

Petition of Maria Leathart

And members of the wider family – received 23 Nov 1842

[Trove AJCP CO 209 File 19 Individuals Image 263](#)

That your petitioner's son, Captain Leathart, for ten years past resident at Sidney and Kiafia in New Zealand having, in the month of October last, through the indiscretion of a younger Brother, become involved in an affair of personal contest with some natives of the Country, he was, on the 2nd March last, tried on an indictment for maliciously and feloniously shooting at one of the said Natives with intent to murder &c – but found guilty of a common assault only.

It appears that Captain Leathart has, on many occasions, had much to encounter in the jealous and excited feeling of the natives, whom it is absolutely necessary to intimidate from acts of violence and outrage. That on the occasion referred to Captain Leathart was acting solely under such motive, and not prompted by any such evil or felonious intention as that charged in the indictment, and from which your Lordship will perceive the Jury, by their verdict, fully acquitted him.

Your Lordship's attention is most humbly and earnestly entreated to the facts of the Case as reported in the accompanying Journal of the Colony. It is not presumed to offer to Your Lordship any comment on the evidence, but, with great humility, to submit that there were many disqualifying facts in reference to such evidence, that may appear, to your Lordship's more just and equitable judgment, worthy of consideration.

Your Lordship's attention is most particularly solicited to the severity of the sentence pronounced on Captain Leathart, which in its extent falls little short of the term of imprisonment with which the Law would have visited the great and felonious offence with which he was charged in the Indictment. As attaching to the minor offence of common assault, it is very humbly submitted to your Lordship that such sentence far exceeds the punishment contemplated by Law – and it is earnestly hoped that your Lordship's just and merciful consideration of Captain Leathart's case may lead to a mitigation of the sentence.

It is further most humbly submitted to your Lordship that Captain Leathart has already endured many months imprisonment and that 'ere any exercise of the Royal Clemency, under the favourable recommendation of your Lordship can be practically extended to him, he will, in all probability have undergone three fourths of his sentence.

Your Petitioner therefore most humbly prays that your Lordship will be graciously pleased to consider the Case of Captain Leathart as presented to your Lordship in the accompanying report, and that your Lordship will be pleased to recommend to Her Majesty to extend her gracious clemency towards your Petitioner's son, whose conduct, during a period of ten years residence in the Colony, has been unimpeachable and such as to gain for him general respect and esteem.

And your Petition, in duty bound, will ever pray

Maria Leathart (mother)

Sister Louisa Leathart,

Brother Joseph Davis Leathart and his wife Laura, No.19 Bark Place, Bayswater

Sister Eliza Godfrey and her husband Henry, 24 Notting Hill, Bayswater & Ellen Godfrey

We the undersigned Brothers, Sisters and relatives of Captain Leathart do bear humble and respectful testimony to the respectability of his character and conduct and do declare it to be our firm belief and conviction that he never could have been actuated by any such wicked or malicious intent as that with which he was charged, and that he is altogether incapable of harming or giving offence to any individual unless under circumstances of extreme and aggravated insult and provocation – and we most humbly and respectfully join in the accompanying Petition to your Lordship for a mitigation of the severe sentence visited on him.

Brother-in-law Wm Heinke and E. Heinke & Friederick Heinke – 103 Great Portland Street
Brother Charles Leathart
Brother Wm. Leathart
