

landing or shipping the South Australian mails. It must, however, not be forgotten that Glenelg is an open roadstead in the Gulf, and that on very rare occasions it might happen that the weather during those six hours was so tempestuous as to prevent communication with the mail steamer, in which exceptional event the mail steamer would have to allow for such a contingency occurring.

In the fourth condition, the payment to be made to the Company for the increased mileage is calculated for 190 miles on each trip, or 4,940 miles per annum, at 19s. 1½d. per mile, making £4,724. This mileage is in excess of that given on the authority of Mr. W. N. Goalen, Admiralty Assistant Surveyor at present employed on the Admiralty Coast Surveys in South Australia, who puts the mileage of the deviation down at 150 miles, which would reduce the payment to be made to the Company to £3,729 10s. per annum.

As the Government of South Australia could not know what conditions might be proposed by the Company for agreeing to the proposed alterations, they were of course unable to furnish me with precise instructions to agree on their behalf to such conditions as might be proposed. In the above remarks I consequently only express my own views, believing them to be such as would occur to the Government of South Australia to give expression to, if the matter requires to be again referred to the Colony for final decision. I hope, however, that the Earl of Kimberley will be able to take upon himself to decide the exact limit of the conditions, so that the new arrangement may come into operation without further delay. I believe I correctly interpret the views held on the subject by the Government of South Australia, when I venture to assure his Lordship that the satisfaction which will be felt in the Colony by this arrangement being promptly carried into effect, will outweigh the objections which might be entertained that the conditions of the Company are not quite so favourable as the Colony of South Australia might reasonably expect.

I have, &c.,

FRANCIS S. DUTTON,
Agent-General.

The Under Secretary of State for the Colonies.

No. 6.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 75.)

SIR,—

Downing Street, 26th October, 1871.

I have had under my consideration your Despatches No. 22, of 13th March, No. 26, of 18th March, and No. 38, of 25th April, on the subject of the pardon issued in your name to Mr. Muston, in the case of *Regina v. Barton*. In the last of those Despatches you transmit an opinion of the Attorney-General of New Zealand, in which he states the grounds of his advice in the case of *Regina v. Barton*, and suggests certain alterations in the terms of your commission with respect to the granting of pardons; and you express a hope that if it should be decided that the power of granting pardons before actual conviction has not been conferred upon the Governor, Her Majesty's Government will take into consideration whether the power referred to might not advantageously be given to the Governors of Colonies under such conditions as may be thought expedient.

In considering the particular points which have been thus brought under their notice, Her Majesty's Government have been led to examine some other aspects of this important subject, and I will now proceed to state the conclusions at which they have arrived.

The cases which have to be dealt with may be classed under the following heads:—

1. Pardon of convicted offenders.
2. Pardon or security of immunity to a witness fearing to criminate himself.
3. Pardon of an accomplice included in a prosecution and turning Queen's evidence.
4. Promise of pardon to an unknown person concerned in a crime but not being the principal offender, in order to obtain such information and evidence as shall lead to the apprehension and conviction of the principal.
5. Promise of pardon to political offenders or enemies of the State.

With respect to the pardon of convicted offenders, a Governor has already full powers under his existing commission, and I need here only observe that the practice which has obtained in New Zealand, of the Governor signing blank forms of pardons, to be filled up and used, if required, during his temporary absence from the seat of government, is irregular, and the continuance of it could not be permitted in any case. The Governor, as invested with a portion of