

report from the Judge. In the majority of cases I am enabled to say, from my long experience, that these petitions require no such reference; but, notwithstanding the number of signatures generally attached to them, that they may summarily and most justly be rejected.

10. On this point of the subject I would refer, with approval, to Mr. Secretary Robertson's Minute of July 1869, of which a copy was transmitted to Lord Granville in that month by Lord Belmore, when asking for an official instruction whether he was bound, in deciding on such petitions, to act on his own independent judgment. Mr. Robertson suggested that the Colonial Secretary should, in every instance, submit his recommendation or opinion with the case, leaving its decision then to the Governor. And Lord Granville, in answer, by his despatch of the 4th October, 1869, seems to have (in effect) adopted the principle, observing that the Governor has undoubtedly a right to act on his own judgment, but that (in all matters at least of purely local concern) he ought to allow great weight to the recommendation of his Ministry. Your Lordship's Circular, the receipt of which I am acknowledging, appears to carry this instruction further, by the opinion, if not positive direction, that the Governor ought not to grant any pardon without receiving their advice.

11. It is necessary to state therefore what is (and, so far as I can learn, what always has been, the course pursued in this Colony: in order that, if it shall be thought by your Lordship to be incorrect or undesirable, a different system may be adopted.

12. The Colonial Secretary, in whose department all correspondence on the subject of crime, after conviction, is carried on, does not in the first instance express any opinion on a petition of pardon or mitigation. He may have done so in a few cases, but as a general rule he certainly does not. The mode of dealing with the petition is determined, and in effect all references concerning it are directed, by the Governor, a very considerable portion of whose time is occupied (I may say in every week), in the investigation of and deliberation upon such cases. Neither does the Governor, in general, confer with any Minister on them; although occasionally he asks the Colonial Secretary or Attorney-General to advise him. But, as the Governor's decision is always minuted on the papers, with or without his reasons for it, the Colonial Secretary before acting on or communicating that decision, has the opportunity of forming an opinion for himself, and of submitting the case to the Governor for reconsideration, should he desire to do so.

13. In this way, I submit to your Lordship, the views expressed in Mr. Robertson's Minute, and in Lord Granville's despatch, although the order of proceeding is reversed and practically observed.

14. It remains only to mention, that no such practice as that of signing pardons in blank, adverted to by your Lordship, has ever (in, I believe, even a single instance) prevailed in the Colony.

15. Although it is not strictly on the subject of pardons, I would ask a reconsideration of clause 406 in the Colonial Regulations (edition 1867) respecting the Judges' notes in capital cases. The Royal Instructions accompanying the Governor's Commission require only that the Judge shall make a report of every such case tried by him, and attend the Executive Council when taken into consideration there, for the purpose, I presume, of affording further information if desired. The Judge accordingly does always attend, and he brings his note book with him, reading portions of the evidence from it, when explanation is asked by any Member. More than this I submit is unnecessary, and may even be embarrassing to the Governor. It is not impossible that the instruction referred to was intended as a substitute for the Regulation, but the latter, if in force, requires a Governor invariably to peruse the notes (necessary therefore the whole) before decision; unless, indeed, he shall exercise the power of pardon, in which case it seems he need not read them.

I have, &c.,

(Signed),

ALFRED STEPHEN.