paper* which shows how charges of sectarian partiality and official corruption can be based on a refusal to entertain an application for mitigation. It will be obvious from a perusal of this paper how necessary it is that Her Majesty's Representative should be relieved from a position which exposes him to such imputations.

I accordingly felt no hesitation in closing with Mr. Parkes' other alternative, and deciding that for the future all applications for mitigation of sentences should be submitted to me through the intervention of a responsible Minister, whose opinion and advice, as regards each case, should be specified in writing on the papers. This is simply the mode in which all the ordinary business of Government is conducted, and I could see no sufficient reason for making any distiction in these cases. If the appointment of Judges and other prerogatives of like kind had been left to the Representative of the Crown, there might have been some grounds for retaining also in the same hands the exclusive exercise of the prerogative of pardon. But when everything else has been conceded to the responsible advisers, it seems too absurd to suppose that the question of letting out this or that criminal should be the one thing not entrusted to them.

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In the present Constitutional stage it is obvious that as regards all purely local matters, Ministers must be trusted "not at all, or all in all."

It appears to me, too, that the plan determined on meets all the requirements specified in Lord Granville's and Lord Kimberley's despatches on this subject.† The papers in every case will be laid before the Governor for his decision. He will thus have an opportunity of considering whether any Imperial interest or policy is involved, or whether his personal intervention is called for on any other grounds. If there should be no such necessity he would, of course, as desired by Lord Kimberley, "pay due regard to the advice of his Ministers who are responsible to the Colony for the proper administration of justice and the prevention of crime."

Mr. Parkes, I think, pushes his argument against the change too far when he implies that the refusal of the Governor to accept the advice of the Minister in any case of pardon would necessarily involve his resignation. Of course, theoretically, such a view is correct, but I need scarcely point out, that in the practical transaction of business Ministers do not tender their resignations upon every trival difference of opinion between themselves and the Governor.

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I trust that your Lordship will approve of the plan which I have adopted, with the consent of the Government, and the entire concurrence of Parliament, for dealing with applications for the mitigation of sentences in cases which are not provided for by the Royal Instructions. I may add, that I have learned since the matter was disposed of here, that the new system is, in effect, similar to the practice in force in the neighbouring Colonies. In New Zealand the practice, I am informed, is precisely similar to that now established in New South Wales; whilst in Queensland, South Australia, and Tasmania, recommendations for mitigations of sentences are brought before the Executive Council by a Minister, which, of course, places the responsibility for the decision arrived at directly upon the Government. As regards Victoria I have not as yet received a reply to an inquiry which I have addressed to Sir George Bowen on the subject, but I have been given to understand that the practice there is somewhat similar.

No. 3.

Sir H. Robinson, K.C.M.G., to the Earl of Carnarvon.—(Received August 31.)

GOVERNMENT HOUSE,
SYDNEY, June 30th, 1874.

(Extract.)

In my despatch of the 5th instant, ‡ I stated that I would by this mail report

* Not printed. † Inclosures 3 and 4 in No. 1. ‡ Not printed.