

and

Act of Ind. Genl Penal Co. 70/1139. Date 19 Dec, 1870
Repts. 229
Forwards Petition from Prisoner
Bateson R96137e

Penal Department

Inspector General's Office

Melbourne 19 Dec 1870

Sir

At the urgent solicitation of the prisoner Bateson I submit the annexed petition for the consideration of the Government -

C/paper 68/5049

This case has so often been under consideration on its merits that I need say nothing on that question at this time. His statements on other points are substantially true but there is nothing in them so far as I can see to entitle him to any favorable consideration; that he had been three months under sentence at the date of its commutation was a fact within the knowledge of the Government at the time and no doubt received due attention; the punishment awarded him has been brought on by his own misconduct and there is no ground so far as I am aware for the remission of any of them -

The Honorable

The Chief Secretary

J

23728

I am aware as the prisoner
states that there are funds at his disposal
sufficient to enable him to leave the
Colony and it is on that ground alone
that I have been induced to allow
the petition to be forwarded. -

Bateson will not be eligible
for discharge under the regulations
until February 1872. -

I have the honor to be

Sir

Your most obed^t servant

W. M. M. M.
Acting Inspector General

5616.
Geo. Bateson
19. 11. 70
Spec.

71
1130

116730

40/2773

To

The Right Honorable,
His Excellency The Governor
Ac. &c. &c.

May It please Your Excellency,

6 Sept
56-15
236-10

The humble memorial of the undersigned
George Thomas Bateson most humbly sheweth
That _____

Your memorialist was convicted on the seventeenth
of December 1860, of an offence which he always had
asserted and ever earnestly maintain he was absolutely
and completely innocent of, both in fact, and in
intention.

Your memorialist has now been kept in durance
at the G. & A. N. after the lapse of which time,
your memorialist will not trouble Your Excellency
with the details of his case.

Your Memorialist having performed two thirds of
his original sentence, and having earned a certain
amount of "credit" by teaching in the school, would
really have completed his allotted term, were it
not for certain circumstances, that he will now
proceed to lay before Your Excellency.

At the time of trial, the sentence passed was
"Death Recorded"; this is a sentence, at all times
expiated by imprisonment; The Gaol Authorities
aware of this, always set persons upon whom, this

sentence has been passed, to hard labor; the day
after your memorialist's trial, he was set to break
stones, at which occupation, he was kept, till his
sentence was fixed, three months afterwards, when
he was removed to the Penal Establishment;
but for your Excellency's interference, your memori-
alist will have this term to perform again; your
memorialist cannot suppose that your Excellency
will consider this consistent with fairness; and
your memorialist would venture very humbly to
submit the inquiry, By what Law could your
memorialist have been set to work if he were not
under sentence?

Your memorialist has also, on several occasions,
received from the Visiting Justice, sentences of
solitary confinement, which have amounted in
the aggregate to Ninety days; your memorialist
feels that his conduct, throughout the entire period
of his incarceration will bear the very strictest
scrutiny. These sentences were inflicted under
very unusual circumstances; "solitary" as performed
in the Pentridge Stockade, is to a person such as
your memorialist a very terrible punishment:
your memorialist ventures to hope that your Ex-
cellency will not suffer these sentences to be made
addition.

Your memorialist received one specific sentence
of Three Months, for having written to the Right Hon.
W. E. Gladstone, which letter did not pass through
the office of the Stockade. Your memorialist had
previously written in the usual manner to this
Right Hon. Gentleman, & his letter was not

116730

suffered to reach its destination. Mr. Gladstone was at the time, a Cabinet Minister of the Crown of Great Britain: he is a very old friend of your memorialist's family, his Lady is your memorialist's near relative. Your memorialist knowing himself to have been convicted wrongfully believed it to be his duty to his God, to his country, to his family and to himself, to use every means that were just & right, to make his position known; Your memorialist cannot think that Your Excellency would desire, that a sentence so imposed, should be enforced.

Your memorialist has, in the course of his long imprisonment, been necessitated to spend many months in the hospital of the prison, arising from the circumstances in which he has been placed; unless Your Excellency be pleased to interpose in this matter also, Your memorialist will have to serve this time over again.

Your

Your memorialist therefore prays Your Excellency will be pleased to grant his immediate liberation; And if Your Excellency's advisers still feel that they are precluded from recommending Your Excellency to grant a free pardon, Your memorialist prays most humbly, but very earnestly, that Your Excellency will be pleased to grant a pardon, on condition of Your memorialist finally quitting the Colony, which he is prepared to do, by the first opportunity that presents itself after Your Memorialist's discharge.

The Acting Inspector General has informed himself that Your memorialist has funds to enable him ^{to carry} this intention into effect. — And Your mem. will ever pray &c.

G. B. H. H.

✓
There are no reasons for re-opening
this case & cannot advise this
Enclosure to grant the request
of the petition.

H O W

22/2/74

V. 16730

Extracts from Medical Registers re 5616 George Bateson

Admitted into Hospital	Discharged	Disease	No. of days in Hospital
8. 5. 62	7. 7. 62	Stricture	60
2. 2. 63	9. 2. 63	Injury to leg and ankle at work	* 7 *
2. 5. 63	6. 5. 63	Lumbago	4
3. 8. 63	5. 8. 63	Influenza	2
10. 1. 64	1. 2. 64	Acute Dyspepsia	14
6. 2. 64	18. 2. 64	Do	12
1. 4. 64	6. 6. 64	Hurt foot at work	* 66 *
26. 5. 65	31. 5. 65	Acute Dyspepsia	5
3. 6. 65	6. 6. 65	Shamming	3
5. 4. 66	13. 4. 66	Dyspepsia	8
23. 5. 66	28. 5. 66	Influenza	5
16. 8. 66	20. 8. 66	Dyspepsia	4
14. 12. 67	17. 12. 67	Acute Dyspepsia	3
12. 1. 68	21. 1. 68	Nephritis and Stricture	9
23. 1. 68	28. 1. 68	Acute Dyspepsia	5
1. 8. 68	3. 8. 68	Shiverings	3
27. 10. 68	28. 10. 68	said he had rheumatic pains in shoulder	1
26. 2. 69	1. 3. 69	Stricture	3
2. 6. 69	7. 6. 69	Spasms at neck of bladder	5
30. 10. 69	1. 11. 69	Dyspepsia	2
29. 4. 70	4. 5. 70	Face ache from cold	5
4. 9. 70	5. 9. 70	Influenza	1
8. 9. 70	22. 10. 70	Febricula	44
Total			271
less time from injury at work *			73
			198

J. Reed M.D.
2/11/70.

PENAL DEPARTMENT

[No. 32, P.]

INDENT of No. *5016 George Watson* at the *N.S. Penitentiary*
PRIOR CONDITION *Free*

251917

OFFENCE.	SENTENCE.	WHEN AND WHERE CONVICTED.	BEFORE WHOM TRIED.	CHARACTER WHILE UNDERGOING SENTENCE.
<i>Sodomy</i>	<i>Death recorded. Commutated to 15 years A.L. 1st three years in irons</i>	<i>15 December 1860 Supreme Court Melbourne. Commutated 8 March 61</i>	<i>His Honor the Chief Justice.</i>	<i>A vic</i>

*J. Gardner
37.10.70*

5614
Geo Bacon
18.9.68
"Spec" 18.9.68

68/3309 / Penal Establishment, Pentridge
September, Twenteen, 1868.

To the Inspector General,

R 68
9613

Sir,

I have the honor to address you, for the purpose of requesting, that you will be pleased to issue instructions that I shall be supplied with writing materials, to enable me to exercise the privilege of petitioning the Commons' House of Parliament of Great Britain & Ireland, the undoubted right of every British subject, in which document, I desire to set forth, in full detail, the circumstances under which the Government of Victoria has thought fit to hold me in durance, for a period now approaching eight years; This Petition I desire to confide to the care of Lord Robert Montagu, at present, I believe a Member of that House, or in the event of that gentleman having ceased to be a member of the house on its arrival in England, he will by me be instructed to transfer the same, to whomsoever His Lordship may think fit to depute.

I applied to you on the sixteenth day of August, 1868, for leave to write to the same Member of Parliament, above named: & also, that I might make that request in writing: in neither case, was the request complied with: I therefore take this opportunity, the first, since that time, I have been enabled to obtain, to refer thereto.

I have the honor to be Sir,

Your mo. Obedient Servant

G. W. B. M.

Postal Establishment, Cambridge
September 20, 1854

My dear Sir,

Dear Sir,

I have the honor to acknowledge the receipt of your letter of the 14th inst. in relation to the petition of the State of Massachusetts for the privilege of petitioning the House of Representatives of the United States. I have the honor to inform you that the petition has been referred to the Committee on the subject, and that they have reported in favor of the same. I have also the honor to inform you that the petition has been referred to the Committee on the subject, and that they have reported in favor of the same. I have also the honor to inform you that the petition has been referred to the Committee on the subject, and that they have reported in favor of the same.

J. M. L.

To the Inspector General

over

R5049

H

by Date 10 July
1896 Regis 13

Inspector G. P. Establishments
found further letter from prisoner
George Bateson

KA

R5049
not printed
in 1896
of delictio

MS

R9613

68741

R 6596

Forward the enclosed
 letter from J. Bateon
 to the Hon the Chief Secy
 though not strictly in
 accordance with the
 rules of the Department
 as there is no new feature
 disclosed in the letter.
 The matter is the man
 whose case was lately
 brought under the notice
 of His Excellency by a
 discharged prisoner
 cutting

cutting himself
Payne see papers

\$2.5049

Thompson

10 July 68

5616
Geo Paterson
26.6.68
WMS

Penitentiary Penal Establishment

The Hon. Chas. Staden Junr
Chief Secretary &c. &c.
June Twelfth Six 1868.

R 659
68/2333

Sir,

I have the honor to address you

under the following circumstances.

Immediately upon your accession to Office, Mr. Gould informed me of his intention to lay my case before you; Whether he did so before he left home, or whether he has done so, by letter since his departure I know not; but whenever he may do or have done so, I can hardly expect that he will give it that prominence to which the case is entitled: Therefore take leave to inform you that there can be no doubt, I am the victim of the greatest outrage that any government has ventured to offer to a British subject in modern times: & when the full particulars are before the World, people will stand aghast with horror that such things can be: The present Administration is as yet free from responsibility in the matter: but whenever I shall obtain the restoration of my liberty, the entire details, in all their hideous horror will be brought before the Parliament & People of Great Britain: & it is utterly impossible to suppose that a great & mighty people, who have but now carried a strong military expedition into a semi-barbarous Kingdom & slain five thousand persons & incurred an outlay of five Millions Sterling, in the cause of Justice & Humanity, will permit equal or greater iniquities to be perpetrated with impunity, in the very dominions of Her Majesty: In addressing one of His Excellency's advisers, it may be very proper to remind you, that a large & influential section of the English Nation, have been for some time past,

and still are, in a most unmistakable manner, asserting the
principle of the personal responsibility of Governors of British
Provinces, ~~and not~~ for the due exercise of the
Prerogative with which they are entrusted: I need not remind
you that Mr. Gordon was convicted in due form of Law;
that he was executed with the unanimous concurrence of
the Jamaica Executive: and I can only say in conclusion
that his fate was most enviable compared with mine.

I am informed by the Reverend G. P. M.
Bardin that he has written to Mr. B. G. Aspinall ~~requesting~~
~~that Gentlemen~~ to request the learned Gentleman to bring the
case under the notice of the Hon. the Attorney General, Mr.
Aspinall having as far back as six or a half years ago told
Mr. Bardin that he had no doubt of the illegality of the con-
viction: the case came under Mr. Aspinall's notice during his
Attorney Generalship in the Deales Administration & Mr.
Aspinall I am informed admits that, but for most influen-
tial adverse influence, he would have recommended
the case to the favorable consideration of Sir Lewis Baskley.
I have applied over & over again to lay the case before His
Excellency the Governor & have been met with replies that in
effect amount to this, that His Excellency is merely an Autocrat
- You take part in action, ~~or~~ withheld, solely at the will of his
Advisers: the people of England have no conception of this
state of things: I must request you to inform His Excellency
that I claim His Excellency's Personal & individual
attention to the matter: This I say most respectfully but also
most firmly.

Having always fully recognized by it being permitted
that a man brought up in a sphere of life that should have exempted
him from so terrible an ordeal, & irreproachable conduct, entirely
untainted by crime, who, humbly speaking never did any wrong

should be plunged for a long term of years into a community
of Felons, & here, in consequence of his doing his duty to His
God, his country, his family & himself, fearlessly & unflinchingly,
by an irrepressible determination to lay his tremendous wrongs
before duly constituted authorities, every expedient had
been most unscrupulously resorted to to irritate, to aggravate,
to exasperate, some great purpose, by unerring & unerring
wisdom, must have been designed, & ~~consequently~~ embodied the
result of my experience in this place in the form of an Essay
entitled "Our Penal Laws & Their Administration: Prison
Discipline & its Effects", dated July 27, 1864, which is in the
hands of the Inspector General; I believe this to be a very
valuable document: may I request you to read it: if you
call for this paper I regret to say, it is necessary that you par-
ticularly observe that the document furnished by the veri-
fiable document herein named as I wrote on three
years earlier on the same subject, but bearing a different title
which from the fact of my not being permitted ^{writing} time or materials
sufficient is much less perfect; should you peruse this Essay,
you will necessarily see that with my acquirements and
experience of observation, I must have accumulated a large
fund of valuable information during my stay in this place; it is
the earnest desire of the prisoners generally, as well as my own
also, that I obtain your sanction and permission to lay before
you ^{the wrongs, faults and abuses,} frankly & candidly, fully, freely & unrestrainedly, under
which, the prisoners, as well those who are rightfully, as those
who are wrongfully convicted consider they are laboring, together
with such other matters as I am of opinion it is eminently impor-
tant to the Public Service that you in your present capacity
of Political & Ministerial Head of the Department, should

be made acquainted with, always provided that you
previously place me in such a position, that I can do so with
perfect & complete safety to myself. —

I have the honor to be

Sir,
Your mo. Obedient Servant.
G. W. B. M.

The Honorable

Charles Maden, M. L. S.

Chief Secretary do do.

Having been permitted the use of a pen, but once in the last two years
on which occasion the letter written was intercepted, writing is so un-
wonted an occupation that this letter requires a apology; I am subject
to all the laws nature has imposed upon humanity, one of which
is that, she takes out of us rust away —

6936

I can add nothing to a minutes which I
 wrote on 25. Sept. 1865 for the information of
 the Right Honble the Secretary of State, copy of
 which is appended hereto. Mr. Pagner
 refers to his Excellency is simply a citation
 of Watsons former statement most of which
 are quite without foundation, as Mr. Payne
 himself is no doubt well aware, as he
 was only inherited from the 28th of
 28 April last from the 28th of June
 and at the same time just he
 served under the Whigs of Payne
 Wilson, Jackson & Thompson
 no less than five sentences
 amounting in all to 11½
 years.

Thompson
 29 May 68

The Hon the Secy of State

for the Secretary of State
 11. 6. 68

No.

2469

R5049

P. 368

His Excellency Sir John Henry Thomas
Manners Sutton K.C.B. Governor of the
Colony of Victoria and its dependencies.

Mr John Payne presents his duty to His
Excellency the Governor for the purpose of drawing
His Excellency's attention to a case of long-
standing and most stupendous injustice.

So far back as the year 1860, Mr George
Thomas Bateson brother of Dr H. H. Bateson
Master of St John's College Cambridge and connected
with many eminent persons in the United Kingdom,
was convicted (and sentenced to fifteen
years on the Roads of the Colony) under
circumstances certainly entirely unparalleled in
the annals of British Jurisprudence, at all
events the most reprehensible ^{manner} in which the
conviction was obtained involves principles
under which no man would be safe;
if the entire case in all its details
were before Your Excellency, you could
not fail to see that were Your Excellency's
first born son kidnapped in the
public streets and kept in a cave
in the Snowy Mountains for seven
years and a half ($7\frac{1}{2}$) a greater
outrage

Will the Inspector be good enough
to return the former papers in this
case if they are in his possession

6 Aug. 1860 J. Moore

60745

The whole of the papers in this
case are herewith forwarded
to the Honorable the Chief
Secretary as requested

W. M. W. M.
for & in absence
of the Inspector

Recd. Dep. Secy
7.8.60

Recd. Dep. Secy
7.8.60
W. M. W. M.
for & in absence
of the Inspector

outrage upon Law and Justice would not have been committed than has been in this case.

The prisoner (George J. Bateson) has been subject to terrible malignity and persecution during his imprisonment, in consequence of his determination to make his position known, which both one Government and the Penal Authorities have been most persistently determined he shall not accomplish.

Shortly after prisoner's conviction he drew a statement of his case addressed to the Inspector General of the Penal Department, for the purpose of memorializing His Excellency the Governor Sir Henry Barkly, this request being refused, he employed a solicitor, who on very imperfect instructions drew a statement which was suffered to lie disregarded eight (8) months during Mr Ireland's tenure of office as Attorney General; there can be no doubt (and as the prisoner believes the correspondence between Mr Ireland and the Chief Justice will shew) that the reason Mr Ireland failed to report on the case to Sir Henry Barkly was, owing to the fact that the Attorney General was at issue with the
Judge