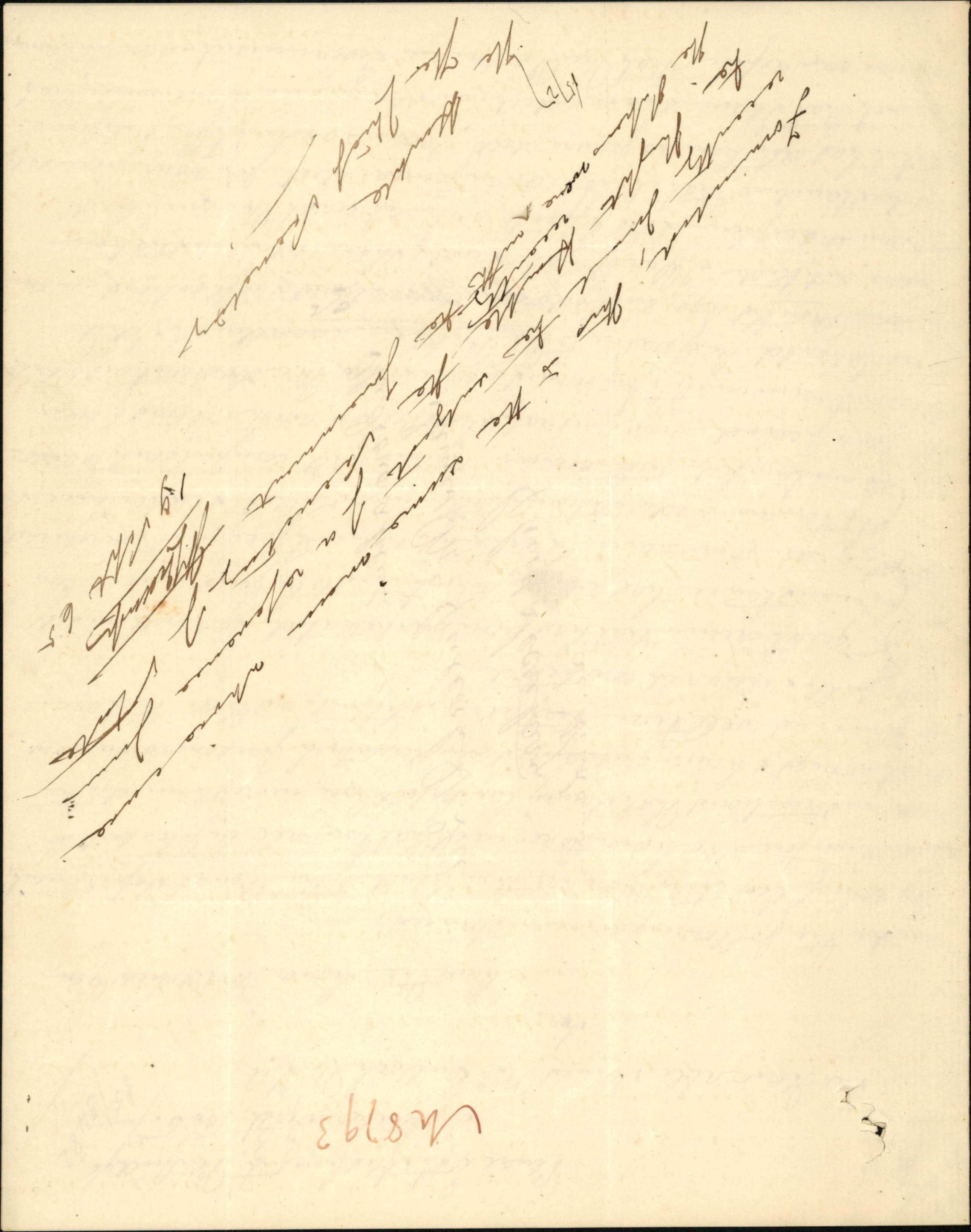

To

The Honorable

James Mc. Cullock M.L.A.

Chief Secretary.

&c. &c. &c.

Pressing.

Ill 1824

65 Date 31 May

Inspector G.P.S. L4904 Regd 2 June

Forwds letter from prisoner George Bateson and requests instructions as to its disposal

Pencil 6.65 3. Reg 6.6.65

There is nothing in the letter to prevent it being forwarded

[illegible]

65/10

The letter has been forwarded

[illegible]

3 June 65

L7989 sent to Justice for Warrants 18.5.68

The enclosed letter
is written by F. Bateson
respecting whom a
reference was recently
made to His Excellency
by the Right Honorable
The Secretary of State
for the Colonies, and
under all the circumstances
I think it best to
forward this letter
to the Honorable
Chief Secretary, who
will perhaps forward
me

with instructions as
to its disposal

J. Thompson

31 May 65

I think it right to send this letter from the Secretary of the Supt at Pentridge with a request that he will return it when read

W. Thomson

29 Nov. 64

Returned —

Wm O'Brien

Sec

30/11/04

Brunswick 64/4483

Portman 29 - 1866

Sir

A letter addressed by the Prisoner George Bateson to the Bishop of Melbourne having been referred to me by his Lordship I think it advisable to place on record in your office a copy of the "Memo" forwarded by me in reply and which with this brief I append to this letter

I desire to add as the Prisoner alludes to a conversation which took place between me and the then Attorney General -

The Inspector General
of Penal Establishment

Mr. Aspinall – And that an
inference not justified by facts as
to the Admission by the Law Officer
of the Crown of the illegality of
his Conviction

It is possible the same
statement might again be
made by Bateson let some
future Governor then letter
I might not be in the Colony
a clear recollection of what
actually took place in the course
by time

I then the Name to
the Resident Magistrate
W. M. Allen

Copy

L 4904 64/4483

Illinois.

With reference to the conversation detailed by the Prisoner Geny Watson as taking place with myself the facts connected therewith are as follows — About the date indicated I met Mr Aspinall — then Attorney General — who he was visiting the Penitentiary Penal Establishment — I mentioned Watsons case and enquired whether the memorial in that Prisoners behalf had he yet come under his consideration — Mr Aspinall replied "Yes — but the only circumstance which struck him so as alarm from the evidence furnished to the Prisoner was that the commission of the offence (Sodomy) was proved to have taken place on a date different to that on which it was particularised in the indictment" I think the difference of time was two days — Watson some short time ~~after~~ afterwards on learning from his Solicitor the adverse decision of the

of the Court & Speaking in strong language & one of the Counsel say his case had been decided with — I replied. "I show you the Army &c" — I then detailed the whole Conversation with the Attorney General — the term "illegal" on which stress is laid by the Prisoner was first used on his the idea conveyed

C M Barden

October 23 - 1865

5616 Rec'd 13 Sep 1884 6th

Penshurst, Melbourne,
Victoria, June 24. 1884.

My dear Labb,

Under date 24th March, I wrote you at some length a very highly important letter, recording very numerous failures in attempting to gain the ear of His Excellency; I have now another to set forth: It has always been the practice of the Governors of the neighboring Colonies to pay frequent visits to the Penal Establishments, and on these occasions any prisoner had easy access to them; anticipating that our present Governor, Sir Chas. Darling would necessarily pay an early visit to this place, I addressed a letter to the Inspector General "demanding", in the event of such Gubernatorial visit being made, to be brought into His Excellency's presence; this visit was made on the 5th May, but it appears by the sequel that His Excellency's object was merely to see the piles of stonework, & with the flesh & blood contained within them; I am informed that the Governor was told that I had been "most pertinacious" in my desire for an interview: & that he replied he could on no account see any prisoner, that being a "Constitutional" Governor, he could exercise no individual judgment, nor could he even personally inform himself of the particulars of any case; Being a Constitutional Governor, His Excellency would no doubt act wisely, not to interfere in political matters, but I should have thought that His Excellency would also have remembered that as Vice Roy of a British Colony, that he was the Representative of the Majesty and Justice of Great Britain & that in this latter capacity if called upon, in cases of alleged injustice, he was bound to inform himself, of his own knowledge. —

An opinion prevails amongst ill informed people here that by the Constitution Act, granted to this Colony, Great Britain has absolutely & entirely alienated least of half a million of her subjects, to enable novices in

their accidence to experimentalize upon utterly irrespective of law or the statutes; I trust the Right Hon. the Colonial Secretary will quickly dispel this delusion; that British subjects in whatsoever portion of the World they may be have the right to appeal to their own Government, there can be no question whatever about; the Sovereigns of Great Britain cannot themselves dispense with statutes, & cannot delegate to others powers which they themselves do not possess.

I have been informed that when the Minister of Justice sanctioned that great breach of the privileges of Parliament, the non-delivery of my letters addressed to Thos. Loader Esq. M.L.A. he assigned as a reason, that the letters threw no "light" on the matter; the letters are not lacking in luminosity, though I will not undertake that matter shall emanate from my brain containing light of such electric power, as to be able to penetrate the density of wood of Parliamentarian growth; & we are informed on very high authority that when "the light shineth upon darkness, the darkness comprehendeth it not".

If you will act upon my instructions, boldly & fearlessly, there can be but one issue in this matter; communicate to Mr. Cardwell every thing contained in my letters to you; impress upon him the necessity of placing the enquiry out of the hands of the Colonial Government, who are deeply interested in preventing the facts from coming to light; request him to issue instructions that I may have free & unrestrained intercourse with himself & with you. Had this case been heard before a British Judge, he would not only, not have suffered it to go to a Jury, but, he would have ordered that indictments be prepared against the Witnesses for Conspiracy, for Perjury & Subornation of Perjury; As the Question now stands, it is not whether Justice demands

that it shall be set at liberty: but whether those who have perpetrated the injustice dare face the consequences of being at liberty; but it cannot be that the British Government, who are so jealous even of indignities offered to their subjects by Foreign States, should suffer such monstrous outrages to pass unnoticed in their own dependencies; surely Her Majesty's own Dominions cannot be the only places on the Earth, where her Ministers have no power!! —

In Documents I desire that the Colonial Secretary will be pleased to order to be forwarded to him, are — the depositions, Judge's notes, if any, all correspondence between the Judge & Crown Law Officers on the matter, statement, addressed by me, to the Inspector General, for the purpose of requesting the exercise of my privilege of memorializing the resident Representative of my Sovereign; Letter to R. Rowe Esqre dated July - 1861 - Four Letters to Jno. Loader Esqre M.L.A, dated, May. 16. 62. June 7. 62, Septr. 24. 62 & ~~Decr. 15. 62.~~ — Octr. 30. 62. — Letter to R. Goul Esqre dated Octr. 7. 62 — Five letters to Insp^r. G.P.O. Septr. dated Mch. 28. 63. Apr^l 14. 63. May 23. 63. Aug. 8th 63. Octr. 7. 63. together with all replies thereto; a letter to the Right Hon. W. E. Gladstone M.P. dated Jany 15. 64. Two letters to the Revd W. H. Bateson S.J. dated Febr^y 19. 63. & Aug. 14. 63. — all correspondence between the Ministers of Justice & Inspector G.P.O. on the matter & a letter from the Minister of Justice to my Solicitor Mr. J. G. Wigley dated Decr. 28. 63. —

Oh! Gable when the Law was the universal prison for all offences the Laws were merciful compared with the way in wh. they are carried out in this Colony; in preference to what I am enduring, welcome a thousand times, the stake & the flames; the wheel should be

Yours very truly

G. W. Walsh

This letter cannot be forwarded, the statements with regard to the [illegible] are untrue, & the remarks with the [illegible] are improper. Let the writer be informed that he cannot write a letter [illegible] the privilege withdrawn

6u/463

The Supt

B. Partridge Esq

Solicitor &c. &c.

Lion du Court

Abergavenny

Monmouthshire

England

20 July 64

Communicated Supert 23/7/64

actual enjoyment in comparison; think of that refinement of cruelty, that could devise a death, that is contrived to take Ten years to complete; I have been three years & a half in process of Execution & am not more than half dead yet. Fifteen years Penal Servitude the first three in Irons— My only crime that I have served the State to the best of my ability— If you fail me, in this emergency, but no matter —

506 Geo. Barsby 15.1.64

Penal Establishment,
Pentridge, Melbourne, Victoria,
January, Fifteen, 1864.

To
The Right Honorable
William Ewart Gladstone

Sir,

Matter only of the very gravest importance, & of consequence most momentous, to the State, & to myself would induce me to address You, from this place.

I have been kept, for a period, now exceeding Three Years, in a condition, of forced Slavery, as violent & illegal, as if I had been held captive, by a Pelagic Rover, a Barbary Corsair, or an Algerine Pirate; for I have been convicted of an Offence, the very name of which I cannot bring myself to write, upon the evidence of a clearly ascertained Conspiracy; of which Offence, I am absolutely & completely innocent, both in fact & in intention; the conviction has been accomplished, in open & flagrant violation of the Law: in opposition to the first principles & fundamental rules of British Justice; from the depths of my unmerited degradation — from my living tomb, I cry, that I am the victim of a Judicial Murder —

Immediately after my incarceration in this place, I applied both verbally & in writing, to the Inspector General of the Penal Department, for leave to memorialize, His Excellency the Governor; which request was firmly & positively, & there can be no question, most unjustly refused; whereupon I employed a Solicitor, to draw up a memorial to His Excellency, which I was more competent to do myself; this memorial was suppressed by him in the Office of the Attorney General, Eight Months, & finally disregarded during the Administration of Mr. Ireland; this Gentleman

was succeeded by Mr. Aspinall; & Two Months after his accession to Office, I received this reply from His Excellency, the Late Governor, Sir Henry Barkly — "The Chief Justice being perfectly satisfied with the Verdict; & the Hon. the Attorney General seeing no ground to impugn its correctness, had advised His Excellency not to interfere; since Mr. Aspinall's retirement from Office, that Hon. Gentleman, has stated to the Reverend Mr. Bardin, Chaplain of this Stockade, that he was distinctly at issue with the Chief Justice & that he had no doubt of the illegality of the conviction; from which it will appear, that Mr. Aspinall being a Minister of the Crown, sworn to tender to His Excellency, advice to the best of his own knowledge & belief, has given advice diametrically opposed thereto; When Mr. Wood became Minister of Justice, he was asked by my Solicitor if he would reconsider a memorial & report thereon to which he assented; but though he was importuned throughout the eighteen months that he held Office, he could not be induced to do so; the present Minister of Justice has adopted the same course; I have applied to the Inspector General of the Penal Establishment for leave to memorialize His Grace the Duke of Newcastle, with the view that His Grace would be pleased to lay the case before the Imperial Government: & have received for answer that such a course cannot be allowed as "the Duke of Newcastle has no influence in this Colony" my Solicitor has made a similar application to the Minister of Justice, who has replied, that he "does not see what right His Grace the Duke of Newcastle can have to interfere in the internal administration of the affairs of this Colony" Happily I know, that, like as Paul of old, Appeal could appeal from a decision of the Magistrates of Judea, then a mouldering province of Rome, to the Imperial King, & from

him to Cæsar on the throne, as ~~can~~ a British subject in whatsoever portion of the World I may be, can appeal against injustice, as in this case it is unparalleled since the year 1688!! & in many respects entirely unprecedented in the annals of British dominion & the Imperial Government: & further I am aware, that a man born a subject of Great Britain, even when naturalized a subject of another State, continues to owe allegiance to & can claim protection from the Country, to which originally belonged &c. ——— Within my recollection, for an outrage of infinitely less magnitude than that I am now deploring from your attention & committed by a foreign State upon a British subject, an ancient, classic & capital City was bombarded by the British fleet. ———

In addition to the steps I have taken previously enumerated, I have endeavored to lay my case before the Members of the Legislative Assembly of Victoria, for the district where it occurred; & your letters so addressed have been intercepted by order of the Inspector General & the Law Officers of the Crown; I submit for your consideration & that of the British Government, whether or not this is a grievous infraction of my rights, as well as a serious breach of the privileges of Parliament; in consequence of my letters to my Brother William, Master of the Rhone, & Drumbridge having been also prevented reaching their destination, I have been unable to acquaint him with the facts of the case; I am told, that an untrue statement has reached him from your interested sources which has doubtless prevented him taking the needful steps in my behalf. Were I guilty of this Offence, most assuredly, I would not thrust my shame on the notice of persons of elevated station; but as the greatest offence I can charge against myself is

the indiscretion of having entrusted my safety to the guardianship of a Government where the Laws are set at naught & trampled on by those to whom their administration is confided, my duty to my God, to my Country & to myself demands that I should leave no means untried & to achieve my justification. I have the Honor to request that His Grace the Duke of Newcastle will be pleased to issue Her Majesty's commands, that all the documents in the case, may be immediately forwarded to him, including those of which I know a Stack & list; from these it will be apparent under whose auspices this atrocious conspiracy has met with success & to what influence most unduly, illegally & unconstitutionally used, it is owing that the Verdict has not been reversed — depositions in the case, Judge's notes of the Trial, correspondence between the several Law Officers of the Crown & the Chief Justice, — four letters addressed to Thos. Loader Esq. M.L.A. dated respectively May 16. 62 — June 7. 62 Sept. 24/62 — Oct. 29th/62 — five letters to the Inspector General, Penal department, dated March 28/63 — April 14th/63 — May 23/63 — Aug. 8/63 — Oct. 2/63. together with replies to each of the above, as well as the reply of the Minister of Justice to that dated April 14/63 — letter from Minister of Justice dated Dec. 28/63 addressed to J. M. Wigley Esq. — letter to Richd. Goul Esq. M.D. Oct. 27/62. & reply thereto. —

By the friendship that for half a Century existed between your father & mine, By the Blood of Kindred that flows in your Children's veins & mine, By the dealings of the Guardians of Justice, nominally upon your exalted station in the Counsels of our Sovereign, I ask you to use the weight & influence of your elevated position, to cause a thorough & searching inquiry that Justice may be done — I have the Honor to be, Sir,

London — To Hon. Sir Leonard Your Obt. Servant
Wm. O'Brien
Jan 18/64 Edward O'B.

5614
Jas Bateson
Recd 18/1/64

In addition to the papers already moved for, the honor to request that the Right Honorable Her Majesty's Secretary of State for the Colonies will be pleased to give instructions that these documents be also sent forward; viz. the several memorials addressed by my Solicitor & my Governor; together with Mr. Minnall's report to His Excellency: & the reply of the Governor's Secretary to Mr. J. J. M. Negley; statement addressed by me to the Inspector General of Canal Department in Quebec in the year 1861; letter addressed by me to Robert Horne Esq. Melbourne 1861; two letters addressed by me the Rev. and W. H. Bateson, V. S. St. Schneider Stanbridge, dated Feb. 19/63 & Aug. 14/63.

I have the Honor to be
Sir
Your most Obedt. Servant
G. M. Sebille

Received
Feb 18/64

63/83

This letter cannot be forwarded for reasons which are sufficiently obvious.

Thomson
23 Jan

The Right Honorable
W. E. Gladstone M.P.
London

Prisoner informed
Wm Thomson
Supt
27.1.64.

Grade

I refer these papers to the Superintendent at Pentridge with a request that he will state whether or not the letter from Prisoner Bitterson was sent from the Prison in the usual & authorized manner, and if not Bitterson is to be charged before the visiting Justices with misconduct in

delivery

out the letter
unconstitutionally, and
wrongly with
Jealousy & misrepresenting
in such letter that
a former letter of
his had been
"intercepted" by the
Secretary General, &
using other of Seward's
opinions respecting
that of Green

W Thomas

7 Septr 1865

The papers here referred to were a letter
from Lord Bateson to the Right Honorable
W E Gladstone, returned to His Ex: the Gov
in a despatch of the Right Honble
the Secy of State for the Colonies, and
were returned to the Honorable the
Chief Secretary on 29. 9. 85

W

Holth

The accompanying letter
was not sent in the
usual way - Barlow
was brought before
the Provost Marshal
on Tuesday last
and received
a sentence
of three
months
imprisonment

Sir
Your obed Servt
John Morrison
Cor
28/9/65