

had now been sufficiently punished; and (3) that he might be released even in Sydney without any substantial danger. As I myself entertained precisely the same views, I embodied my reasons for adhering to my former decision in a Minute for the Executive Council, marked R, and the Council concurring in my conclusion, the case may now be considered as finally decided and disposed of.

On the whole, I am disposed to think that the agitation which has been got up about this case will do good. It has already served to call attention to the mode of exercising the prerogative of pardon in ordinary cases, which has in consequence been placed on a proper footing. I trust also that it may have the effect of making the public here investigate more closely the principles which should govern the punishment and treatment of criminals. The paper marked E which accompanies this despatch, discloses some startling facts. It shows that the mitigation by the Executive of judicial sentences upon no settled system whatever has been here not the exception, but the rule. This, of course, is quite contrary to all the recognized principles of modern criminal treatment under which prisoners as a rule should only receive such remission of their sentences as they may themselves be able to earn under the established good conduct regulations. But Executive interference will necessarily take place when judicial sentences are excessive or wanting in uniformity. This subject was ably discussed in 1867 in a Minute by Lord Lisgar (then Sir John Young), in which he pointed out the excessive severity of the sentences passed in this Colony as compared with those usually awarded in the British Islands; and he characterized the punishments imposed here in cases of a certain character as "cruel and oppressive, and, under all the circumstances of the country, beyond all the measure of justice or reason." I enclose a printed copy of this Minute marked S which was quoted in the recent debate.

Inclosure 1 in No. 3

(A.) 1873-4.

LEGISLATIVE ASSEMBLY.—NEW SOUTH WALES.

*Gardiner alias Christie.*—(Correspondence relating to Applications for Mitigation of existing Sentences.)

Ordered by the Legislative Assembly to be printed, May 12, 1874.

(No. 1.)

*Petition of Mesdames Griffiths and Cale.*

To His Excellency Sir Hercules George Robert Robinson, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Governor and Commander-in-Chief of the Colony of New South Wales and its Dependencies, and Vice-Admiral of the same.

The humble Petition of Archina Griffiths, wife of Henry Griffiths, York Street; and Charlotte Deacon Cale, wife of Joseph Cale, King Street,—

Sheweth :—

That your Petitioners' brother (Francis Christie) was apprehended in February, 1864, and tried at the Criminal Court of Sydney, on the 8th July, before his Honor the Chief Justice, and convicted on the following charges :—For shooting and wounding Trooper Hosie he was sentenced to fifteen years (the first two in irons) with hard labor; and for robbing Messrs. Hewett and Horsington he received two cumulative sentences, ten and seven years, making a total of thirty-two years of hard labour.

Your Petitioners humbly implore your Excellency's merciful consideration of their unfortunate brother's case, toward affording a remission of his terrible sentence, on the following grounds :—