

File ✓

71/912146*

86/672

86/1046

86/580

Date 1 Feb
Reg 2

Inspector General P.C.

For perusal of file 71/12146 re appn
of George Bateson to be put in possession of
certain alleged intercepted correspondence.

~~Handwritten signature~~

Returned with thanks

[Handwritten signature]

Inspector General.

24 Feb 86

1/3

Genl
6.2.86

Retd
25.2.86

Law
27.2.86

Penal and Gaols Department,
Inspector-General's Office, Spring-street,

F 1046

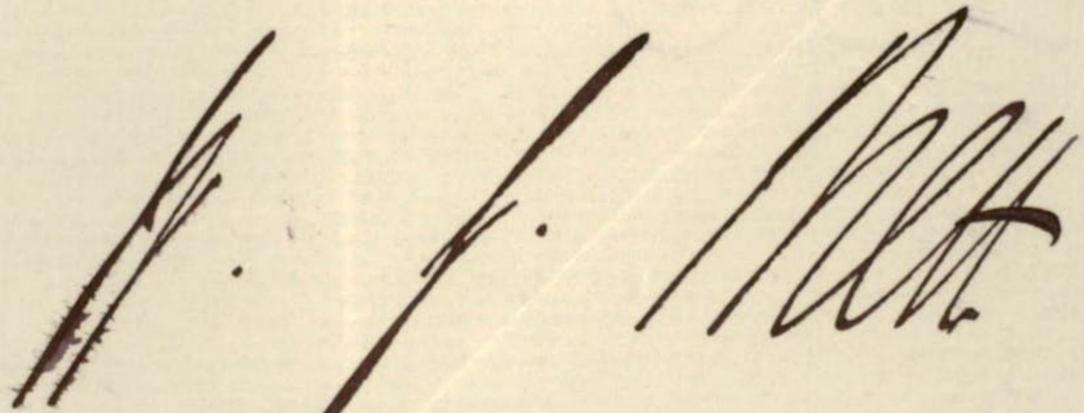
Melbourne, 1st Feb 1886

672

MEMO.

Will the Under Secretary
favor me with file

71
M 12146 for perusal.



Inspector General.

The Under Secretary

Herewith

Twenty

4/2/86

Under Secretary. Of 672

71046

Requests return of certain papers.

CIRCULAR
R.B.

CHIEF SECRETARY'S OFFICE,

Melbourne,

2nd Feby 1886

recd 3/2

71
6056

SIR,

I have the honour to request that you will be good enough to return to this Office (with as little delay as possible) the correspondence mentioned in the margin, which was referred to you on the 13th June 1872.

Y 41/12/146
George Watson
applies to be put in
possession of certain
alleged intercepted
correspondence.
71
6056

I have the honour to be,

Sir,

Your obedient Servant,

T. R. WILSON.

The Secretary
Crown Law Department

✓ file returned. As in the above
it is however necessary that the file should
be kept in the office, with all other papers
in the office of death certificates.

J. P. H. ~~Secretary~~
Secretary
3/2/86.

TO BE RETURNED
TO
CROWN LAW OFFICES

File returned accordingly
H. Marshall
3/2/86. J. P. H.

23728 &c 71 71-76 Date 11:54
Res: Watson 6056 71-76 Repts. 25.
Asks to be put in possession of certain

alleged intercepted
correspondence.

Melbourne, September 11, 1871.

2099
5766

W. E. P. Sir,

all done
2099

I have the honor to address you, for the purpose of informing you, that I have been wrongfully and illegally held in durance, in a felon's goal, in this colony, during the appalling period of ten years & ten months; and that I was discharged in greatly impaired health on the 9th instant. During my terribly protracted imprisonment, I have written numerous letters, to members of my own family, to Members of Parliament, as well of the Imperial, as of the Colonial Legislature; to my solicitors both here & in England; to the Right Honorable ~~the~~ Attorney who now presides over the councils of Her Majesty, whose lady is a near relative of mine: the letters here referred to, have throughout a long course of years, with the most daring effrontery, been intercepted, and prevented reaching their destination. I am about to prepare, without delay, a full & complete narrative of the terrible events, in which I have sustained so painful, & so conspicuous a part: the object of the present is to request that you will be pleased to issue instructions, that I shall be immediately placed in possession of the intercepted correspondence,

TO BE RETURNED TO CROWN LAW OFFICES
when done with
4/2/86

The Honorable, G. G. Duffy, M.L.A.
Chief Secretary &c. &c.

71046

to enable me to draw a petition to the Legislative
Assembly of this colony: and also one for Her
Majesty's Secretary of State for the Colonies, in
London, which latter document, I purpose request-
ing The Right Hon. His Excellency, the Governor
to transmit to London, by next month's mail.

I have the honor to be

Sir,

Your most Obedient Servant

G. M. S. M.

TO BE RETURNED
TO THE
SECRETARY OF STATE
FOR THE COLONIES
BY THE
POST

No address on the
letter

12/16/71

Fruit

Mr. G. Paterson, who has just completed a sentence
of several years at Pentridge asks that several
letters written by him to members of the Imperial
Court &c. and intercepted by the Pentridge Authorities,
may be returned to assist him in writing a series
of papers on "Prison Discipline &c."

Wate 17: Sep
Reps 21 "

71
11991

71
5780

Geo. Bateson

Melbourne, September 17. 1871.

Complains that the Rev. Mr. Bardin has kept some
of his money without paying interest for it.

Sir,

alter
22/9

I have the honor to address you for the purpose
of preferring a complaint against the Reverend
S. P. M. Bardin, Chaplain of the Stockade, Pentridge.
In the month of February 1870, Mr. Bardin received
on my account, the sum of One Hundred Pounds,
remitted for my use, on my discharge, by my Brother
The Reverend W. H. Bateson Esq., Master of St.
John's Coll. Cambridge. I requested Mr. Bardin
to get the Bill, a draft on Smith, Payne & Smith
London, discounted & the money lodged in the
Post Office Savings Bank. I endorsed the bill
the same day. I saw Mr. Bardin repeatedly on
this subject, & for upwards of a month, received for
answer, that it was not convenient for him to attend
to the matter. When the second mail, after the
arrival of the bill was about leaving, I requested
Mr. Bardin, if the bill was still unnegotiated
to send it back, when he communicated to me
the fact, that the bill had been discounted & the
proceeds paid to his credit with his own banker a
month before. Mr. Bardin finally opened the account
with the Brunswick Office, a place Mr. Bardin
passes many times a day. Mr. Bardin retained
the use of this money, £100. for the period of nine
Weeks & Fifty Pounds, for the period of Nine Weeks.
By this retention of my money for Mr. Bardin's own

Do the Hon. the
at the
21. 9. 71

22/9/71

The Honorable,
The Chief Secretary &c. &c.

use, I am a sufferer by loss of interest at the rate
allowed by the Post Office 4% of about Ten Shillings,
Knowing as I do, that Mr. Bardin is paying a
much higher rate than this for the use of money,
I thought Mr. Bardin should not demand
the reimbursement of the sum in question,
which he has done

I have the honor to be

Sir,

Your mo. Obedt. Humble Servant.

W. Bardin

71. Date 11. Sep
12. 144 Regis. 25.

Geo. Bateson
with reference to his papers on
penal discipline at Pentridge

Att. Genl
26/9

To the Hon. the Attorney General

W. H. Murray

26. 9. 71

John May 1848

Sir

Melbourne, September 11. 1871.

M 1214

I was an inmate of the Penal Establishment, Pentridge, on the occasion of your visit the week before last; I am informed that you purposed repeating that visit at an early date; in view hereof, I have now the honor to inform you, that having nearly eleven years' experience of Pentridge, & being fully informed in abuses both past & present, in that establishment, I have the honor to inform you, that I am about to prepare a series of papers, to which I will give all practicable despatch, which I think you will consider of the first importance; if these be considered before your next visit to the Penal establishment, I believe your labors will be materially facilitated.

In anticipation of the day on which I shall wait upon you, for the purpose of handing you these papers, I have the honor to request that you will give instructions that a letter I was permitted

The Hon. the Chief Secretary

to address to the Superintendent, which letter
was written with the express object of being placed
before the Royal Commission, be laid before
You: This letter bears date either 8 August
or first week of September 1840. —

I hope to have the papers in question
ready in a few days.

I have the honor to be,

Sir,

Your most Obedt. Servant

W. S. Ballantyne

Des. Bateson ~~237284~~

71/89
11789

Date 14: Sep
Rejs 16.

demands the dismissal of
of Mr. Cooper the Presbyterian September 14th 1871.
Chaplain at Penitence Prison.

all 4 sent
2/9

I have the honor to address you, for the purpose
of preparing a complaint against John Cooper
who now unworthily holds office as Presbyterian
Chaplain of the Penal Establishment,
Penitence. When this is handed to you, you
will be aware that I am engaged in performing
an eminent public service viz. in placing
before yourself as head of the Government, as well
as head of that Governmental department, under
which sits the Penal Establishment, some great
& flagrant wrongs & abuses: prominent amongst
these is the fact that many persons are suffering
wrongfully: and amongst these are two Brothers
Dowell, whose misfortune it is to be under the
religious ministrations of this person, who, I have
to shew, has a most erroneous idea of the way in
which a Minister of Christ should discharge
the duties of his office. The young men Dowell
who, I know to be most worthy & deserving fellows,
& who are certainly suffering from no fault that
they have committed, but solely from the gross
abuse of power in the police, have been pecuniarily
ruined by the expensive proceedings they
had to sustain in defending themselves against
the absurd styled Public Servants, really the
Public Enemy. Having no resources, I have un-

The Honorable certifier, in connection with several other cases
The Chief Secretary &c. &c. ~~11790~~ to bring their

before the Government: and previous to my leaving
the Penal Establishment, I agreed with the
Souldiers to communicate to their Chaplain
every step I was taking on their behalf, with
the view that I should by that means, might
obtain their sanction & approval knowing, in
fact, no other course by which this could be
effected. Though I was released only on Satur-
day last, I commenced the redemption of my
promise by writing throughout the night & follow-
ing day: & forwarded a batch of letters & ^{drafts} copies
of Affidavits, for Cooper to read to the Souldiers,
requesting him in the most polite manner,
to read these to the Souldiers & immediately
post them, having stamped the enclosed. At
the same time, I enclosed a \$1. note, for another
unfortunate man who is a member of this man's
congregation, to be given him by Cooper, on his dis-
-charge, together with a 1/2 P. Stamp to enable
this man to write to his wife. I have had to sustain
the intense mortification, of receiving back the
whole packet, save only the stamped envelopes,
accompanied by a most insolent note from Cooper.
I have given Cooper notice that I shall request you to
call for the production of two notes I addressed
him on this subject: & have now the honor to request
you to depute a Gentleman to examine the evi-
dence in question.

It has always been a maxim amongst all Penal
Authorities, including the Protestant Chaplains, that
every obstacle shall be thrown in the way of men,

endeavouring to obtain enquiry into the manner in
which their conviction had been accomplished.
I am resolved to oppose my whole concentrated
energies to put down the monstrous abuses of the
Police & Penal departments: and I now demand
the dismissal from the office, he so unworthily fills
of the man John Cooper

I have the honor to be

Sir,

Your most Obedient humble servant

W. W. W.

~~411789~~ 71. 1790 Date 14: Sep
Regis. 16
Sept. 14. 1791
Geo. Bateson
Calls attention to
Certain matters in connection with Penal Discipline.

Having been detained by successive Governments
a prisoner in the Stockade of Pentridge, for a period
exceeding a third of the average duration of human
life, I am necessarily thoroughly conversant with the
regulations & discipline in force: the object of this &
succeeding papers is to draw your attention to certain
matters requiring the earnest attention of the Government.
Giving precedence to the matter that, beyond all others
requires remedy, I shall beg leave to place before you,
the fact, that up to the accession to office of the present Ad-
ministration, notwithstanding that it is a matter of public
notoriety, that in a country such as this, where so many are
separated from their friends & kindred, by the whole
extent of the earth: where perjury is as common as speech,
nay, where it is a publicly recognised branch of the public
service, & where justice is administered, as it were, by
the dice box, that all orders & degrees of men in this com-
munity, including the Right Hon. His Excellency, the
Governor, have been absolutely & completely indifferent
how many persons may have been suffering wrongfully, and
illegally, how long their sentences may have been, or what
rank in society the sufferers, provided only, that these
should have no connections among the persons who could
contribute to the political support of the existing govern-
ment. The right of appeal after conviction is as to the execution
is as absolute & complete, as to trial: but to the present
time, it has been the sovereign will & pleasure of the
Penal Authorities, that this constitutional right shall
be suspended: to my own certain knowledge, during
my eleven years' experience, & which fact admits of irrefragable
proof, no man has been permitted to memorialize the

The Honorable
The Chief Secretary &c. &c.

~~411791~~

am sent
20/9

Appeals to
Executive

MP

Executive, even in the very strongest cases, and when
the Penal Authorities themselves have felt no doubt of
the innocence or illegality of the conviction of the
sufferer: certainly the employees of the Government had
this palliation of their conduct; that they were full well
aware, that by no known effort, could the Crown Law
Officers be induced to read a memorial, if sent in
from Pentridge, unsupported by persons of influence.
When any case is before the Assembly & the World, it
will be found that I do not exaggerate the case, when I
declare, that the revelations will be horrifying: that
Parliament must receive them with a shudder & the
people stand aghast with consternation & dismay.

There can be no possible doubt that the present Government
has inherited from its predecessors, one of the most difficult
cases with which any Government could have to deal.

During my long experience in Pentridge I believe I am
right in saying that there has never been a period, when there
were fewer than fifty men suffering wrongfully: but there
was no man to hear, nor any that regarded it.

The first Inspector
General was dismissed from Norfolk Island, by the
British Government, under circumstances of such candour
and hospitality, as to make it something more than a
reproach to any other government, placing him over a large
body of men in a virtually irresponsible position. On
this point I will break off, as I purpose in my petition
to the Legislature of this colony: & also that to the imperi-
al Government, to supply a gallery of moral portraits
that will probably produce a lasting & truly edifying
effect.

To return to the subject of the right to memorialize,
I am thoroughly well acquainted, with a great number
of cases, that should long ago have received attention
at the hands of previous Governments; I purpose in
future papers, to press these upon the notice of
the Government: many thoroughly respectable men

Inspectors General

Superlative
Infamy of the
Police

rest their hopes upon the earnestness & zeal of my ad-
-vocacy: by God's help, I will not forsake them, till
the last man whose cause shall adopt be released.
The subjects of wrong convictions bring me by natural
sequence to the arduous, the tedious & something
more than human depravity of the Police Force of this
country. I myself have been a living memorial for eleven
years, not only that Professional Perjury is a fully recog-
nized arm of the Administration of the Law, but also,
that all Magistrates including the Judges, all Barristers
& Solicitors practicing in Supreme or Minor Courts, the Juries,
Executive Councils, headed by the Representatives of
the Majesty & People of Great Britain at their head,
the Penal Authorities & Public Functionaries of all degrees
are one & all knowingly & wilfully guilty confederates
herein. Not only is it a maxim among all the civil
servants, that they are in virtue of their position, in
natural antagonism with the People: & therefore their
duty is to obtain not justice, but a conviction: & that at
any cost. The witnesses must be bribed with public
moneys, furnished for this purpose: duly trained &
disciplined in the evidence they are required to give:
the truth must be perverted, distorted, suppressed,
and by the police themselves, facts furnished from the
imagination: and when all this is clearly brought
home in individual cases, the offenders are suffered
to continue their career of guilt; I will cite one amongst
many cases in point; at the sessions held before Mr Justice
Pohlman on 1st December 1867. Two adopted children, a
boy & girl, of Sergeant Summerhayed, a peculiarly active
& zealous officer, were made to prefer a charge of assault
with intent against Alfred Dickman, a thoroughly respecta-
ble young man of about twenty two, going home quietly going
home from his work, to his young wife: the man was con-
victed: received a sentence of two years, the first week
of every alternate month solitary: when the man had
performed about six weeks, it being ascertained by a

Private examination of the children at the Office
of the Attorney General, that the charge had a real
foundation, but, that the charge was concocted
by one of the guardians of the Public, the young man
was liberated: & I am instructed his silence
purchased by the payment of fifty Pounds.
I am informed that previous to this occurrence
the same meritorious & highly valued public
servant, was not convicted, so, that would be a great
blow to the system, but detected in joining with his
Wife & uniting with them, in that conspiracy another
child, adopted from the Catholic Orphanage,
in bringing a charge of an attempt to ravish the wife &c.
I am informed that the conspiracy having been clearly
brought home to the confederates, Mr. Popham expressed
himself in strong animadversion, not having suffered the
case to go to the jury, & added "such people are not fit to
have the custody of an adopted child" & ordered it to be
returned to the Orphanage. In the face of these: &
I suppose a thousand more such cases, Sergeant Sumner
has remained Sergeant Sumner. Is this not a clear
proof as can be brought ^{that the Government} sanctions professional perjury?
I know that an opinion very generally prevails, that in
order to ensure the conviction of a well known offender, on
a trifling charge a point may be strained. Those whose
ideas are confined to this know but a very small
portion of the truth, the fact being that to ensure the
conviction, on a capital charge, ⁱⁿ ~~infinitely~~ greater efforts
are made in the arts of perjury & subornation of perjury
than would be thought worth while in a case of "Petty
Larceny". That perjury obtains with fearful frequency
amongst the regular Police is indeed most true,
but amongst the Gang of Judicial Assassins, not a
member would be retained, that flinched at resort-
ing to perjury to accomplish a conviction: This Gang is
facetiously styled "detectors". Suffer me to enquire
why these miscreants bear this misleading and delusive
Appellation?

If a title were bestowed upon them expressing their true vocation, they would be styled "Inventives," or "Incentives," the first because the facts they depone to are furnished from their wicked imaginations; The second, because they most sedulously & assiduously goad & impel into crime, & by their duly accredited agents, paid with the public money, seduce into crime, those who have once been criminal. They foster crime in order to have criminals to convict. We know it is the fate of all Governments, to be compelled ^{at times} to avail themselves, at times, of the services of very unworthy agents; but what shall be said of that Government, that knowingly & wilfully uses the public money entrusted to its care in the employment of a Gang of authorized Professional Perjurors, for the perpetration of Judicial Murder? The long experience I have had in the Penal Establishment, enables me most distinctly to affirm, that much the major portion of the money annually voted by Parliament, for the maintenance of this gang of men of inconceivable villainess, & the Police Secret Service Fund, by them administered, is spent in the support of Perjury and subornation of Perjury.

In order that proof may be furnished that these men concoct, robberied & employ professional Thieves to execute them, for various reasons, sometimes in order to fix the guilt on innocent persons, they have to request that a statement to that effect, addressed to the Inspector General of the Penal Department, by George Meredith, a prisoner of the Crown, be produced. This statement, in the truth of which, I implicitly believe, involves three members of this force - Hartney, Christie & Mackay. I presume the course of enquiry that would be taken in the case of this statement, would be to refer it to the sultan, in command of this most diabolical Gang, who is the very founder of the system. That such an enquiry would necessarily result in nothing, it would

Magistrates' clerks' complicity with the Police. —

be perfectly needless to add.

Clerks to the Magistrates throughout the Colony are almost universally in league with the Police; the way in which they can most effectually aid the cause is by falsifying the depositions: I feel fully justified in using that expression, when I know it to be the universal practice, to aggravate the form of expression used against the accused: & altogether, to omit everything in the evidence that is in favor of the prisoner: yet the depositions, according to our undoubted & most imperfect form of administering Justice, are the only records that are kept: & are necessarily the only documents for reference in the reinvestigation on appeal to the Executive. I know myself to be in the utmost peril from the hellish machinations of this diabolical crew: It is perfectly well known to have been my intention to expose & lay bare the infernal system by which false & fictitious: & any means will be resorted to send me back, from whence I came: the last remark, the superintendant made on my leaving Pentridge, was to communicate the fact that the Mail left the following morning: & strongly advised my sailing by her: adding this observation, "If you remain here a trap will certainly be laid for you, which do what you will, you cannot fail to fall into." Whatever the risk may be it must be incurred: I cannot submit to have undergone what I have done, without bringing the whole weight of my entire concentrated energies, to compel redress. —

When a petition from a convicted prisoner hath been considered, it is undoubtedly a most right & proper course to refer such petition to the Judge that presided on the Trial: but when the report of the Judge has been received: and it has been fully & completely ascertained that the Judge has taken an erroneous view of the case: & misdirected the Jury in points of

Severity of fact
Crown Law Officers
to the will of the
Judges

Law: & points of fact: either to refuse to advise His
Excellency at all in the matter or to recommend
The Governor not to interfere, both of which courses
have been repeatedly taken, it for such Crown Law
Officer to violate his oath: & is deserving only of
the very sternest reprobation: & will assuredly em-
broil The Government of this colony: with that of the
mother country & of Foreign nations: in this country,
an appeal to The Governor is substantially, merely
an appeal from The Judge, to The Judge. I myself
was once told by a Counsel of eminence, that "if
Leveys himself were Chief Justice here, no Crown
Law Officer could be found being necessarily a
Barrister practising in The Judge's court whose
decisions he is required to review, would venture
to oppose his will". When I listened to this pertinent
& very noteworthy remark, I little thought I should be
compelled to realize with such appalling force the
terrible truth of this remark. It should ever be borne
in mind, that Counsel earn their bread dependent
on the favor of The Judge, which, if they lose, they may as
well abandon their Profession.

The right of Prisoners, though convicted, to appeal from
the decision is undoubted: It being a maxim of Law,
that an attainted person can always move for the
reversal of the attainder, it necessarily follows,
that it is the right of such persons to hold commu-
nication with their friends upon the subject of their
cases; with their legal advisers: & with official persons.
This right has always been most shamefully infringed,
but the matter contained, is called objectionable,
if anyone concerned in the trial be in the smallest
degree injured, reflected upon: Letters to & from
overwritten, to Members of Parliament, to their own
Government, by Foreigners, to Prisoners' Solicitors
are, with the most daring effrontery mutilated or
altogether suppressed. There can be no doubt, that

Suppression &
Mutilation of
Letters. —

The right of surveillance over prisoners' letters was bestowed for no other reason, than to prevent the ends of Justice being defeated by private communications: if there be no matter of such a character, there can be no doubt, there is no power by Law to detain them. The intercepting of letters to Members of Parliament must be not only a grievous violation of the rights of prisoners: but also a serious breach of the Privileges of Parliament.

Sentences of
Death Recorded

In the case of persons who have received sentence at the time of trial of "Death Recorded," it has been the practice, to set such men to labor, immediately on conviction, and notwithstanding they are so kept at labor, their time to be performed has always been computed from the period of the commutation: This is manifestly both unjust & illegal. But the present Government will be pleased to issue permanent instructions, that in all such cases the time shall be computed from the date at which the man was set to work.

Air & Exercise

It will greatly astonish the Government when they are informed how serious a charge will be against the Penal Authorities, under the head contained in the margin. Although, after any model time was performed, I was presumed to be employed in the open air, yet so recklessly & constantly was the most unwarrantable confinement to cells resorted to, that I am in a position most positively to assert, for the first nine years of my incarceration, that is, antecedent to the first of January 1870, I in common with all other prisoners, save a few yet prisoners was locked up more than three fourths of my time. In the year 1867 I kept a record: at the close of that year, I found that the time passed in idleness in cells, amounted to 6935 hours: the remaining period of 1825 hours only being occupied at labor, by those at least whose occupations were performed in the open air. I remember on one occasion, when we knew we were to be locked up during the whole of a certain