

*Report of the Lords of the Judicial Committee
of the Privy Council, in the matter of a Special
Reference from the Bahama Islands, dated the
15th December 1892.*

Present :

THE LORD CHANCELLOR.
THE LORD CHIEF JUSTICE.
LORD WATSON.
LORD HOBHOUSE.
LORD ASHBOURNE.
THE MASTER OF THE ROLLS.
LORD MACNAGHTEN.
LORD HANNEN.
LORD SHAND.
SIR RICHARD COUCH.
LORD JUSTICE BOWEN.

The Lords of the Committee in obedience to Your Majesty's Special Order of Reference of the 26th November 1892 have taken the matter referred to them by such Order into consideration, and having heard the Law Officers of the Crown and also Counsel instructed by the Chief Justice of the Bahama Islands their Lordships do agree humbly to report to Your Majesty as follows :—

1. (a) That the letter signed "Colonist" in "The Nassau Guardian" though it might have been made the subject of proceedings for libel was not, in the circumstances, calculated to obstruct or interfere with the course of justice or the due administration of the law and therefore did not constitute a contempt of Court.

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(b) That Mr. Moseley was not guilty of contempt of Court in respect of his refusal to give up the name of the writer or to hand over the manuscript of the letter, there being no authority in point of law to require him to do either.

2. That assuming contempts of Court to have been committed the sentences passed were in accordance with law. The sentence passed in respect of the publication of the letter though not in the usual form amounted in effect to a general committal for contempt and was therefore lawful.

3. That the Royal Prerogative extends to the remission of sentences which are merely of a punitive character, inflicted for contempt of Court, that the Commission of the Governor of the Bahama Islands vested in him the power to exercise the Royal Prerogative in this respect, and that he had therefore power, in the circumstances, to order the release of Mr. Moseley.
