

tomorrow? to which I replied no there is no use your coming
so soon; come at the end of the week: suppose you say Friday
by which time I may expect to be able to say something definite
to you, adding you will always find me in a tea room; he
came on Friday at 10 past 7 P.M. which was the 10th November;
I was then enabled to tell him that I was fixed & was to
make an experimental boiling the following week & that if
successful the concern would be established on a large
scale; this arrangement was with Messrs. J. L. Glough & Co: &
the intention was to convert the Worcester Soap & Candle
Works into a boiling down & sheep establishment: & as the
maker was then brought to the point I knew from experience
what the result would be, looked upon the maker as
accomplished; after sitting some time, in the front of his house,
we walked up towards Collingwood: when we arrived
near to the Princess' Theatre, he said, "Would you not like
to see the Princess' Theatre, children again?" We go out to
Worcester, we may not have another opportunity? to which I
replied, "I suppose that means that you would like to go;" he
said "I should", well I said, "it only costs a shilling a piece
to the pit, will go: & then he added "You'll let me go with you
again?" I said "certainly". We went, returned home direct
from the theatre & went to bed: as soon as we got into bed
Gardner commenced to address me in terms of extravagant
gratitude for what I had done for him: telling me I was the
only friend he had met with since he had been in the Colony
together with much more of a similar character: considering
his manner forced & unnatural, I attempted to put
a stop to it; saying "I have as yet done nothing but promise; it
will be time enough to thank me, when I have redeemed my
promises"; up to this time I had been lying with my back
towards him & he was leaning over me; he then said at
last, "Why don't you turn round & talk to me, only say, you'll give
me employment, & you may do with me whatever you like"; I
at once struck me what was passing in his mind: I then
got partially up in bed: & as the room was very light for there

was a street lamp in front of the window, I leaned upon my
elbow & was looking into his face, as though to penetrate his
motives: & almost instantly, before any thoughts had taken
form in my own mind, when I was, as I may say, poised
on my elbow, he seized me in his arms, drew me out
himself, face to face, partially kicked off the clothes, &
gave two loud coughs, he agreed on signal & the detectives
were in the room in an instant, by bursting open the door, & in
this position found us; Eason said to Gardner, "Has he done
it?" Gardner said "yes" - The trap was betrayed into,
I once realized, for I was perfectly familiar with Eason &
Edward's persons as detectives; & I immediately said "I cannot
mistake your meaning, they go to examine my person &
the bed: I have done nothing & it was not by my own act, that
I was in the attitude in which you found me" - They did
examine both my person & the bed: the former first, which
they found perfectly passive: & on the first examination
of the sheets, they found nothing: but, on a second examⁿ,
they did find a small damp spot, which was so minute,
it might have been covered with a sixpence: with the
discovery of this I was no doubt, the most taken by surprise
& any of the party asked I be allowed to put a pencil ^{mark}
round it, which was permitted; this never escaped from
my person nor from Gardner's by any instrumentality of
mine; it was either produced by Gardner from his
own person, with the express object of establishing his charge
which would be the very perfection of wickedness if it were
so; but, I am much more inclined to believe from its in-
civility, that it was a spontaneous excretion from
him, consequent on nervous excitement, the result of his
state of mind, from the wicked plot he was engaged
in; I should have said that this damp spot was proved
by the medical virtues to be "Linen"; & there is no doubt
that its discovery most materially affected the case: tho'
as it was not produced in Court, there was no evidence
as to its size. - When taken into custody I said to Eason:

"I can rely upon you to tell the whole truth & withhold nothing I have nothing to fear"; He replied "I shall speak according to my conscience"; — This, Sir, is an accurate statement of the facts. Thereupon has been erected the following superstructure before entering on which I will give you Gardner's description. He is 22 years of age, particularly strong & robustly built, has been six years at sea, in the commencement of our acquaintance told me, he was the son of a Glasgow merchant: & his appearance & manners & degree of education, together with the fact, that he was always well dressed correspond with his description of himself. He deposes as follows. — In the Prison on Monday night under the circumstances I have before described. — We went on to Batman's Hill, where there, the Prisoner hugged me: kissed me, said how much he loved me & asked me if we could not be very comfortable on the Hill all night: The following day met him again: he asked me if I had any friends in Melbourne: I said No; then he said, you had better go with me to the theatre tonight; I went; when the play was over, I went home with him to the Hotel where he was staying: He said you had better stay here all night; accordingly, we went to the Prisoner's room & then to bed; He immediately began to take liberties with me: on being asked to describe these liberties, he said "Several times in the course of the night felt his testicles rubbing against me"; hereupon, he was asked by Sub-Inspector Manningan if he knew what the Penis was, he said he did: W. B. said — do you know what the Penis is, he said; I do; which then do you mean — he said — I mean testicles; he was proceeding with his account of what he did in reference to his case, on the following days, when the Magistrate stopped him: adjourned the case for 3 days: & committed him to Prison as a Particeps criminis upon his own evidence; hereupon, he was sent, as his usual to the Central Gaol, but was retained in the charge of the Detectives; Now if his evidence taken on the first day is examined, it will be found, that it contains nothing, that will establish the full charge: It will be seen also, that he had completely concluded, what he then intended should

be his account of the occurrences of the night of the 13th; but when he was released from custody on the adjourned day of examination, & after being three days in the detectives' custody, he went back in his evidence to the 13th, & then said, The prisoner turned me on my face & entered my body; as this is substantially his evidence on the trial, I will here introduce his evidence on cross examination; in answer to my questions, he acknowledged without any circumlocution, that, he offered no resistance to the alleged grossly indecent & should suppose to a certain overtures made to him on the hill; that, subsequent to these monstrous familiarities, he voluntarily accompanied me, at that late hour named by me, $\frac{3}{4}$ of a mile directly out of his way, which he had to trace; that, in the face of these insults, he sought me again the next night: remained the whole night: said, as I have stated, read the paper in the bar, the next morning: & leave me under the circumstances described by me; as there was an error in the depositions of the substitution of the word "Peinated" for "resisted" I further proved by his clear admission that the latter was the word he used; his account of the occurrences of the night of the 13th, differs from mine, only in that he does not admit, that, I was in the position found by the detectives, by his own continuance; Gason's & Edwards' evidence agree with my account of the all that I have set down, with their exceptions; they both swear that before entering the room, which they did by forcing in the door, they heard me say to Gardner - "Get me do it, I won't hurt you" - on this imputed language this conviction has rested; now they were concealed in a detached cupboard on clothes press, which stands outside the room, at the end of the passage; the house is built of blue stone, with solid stone walls throughout; the room we occupied is about 14 feet square; the door at the end of the room furthest from the cupboard, which is about 2 feet deep: the front of the cupboard would be about 9 feet from that side of the door, which is nearest to the cupboard; the door though locked, was fastened so as effectually to cut off sound; though we were talking a very considerable time, they perceived

have heard no other language but this; Gardner, in his evidence, makes no allusion to it; & if any proof were wanting to me, that they could not, & did not, hear anything, I may well state, that I did make use of 2 expressions, which occurred in perfect innocence: but which would only too gladly have been quoted by them against me, ^{if they had been heard}; when Gardner was importuning me, with his attempts to draw me into conversation: & hanging over me, I said more than once, with irritation & somewhat loudly: "Oh turn over" "Turn Over & go to sleep" another expression used - when he was lamenting to me, his hard fate &c. I said to him, "Oh how soft you are" that expression being applied to his spirit, not his body; Had they heard these remarks, they would have served their purpose equally well, with that their imaginations have furnished: & they very strongly show the danger of a conviction on such a charge as this from any language. - The other point of difference in their evidence from any statement is in the evidence of Edwards in reply to my question, as to the state of any person at the moment of their bursting into the room, he replied "it was partially asleep" this therefore, is set down in the depositions; but, upon my putting this question to Eason on the trial, he answered truly: it was perfectly passive; which gave me the answer, as one can doubt; what answer I had reason to expect, must be obvious, by my putting the question: & the true answer is an important corroboration of my assertion, that I was in the attitude found against my will & without passion being excited.

Alex^r Fisher, surgeon, proves that Gardner was brought to him for examination, early on the morning of Saturday 17th Nov^r: that it was then stated to him that this crime had been committed upon him; he says, Gardner complained of pain in the Penis & undament; on examⁿ he found a slight redness about the former & slight redness about the orifice of the latter; he found the sphincter, perfectly indurated & in its natural state; On cross examination & in answer to my questions, he said, that the appearances he found, might be found on a large proportion of any

number of People taken promiscuously: That they might have
been produced by Gardner's own act, or by the natural use of the bowels,
That slight disorganization of the bowels would produce the
redness of the orifice; That the appearances he did find, did
not indicate the pain complained of: & That the Sphincter
was the only organ to which he should look for evidence of this
crime, which gave no indication that it had been committed
& That he found no appearances that would have led him
to suppose it had, if he had not been told. — John Campbell
proves that he was employed by Gardner as his friend to follow
us, on the night of the 13th: That he did so, from the time Gardner
joined in at half past seven; sat behind us at the theatre:
heard every word that was said, accompanied us, where
we had a cup of coffee, all of which was without any knowledge,
then followed us home & stayed in front of my window an
hour after we had gone to bed: during the whole of which
time, he saw nothing & heard nothing that bore upon the
case: & That Gardner did not return to his lodging till 4th or 5th
on the 14th. This is the entire evidence: my defence corresponds
with my statement herein; but when into Court, so certain of acquittal
& so confident in my own innocence, that I may not have elicited ^{the}
all that might have been; but, it was my terrible misfortune
to have incurred the displeasure of his Judge at the commence-
ment of the trial, which was strongly manifested throughout;
He commenced his charge to the jury by saying the Prisoner
has defended himself, with immense ability & ingenuity,
but, my duty is to tell you, that that ability & ingenuity must
not avail him in his place & added, words in respect, I said
these identical words, You can but look upon the defence as an
ingenious lie; he went on to say, there are 2 very peculiar features
in this case, very peculiar indeed: The first is the conduct of Gardner
& the other is that the prisoner of the 13th was brought about by the
continuance of the Police; this he said is in the highest degree
reprehensible, for it is better that crime should go unpunished
than that it should be encouraged by the Police for the sake of

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penitence; but the conduct of the police does not mitigate the guilt
of the Prisoner: losing sight of the fact that what originated in wrong
was likely to be established by wrong: & that their apparent motives
& conduct should be canvassed as well as their bare words
believed because the chief witnesses were upon oath; His
Honour amongst other remarks said if I hear that 2 men are
found in the same bed, I can have no doubt, what their object is;
he further said, this was a humped job proved that the crime
was accomplished on the 15th: but, you cannot doubt that it
was on the 15th; stated to the Court any reason for being found
in the position was, as herein set down: His Honour said that going
to the Jury in these words; the Prisoner has told you why he was
on the top of Gardner: Is it necessary that a man should get on top of a
block into his face? In his Honour's charge no point whatever was put
hypothetically: all were in the imperative mood & the Jury had no
scope wherein to exercise their legitimate functions; as a proof of His
Honour's excited state of mind at the time, need only quote one more
remark of his. When the verdict had been given his associate
asked in the usual language, what have you to say why the
should not be pronounced; & commenced by saying that I
was fully aware nothing I could say here would avail me:
His Honour then stopped me saying I shall be worse for you for that.

In analyzing Gardner's evidence, it will be seen that he
described himself to have acted in the most manner; that if
this crime was committed, he sought that it should be, & that
the evidence of such a person opens the greatest suspicion; especially
when Campbell's evidence is taken into account, it must be obvious
that he had some hidden motive; the influence of the detectives
over him, is shown by the important difference between the depositions
of the first & second day; if we are to look for motives, I may tell you, that
Gardner was aware that he was on terms of intimacy with some of the
Men in Melbourne: & had an important business arrangement with
one of them; he had also heard me say, that as soon as the experimental
boiling was done, I should probably go up the country & return
with all I had purchased 50,000 sheep; & so the motives of the detectives
I am sure, need not point out to you Sir, with your experience, that these men
if they have no other, have always motive sufficient in ensuring a conviction.

at any cost: & I feel that you cannot doubt, that you have, at all times
under your care numerous men, that are convicted by the
perjury of these men, or by perjured evidence that they have been
instrumental in procuring. — The question be asked why
permitted Gardner to occupy the same bed with an, I may state
that for years, I have been almost exclusively engaged driving
stock upon that in this pursuit, our custom is to sleep in a small
express wagon, wherein, we make the bed for 2 & sometimes 3
persons & that in this way I have slept for the greater portion of
several years: therefore however, this may shock the delicacy of
your people & might about time any one, my ideas have long since
become familiarized with this amongst the rough habits of
the Bush: & in answer to that remark of the Judge on this subject,
I may tell you that in the country districts of America, people
of English people or their immediate descendants, there is no
other way that you are permitted to sleep but 2 in a bed; Lord
Carleton in his published travels in the U. States, says that he had
repeatedly to share the bed of an Irish laborer: & tho' he would
frequently have preferred to have sat up, he dared not do so for
fear of giving offence; & account for any making the economical
arrangement I did, I may further add, that when I was arrested,
four shillings over & above the amount of my board due the next
day, was all I was possessed of in the Colony. —

Two points of Law have arisen in this case; the first is that I was
indicted for an offence committed on the 10th only: & convicted
for one alleged to have been committed on the 13th; I believe that
this in itself makes the conviction bad; the second is that I have
been convicted solely on the uncorroborated evidence of a
particeps criminis; & tho' I would not rest any case on what might
be mis-called legal quibbles, I must nevertheless be reminded
upon, that this Act was brought in & passed through the Imperial
Parliament to afford necessary protection to the subject: it being
an act of notoriety, that the evidence of particeps criminis
was so easily corruptible & so very impure; that points of Law therefore
the offence that I have been convicted of is said to have been com-
mitted on the 13th; I was proved on the original that Gardner was in com-
-munication with the Police, on the 14th 15th & 16th during which days, they

took him for no medical examination; but, they took him, on the morning of the 17th - in the afternoon after the occurrence of the night of the 16th; can any other inference be drawn than, that when they took him on the 17th - they hoped to be able to establish the guilt of the 16th; & finding that the doctor's evidence would not support the intended charge, they shifted it back to the former day, when, if it had been perpetrated, there would be no evidence left.

Since my conviction, a most important communication was made to me - on Sunday 10th March; my sentence had been communicated to me on the afternoon of the day previous: & as I had all along been under the belief that the Government would pass no commuted sentence, I was fearfully agitated by its announcement, which continued for many days: on Friday above named, a young Black Man who had been brought down by the Ballarat Escort a few days before enquired from some of the men the cause of my agitation: when he was told, he said I have seen a man up the country who was engaged in a case like this & when he gave them the particulars, they said it must be that man's case meaning mine; upon this he came up, & said, when you came here, were you going to set up a "Lumery" or something of that sort, on the banks of the river, I said I was going to start a Boiling down establishment; that's it he said. Then I think I can give you some intelligence that may be the making of you: about six weeks or from that to two months ago, I was at Back Creek, when I had been for 2 years & while I was at my work, my mate came up with a stranger; he described his appearance which agreed precisely with Gardner's in some respects & remarkable; he said they were continuing a conversation previously begun & I heard him say to my mate, that he had had to leave Melbourne in haste, in consequence of having been chief witness against a Man for - that he expected to be prosecuted for Perjury as the evidence he had given was untrue. That he had been 4 days on the road. That he had travelled the first three by night. That that was the first day he had come out by daylight; that he had received money for the evidence he gave, & that he expected to receive more; but that he did not remain longer in Melbourne; he was anxious to get a situation on a station, as my informant

imagined about out of the way; This information was given by Rufus
Saves, a black Man, who was committed for a trifling offence for striking a
Sergeant of Police, who had reproached him with his color; I was
told that he had five good characters from former respectable
employers; He said his mate could give more information than
he could, if he was disposed: but, he added my mate is very timid
& don't think would like to go into Court; He said his mate's name
was Thomas Smith, Native of Shields, that he expected he would
have gone to Mackinnon's Rigging: but, he said he thought
he might be heard of from a Mr. Gaddin who lived near to
"Lark's Store" in the presence of Graham, the only person with whom I associated,
& came spontaneously without a question being asked.

Thank Sir, if you will dispassionately weigh the particulars
herein, you will not fail to see there is material for a very strong
as it seems to me, an irresistible memorial; He judge himself
commanded me to memorialize; the Mem. that has been sent
in is very defective, as it was made without instructions: the
Attorney ^{General} as I am informed has requested it to be amended;
In my solicitor Knowles, what hands I am in; but I do know, they
are feeble ones; as an enquiry is to be instituted by the Government,
it will cause no additional trouble, if any Mem. goes now; & I
am suffered to pour out my complaint, to the Fountain of Grace
& Mercy, & lay it at His Excellency's feet, as Her Majesty's representa-
tive, I think it will carry conviction to his Excellency's mind
being so ingenuous & flowing forth from my own pen, than
if it came from that of a hired Advocate,

My Father & Mother were both living at the date of sailing of the
last Mail but one, the former - Ninety Two - & the latter - Eighty
both in the enjoyment of every faculty, physical & mental; my
Mother is of Noble Family & allied with some of the highest Nobles
in England - My Brother is Master of St. John's Coll. Cambridge
son of the Queen's Chaplain; has been frequently guest at Windsor,
& has had for his guest lately the Lord Apparent to the Duke;
I found no claim to indulgence hereon but I think it right to let you know
that men & other ^{immigrants} persons held in high honor, implicated in any calamity
I have never done anything to breach the laws or to forfeit the position
in society, I was born in; I am sure you cannot fail to see that if ever there
was a case calling for further enquiry, this must be it.
Therefore implore you to grant the prayers of this Petition.
I shall be honor oblig'd, Sir, your most Obedt. & humble servant,
Wm. Hall.

Pentridge May 29, 1862. #

Mr. Butler
Mr. [unclear]
Mr. [unclear]

To His Worship

The Visiting Magistrate

6/22/62

On the 13th inst., I applied

to the Superintendent, for leave to address Mr. Leader, Member of the Legislative Assembly, in his legislative capacity, on the subject of my case; & on the 14th received from that gentleman materials for this purpose;

Now, Sir, I know, in my inmost soul, that I am completely & entirely innocent of the crime of which I have been convicted: I also know that the Law & the Constitution have provided certain media, or channels, whereby any British subject are empowered to make known their complaints of injustice perpetrated against them: one of which is, that of laying their charge before a member or members of the Legislative Assembly; in addition to other causes of complaint, I know that I have been convicted in an illegal & unconstitutional manner: & that I have the greatest reason to complain of the conduct of the Judge who presided upon my trial: in the manner set forth in my letter to Mr. Leader; the Inspector General, in his letter to the Superintendent

has taxed me with writing a gross libel: but as he
has no personal knowledge of any of the events
stated in my letter, it is out of his power to say that
the facts there alleged are untrue: I presume
that need not tell your Worship that truth
is no longer a libel; I know also that if any asser-
tions will not bear investigation, they can not
only prove me nothing: but they will also recoil
upon myself & increase my condemnation;
but I maintain, that it is for the gentleman to whom
this letter is addressed to exercise his judgment
upon its contents: & that a letter addressed to a
Member of the Assembly is sacred & inviolable,
if written in courteous terms, so far as that gentleman
is concerned; I maintain my right to prefer a
charge against any person, by whom I feel I
have been aggrieved; I also know that the course
I have adopted, is precisely the course that the constitu-
tion has provided in cases such as mine; that I
have expressed myself in strong & unmitigated
terms I am full well aware: but I see no occasion
to call Crime, by any other name than Crime,
because the perpetrator thereof has been placed
by his fellow men, in an exalted station; Judges

Calcutta Presidency —

The letter which I have addressed to Mr. Leader, was written and surreptitiously or clandestinely, but with a full knowledge & consent of the Superintendent: & by him, forwarded from hence; a British Subject in the latter half of the nineteenth century is not in the condition of the subject of an Eastern despot, who kissed the instrument by which he is executed. —

It is my duty to any sovereign Country, to myself, to proclaim the injustice under which I have for eighteen months been suffering. I am outraged & grieved every hour that I am detained in unnumbered captivity: I shall never cease to use every legal & constitutional means to recover my freedom: But, I feel every confidence in your Worship's sense of justice. I shall not be apprehended from your Worship, for exercising a constitutional privilege in an open & manly manner. I further call upon your Worship in your capacity of visiting Magistrate to protect me in the exercise of my right of free communication with Mr. Leader M.A. I have the honor to be your Worship's ^{servant} & friend.

G. W. H. M. —

W 4248

66/1965

Postal Department
Perth
8th June 1866

Memorandum

Would the Chief
Clerk be so good as to
send out the letter of
5th 66 Geo Bateson it was
returned to the office
on the 18th April

Walter H. Smith

Superintendent

The Chief Clerk
P.C.

Forwarded to
Hesswitz

W. Hesswitz
9. 6. 56

5616
Ex. B. 13. 29. 3. 46
M.H.

Penal Establishment, Perth
March 29. 1866.
114248

G. C. Levy Esq. - M. L. A.
Sir,

I have the honor to address you, in your capacity as Member of The Legislative Assembly, for the purpose of requesting, that you will be pleased to take steps, that I shall be empowered to lay before you a categorical statement of the Wrongs, Faults & Abuses, to which Prisoners, as well those who are rightfully, as well as those who are wrongfully convicted are now subjected; I have reason to believe that you will find these of so striking & flagrant a character, that you will, as I earnestly & fervently hope, move, in your place in Parliament, for the appointment of a select committee to take evidence upon & report on the allegations I shall have to make. That I have the right to make, & you to receive such communications, there can be no doubt; but, from previous experience, to enable such letter or letters to reach you, I may state that it will be necessary that you obtain an order from one of the Law Officers of the Crown, authorizing me to carry out any desired in this respect.

I also wish to place before you, in full detail, the most peculiar & extremely unsatisfactory manner, in which Inquests on the bodies of persons who have met their deaths in the Establishment, have hitherto been conducted; referring to an enquiry of this description, that was concluded on the 20th Inst. - on which occasion, a reporter was present, I submit for your consideration, if it be not an insult on ordinary intelligence, that in a case where, in effect, the Officers of the Department are on their trial, these Officers should be the sole Witnesses examined. I am also in a position to add that evidence might have been produced & is still available, that would have completely refuted the evidence

that was given: & would certainly have produced a very different verdict from "Causes Unknown". I may also tell you that at the moment of my addressing ^{you} another man, is lying in the Hospital of the "Stockade", in the utmost extremity of Fever & that this man was until his removal to the Hospital, an inmate of the "Parasitic".

From the fact of your occupying the highly important most responsible, & twofold position of Representative of the People, & that also of a great Public Journalist, I can not doubt that you will see that effect be given to the prayer of this petition

I have the honor to be

Sir,

Your mo. Obedient Servant

G. W. H. H. H.

Forwarded to the Hospital
I think this man should be
taken before the visiting Committee
for writing such an important
letter and by the Hospital
General approval!
will do so in 20 days
most kind -

W. H. H. H. H.

4/4/66

2/1/66

I am sure with
the visit
I thank
I should

— Friend by Girdling Justice
on the 14 April 1866 used

Per Muncie dated

W. A. H. H. H.
J. H. H. H.

18-4-66 J. C. Gery Esq. M. S. A.

The General
of the State of New York

Melbourne

5616
E. Bateson
18.5.66

Penal Establishment
Pentridge, 4 May 1866. *W.M.*

W.M.
Dear Sir,

The time has at length arrived, when you can render me the most essential service.

The joyful news has arrived in the Colony of the speedy advent of a Porter & Manners who comes as the Representative of Her Majesty of Great Britain, to assert the supremacy of the Law and to cause them to be respected.

From the antecedents of Mr. Manners I know of the distinguished family from whom he is descended. We are entitled to expect & believe, that he will administer the Gubernatorial functions, with wisdom & firmness; that he will deal righteously & do justly, by that portion of Her Majesty's people committed to his charge.

I have now to request, that, immediately upon the New Governor assuming the reins of Government, you will kindly obtain an audience. Tell His Excellency, that I am the brother of Doctor William Henry Bateson, Master of St. John's Cambridge, Mr. Manners Sir John's long connection with that University will necessarily have made him acquainted with my Brother. Request His Excellency at once to issue instructions that I may, myself lay my great wrongs before him in a memorial addressed to His Excellency, which, if I am permitted to do, will be addressed personally & individually to himself, as the Representative of the Imperial Government, as the Guardian & Protector of Her Majesty's Subjects in this Colony, & as the holder & dispenser of the Royal Prerogatives.

It will be written in the hope & belief, that His Excellency will be pleased to apply his personal attention to the matter; & it will assuredly contain a vigorous & indignant protest against the grossly illegal treatment, I have met with at the hands of the Victorian Government; and the most serious charges against the Law Officers of the Crown in this Colony. I cannot doubt, that the recent course of political events

her, to which we are indebted for His Excellency's presence in
the Colony: the instructions the Governor will have received from
Mr. Sandwell, as well as his own robust understanding will concur
in inducing him to take separate & independent action in this &
similar matters: but should His Excellency be of opinion that he
must be guided, solely & absolutely, by His Legal Advisers, in that
case, demand, on my behalf, that I shall be permitted to exercise
the undoubted right of a British subject, to lay my case before
the Imperial Government, in a memorial, to Her Majesty's Secretary
of State for the Colonies: but, whichever course I am permitted
to take, whether I address His Excellency, the Governor or the Colonial
Secretary, request His Excellency to prescribe the course by which the
document may pass from my hands sealed, direct, to the hands of His
Excellency; the ends of justice require that it shall be exempted
from the censorship & surveillance of all Officers of the Government.

You will be enabled, verbally to inform the Governor, of
such particulars in the case, as will lead His Excellency to see
that it is one, entirely unparalleled in the annals of British
Jurisprudence; & which could have occurred, no where in
the civilized World save only in Victoria.

I will inform His Excellency, in detail to what cause I must
attribute my being debarred from my Brother's assistance & of my
utter inability to put him in possession of the facts. & you may tell
him of the pernicious influence exercised by that supercilious &
incapable young man. Mr. Robert Stone.

Take care that His Excellency fully comprehends the necessity
of issuing specific instructions on all the points herein enumerated
to the Inspector General of the Postal Department; a mere reply to yourself
will be of no avail.

It will not be a light matter, in the estimation of Mr. Manned
Sutton, that a British subject, a member of an honorable family, who

himself has done no wrong, should, without a trial of Evidence
that either the Law or Common Sense permits to be received, be
doomed to destruction.

I am now in the seventh Month of the sixth Year
of my illegal Slavery.

I can undertake that you will be received, with
the utmost Urbanity, Consideration & Courtesy: nor can I doubt,
that His Excellency will give full effect to your requests.

When you favor me with a reply, which need not be
until after your interview with the Governor, please furnish
me with the date of the Minister of Justice's reply, refusing your
application that I should be permitted to lay my case
before the Home Government.

I beg leave to suggest that this letter should accomp.
-any you, when you wait upon His Excellency.

I am, Dear Sir,

Yours no. Faithfully

G. W. H. M.

J. G. M. Wigley Esq^r

Solicitor at Law

R. G.

Melbourne.

Forwarded to the Inspector
General for his consideration
should suggest that this
man should not be
shown paper there
the unless he can
write proper letters

A. M. Hunter

sup

25/5/66

J. G. M. Wigley Esq

Director A. S. D. C.

66/101

Melbourn

I quite agree with
the Superintendent.

Thompson

30 June 66

Previous inquiry by myself has been

MA

8/6/66 Noted and returned

Am not in the photo

W. H. P.

576/66

W. Butler
to
21/9/65

BU 4248

Pentridge, September 21st 1865.

65/3684

The Inspector General
Sir,

I have the honor to address you on the subject of my having written to Mr. Gladstone privately; I ask you to consider the circumstances in which I am placed: and I am sure that whatever ^{course} ~~position~~ your official position may have compelled you to assume towards me, your experience cannot fail to tell you that all I have asserted may be true; I know myself to be innocent: and to have been dealt with in a manner quite unprecedented: I therefore have conceived it to be my duty to my God, to my Country, to my Family, & to myself, to leave no means untried, to compel the truth to appear; I have been told by the Chaplain that you are particularly offended at my having used the word "intercepted"; At the time the letter was written, it had been despatched with very great haste, & was written without previous thought; in fact the paper was not in my possession quite five minutes: all I can say, on this point, is that the word was used without any special signification; but I now tender a humble apology for having used an expression that was too strong; I have been informed that you have ordered that I shall be brought before the Magistrate on this charge: I presume your object is that the rules of the Prison shall be vindicated & that by punishment, I shall be deterred from offending again; my punishment is now heavier than I can bear: within the last eighteen months ^{when} I had four attacks of such "acute dyspepsia" that they may, with greater propriety be termed Bilious Fever; I have been discharged from the Hospital, now but eighteen hours, after twelve days confinement there; during eight of which, I took no food: I am now in a very debilitated state: & the punishment of solitary confinement would be, in the highest degree injurious to me: I therefore ask you, Sir, to treat me with generosity in this matter, & kindly forego this prosecution: your best security that I shall not offend in a similar manner again is my own word, for no man living has so high a reverence as I have for my word: and entirely irrespective of the course this matter may take, I now give you that pledge which I do, attaching to the words their fullest meaning & signification, that so long as I remain here, & in whatsoever manner, I may be employed I will never hold illicit correspondence either with pen or pencil: neither will I be instrumental in forwarding or negotiating such correspondence for others.

While I have the honor of addressing you, I desire to lay before you, what to me is a very heavy grievance: It has always been the rule here, in common with every Penal Establishment, in the British Dominions, in the employment assigned to Prisoners, to take into account