

1875.

## NEW ZEALAND.

## EXERCISE OF THE PREROGATIVE OF PARDON,

(DESPATCH RELATIVE TO).

*Presented to both Houses of the General Assembly by Command of His Excellency.*

No. 1.

The Right Hon. the SECRETARY of STATE for the COLONIES to His Excellency  
the GOVERNOR of NEW ZEALAND.

(New Zealand.—Circular.)

MY LORD,—

Downing Street, 4th May, 1875.

I have the honor to transmit to you, for your information, and for communication to your Ministers, a copy of a despatch which I have addressed to the Governor of New South Wales, with regard to the exercise of the prerogative of pardon.

The subject is one of interest to the colony under your Government no less than to New South Wales. I trust that the views which I have expressed will be found to accord generally with those of your Ministers, to whose observations, if they desire to offer any, I shall be ready to give my best attention.

I have, &amp;c.,

CARNARVON.

Governor the Most Hon. the Marquis of Normanby,  
K.C.M.G., &c., &c.

## Enclosure in No. 1.

The Earl of CARNARVON to Sir HERCULES ROBINSON.

(New South Wales—No. 35.)

SIR,—

Downing Street, 4th May, 1875.

As there has been and may still be some misunderstanding, both in this country and the colonies, with respect to the opinion held by successive Secretaries of State as to the distribution of responsibility between a Colonial Governor and his Ministers, when the prerogative of pardon is exercised, I think it will be convenient, now that the question is attracting attention as well at home as in some colonies, that I should endeavour once more to explain, to the best of my ability, the intention and true interpretation of the Royal Instructions on this subject.

2. It has been represented to me that in the account which I gave to the House of Lords, on the 16th inst., of the procedure followed in the different Australasian colonies (quoting in this case from your despatch of July 3rd, printed at page 46 of the enclosed Parliamentary Paper), I did not accurately describe the course taken in Victoria, in which colony I am told that the practice of deciding these questions at a sitting of the Executive Council still prevails.

3. If my statement, which, it may be observed, did not relate to capital cases only, but to all commutations or remissions of sentences, was incorrect, I am very glad that it should be corrected; but I do not consider that the essence of the matter consists in the mere taking the opinion of Ministers, the important point appearing to me, as I stated in my despatch of October 7th, to be that the Governor should not act without having received in some formal manner the advice either of his Ministers collectively, or of the Departmental Minister alone, as the gravity of the case may seem to him to demand.

4. Leaving, then, the details of the procedure open in some respects to such unobjectionable variations as convenience or usage may have established in each colony, the following statement of the object and operation of the Royal Instructions will, I think, be found clear and intelligible.

5. It should therefore be understood that no capital sentence may be either carried out, commuted, or remitted without a consideration of the case by the Governor and his Ministers assembled in