Judge. Two (2) months after, Mr. Aspinall succeeded Mr Ireland in the Office of Attorney General and an answer was returned to the following effect "The Chief Justice being perfectly satisfied with the verdict; and the Honorable the Attorney General seeing no grounds to impugn its Correctness, had advised His Excellency not to interfere". Though Mr Aspinall must have advised His Excellency in accordance with the foregoing, shortly after Mr Aspinall's retirement from Office, that Honorable gentleman informed the Revd Mr Bardin the chaplain of the Pentridge Stockade that he was entirely opposed to the Chief Justice, and that he had no doubt of the illegality of the Conviction, a letter to this effect is in the hands of Colonel Champ and though this information has been in the possession of the prisoner Six (6) years, he has hitherto been unable to make any use of it

first time see Mr. Bardin's letter

Your Excellency will next please to observe the most shameful manner in which the prisoners Correspondence has been tampered with by the Penal Authorities; the whole of his letters that Contain any important

facts

facts in his Case, or have recommended any steps to be taken that would have the effect of causing them to be elicited have, with the most barefaced hardihood been intercepted; amongst these are letters to his Solicitors in England and in Melbourne, to members of his own family, to members of the House of Commons and of the Colonial Legislature; in respect to the two last named it cannot be doubted, not only that a grievous infraction of the prisoner's right, but also a most serious breach of the privileges of parliament has been committed.

The prisoner has in person both orally and in writing (and by his Solicitor from the Hon. A. Michie then minister of Justice) demanded the exercise of his right as a British subject to lay his Case before the Imperial Government, to which answers have been returned that the "Imperial Government has no right to interfere in the affairs of this Colony" --

Shortly after Your Excellency was inducted into your high Office the prisoner applied to lay his Case before Your Excellency and was refused; on the

the same day he applied for permission to write to Lord Robert Montague M.P. and was refused; he has called upon the visiting Justice (Dr Youl) to interfere in the matter of the intercepted Correspondence and received for an answer "Serve your sentence and then you can write to whom you like".

This Case when fully analysed will be found to have been a Conspiracy which the prisoner believes was got up by certain Government Employés, the principal witness being hired at a Cost of Twenty five pounds, and which the prisoner will be able to show when permitted -

The prisoner has had many interviews with the visiting Justice of the Penal Department for the purpose of requesting His Worships protection in his right to address Your Excellency but hitherto all his attempts have proved futile -

If Your Excellency should desire personally to inform yourself in the Case, and the prisoners treatment during incarceration

Your

Your Excellency will be pleased to peruse the undermentioned letters written by the prisoner and now in the hands of Colonel Champ viz

to Mr J. G. Wigley dated May 18th 1866
" Hon. Neil Black " Dec 6th 1867
" Thos Louder Esq " Sep 24th 1862
" Richd Youl Esq " Jan 13th 1864

and numerous others addressed to Colonel Champ -

It is thought desirable that the whole of the foregoing should be laid before Your Excellency, but the main object of the present is to request Your Excellency to be pleased to issue instructions that the prisoner may be permitted to fully, freely and unrestrainedly draw up a statement of the entire case.

In apologising for troubling Your Excellency with this matter, Mr Payne on behalf of the prisoner, humbly and earnestly beseeches Your Excellency to grant this request and issue the necessary instructions, by doing which Your Excellency

will

will be bestowing on an innocent man
the greatest boon it is possible to confer,
and for which he will be ever grateful

Melbourne
29th April 1868

For the Honble the Minister of Justice.

This case has been repeatedly & most fully investigated. I have had an opportunity of perusing the documents. In forwarding Mr. Payne's representations to the Honble the Minister of Justice I have no intention of intimating an opinion that the case should be reopened. But any specific charge against any particular officer of the Provincial Government, of course be engineered into.

J. H. T. Kelly
May 15
6 PM

L4904

Copy.

Memorandum of Inspector General on case of George Bateson. —

In re Bateson

Memorandum.

Bateson was convicted at the Supreme Court in December 1860 of Sodomy, on the evidence of his accomplice and some policemen who surprised the parties in the act of committing the offence. Sentence of death was recorded against him, and commuted to 15 years hard labor and in March 1861 he was removed to the Penal Establishment at Pentridge.

While in Melbourne Gaol, he through his Solicitor Mr Wigley, submitted a most elaborate petition to His Excellency Sir Henry Barkly, and after his removal

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to Pentridge he appealed to me for permission to send in another memorial, a permission which in compliance with my instructions I declined to grant, inasmuch as nothing had transpired since the prisoners trial which appeared to mitigate his culpability; He was however allowed unrestrained communication personally and by writing with his Solicitor who thereupon submitted a supplementary petition and received for reply that "the Chief "Justice being perfectly satisfied with "the verdict, and the Attorney General (Mr Aspinall) "seeing no ground to impugn "it, His Excellency declined to interfere"

In April 1862, a Minister of Justice having been lately appointed, a third memorial was submitted by Mr Wigley, and at Bateson's earnest request referred to the New Minister (Mr Wood) who having "read the depositions and "Judges notes" declined to recommend Bateson to the favorable consideration

of the Government, upon which, in July 1862, His Excellency declined to re-open the case.

In September a letter from Bateson to his Solicitor was forwarded by me to the Minister of Justice, who replied that it threw "no new light on the case" – In April 1863 another letter from Bateson addressed to myself urging various points in his favor, was submitted to the Minister of Justice, who having called for all the papers and made further enquiries into the case informed me in reply that he thought there were "no grounds for "a recommendation that the prisoner "should be discharged from prison"

In September of the same year another Minister of Justice (Mr Miche) having taken office, Batesons case was again brought forward by his Solicitor, and I forwarded for the consideration of the Honorable Minister all the papers connected with the case, the result was that Mr Miche having "carefully read and re-considered all

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"the papers in the case" including I may observe the letter to Mr Loader hereafter referred to, and altogether more than 40 pages of closely written foolscap (principally without margin) from Bateson himself, declined to recommend the prisoner for the favorable consideration of His Excellency. -

In December 1863 Batesons Solicitor requested of the Minister of Justice that Bateson might be permitted to petition the Secretary of State, but permission was refused mainly on the ground that the Governor of the Colony is "fully empowered to deal with "all such cases as are put forward for "the favorable consideration of the "Crown"

I trust the Right Honorable the Secretary of State will now perceive that every consideration has been shewn by the local authorities for Batesons case, a point on which I believe His Excellency the Governor satisfied himself by personal enquiry after visiting Pentridge

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in May last; I have no record of the fact but His Excellency will recollect, that I mentioned Bateson's case to him when I accompanied him through the Establishment, and informed him that Bateson had expressed a desire for a personal interview, which His Excellency declined, but took a note of the case with a view to making enquiry respecting it.-

Bateson was not however contented with temperate and respectful representations of the grounds on which he sought reconsideration of his case; finding that his appeals of that character were unsuccessful, he commenced a system of writing letters to Members of Parliament and others, containing gross and libellous reflections on the Judge and Jury who tried him, on the Minister of Justice, and on various Public functionaries, all of whom according to his account, are or have been engaged

in

in a conspiracy against him; all such communications when brought under my notice by the Superintendent of the prison, I of course directed to be detained, and the prisoner was duly informed of each detention and of the reason; and he was also informed more than once that if he wished to address a temperate and respectful statement of his case to the Member for the district or to any other person he was at liberty to do so. I would ask His Excellency to peruse my minute to that effect of the 28th of May 1862 returning a letter of Bateson's addressed to Mr Loader M. L. A. in which among other improper and irrelevant matter, Bateson, in referring to his trial speaks of "the "Tempest of the Judges fury" "the "obsequious and senile Jury" "the "perjured Judge" "the suborned "witnesses" &c &c; for writing this I directed the prisoner to be brought to trial before the Visiting Justice, and he was accordingly punished; he still however thought proper to

persist

persist in writing letters in this style, and at last I forwarded a number of them to the Chief Secretary for perusal, to protect myself against any possible imputation of having prevented a prisoner from making a proper and respectful appeal against his conviction. —

The letter of the 15th Jany 1864 to which Bateson refers in his communication to the Right Honorable W. E. Gladstone contained a gross falsehood respecting a former Attorney General, and various highly improper allusions to his conviction and treatment, and to certain public functionaries, and I caused Bateson to be informed that it would not be forwarded, as he calls this "intercepting" "a letter on its way to the Post Office" and "tampering with the correspondence" "of a Minister of the Crown" some idea may be formed of his general style. —

I

I have sent all the papers I have connected with Batesons case, not certainly expecting His Excellency to wade through them, but lest reference should be sought to any particular document, but I cannot conclude without submitting that Batesons letter to Mr Gladstone has been surreptitiously sent from the prison and that if strict justice be meted out, and correct discipline properly maintained, that letter should be forwarded to the Colony, that Bateson may be punished for sending it. —

(signed) W. Champ

Inspector General

Penal Department

25th February 1865.

Geo: H Bateson

L 7989 Wakefield Dist

65 Dete 19 Sep

M 8793 Regis 23

G. V. Bateson
(Prisoner)

Asks permission to forward for Ch. Sec's perusal an Essay on Penal Discipline &c

L 63 — 7989 with P. Sec 2.10.65

Inspector Genl 26.9.65

MAY 5.5.68

Wakefield 7.5.68

Should Wish any Communication with the Prisoner

Wm. C

25/9/65

For the information of the Inspector General
26. 9. 65

E Moore

R 5049

George V. Bateson

Papers M 65/8793 – 26/8/65

Bateson's request to be allowed to send an essay on prison discipline to the Nat. Ch. A. accepted to be 4/5/66

Mr Chanley be good enough to forward to the Private Secretary, for this building the papers in the case of Prisoner G. J. Bateson?
The case was considered about August 1862.

P. Sec: Mr
3 Apl: 1868.

The papers in the case of this prisoner were forwarded to the Hon. the Chief Secretary on the 20th February 1885

R. Chandler
Sec. Law Depth.

C. Law D.
30.4.68

No 8293
Bathford. 26.9.85
Con. Hudson. Bond

Write Bond 25-68

To Supt Penbridge to communicate the Secretary's minute to Bateson.

28/9/65

Supt Genl P.

27. 9. 65

The Supt

R Penbridge

Prisoner Bateson informed

[illegible]

Supt

28/9/85

M 8793

R.B.

CHIEF SECRETARY'S OFFICE,

Melbourne, 4 May 1868.

65
M 8793
G. V. Bateson, a Prisoner
asks permission to proceed for the
Chief Dentaigh Penal Establishment
on Ticket of Leave

SIR,

I have the honor to request that you will return to this Office, with as little delay as possible, the correspondence *indicated on the margin, which was referred to you on* the 26 September 1865

I have the honor to be,

Sir,

Your most obedient Servant,

E. Moore

The Inspector General
of Penal Establishments.

68/102

Forwarded herewith

J. Thomas

4 May 68

5416
Geo. Bateson
1.9.65

Penal Establishment, Pentridge,
September 7.1st, 1865.

65/5482

The Honorable James McCulloch M.L.A.

Sir,

I have the honor to address you, under the following circumstances; —
As Chief Secretary, you are the head of the Penal department; I have therefore the honor to request, that you will be pleased to give instructions, that I may lay before you, unrestrainedly the great wrongs & heavy grievances under which prisoners are now labouring: as well those that are rightfully, as those that are wrongfully & illegally convicted. —
By the great crime that has been perpetrated against myself, the circumstance has arisen, which it is to be presumed can be only of rare occurrence, & certainly cannot frequently be repeated, of a Gentleman of education with knowledge & experience, & entirely untainted with crime, having had compulsorily to associate for a period, now, of nearly five years, with felons of every degree of criminality, on terms of equality; the observations of such an one should be of value to the Public: accordingly, I did thirteen Months ago, embody my observations & reflections, in an Essay, entitled - "Our Penal Laws & their Administration; Prison Discipline & its Effects", with at least the implied understanding, that it would be forwarded for your perusal; that it has not been so forwarded, I can account for, only from the fact, that I have succeeded in showing in a manner, that no man can refute, that the Victorian Government is maintaining

at a huge expense, a Great Seminary of Criminal Learning, for the Inculcation, Propagation, Nurture & Culture of Crime: I have the honor to request that You will be pleased, kindly to read this Essay, which I beg may not be conformided with a mere crude & imperfect one, written three years previously on the same subject; the Essay I desire should be submitted for your perusal bears date July 27. 1864. which I think would have been forwarded in due course, were it not that it strikes deeply at the vested interests in crime. —

I have also the honor to request that You will be pleased to grant permission that I may fully & freely lay before You, not in the form of a Memorial to His Excellency but in a statement addressed to yourself, the particulars of my own case, that You may, at least be made acquainted with an instance of the Maladministration of Justice, without any exception, the most signally atrocious that has occurred in the entire annals of British Jurisprudence. Had the Life of my Friend Mr. Gideon Rutherford been extended, I should not, so long, have been left naked to my enemies.

Should this communication be suffered to reach You, I cannot doubt that You will give effect to the requests it contains: & should it not, I have put another fact upon record, for production at a future time, that I have the intrepidity to do my duty.

I have the Honor to be, Sir,

Your ms. Obedient Humble Servant.

Chief Secretary &c. &c. —

F. Blakston. —