4. 8. 89		
Native Place	Sh. Aust.		
Trade	Driver		
Religion	Ch. of E.		
Read & Write	Both		
	Married		

Previous History Nil.

Particular Marks

PHOTOGRAPHS

At Which Station

When Received

Offences, Sentences, etc

Extensions by Visiting Justice Governor

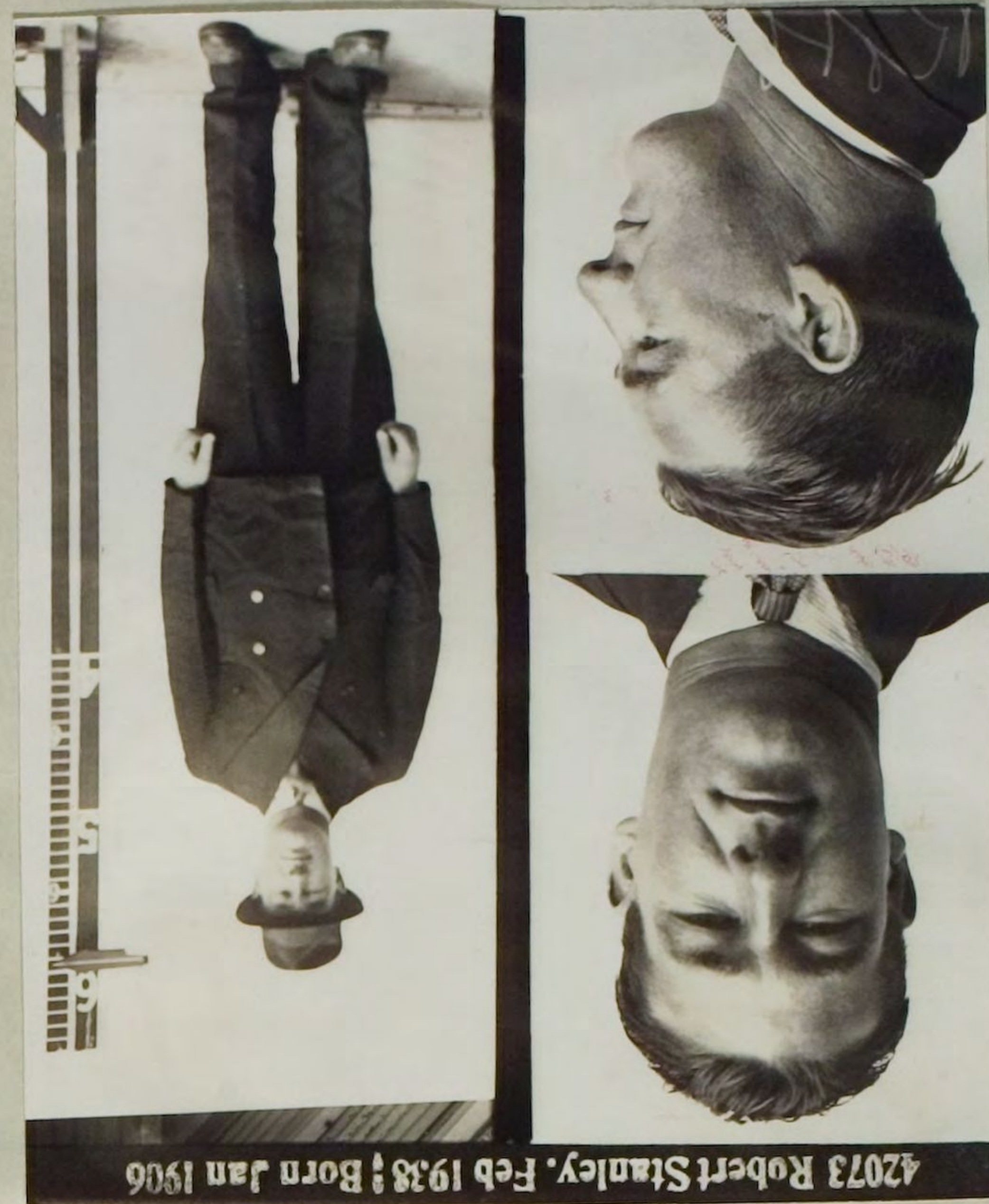
M D M D

Metropolitan 20. 5. 32.

To Freedom 27. 5. 32 By 12 Court. 32/3505

No 4

Height 5'
Weight 160
Complexion Fair
Hair Brown
Eyes Grey
Nose Straight
Mouth
Chin
Eyebrows
Visage
Forehead
Date of Birth 1913
Native Place
Trade Textile
Religion R.
Read & Write B. King
Previous History 5.11.29
for 12mo
Particular Marks 2 scar



* Sentence
for 14 days
from
1.3.1939
6 months
£10 or
2 mos.
12 mos. 14.3.39
from last time 1939
3.38 8.3.39
8.3.39
22.3.39
during Indecent
with Language
sent. searching
Police
Larceny
Guelong
D.S.
D.S.
Guelong D.S.
Judge Stanley
behaviour
X Retention of the
sum of £3.0.0 to be
made from money
found in Stanley's
pocket
Sentence date
from 1.3.1939

PHOTOGRAPHS

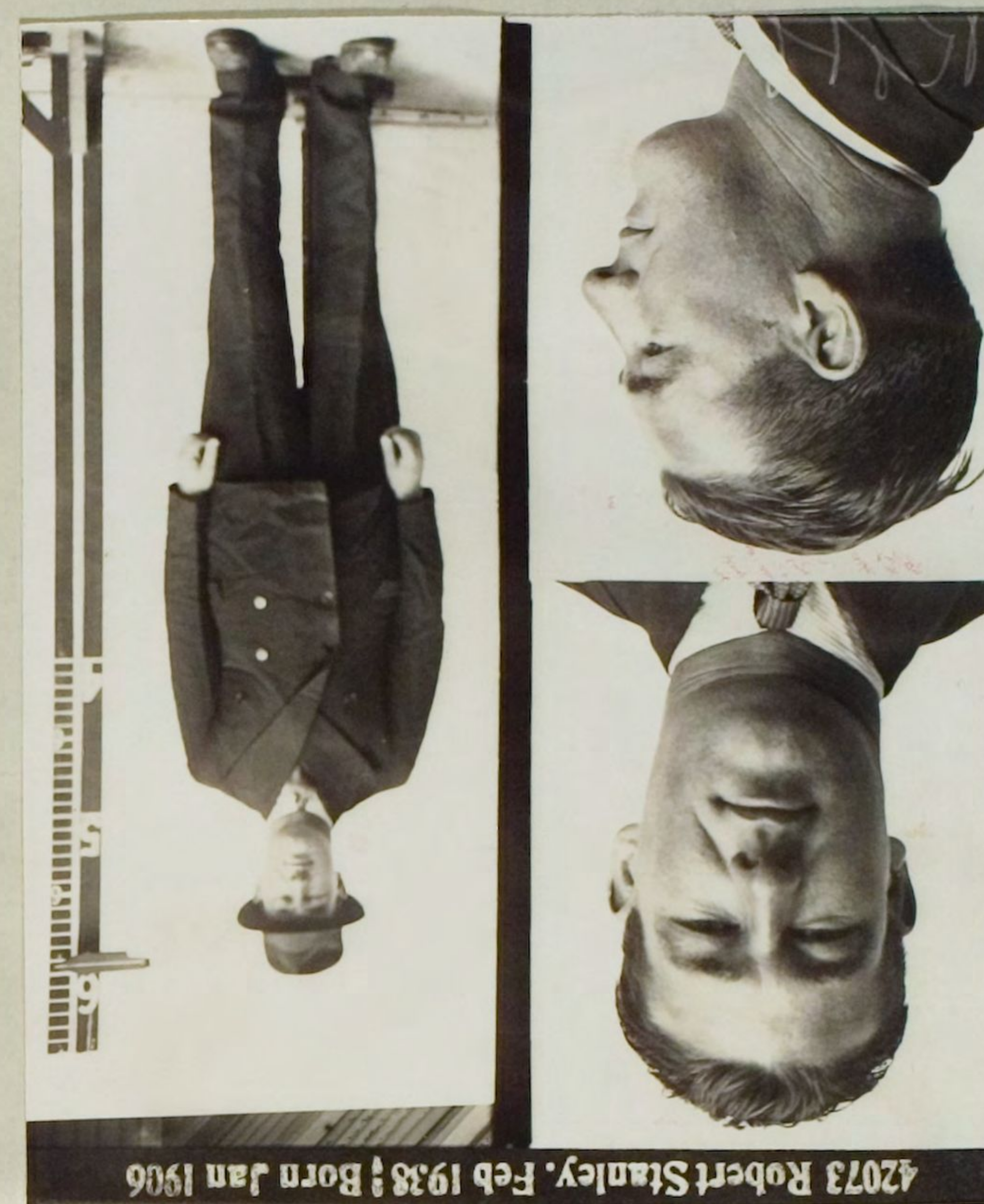
42073 Robert Stanley. Aug 1932 | Born Jan 1913



42073 Robert S. Standing Aug. 1935 | Born Jan 1913



At Which Station	When Received	Offences, Sentences, etc	Extensions by Visiting Justice	Extensions by Governor
Geelong	18.5.32.	£5 fine paid. 6/7/32.	M	D
To Freedom	10-10-32.			
Geelong	19-1-33.			
Pentridge	22-2-33.			
To Freedom	26-1-35			
Geelong	2-3-35			
To Freedom	7-9-35			
Pentridge	27.11.35			
To Freedom	26.3.36			
Pentridge	31.3.36			
To Freedom	20.6.36			
Pentridge	17.7.37			
To Freedom	8.3.38			
Pentridge	14.3.38			
To Freedom	16.3.38			
Pentridge	20.4.38			
To Freedom	20.10.38			
Geelong	3.3.39			
Pentridge	20.4.39			
To Freedom	4.3.40			
WARRANTS DISCHARGE	16-10-1932			
TO FREEDOM BY REMISSION	10-10-1932			
6 DAYS SPECIAL REMISSION CNTD. BY I.G.	7 SEP 1932			
Notice of Appeal. 11/2/33.				
Appeal abandoned 16/2/33.				
27-6-33. Disobedience, Giving false name				5.
WARRANTS DISCHARGE	21-2-35			
TO FREEDOM BY REMISSION	26-1-35			
Bailed to appeal				
WARRANTS DISCHARGE	1-9-35			
TO FREEDOM BY REMISSION	1-9-35			
14 DAYS SPECIAL REMISSION CNTD. BY I.G.	1 JAN 1935			
Reported Chap. XI clause 3, 15/3/35				
No remission under current sentence				
WARRANTS DISCHARGE	11-2-38			
TO FREEDOM BY REMISSION	11-2-38			
14 DAYS SPECIAL REMISSION CNTD. BY I.G.	12 AUG 1935			
21.12.37. persistently talking in the ranks - 2 days				2
WARRANTS DISCHARGE	8.3.38			
TO FREEDOM BY REMISSION	8.3.38			
14 DAYS SPECIAL REMISSION CNTD. BY I.G.	11 FEB 1938			
18.3.38 No Remission under current sentence I.G.				
16.3.38. Bailed to appeal, appeal dismissed				
Long. extracted. before. G. S. app. dt. 7.4.38 - 21.3.38				
3.8.39- Disobeying an officer - 3 days				3
28.8.39- Failing to return soiled clothing before - 7 days				7
30.10.39 - Late on parade - 3 days discharge postponed				3



42073 Robert Stanley, Feb 1940 Born Jan 1912

42073 Robert Stanley, Feb 1938 Born Jan 1906

PHOTOGRAPHS
Stanley. Aug 1932 | Born Jan 1913

At Which Station

When
Received

Offences, Sentences, etc

No 42074 Name Rudd, Arthur

Height	5' 6 1/4"	Sentence	14 days
Weight	10.1		
Complexion	Fair		
Hair	Blue		
Eyes			
Nose			
Mouth			
Chin			
Eyebrows			
Visage			
Forehead			
Date of Birth	9.10.09		
Native Place	Lab.		
Trade	R.B.		
Religion	Both		
Read & Write	Single		
Where and Before Whom Tried	Melbourne Pettysess Chammon of Bench	Larceny Larceny Larceny	
Date of Conviction	20.5.32	2-6-32	

Previous History Nil.

Particular Marks —

At Which Station	When Received	Offences, Sentences, etc	Extensions by Visiting Justice Governor			
			M	D	M	D
Metropolitan 20.5.32						
Bessing 25.5.32						
Golue 2-6-32 M.O.						
Bessing 30-6-32						
To Freedom 1-12-32						
		WARRANTS DISCHARGE 1-12-32 TO FREEDOM BY REMISSION 1-12-32				
		Nil DAYS SPECIAL REM. BY LG				
		12 OCT 1932				



No 42075

Name

Schultz, Leslie Frank

Leslie Frank West

Height	5' 4 3/4"	Sentence	To be committed to B' more Reformatory for 12 months 3 months 10/- or 24 hrs 2 MONTHS	
Weight	160		and thereafter to be detained during the Governor's pleasure.	
Complexion	Fair		12 mos. mpt. concurrent.	
Hair	Fair		12 or 3 days	
Eyes	Blue		12 or 3 days	
Nose		Date of	4. 4. 45	
Mouth		Conviction	24. 5. 32. 27. 11. 35 7. 11. 38	
Chin			me. 9. 11. 38	
Eyebrows		Offence	Larceny Larceny Larceny	
Visage			Failing to give name & address to injured person	
Forehead			Fail to report accident	
Date of Birth	1916.		Unlawful possession	
Native Place	Guthonia		Can Diner	
Trade	Labourer.	Where and	Warrnambool	
Religion	Lutheran.	Before	Children's Court.	
Read & Write	Both.	Whom Tried	Special Magistrate & Bench	
	Single.		P. S. P. S. P. S.	
			Stk Melbourne Petty Jss	
Previous History	Nov. 1929 Housebreaking Released on bond to be of good behaviour for 2 years. Warrnambool Children's Court.			

Particular Marks

PHOTOGRAPHS

42075 Leslie F. Schultz, June 1932 | Born Jan 1916



42075 Leslie F. West Jan 1936 | Born Jan 1914



At Which Station

When Received

Offences, Sentences, etc

Extensions by
Visiting Justice Governor

M D M D

Castlemaine 26. 5. 32.

Castlemaine 24. 1. 33.

Castlemaine 4. 2. 33.

To Freedom 15. 5. 33. Parole.

Geelong 20. 11. 35.

To Freedom 22. 2. 36.

Geelong 9. 11. 38.

To Freedom 11. 11. 38.

Penitentiary 4. 4. 45.

Freedom 1. 6. 45.

3 DAYS SPECIAL REMISSION GRNTD. BY L.G.

18 JAN 1936

2 DAYS SPECIAL REMISSION GRNTD. BY L.G.

25 MAY 1945

No 42076 Name Barclay, James.

78

Height	5' 4"	Sentence	
Weight	100		6 months
Complexion	Fresh		night
Hair	Brown		
Eyes	Blue		
Nose		Date of	
Mouth		Conviction	19.5.32
Chin			
Eyebrows		Offence	
Visage			Assault.
Forehead			
Date of Birth	1911		
Native Place	Ure.	Where and	Box Hill
Trade	Lab.	Before	Petty Sessions
Religion	C. S.	Whom Tried	Chambers
Read & Write	Both		off Bench
	Single		

Previous History Nil.

Particular Marks

PHOTOGRAPHS



42076 James Barclay. Aug 1932 | Born Feb 1911

At Which Station

When Received

Offences, Sentences, etc

Extensions by
Visiting Justice Governor

Metropolitan 20.5.32. 5-9-32 Absent from place of labor 2 days

Pennings 25-5-32
Freedom 28-10-32

WARRANTS DISCHARGE 28-10-32
IN FREEDOM BY REMISSION 28-10-32

WILKES SPECIAL REMISSION INTD. BY L.C. 7 SEP 1932

No 42077 Name Burke, William

Height	5' 6 3/4"	Sentence	30/ or 8 days						
Weight	11. 8		50/ or 14 days						
Complexion	Tan	12 months	50/ or 14 days						
Hair	Auburn	N.L.							
Eyes	Brown								
Nose		Date of							
Mouth		Conviction	16. 5. 32	26. 10. 35					
Chin									
Eyebrows		Offence	Salce						
Visage			Statements						
Forehead			3 count						
Date of Birth	1901								
Native Place	Yic								
Trade	Lab.	Where and	Melbourne	Fitzroy P.D.					
Religion	R. C.	Before	Geys. Jesso	6h					
Read & Write	Both.	Whom Tried	Judge	Penel					
			Whitcliffe						

Previous History 22.6.31 larceny 15 or 14 days 6' wpsd P.D. 25. 6. 31 larceny in company 14 day 7' wpsd P.D.
 26.6.31 larceny 14 days 1' wpsd P.D. 30. 10. 31 larceny 14 or 14 day 6' wpsd P.D. s' name.

Particular Marks

PHOTOGRAPHS

42077 William Burke. Feb. 1933 | Born Apr. 1901



At Which Station

When Received

Offences, Sentences, etc

Extensions by
Visiting Justice Governor

M D M D

Metropolitan 4.5.32.
 Penridge 25.5.32.
 To Freedom 9.3.33.
 Penridge 26.10.35.
 To Freedom 29.11.35.

WARRANTS DISCHARGE

15-3-33

TO FREEDOM BY REMISSION

9-3-33

7 DAYS SPECIAL REMISSION CNTD. BY 43

3 FEB 1933

No 42079 Name Howard Ernest

Height	5' 4 1/2"	Sentence	6 months H.L. 15 on each count						
Weight	11. 8		1 month						
Complexion	Brown		concl.						
Hair	Brown								
Eyes									
Nose		Date of							
Mouth		Conviction	16. 5. 32. 11. 11. 35						
Chin									
Eyebrows		Offence	Forgery Assault						
Visage			Uttering						
Forehead									
Date of Birth	1899								
Native Place	Calicut	Where and	Melbourne						
Trade	Pres.	Before	Gen. Sec.						
Religion	Both.	Whom Tried	Judge						
Read & Write	Married		Whitely						

Previous History Nil.

Particular Marks —

PHOTOGRAPHS

At Which Station

When Received

Offences, Sentences, etc

Extensions by
Visiting Justice Governor
M D M D

Metropolitan

18. 4. 32.

To Freedom

8-10-32

Penbridge

9. 11. 35

To Freedom

22. 11. 35 Fine Paid

WARRANTS DISCHARGE 15-10-32
TO FREEDOM BY REMISSION 8-10-32

6 DAYS SPECIAL REMISSION GRNTD. BY LG

7 OCT 1932

Height	5' 13"	Sentence			6 months	1 month 9	3	3 X	6
Weight	7-12				constr	months	months	months	months
Complexion	Fresh				imp	imp	imp	imp	imp
Hair	Fair								
Eyes	Blue								
Nose									
Mouth									
Chin									
Eyebrows									
Visage									
Forehead									
Date of Birth	1911								
Native Place	Canada								
Trade	Grocer								
Religion	R.C.								
Read & Write	Both								

Previous History 24.3.32 Larceny 1 month 3 day P.S. of name.
11-12-33, 15 or 1 msh, assault, Yishroy P.S.
11-7-34, 3 msh, Larceny, Melbourne P.S. and Bennis Bossells.
9-10-34, 1 msh, Offensive Behaviour, Melbourne P.S.

CARDED



42080 Costello, Kenneth

At which Station	When Received	Offences, Sentences	EXTENSIONS BY -
			Visiting Justice M D Governor M D
		Note see previous sheet.	
	13.12.46.	Appealed.	
	6.12.47.	Appeal against conviction and sentence, refused.	
		Warrant Discharge 26.7.48 To Freedom by Parole 26.7.48	
		141 DAYS SPECIAL REMISSION GRNTD. BY I.M. 11 JUN 1948	
	26.1.48	Having concealed in cell 3 wireloopets Moore H.P.	

CARDED

CARDED

Prisoner Name	Date	Event / Sentence	Notes
Putridge	6-3-44	8-5-44	
Freedom	12-1-45	4-5-44	Discharge
Putridge	31-1-45	15-11-44	Discharge
Freedom	30-4-45	12-1-45	Discharge
Putridge	10-5-45	2-1-45	Discharge
Freedom	19-6-45	31-1-45	3 MONTHS Assault Melbourne Petty Sessions
Putridge	2-7-45	10-5-45	12 MONTHS Armed by night Melbourne Petty Sessions
Freedom	30-7-45	11-5-45	Notice of appeal
Putridge	12-7-45	19-6-45	Appeal allowed Conviction Quashed
Freedom	24-9-45		Melb. Gen. Sess Appeal Ct.
Putridge	17-10-45	2-7-45	25 or 1 MONTH. Unlaw assault Melb. Petty Sess.
Freedom	5-11-45		25 or 1 MONTH Offen behav.
Putridge	12-11-45	13-8-45	3 MONTHS Larceny
Freedom	2-10-46	18-8-45	Appealed 24-9-45 Appeal allowed conviction Quashed M.G.S.S.C.
Putridge	8-10-46	17-10-45	12 Mo or Armed by night with offensive weapon Melb. P. Sess.
Freedom	26-7-48	18-10-45	Notice of appeal
		5-11-45	Appeal dismissed. Released on bond £10 to be of G.B. for 1 year and stay away from Parks Gardens or rockeries & all Beaches & Forester plantations and come up for sentence if & when called upon. M.G.S.S.C.
		14-11-45	1 Month Offen behav. Melbourne Petty Sess
		18-10-45	Secreting an amount of money & failing to hand over same to Bail Officer on reception to wit 21-24 hrs Solitary Confinement
		22-10-45	Having an amount of money in his possession To wit 21-24 hrs Solitary Confinement
		4-12-45	12 Months imp & Recog. restriction Breach of Recog M.G.S.S.C.
		8-10-46	2-10-46
		6	SPECIAL REMISSION GNTD. BY L.B.
		6	SEP 1946
		1-11-46	18 Months H.L. Indecent Assault on woman Melb. Gen. Sess. Mitchell. J.
		13-12-46	Applied for leave to Appeal.
		3-12-46	Adjourned to next sittings of Full Court.
		14-3-47	2 1/2 Months to be deducted from remission under current sentence. I.G.

D
2.

1.5
25.0

2.5.

15.0
25.0

Is. c.

15.0

150

156

AT WHAT STATION

RECEIVED

orn Dec



Lentbridge

To Freedom

Lentbridge

To Freedom

Lentbridge

To Freedom

Lentbridge

Freedom F.P.

Lentbridge

Freedom (judgment)

30.7.40

19.12.41

24.12.41

28.4.42

11.5.42

24.11.42

15.12.42

1.12.43

20.12.43

22.2.44

15.8.40 - Larceny from ...
18 months ...
... Supreme Court

23.8.40 - Applied for leave to Appeal.

2.9.40 - Appeal Dismissed. (Full Court)

1.5.41 - Removing hospital bandage.
- 2 days D.P.

WARRANTS DISCHARGE

19-12-41

NIL

DAYS SPECIAL REMISSION GRNTD. BY I.G.

TO FREEDOM BY REMISSION

19-12-41

TO NOV 1941

9.1.42 - 5 or 20 days - Larceny - Prahran P.S.
- 1 month imp - Unlaw Assault - Do
- 2 months imp - Do - Do

18.5.42 - 3 months unlawful assault - Melb. P.S.
2 months - Do
2 months - Do.

23.4.42 - Being disrespectful to an officer - 24 hrs S.C.
" " " " " Using obscene
language - 24 hrs. S.C.

3.9.42. Making request to Governor without permission - 3 days D.P.

WARRANTS DISCHARGE

24-11-43

NIL

DAYS SPECIAL REMISSION GRNTD. BY I.G.

TO FREEDOM BY REMISSION

24-11-43

3 OCT 1942

15.12.42 } 5 or 1 month } Resist Police } Melb P.S.
12 months } Armed with off. weapon }
Twenty three days to be deducted from remission
under current sentence

2/2/43 Leaving dirty sock in cell - 1 days D.P. Nov 28/2/43

24/3/43 Disturb order 24 hours S.C. 21/3/43

" obscene language 24 " "

22.4.43. Disturb order " - 2 days D.P.

30.4.43 Entering another cell without authy 48 hrs S.C.

23.9.43, Having mouthed lead pencil 2 days D.P.

Having excessive number of magazines 2 days D.P.

20.12.43 2 year S.H. / Loider w. fist / Melb P.S.

17.11.43. Urinating on floor of exercise yard 24 hrs S.C.

18.11.43. Poss. of two written communications from 2 F. prison 7 days D.P.

M D M D

2

2

1.5c

2.5c

2.5c

2.5c

1.5c

2.5c

1.5c

1.5c

1.5c

1.5c

1.5c

7

3

3

14

7

Pentridge
Geelong.

11.7.37 16.7.36 Using a representative of St Vincent & Paul's Socy -
in order to communicate by letter with a person outside
17.5 days SP.

21.7.37

6.10.37 16.7.36 Making a false statement to an officer 48 hrs P.C.

15.1.38 30.7.36 Having a candle, not issued to him in cell. 24 hrs P.C.

17.2.38 27.8.36 Insolence to an officer - complete remission in
all offences locked up.

8.8.38 31.8.36 Making unnecessary noise in cell after - 48 hrs S.C.

7.6.39 23.11.36 Having unauthorised articles in his possession.
- 2 x hrs S.C.

24.7.39 Judge's Order.

15.8.39 X Bailed to appeal 19.3.37

17.11.39 Bailed to appeal 20.3.37. Appeal dismissed. Conviction affirmed.

15.1.40 Recog estreated. Melb G.S. Appeal court 22.4.37. Warr x 11.7.37.

1.2.40 2.9.37 No remission to be allowed - I.C.

16.5.40 ~~18.7.38 - 6 M~~ 1.2.38 - Failing to make up
his blankets - 1 day S.C.

12.4.38 - Refusing to obey order - 3 days S.C.

WARRANTS DISCHARGE
TO FREEDOM BY REMISSION

2.7.38

NIL DAYS SPECIAL REMISSION CNTD. BY I.C.

10 JUN 1938

27.6.38 - Quarrelling with a fellow prisoner: 14 days Cancell V.T. - 14

29.6.38. Cancel all Remissions. I.C. 14/8/38.

WARRANTS DISCHARGE
TO FREEDOM BY REMISSION

1.8.38

NIL DAYS SPECIAL REMISSION CNTD. BY I.C.

11 JUL 1938

X 7.6.39 - Being armed with an offensive weapon by night
12 Months - Melb G.S. & B.

X 8.6.39 - Notice of Appeal against conviction & sentence.

24.6.39 - Having in possession a contraband letter
on 28.6.39 - 48 hrs S.C.

X Appeal allowed - conviction quashed Melb Gen Sess App Ct 22/7/39.

18.8.39 - Larceny - 3 Mos. imp. Melbourne P.S.
(as to booklets). Ch. of B.

17.1.40 - assault - 3 Months imp. } Melbourne P.S.
Offensive Behaviour - 1 Month imp. } Ch. of B.

30.1.40 - Breach of discipline in speaking disrespectfully
to an officer 1 day S.C.

2.4.36 - Having unauth. cigarette in cell
Defacing a Library book 3 days S.C.

No 42080 Name

42080 Kenneth Costelloe, Aug 1939 Born Dec 1911

Height	5' 13 1/4"	Sentence	
Weight	7.12.		
Complexion	Fresh		6mo
Hair	Fair		(susp)
Eyes	Blue		
Nose		Date of	
Mouth		Conviction	27.
Chin			
Eyebrows		Offence	Arm
Visage			m
Forehead			
Date of Birth	1911		
Native Place	Canada.		
Trade	Grocer.	Where and	ba
Religion	R.C.	Before	left
Read & Write	Both.	Whom Tried	blo
	single.		of



Previous History 24.3.32 Larceny
11-12-33, £5 or msh,
11-7-34. 3msh
9-10-34, 1m

Particular Marks

PHOTOGRAPHS

42080 Kenneth Costelloe, Nov. 1932 Born Dec. 1911



Metropolitan 24.5.32

Penridge 20-6-32

Penridge 5-9-32

Penridge 6-9-32

To Freedom 5-7-33

Penridge 9-12-33

To Freedom 10-1-34

Penridge 31-1-34

To Freedom 7-6-34

Penridge 7-7-34

To Freedom 18-7-34

Penridge 6-10-34

To Freedom 9-10-34

Penridge 8-11-34

To Freedom 7-4-35

Penridge 7-11-35

To Freedom 7-12-35

Penridge 25.2.36

To Freedom 1.12.36

Penridge 7.12.36

To Freedom 22.12.36

Penridge 9.3.37

To Freedom 11.3.37

Penridge 19.3.37

To Freedom 19.3.37

Penridge 19.3.37

To Freedom 19.3.37

Penridge 19.3.37

To Freedom 19.3.37

Penridge 19.3.37

To Freedom 19.3.37

18-7-32 Defaming cell door 2 days D/P

25-1-33 Insolence 1msh cum

" Making false written statement 1msh cum

16-3-33 Insolence 1.S.C.

23-3-33 Being self confessed trafficker 2.S.C.

1-7-33

5-7-33

15-6-33 Insolence 2.S.C.

20-6-33 Attempt to traffic 2.S.C.

22-3-34 Making frequent & unnecessary requests for medicine & treatment 1.S.C.

12-4-34 Using unprovided utensil & making false statement 2.S.C.

15-5-35 Attempt to traffic 7 D/P

21-6-35 False statement 1msh cum

18-6-35 Using filthy language 1.S.C.

4-7-35 Having unauthorised article 1.S.C.

11-7-35 Disobedience 1.S.C.

11-7-35 Threatening an Officer 1.S.C.

1-8-35 Refusing to obey order 1.S.C.

1-8-35 Refusing to obey order 1.S.C.

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1-8-35 Refusing to obey order 1.S.C.

1-8-35 Refusing to obey order 1.S.C.

CARDED

X. Bailed to appear 17.12.35
appeal dismissed: conviction
affirmed: Melbourne General Sessions
appeal board.
24.3.36 Refusing to obey order - 14 days D/P
Penridge - in Tinsdale P.M.-V.T.
5.3.36 Having a dirty cell 7 days D/P
26.3.36 Having unauth. cigarettes & matches - 3 days D/P
Having unauth. cigarette in cell 3 days D/P
24.36 - Defacing a Library book 14 days D/P
14.5.36 - Smoking while on parade - 4 days D/P

COPY.

CROWN SOLICITOR'S OFFICE,
Melbourne,
10th January, 1946.

re K.L. Costelloe and date of
commencement of sentence.

Kenneth L. Costelloe was sentenced on 17th October 1945 by the Court of Petty Sessions at Melbourne to 12 months imprisonment for being armed by night with an offensive weapon. He appealed against the conviction on 18th October and on 5th November appeared before General Sessions. Judge Stretton made the following order:-

"Appeal dismissed. Sentence varied. Released upon entering his own recognisance in the sum of £10 to be of good behaviour for twelve months and shall refrain from entering between sunset at night and sunrise the following morning any public park, garden, reserve, plantation or between such times loitering in the vicinity of any street plantation or any beach or any foreshore reserve and to come up for sentence if and when called upon."

On account of a conviction and sentence of one month imprisonment for offensive behaviour he was again brought before Judge Stretton in the General Sessions Appeal Court on 4th December 1945 when the following decision was given:-

"Breach of above recognisance.
And having been brought up for sentence this 4th day of December 1945 he is sentenced to be imprisoned for a term of twelve months. Recognisance estreated."

I am asked to advise when the 12 months sentence commences; is the prisoner to be allowed the benefit of 20 days served upon the conviction of 17th October or does his 12 months imprisonment under the sentence of General Sessions commence on 4th December.

There is no doubt that the sentence of His Honour Judge Stretton clearly purported to be a fresh sentence operating as from the date of pronouncement and therefore the 12 months commenced on the 4th December 1945. It is not the province of this office to correct the judgments of Courts of General Sessions, but I entertain considerable doubt as to the jurisdiction exercised in this matter. There is a wide discretion conferred upon Courts of General Sessions in appeals from Petty Sessions; Section 137(7) authorises a Court of General Sessions to make such order as it thinks ~~fit~~ just. It is in the purported exercise of this power that the Judge released Costelloe on a bond to be of good behaviour and "to come up for sentence if and when called upon." His Honour did not confirm the sentence of Petty Sessions and then suspend such sentence upon a bond to be of good behaviour and then upon the subsequent breach of the bond order the sentence to be served. The bond was a new requirement, the breach of which became the occasion for a new punishment. The breach of the bond, in effect, became the offence.

It has been the practice of the higher Courts to release persons upon such bonds, commonly known as "common law bonds." The only authority I can find on the matter is that which is quoted in Archbold (29th Edition) at p.246 in the following terms:-

2080

Name

Costello, Kenneth

- 2 -

PENAL AND JAILS DEPARTMENT,

Melbourne;

14th December, 1945.

"A person convicted of any misdemeanor whether at common law or by a statute may in addition to or in substitution for any other punishment be required to enter into a recognisance with or without sureties to keep the peace and be of good behaviour for a reasonable time to be specified in the order." (See also Halsbury Vol.9 p.231).

It will be noted that the imprisonment which may be ordered is not in such cases awarded for breach of the recognisance but for failure to find sureties. Upon breach of the recognisance the same is estreated. I find no precedent for the so-called common law recognisance used in our courts, and in any case I do not think such a procedure is available in cases other than indictable misdemeanors. As mentioned above, however, I do not consider that my opinion is relevant. The gaol authorities should act in accordance with the Judge's order.

(Signed) Frank G. Menzies. Nov.

The Secretary,
Law Department.

(Signed) J. Akers.
Inspector-General.

The Crown Solicitor.

I agree with the L.O., P.R., but would appreciate your view on the legal position please.

(Sgd) C.K.
Secretary to the
Law Department.
17.12.45.

Name

Costello, Kenneth

C O P Y.

PENAL AND GAOLS DEPARTMENT,
Melbourne,
14th December, 1945.

The Secretary to
the Law Department,
Melbourne.

Please see the attached memorandum from the Governor,
H. M. Gaol, Pentridge.

In my opinion the prisoner should serve a sentence of
twelve months commencing on the 4th December, 1945.

The decision of the Court of General Sessions on the
5th November completely wiped out the original sentence imposed
by the Melbourne Petty Sessions on the 17th October and substit-
uted release on bond.

Then when the prisoner appeared before the Court of
General Sessions on the 5th November for a breach of recognisance
he was in the position of a person coming up for sentence de novo.

The question in dispute, i.e. as to whether the prison-
er should be allowed the benefit of the 20 days originally served
is submitted for decision.

(Signed) J. Akeroyd.
Inspector-General.

The Crown Solicitor.

I agree with the I.G., P.E., but would
appreciate your view on the legal position
please.

(Sgd) C.K.
Secretary to the
Law Department.
17.12.45.

C O P Y.

H. M. Gaol, Pentridge,
Coburg,
11th December, 1945.

The Inspector-General,
Penal Department,
Melbourne.

Sir,

I desire to submit for your consideration the following case:-

42080 - Kenneth L. Costelloe, sentenced on 17th October 1945 to 12 months imprisonment by Melbourne Petty Sessions for being armed by night with an offensive weapon. He appealed against the conviction on 18th October, 1945 and on 5th November he appeared before Judge Stretton in the General Sessions Appeal Court when his Honour gave the following decision:-

"Appeal dismissed. Sentence varied. Released upon entering his own recognisance in the sum of £10 to be of good behaviour for twelve months and shall refrain from entering between sunset at night and sunrise the following morning any public park, garden, reserve, plantation or between such times loitering in the vicinity of any street plantation or any beach or any foreshore reserve and to come up for sentence if and when called upon."

On 4th December, 1945 he was again brought before Judge Stretton in the General Sessions Appeal Court when the following decision was given:-

"Breach of above recognisance.
And having been brought up for sentence this 4th day of December 1945 he is sentenced to be imprisoned for a term of twelve months. Recognisance estreated."

Both the above decisions were endorsed on the back of the original summary Warrant of Commitment, which is our only authority for holding the prisoner. It would appear, therefore, that the prisoner should receive the benefit of the time served (20 days) before release on recognisance, yet the last endorsement above clearly indicates that he commence a twelve months sentence as from 4th December, 1945.

As this is the second occasion on which the Court of General Sessions - in its Appellate Jurisdiction - has recently called up and sentenced prisoners for breach of recognisances, a clarification of the position would be welcomed.

Yours respectfully,

(Signed) N. E. Tuohill

Governor.

No 42081

Name

Cross, Joseph Henry Thomas.

Height	5' 7"	Sentence	To be imprisoned until he find a security of £20 to pay the weekly sum of 4/6 for support of his child.
Weight	11. 6.	Date of	18. 3. 32.
Complexion	Sallow	Conviction	Warren Ex. 27. 5. 32
Hair	Black	Offence	Maintenance
Eyes	Brown.	Where and	pl Barton
Nose		Before	Kelly Sessions
Mouth		Whom Tried	Chairman of Bench
Chin			
Eyebrows			
Visage			
Forehead			
Date of Birth	1906.		
Native Place	Chi.		
Trade	Labourer.		
Religion	Pres.		
Read & Write	Both.		
	Marrried		

Previous History Nil.

Particular Marks

PHOTOGRAPHS

At Which Station

When Received

Offences, Sentences, etc

Extensions by
Visiting Justice Governor
M D M D

Metropolitan 27. 5. 32.

To Freedom: 27-5-32. Surety entered.

No 42082

Name

Barrett, Donald Grant

Donald Barrett Daniel Barrett

Height	5' 7 1/4"	Sentence	6 months	2	6
Weight	10.12		impt.	years	months
Complexion	Fresh			2 weeks	impt.
Hair	Fair			2 weeks	
Eyes	Blue				
Nose		Date of			
Mouth		Conviction	14.4.32	1.5.36	6.10.39
Chin			19.5.36		
Eyebrows		Offence	Consorting	Robbery	Consorting
Visage					
Forehead					
Date of Birth	1900				
Native Place	Ork.				
Trade	Salesman	Where and	Melbourne	Melbourne	Melbourne
Religion	R.C.	Before	Police	General	P.S.
Read & Write	Both	Whom Tried	Chambers	Curran	Ch. of B.
	Married		of Bench	Judge Rogers	21.4.1930-PS
				Ch. of Bench	
Previous History	20.9.30 for 15 days as Danny Barrett Station P.				

Particular Marks

PHOTOGRAPHS

42082 Donald G. Barrett. Aug 1932 | Born Aug 1900



At Which Station

When Received

Offences, Sentences, etc

Extensions by
Visiting Justice Governor

M D M D

Metropolitan 22.5.32
 Genside 2.6.32
 To Freedom 15.10.32
 Pentridge 1.5.36
 To Freedom 13.10.37
 Pentridge 6.10.39
 To Freedom 6.10.39

Appeal dismissed. Melbourne Gen. Appeal Court 22.5.32

22-10-32
 TO FREEDOM BY REMISSION 15-10-32

6 DAYS SPECIAL REMISSION ENTD. BY I.G.

5 7 SEP 1932

WARRANTS DISCHARGE 20.10.37
 TO FREEDOM BY REMISSION 13.10.37

7 DAYS SPECIAL REMISSION ENTD. BY I.G.

1 month 1 day per ... 10 SEP 1937

6.10.39 -ailed to appeal

42082 Donald Barrett. Sept 1937 | Born Aug 1900



No 42083

Name Richards, Alexander Huddy

CARDED

Height	6' 0"	Sentence	6 weeks imp	2 Months on
Weight	10.6		on each	each count.
Complexion	Fresh		count	Cumulative
Hair	Brown		cumulative	15. or 14 days.
Eyes	Blue			
Nose		Date of		
Mouth		Conviction	23.5.32 23-5-33	3.6.47 11.6.47
Chin				
Eyebrows		Offence	Larceny	WEX. 12.6.47
Visage			8 counts	Parceny
Forehead				(3 counts.)
Date of Birth	1896			Collected w/out
Native Place	Ure			Picence.
Trade	Labour	Where and	Brunswick	Richmond
Religion	R.C.	Before	Petty Sess.	Petty Sess.
Read & Write	Married	Whom Tried	Chamman	Chamman
	Both		of Bench	of Bench

Previous History Nil.

Particular Marks

PHOTOGRAPHS

42083 Alexander H. Richards. Dec. 1932 | Born Nov 1907



At Which Station

When Received

Offences, Sentences, etc

Extensions by
Visiting Justice Governor

Metropolitan 24.5.32
 Brixton 11.6.32
 Brixton 18-2-33
 Pentridge 23-5-33
 Pentridge 14-8-33
 Pentridge 29.5.47
 Pentridge 27-10-47

Notice of appeal 28.5.32.

Recog. not entered.

WARRANTS DISCHARGE 26-2-33

TO FREEDOM BY REMISSION 18-2-33

DAYS SPECIAL REMISSION OMTD. BY L.C. 16/1/33

8-6-33, Latifa hospital must 15c.

15c

DAYS SPECIAL REMISSION OMTD. BY L.C.

31 JUL 1933

X 10-7-47 - Fine Paid

WARRANTS DISCHARGE 2-11-47

TO FREEDOM BY REMISSION 27-10-47

DAYS SPECIAL REMISSION OMTD. BY L.C.

13 OCT 1947

CARDED

42083 Alexander H. Richards, June 1947 | Born Nov. 1904



