

1892.
NEW ZEALAND.

THE PREROGATIVE OF MERCY

(CORRESPONDENCE RELATING TO, BETWEEN THE GOVERNOR OF NEW ZEALAND,
THE SECRETARY OF STATE FOR THE COLONIES, THE NEW ZEALAND GOVERNMENT,
AND THE AUSTRALIAN COLONIES).

Return to an Order of the House of Representatives dated 16th August, 1892.

Ordered, "That a return be laid before this House of all correspondence between the Government of New Zealand and the Colonial Office and the other colonies relating to the exercise of the powers of the Governors of the colonies in relation to the pardoning of criminals, or the remitting or commutation of sentences passed."—(Mr. REES.)

No. 1.

MY LORD,—

Wellington, New Zealand, 7th February, 1891.

I have the honour to report that on the 21st of October, 1890, sentence of death was passed upon one Mahi Kai, a Maori, convicted of the murder on the 12th of April, 1890, of one Stephen Maloney.

2. The jury in delivering the verdict accompanied it with a recommendation to mercy on account of his age (17 years), and his being of the Native race.

3. I went fully into the case, and my Executive Council advised me to commute the sentence to one of penal servitude for life, and I accordingly did so.

4. The minute in the book recording the proceedings of the Executive Council is as follows:—
"The Minister of Justice submits the case of Mahi Kai, an aboriginal native under sentence of death for murder at New Plymouth. Commuted to penal servitude for life."

5. From this your Lordship will observe that there is no record of the advice given by the Executive Council, nor does any such advice appear upon the papers in connection with the case.

6. A question has been raised as to the form in which this advice should be given in such cases—whether orally at the Council, or in writing on the papers at the time of their consideration by the Executive Council.

I enclose a memorandum from the Premier, from which your Lordship will gather that my present Advisers entertain the opinion that all acts of administrative government within the colony should, without exception, be done on the advice of Ministers.

They entertain the same opinion as to the advice which the Governor is directed to take from his Executive Council as did Lord Carnarvon in his despatch of the 4th of May, 1875, in which he says that "Whether also given orally or not, it should be given in writing."

7. So long as Ministers held it to be a constitutional practice and a duty that they should retain office, even if the Governor should decline to accept their advice in the exercise of the prerogative, and so long as it was believed that collisions between the Governor and his Ministers could be avoided by mutual tact and forbearance, the system may have worked well; but as soon as Sir Thomas McIlwraith resigned because the Governor of Queensland refused to accept his advice, on which occasion your Lordship did not uphold the action of Sir A. Musgrave, it became obvious that the retention of office under such circumstances ceased to be a constitutional practice with Australasian statesmen.

8. If Ministers see no reason for making a distinction between the ordinary business of government and the business in connection with the exercise of the Royal prerogative of mercy, the Governor may at any moment find himself as Sir A. Musgrave did—without Advisers, and unable to replace them with others having the confidence of Parliament.

9. I have found in practice that the wishes and opinions of the Governor are in other matters, as well as this, listened to with all respect, and that when consistent with their own opinions Ministers endeavour loyally to co-operate with the Governor, accepting full responsibility for their actions.

But it may be that the Executive Councillors would hold very strong opinions antagonistic to those of the Governor; that the public, knowing that the Governor is instructed to call for the advice of his Executive Council, would bring very strong pressure on them to give certain advice and to resign if it were not taken; for your Lordship is aware how strongly the public mind is sometimes agitated in cases of criminals sentenced to death.

The present practice is attended with much that is undesirable for the representative of Her Majesty. He is liable to be accused of being actuated by religious or sectarian motives, or by class prejudice. Deputations of various kinds wait upon him. The counsel for the prisoner claims to be allowed to place before him facts alleged to have come to light since the trial, and thus endeavours to turn the Governor into a Court of Appeal.

10. Parliament may, in its debates, endeavour to influence public opinion to put pressure on the Governor, for I have noticed a growing tendency under certain circumstances to bring under criticism of the popular branch of the Legislature administrative functions performed by the Governor even under the advice of Responsible Ministers. How much more, then, would such a tendency develop in cases which concern the internal administration of the colony, but where the Governor does not act with the advice of Ministers, and cannot maintain that he is acting with a desire to hold the balance between parties, as in the case of the granting or refusal of a dissolution or the choice of a Minister.

11. Were it not that the Governor is directed to consult his Executive Council, it might be held that the Governor alone exercised the prerogative and was alone responsible for its exercise; but, as Ministers must give advice, they must also be responsible for that advice to Parliament, and may at any time demand that it be taken as effective advice.

The consequence is a responsibility differing from the general responsibility of the Governor to the Crown and the Ministers to Parliament, in that it creates a double responsibility, with the possibility of dead-lock.

12. In a despatch to the Governor of New South Wales on the 1st of November, 1871, Lord Kimberley says: "A Governor is to pay due regard to the advice of his Ministers, who are responsible to the colony for the proper administration of justice and prevention of crime;" and your Lordship, in your despatch of the 30th October, 1888, to the Administrator of the Government of Queensland, adds to that doctrine that the Governor "will allow greater weight to the opinion of his Ministers in cases affecting the internal administration of the colony than in cases in which matters of Imperial interest or policy, or the interest of other countries or colonies, are involved." Had your Lordships intended these instructions to apply not only to ordinary cases in which the Royal prerogative of mercy is involved, but to capital cases also, the duty of the Governor would have been perfectly clear.

13. I am not prepared to follow Mr. Ballance into an inquiry whether the present is a survival of Crown colony practice, but I am unable to say that it appears to me otherwise than as an anomaly in a community possessed of responsible government; for it seems incompatible with those principles that the Governor should be instructed to consult his Ministers and yet be specifically instructed that he may, and in certain cases ought to, disregard their advice at the risk of finding himself without Advisers able to carry measures and votes in Parliament.

It appears to be clear that at least two of the Australasian Governments (those of New Zealand and Queensland) entertain the opinion that, in the exercise of the prerogative of mercy, there should be distinct Ministerial advice, tendered under definite Ministerial responsibility. It is possible that these two colonies may not be alone in their contention; and, should your Lordship see your way to give effect to Mr. Ballance's wishes by definite instructions in that direction, I cannot see that any danger to the Empire need be feared.

The rapid strides made by these colonies in recent years have resulted in the building-up of a social fabric differing only in degree from the older communities of Europe: and circumstances have much changed since Sir H. Parkes wrote in 1874 deprecating any change in the existing practice, because, he said: "The persons intrusted with authority, and the relatives and friends of prisoners, move closely together in a community so small as ours." Ministers are capable of assuming complete responsibility for the administration of local affairs without exception. Public opinion expressed through a number and variety of channels is speedily exercised and quickly felt.

Any abuse of power or danger to the preservation of order, if not checked by the influence of Parliament, would be certainly arrested by the first general election, an event which can never be postponed longer than three years, but which usually recurs more frequently.

14. In the earlier history of the Australasian Colonies, as in that of Canada, there may have been much to be said in favour of the practice, but the causes which operated to effect a change in the Dominion have not been wanting in Australasia, and should your Lordship see fit to assimilate the practice here to that which obtains in Canada, the principles of responsible government will be complete, while the Queen's representative will be freed from an anomalous position, and a difficult and undesirable duty.

The Right Hon. Lord Knutsford.

I have, &c.,

ONSLow.

Enclosure No. 1.

The Hon. the Premier.

Government House, Wellington, 29th January, 1891.

I DESIRE to call your attention to the minute as entered in the book of proceedings of the Executive Council of the 16th of December, 1890, respecting the commutation of the death sentence passed on Mahi Kai to one of penal servitude for life, and also to the minutes of Ministers on the papers. I directed that the minutes of the meeting at which that decision was come to should not be confirmed pending consideration of the form in which it should appear.

The Ministers who formed that Council having resigned, I have no longer the opportunity of consulting them on the point, nor do I think that any alteration or addition can now be made to the papers on the case, which contain no advice to the Governor. I think, therefore, that at the next meeting of the Council these minutes should be signed in the form in which they now stand.

Clause XI. of the Royal Instructions directs the Governor to receive the advice of his Executive Council, and, if he should not concur therein, to state on the minutes his reasons at length. It seems to me that there should invariably be some record on the minutes of the Council that such advice was tendered.

You will observe that the clause directs the Governor to take the advice of "our Executive Council"—that is, apparently, of the Council collectively—but directs him subsequently that, whether "the members of our said Executive Council concur therein or otherwise," he is to take such action as he thinks fit. I shall be obliged if Ministers will consider and inform me what procedure they think should be adopted in advising the Governor at meetings of the Executive Council held to consider questions of the pardon or reprieve of criminals condemned to capital punishment.

I have, &c.,
ON SLOW.

Enclosure No. 2.

His Excellency the Governor.

Premier's Office, Wellington, 3rd February, 1891.

I HAVE the honour to acknowledge the receipt of your Excellency's memorandum of the 29th ultimo, in which you call attention to the minutes of the meeting of the Executive Council at which the decision was come to commuting the death sentence passed on Mahi Kai to one of penal servitude for life.

Ministers agree with your Excellency in thinking that no alteration or addition can now be made to the papers of Ministers which contain no advice to the Governor, and that the minutes should be signed in the form in which they now stand.

Your Excellency asks that Ministers will consider what procedure they think should be adopted in advising the Governor at meetings of the Executive Council held to consider questions of the pardon or reprieve of criminals condemned to capital punishment.

Ministers, in offering advice, respectfully direct attention to Lord Knutsford's despatch in the Kitt case, 30th October, 1888, addressed to the Administrator of the Queensland Government, in which the doctrine of responsible government is applied, with reservations, to cases where the representative of the Crown is called upon to exercise the prerogative of pardon. Lord Knutsford observes, "A Governor who by acting in opposition to the advice of his Ministers had brought about their resignation will have assumed a responsibility for which he will have to account to Her Majesty's Government." Further, "It is in accordance with constitutional practice, and is indeed implied in Lord Carnarvon's despatch, that in cases which do not affect Imperial policy or colonial interests he ought not, without very strong and exceptional reasons, to act against their advice." Again, "While, therefore, Sir A. Musgrave appears to have acted strictly within the directions which had been given, he would have exercised a sounder judgment if he had subordinated his personal opinion to the advice of his Ministers."

These are the principles of responsible government, and it is difficult to understand how the Governor of a colony could read them in any other sense. Nor does the reservation made by Lord Knutsford in capital cases affect the doctrine of responsible government as broadly stated in his despatch. He says, "So long, however, as the present rule remains in force, the Governors of the Australasian Colonies should be guided by Lord Carnarvon's despatch." According to that despatch, the Governor, not only in capital cases, which are specially provided for in the Instructions, but in all cases, must not act without having received the advice, either of his Ministers collectively in the Executive Council, or of the Minister more immediately responsible for matters connected with the administration of justice. Having received that advice, he is to decide for himself how he will act, and he may, and indeed must, if in his judgment it seems right, decide in opposition to the advice tendered to him, but he will allow greater weight to the opinion of his Ministers in cases affecting the internal administration of the colony than in cases in which matters of Imperial interest or policy, or the interests of other countries or colonies are involved.

The power here reserved is neither more nor less than the power rightly given to a Governor under Clause VII. of the Royal Instructions under the system of responsible government. In other words, the Governor may in any case refuse to accept the advice of his Ministers, but in doing so he accepts a responsibility involving certain consequences. The practice, however, has been, where the Royal prerogative is exercised, for the Governor to accept a personal responsibility, and actually to shield his Ministers from either the responsibility of defending him or being under the necessity, if they cannot do so, of resigning.

Ministers think that, in all cases coming within the rule where the Crown is called to exercise its prerogative of pardon, the ordinary practice of Ministerial responsibility should prevail, the Cabinet offering advice to the Governor in writing. That the matter should then be brought before a meeting of the Executive Council, where the collective advice would be repeated, while the reasons of the decision of the Governor to accept the advice of his Ministers, or otherwise, would, with the written advice, be in due course entered upon the minutes.

It is hardly necessary to explain that if this course were followed in the future the practice would be changed, and Clause XI. of the Instructions would fall into desuetude. Under the existing practice the Governor accepts a personal responsibility, which makes him liable to hostile criticism, and weakens the position which the representative of Her Majesty should occupy. If, on the contrary, the well-trodden path of constitutional practice were followed, Ministers would bear the responsibility, and have to defend the act of the executive authority.

The objection that Ministers would be liable to be unduly influenced by public opinion equally applies to every other executive act relative to the peace, order, and good government of the colony, as well as to the practice obtaining in the Mother-country in respect of pardons, where the Home Secretary is solely responsible.

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.,

KNUTSFORD.

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

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.,

KNUTSFORD.

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

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.

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.

Enclosure No. 1.

The PREMIER of NEW ZEALAND to the PREMIERS of NEW SOUTH WALES, QUEENSLAND, TASMANIA, VICTORIA, and WESTERN AUSTRALIA.

SIR,—

Premier's Office, Wellington, 15th February, 1892.

In a despatch from the Right Honourable the Secretary of State, dated 12th December, 1891, received by His Excellency the Governor, is enclosed copy of a despatch addressed to the Governors of New South Wales, Queensland, Tasmania, Victoria, and Western Australia, on the subject of the exercise of the prerogative of mercy under the Royal Instructions, in which it appears that Her Majesty's Government is 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 Governors, of a clause similar to that contained in the Canadian Royal Instructions.

Lord Knutsford having intimated that it is desirable to secure uniformity of action upon this important question. I trust you will be able to convey to His Lordship a similar expression of satisfaction to that expressed by the South Australian Government, and which is felt by this Government, that the Royal Instructions may be amended by an instruction that, in exercising the prerogative of mercy in capital cases, Governors are to act upon the advice of their responsible Ministers.

I have, &c.,

J. BALLANCE.

Enclosure No. 2.

The PREMIER of TASMANIA to the PREMIER of NEW ZEALAND.

SIR,—

Premier's Office, Hobart, 5th March, 1892.

I have the honour to acknowledge the receipt of your letter of the 15th ultimo on the subject of the contemplated amendment of the Royal Instructions to Governors of the Australian Colonies in regard to the prerogative of mercy.

This Government cordially approves of the proposed alteration in the Instructions as being most desirable for securing uniformity of practice with respect to so important a question, and also as more fully recognising the principles of responsible government.

I have, &c.,

P. O. FYSH.

The Hon. the Premier, New Zealand.

Enclosure No. 3.

The PREMIER of WESTERN AUSTRALIA to the PREMIER of NEW ZEALAND.

SIR,—

Premier's Office, Perth, 10th March, 1892.

In reply to your letter of the 15th February, with reference to the question of the exercise of the prerogative of mercy under the Royal Instructions by the Australasian Governors, I beg to inform you that this Government has expressed its view to Lord Knutsford that a clause similar to that contained in the Canadian Royal Instructions should be substituted for the corresponding clause in the present Instructions to Governors of the Australasian Colonies.

I have, &c.,

JOHN FORREST.

The Hon. the Premier of New Zealand.

Enclosure No. 4.

The PREMIER of QUEENSLAND to the PREMIER of NEW ZEALAND.

SIR,—

Chief Secretary's Office, Brisbane, 12th March, 1892.

I have the honour to acknowledge receipt of your letter of the 15th ultimo, in which, referring to the question of the substitution for the corresponding clause in the present Instructions to Governors of a clause similar to that contained in the Canadian Royal Instructions, you express your hope that the views of this Government may be favourable to the proposal.

I have pleasure in being able to state that I have informed His Excellency Sir Henry Norman that this Government would regard the substitution suggested with satisfaction.

I have, &c.,

S. W. GRIFFITH.

The Hon. J. Ballance, Wellington, New Zealand.

Enclosure No. 5.

The PREMIER of VICTORIA to the PREMIER of NEW ZEALAND.

(No. 1137.)

SIR,—

Premier's Department, Melbourne, 25th March, 1892.

Your letter of the 15th ultimo, respecting the exercise of the prerogative of mercy under the Royal Instructions, was replied to by my telegram of the 2nd instant, as follows—viz.: "Melbourne, 2nd March, 1892.—Entirely agree with your letter of the 15th instant respecting Royal Instructions. May I ask whether you have addressed the other Australian Governments in the same sense?"

I duly received your telegram of the same day, informing me that the other Australian Governments had been similarly addressed, except South Australia, which had already expressed concurrence.

I now have the honour to enclose herewith, for your information, an opinion by the Hon. the Attorney-General, Mr. Gavan Duffy, on the subject. The circular which Mr. Duffy suggests is, of course, unnecessary in view of that which has already been issued by yourself. Having regard, however, to the desirability of an identical answer to the despatch, as suggested by Mr. Duffy, I shall be glad if you will inform me at your convenience to what extent the colonies are in accord as to the reply to be sent to the despatch.

I await this information before furnishing His Excellency the Governor with the reply of this Government.

The Hon. the Premier, Wellington.

I have, &c.,

WM. SHIELDS.

[COPY.]

Crown Law Offices, Melbourne, 22nd February, 1892.

I WOULD advise that the Premier communicate confidentially with the Premiers of the other Australasian Colonies, with a view to an identical answer being given to the Secretary of State for the Colonies, if possible.

2. I am of opinion that the proposed alteration in the Instructions would in reality merely amount to a declaration of the constitutional principles of, and the existing practice in, the self-governing Australasian Colonies.

3. As this declaration would define the Governor's position, and bring home to Ministers the responsibility which it is their duty to accept, I think that it would be a matter of convenience that it should be made.

J. G. D.

Enclosure No. 6.

The PREMIER of NEW ZEALAND to the PREMIER of VICTORIA.

SIR,—

Premier's Office, Wellington, 13th April, 1892.

I have the honour to acknowledge the receipt of your letter, No. 1137, of the 25th ultimo, on the subject of the exercise of the prerogative of mercy under the Royal Instructions, and in reply to inform you that in reply to my letters I learn that Western Australia, Queensland, Victoria, and Tasmania cordially approve of the proposed alteration in the Royal Instructions. Western Australia informs me that it has already signified to Lord Knutsford its wish for the change. It only remains, therefore, for New South Wales to state its views on the question, which, I presume, will be in accord with the other Australasian Colonies.

I have, &c.,

J. BALLANCE, Premier.

P.S.—I should add that on the 15th February last His Excellency the Governor informed Lord Knutsford of the satisfaction of this Government that Her Majesty's Government is prepared to adopt the suggestion made from here.

The Hon. the Premier, Victoria.

Enclosure No. 7.

The PREMIER of NEW SOUTH WALES to the PREMIER of NEW ZEALAND.

(Telegram.)

28th May, 1892.

THIS Government concurs in proposed alteration in Royal Instruction re prerogative of mercy. I regret delay in informing you of decision, which was caused by absence of Minister of Justice.

Hon. the Prime Minister, Wellington.

F. B. SUTTOR, Colonial Secretary.

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