

able and unjust. It is indispensable for the maintenance of prison discipline that every hope held out to prisoners should be scrupulously fulfilled; that every promise made or implied, should be held sacred, or broken only on grounds, the sufficiency of which would be apparent even to the prisoners' minds. I can see no such grounds in the present case; and I am convinced that the moral bad effect upon the whole body of prisoners throughout the Colony, as well as upon the community generally, which would result from disappointing without sufficient reason an expectation raised by Her Majesty's Representative, would be infinitely greater than any practical inconvenience which would be likely to result from keeping faith with the prisoner, and allowing him to leave the country.

For these reasons I think that Gardiner should receive a conditional pardon at the time when he was led to expect one, and that the Government should, at the same time, take steps to secure, as far as practicable, the continued absence of the prisoner from the Australasian Colonies during the unexpired term of his sentence. I am sorry to think that such an exercise of the Royal prerogative of pardon is unfavourably regarded at the present moment by certain sections of the public, but it appears to me that the course which I suggest is the only course now open to the Government consistent with honor and justice, and I confidently anticipate that the fairness of this view will eventually be acknowledged by all impartial and reflecting members of the community.

(Signed), HERCULES ROBINSON.

GOVERNMENT HOUSE,  
June 23rd, 1874

*Minute of the Executive Council.*

(Minute, 74-30.)

At Government House, Sydney, June 24, 1874.

*Present :*

His Excellency the Governor,  
The Honourable the Colonial Secretary,  
The Honourable the Colonial Treasurer,  
The Honourable the Secretary for Lands and Mines,  
The Honourable the Secretary for Works, and  
The Honourable the Minister of Justice and Public Instruction.

His Excellency the Governor lays before the Council six petitions and memorials which have been presented to him, with regard to the proposed release of the prisoner Gardiner; also a Minute by His Excellency, setting forth his views on the subject.

2. The Council, having duly considered the petitions and Minute referred to are of opinion that sufficient grounds do not exist to warrant them in advising His Excellency to depart from the promise implied in His Excellency's Minute of the 5th December, 1872, upon the case of the prisoner Gardiner.

(Signed), ALEX. C. BUDGE,  
*Clerk of the Council*

Inclosure 6 in No. 3.

(S.)

PRISON REGULATIONS.

*Sentences of Prisoners.*