

Ministers see no reason why such an anomaly should continue to exist as the performance of executive acts which the Advisers of your Excellency would not be required to defend in Parliament, and think that the last remnant of Crown-colony administration should no longer continue to survive.

J. BALLANCE, Premier.

## No. 2.

(Circular. New Zealand, No. 14.)

MY LORD,—

Downing Street, 20th April, 1891.

I have the honour to acknowledge the receipt of your Despatch No. 12, of the 7th February, transmitting a copy of a message which you addressed to the Premier of New Zealand, arising immediately out of the commutation of the death-sentence passed on a Native named Mahi Kai, together with a copy of Mr. Ballance's memorandum in reply.

The question of exercise of the prerogative of pardon in capital cases was, as your Lordship is aware, fully discussed at the Colonial Conference in 1887, and considerable difference of opinion was found to exist on the subject among the Australian delegates. Having regard, however, to the representation now made by your Advisers, Her Majesty's Government will consider whether and how far it would be right and desirable, in the case of New Zealand, to substitute for the present instruction on this subject an instruction similar to that now given to the Governor-General of Canada, and whether there would be inconvenience in making this change applicable to only one Australasian Colony.

I am not aware whether this point was discussed at the recent Convention in Sydney, and, having regard to the probability that this question may have to be dealt with in connection with federation, it will be desirable that I should await a full record of the debates of the Federation Conference before inviting Her Majesty's Government to come to a final decision upon it.

I have, &c.,

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

KNUTSFORD.

## No. 3.

(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

\*Omit this paragraph to Western Australia.