

been committed for which the offender may be tried within our said Dominion, to grant a pardon to any accomplice, not being the actual perpetrator of such crime, who shall give such information as shall lead to the conviction of the principal offender, and further to grant to any offender convicted of any crime in any Court, or before any Judge, Justice, or Magistrate, within our said Dominion a pardon, either free or subject to lawful conditions, or any respite of the execution of the sentence of any such offender, for such period as to our said Governor-General may seem fit, and to remit any fines, penalties, or forfeitures which may become due and payable to us: Provided always that our said Governor-General shall not in any case, except where the offence has been of a political nature, make it a condition of any pardon or remission of sentence that the offender shall be banished from or shall absent himself from our said Dominion. And we do hereby direct and enjoin that our said Governor-General shall not pardon or reprieve any such offender without first receiving in capital cases the advice of the Privy Council for our said Dominion, and in other cases the advice of one at least of his Ministers; and in any case in which such pardon or reprieve might affect the interests of our Empire, or of any country or place beyond the jurisdiction of the Government of our said Dominion, our said Governor-General shall, before deciding as to either pardon or reprieve, take those interests specially into his own personal consideration, in conjunction with such advice as aforesaid."

Her Majesty's Government are prepared, should it be thought desirable, to submit to Her Majesty the question of the substitution for the corresponding clause in the present Instructions to the Governors of the Australasian Colonies of a clause similar to that contained in the Canadian Royal Instructions; but before taking any further step in the matter they seek to be informed whether your Ministers desire such a change.

I have only to add that it is desirable, as far as possible, to secure uniformity of action upon this important question.

I have, &c.,
KNUTSFORD.

Enclosure 2.

LORD KINTORE to LORD KNUTSFORD.

MY LORD,—

Government House, Adelaide, 29th June, 1891.

On the 22nd of June the Governor of New Zealand forwarded to me, at the suggestion of his Ministers, copies of despatches* which had passed between your Lordship and himself with reference to the exercise of the prerogative of mercy in capital cases, with a request that I would submit them to my Ministers for their consideration.

This I have done, and the outcome of their attention having been drawn to the matter is that the Prime Minister begs that the views of the Government on this matter may be communicated to your Lordship.

My Government would learn with satisfaction that the General Instructions to Governors of Australasian Colonies are likely to be amended at an early date by an Instruction that in exercising the prerogative of mercy in capital cases Governors are to act upon the advice of their responsible Ministers.

The Right Hon. Lord Knutsford, G.C.M.G.

I have, &c.,
KINTORE.

No. 4.

MY LORD,—

Wellington, 15th February, 1892.

I have the honour to acknowledge the receipt of your despatch of the 12th December last, covering copy of a letter which you have addressed to the Officers Administering the Government in the Australasian Colonies, dealing with the exercise of the Queen's prerogative of pardon, which was discussed at the Colonial Conference of 1887, and at the request of the Premier of this colony to convey to you the satisfaction of my Government that Her Majesty's Government is prepared to adopt the suggestion made from here.

The Right Hon. Lord Knutsford, &c.

I have, &c.,
ONSLOW.

No. 5.

MEMORANDUM for HIS EXCELLENCY.

REFERRING to previous correspondence relative to the prerogative of mercy in capital cases, and particularly to Lord Knutsford's despatch of the 12th December, 1891, the Premier has now the honour to submit the correspondence on the subject which has passed between this Government and the Government of New South Wales, Queensland, Tasmania, Victoria, and Western Australia, from which it will be seen that those Governments cordially approve of the proposed alteration in the Royal Instructions.

Perhaps His Excellency will be good enough to forward the correspondence for the information of the Right Honourable the Secretary of State for the Colonies.

Premier's Office, Wellington, 31st May, 1892.

J. BALLANCE.