

The above-mentioned are, I believe, all the cases for which it is necessary to provide; and I trust that this explanation will have the effect of removing, for the future, any doubt as to the exercise of the prerogative of pardon in the Colony under your Government.

Governor Sir G. F. Bowen, G.C.M.G.

I have, &c.,
KIMBERLEY.

No. 7.

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

(No. 76.)

SIR,—

Downing Street, 26th October, 1871.

In my Despatch of this day's date, in which the views of Her Majesty's Government are fully stated, upon the general question of the existing powers of the Governor of a Colony to grant pardons, and whether such powers may be properly extended, I have abstained from dealing with the special case of *Regina v. Barton*, and with Mr. Barton's statement in reference to that case.

I have now to instruct you to inform Mr. Barton that I have received and had under my consideration his letter of the 9th March, a copy of which is stated by him to have been forwarded to you through the Colonial Secretary, but that, pending legal proceedings, it is not desirable that I should offer any opinion upon the particular case thus brought under my notice.

Governor Sir G. F. Bowen, G.C.M.G.

I have, &c.,
KIMBERLEY.

No. 8.

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

(Circular.)

SIR,—

Downing Street, 25th October, 1871.

With reference to your Despatch No. 134, of the 7th October, 1870, stating the terms on which your Government would be willing to undertake the duty of the payment of Imperial pensions in the Colony under your Government, I have the honor to transmit to you, for your information and guidance, the enclosed extracts from a letter from the War Office.

Governor Sir G. F. Bowen, G.C.M.G.

I have, &c.,
KIMBERLEY.

Enclosure in No. 8.

EXTRACT of LETTER from Mr. VIVIAN to the UNDER SECRETARY of STATE, Colonial Office, dated War Office, 6th October, 1871.

"ADVERTING to the letter from this Department of the 16th January, 1871, relative to the payment of Imperial pensions, &c., in the Australian Colonies, I am directed to acquaint you, for the information of the Earl of Kimberley, that the Lords Commissioners of Her Majesty's Treasury have approved the proposition made by Mr. Secretary Cardwell, that the payments on account of non-effective services should be undertaken by the Colonial Treasurers, and that arrangements should be made with the several Governments for their remuneration at rates not exceeding a maximum expense of 3 per cent on the disbursements."

"It will be observed that the terms approved by the Treasury are the same as those suggested in the proposition from the New Zealand Government, as shown in your letter of 2nd December, 1870, and I am therefore to request that that Government may now be informed that its offer has been accepted, and that instructions will be forwarded forthwith to the Control Officer at Auckland, to place himself in communication with the Colonial Treasurer, with the view of carrying out the arrangement for the future payment of these pensions, &c."

"I am also to request that their Lordships' decision may be conveyed to the other Governments which have suggested different modes of remuneration, and that Lord Kimberley will have the goodness to recommend that the same principle of remuneration be adopted throughout the Colonies of Australia, in preference to the fixed charges which have been proposed."

"In anticipation of this arrangement meeting with the acquiescence of the Governments concerned, Mr. Secretary Cardwell has instructed the Control Officers at the several stations to hand over charge