

revealed in the Bill which it is proposed to introduce into Parliament next session.

Section 76 appears, from the footnote to page 36 of the compilation of Acts relating to the Constitution of New Zealand and the privileges of Parliament (Wellington, 1882), to be no longer operative, but I shall be glad to receive further information as to the other three sections above-mentioned.

The Right Hon. the Earl of Onslow, &c.

I have, &c.,

KNUTSFORD.

No. 33.

(New Zealand.)

MY LORD,—

Downing Street, 12th December, 1891.

With reference to previous correspondence, I have the honour to transmit to you, for the information of your Government, a copy of a despatch which I have addressed to the Officers Administering the Governments of New South Wales, Queensland, Tasmania, Victoria, and Western Australia respecting the proposed change which was discussed at the Colonial Conference of 1887 in the clause of the Royal Instructions dealing with the exercise of the Queen's prerogative of pardon.

I have, &c.,

The Right Hon. the Earl of Onslow, &c.

KNUTSFORD.

Enclosure 1.

Lord KNUTSFORD to the GOVERNORS of NEW SOUTH WALES, QUEENSLAND, TASMANIA, VICTORIA, and WESTERN AUSTRALIA.

MY LORD,—

SIR,—

Downing Street, December, 1891.

I have the honour to transmit to you, for communication in confidence to your Government, a copy of a despatch (A.-1, 1891, Session II., No. 8) which I received from the Governor of New Zealand in the course of this year, with its enclosure, in connection with the question of the exercise of the prerogative of mercy under the Royal Instructions, together with a copy of my reply.

I also transmit a copy of a despatch from the Governor of South Australia on the same subject.

In consequence of these representations Her Majesty's Government have taken the question of the alteration of the existing Instructions into their serious consideration.

My despatch of the 30th April, 1888, directed the attention of your Government to the discussion which took place in the Colonial Conference of 1887 respecting the Letters Patent and Royal Instructions issued to the self-governing colonies of Australasia, but it did not deal specifically with the alteration of the clause relating to the exercise of the prerogative of pardon, though the question is incidentally referred to.*

The delegates at the Colonial Conference differed upon the question whether it was desirable to assimilate the Australasian practice to that of Canada in cases of the exercise of the Queen's prerogative; but an opinion in favour of a change was distinctly expressed by the representatives of Victoria and New Zealand, and the Government of South Australia has now also adopted that opinion. I gather, moreover, from the letter addressed to the Governor of Queensland by the Premier of that colony on the 9th August, 1888, that the same view prevails in Queensland.

Your Ministers are aware that the question received full consideration some years ago in the case of the Dominion of Canada, and the following clause in the Instructions to the Governor-General was agreed to, and is now in force: "V. And We do further authorise and empower our said Governor-General, as he shall see occasion, in our name and on our behalf, when any crime has 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

* Omit this paragraph to Western Australia.