

# DESPATCHES

FROM

GOVERNOR SIR GEORGE GREY, K.C.B.,

TO

THE RIGHT HONOURABLE THE SECRETARY OF STATE.

(REFERRED TO BUT NOT PRINTED IN THE FOREGOING PAPERS.)

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PRESENTED TO BOTH HOUSES OF THE GENERAL ASSEMBLY BY COMMAND OF HIS  
EXCELLENCY.

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AUCKLAND:  
1864.



## DESPATCHES FROM GOVERNOR SIR GEORGE GREY, K.C.B., TO THE RIGHT HON. SECRETARY OF STATE.

### No. 1.

Copy of a DESPATCH from His Excellency Sir GEORGE GREY, K.C.B., to His Grace the DUKE of  
NEWCASTLE, K.G.

MY LORD DUKE,—

Government House, Auckland, 6th April, 1864.

Your Grace is aware that upon the 20th of November last, 183 natives were taken prisoners at Rangiriri; amongst these men were some Chiefs of rank and consequence. They have since been kept in confinement on board the hulk "Marion," in the harbour of Auckland; and up to this date, nothing has been decided with regard to their fate.

2. I have repeatedly pressed upon my Responsible Advisers the propriety of coming to some decision upon this subject. I believe that the uncertainty which hangs over the course intended to be pursued with regard to these prisoners—and consequently, with regard to any other prisoners we take—induces a spirit of desperation amongst the native population, which, whilst it is sad to see, is quite unnecessary; as I am satisfied that, although the Colonial Ministers seem unable to make up their minds as to the course they should advise me to pursue, they wish to see the prisoners generously and leniently dealt with.

3. \*The enclosed letter, received from a well-informed native chief on the 4th March last, will show the feeling prevailing amongst the natives. He states that the cause of the sadness of the Waikato tribes, and of their determination to persist, even to death, in the course on which they have embarked, is their belief that the chiefs of Waikato, whom we have taken prisoners, and who are kept in close confinement on board a hulk, will, when the war is ended, be transported to some island, where they will be imprisoned, and then hanged. Aihepene Kai-hau's letter.

4. I also enclose copies of a correspondence between myself and my Responsible Advisers, in relation to this subject, from which your Grace will see, that upon the 9th ultimo, they undertook that upon the return of the Colonial Secretary from Kaipara, they would be prepared to take the case of these prisoners into consideration, with a view to immediate and final action; but as yet nothing has been done in this matter. V. E. No. I., (Part II.), pp. 1 to 3.

I have, &c.,

His Grace the Duke of Newcastle, K.G., &c., &c., &c.

G. GREY.

P.S.—Since writing this Despatch I have received from my Responsible Advisers a Memorandum, a copy of which is enclosed, advising me as to the course they think should be pursued in regard to the Rebel Prisoners. When I have had time to consider this Memorandum, I will reply to the Colonial Ministers, and forward to your Grace a copy of my reply. I will only at present state that my own opinion is adverse to bringing a considerable number of the prisoners to trial. If such a step can in any way be avoided, I would prefer releasing them on parole.

### Enclosure 1 to No 1.

TO MR. FOX AND MR. SHORTLAND,—

Friends, salutations. I have only just heard of the reason why Waikato persists in their evil course. They have been informed by some person that the Chiefs of Waikato, when the war is ended, will be brought to trial and then transported to some island, after which they would be imprisoned and then hanged.

This is the cause of their sadness, and in persisting in their evil course unto death.

When Ngawai heard of these words her heart started with love (towards her people), and a desire sprung up to go and hear the Governor's and your words. She has also expressed a desire that she should proceed to Waikato, to (endeavour) to suppress their wrong doing and cause the fighting to cease. But it is for you to decide. Should you think well of the (proposal) write that I may know. Should you not agree to it, write. Should you both consent to my word, let Mr. Rogan again come to accompany us to Waikato. That is, if you think well, myself and Waata Kukutai would take our sister (Ngawai) to make peace with the Chiefs of Waikato, and cause their King to be suppressed, and their flag to be given up, and the guns and all instruments of war to be given up to the General. Should they (the Waikatos) listen, it will be well; if not, let them be as children of evil on the earth, and cause the great rod to touch them. O friends, let this be an act of favour on our part; after which leave them to their own desires, should they still persist in their evil course. Enough.

From your loving friend,

Waiuku, March 1st, 1864.

AIHEPENE KAIHAU.

### Enclosure 2 to No. 1.

TO THE GOVERNOR,—

Salutations. I have only just understood the reason why they (the Waikatos) persist in the evil. They have been told by some persons that "you, the Chiefs, when the war is ended, will be brought to trial, and then taken to another island, after which you will be imprisoned, and then put to death."

This is the reason why they persist in fighting. When they heard these words they were sad, and then said—What of it, we will give (ourselves) to the death—we will continue fighting until death. That thought commenced at Rangiriri, and has gone with them to the place where they now

reside at Maungatautari. When Ngawai heard of these words she was inwardly moved with love (to her people), and she expressed a desire to go to you and learn if you would consent to her wish to go and suppress that wrong (of theirs), and should they not hearken they should be called upon to do so, and that the title of King, and the flag, and all instruments of war should be given up to you and I; that they themselves may be saved. And should they not hearken, let them be as evil children on the earth, and scourge their back with the rod of iron.

But it rests with you to approve (of the proposal). If you think well of it, write; and if you do not think well of it, write—that I may know your decision. Enough.

From your loving friend,

Waiuku, March 1st, 1864.

AIHEPENE KAIHAU.

### No. 2.

Copy of a DESPATCH from His Excellency Sir GEORGE GREY, K.C.B., to His Grace the DUKE OF NEWCASTLE, K.G.

MY LORD DUKE,—

Government House, Auckland, 3rd May 1864.

V. E. No. I., (Part II.), p. 13.

I have the honour to transmit for your Grace's information a copy of a \*Despatch I have received from Brigadier-General Carey.

2. The survivors of the natives who refused to surrender at Orakau fled after the slaughter in the direction of Hangatiki, in Rewi's country. Brigadier-General Carey allowed a friendly native to proceed there, to communicate with the natives still in arms.

3. This native returned upon the 27th of April, and reports that Rewi states that he and all his people are very anxious to make peace and live quietly by the side of the white people, but that he is afraid that he would place himself too much at the General's mercy by giving up his arms; that the natives captured at Rangiriri had been dealt with treacherously, they having been led to believe that, upon giving up their arms, they would be permitted to go free and live within the lines of the troops. He did not believe that they, the prisoners, were so well treated, or that their lives were to be spared; but if some of them—Ti Oriori or Takerei, for instance—were allowed to come and see them, they would attach great importance to anything they proposed. He also added, that if the Governor should write to him, as he had done to Thompson and his people, and be a little more lenient in his offers, he would be inclined to listen; but in the meantime, if any of his people accepted the terms offered, and attempted to pass out of his country, they would, if arrested, be put to death. I have, &c.,

G. GREY.

His Grace the Duke of Newcastle, K.G., &c., &c., &c.

V. E. No. I., (Part II.), pp. 14, 15.

P.S.—Since writing this Despatch to your Grace, the letter (\*a copy of which is enclosed) has been forwarded to me, from which your Grace will find that the natives distinctly state, that the reason they would not accept the terms offered to them by General Cameron at Orakau was because they feared "they would all be taken to Auckland, as the prisoners were from Rangiriri, and never perhaps be liberated.

G. G.

### No. 3.

Copy of a DESPATCH from His Excellency Sir GEORGE GREY, K.C.B., to His Grace the DUKE OF NEWCASTLE, K.G.

MY LORD DUKE,—

Government House, Auckland, 7th May, 1864.

V. E. No. I., (Part II.), p. 16.

My Responsible Advisers have requested me to transmit for your Grace's information the enclosed \*Memorandum commenting upon a passage in my Despatch, No. 53, of the 6th April, 1864, relating to a statement made by a New Zealand chief regarding the impression made upon the natives by the detention of a large number of prisoners.

2. My Advisers do not consider this chief as a trustworthy or disinterested authority, and wish this their opinion to be brought under your Grace's notice.

3. It is not necessary for me now to enter into the question of the trustworthiness or disinterestedness of this particular chief, as the general question of the detention of these men will come before your Grace in another form.

I have, &c.,

His Grace the Duke of Newcastle, K.G., &c., &c., &c.

G. GREY.

### No. 4.

Copy of a DESPATCH from His Excellency Sir GEORGE GREY, K.C.B., to His Grace the DUKE OF NEWCASTLE, K.G.

MY LORD DUKE,—

Government House, Auckland, 7th May, 1864.

V. E. No. I., (Part II.)

Adverting to my \*Despatch, No. 53, of the 6th of April last, I have now the honour to enclose for your Grace's information the continuation of my correspondence with my Responsible Advisers regarding the disposal of the native prisoners on board the hulk "Marion," and I have the honour to request that, if your Grace deems it necessary, after a consideration of the case, to address to me any instructions regarding the mode in which it is proposed to dispose of these prisoners who were taken by Her Majesty's Forces, I may receive your commands on the subject.

I have, &c.,

His Grace the Duke of Newcastle, K.G., &c., &c., &c.

G. GREY.

## No. 5.

Copy of a DESPATCH from His Excellency Sir GEORGE GREY, K.C.B., to His Grace the DUKE OF NEWCASTLE, K.G.

MY LORD DUKE,—

Government House, Auckland, 7th May, 1864.

I have the honor to transmit for your Grace's information, copies of two letters I have received from friendly chiefs, regarding the detention of the Native Prisoners on board the hulk "Marion," as also the copy of a letter from one of the prisoners, a leading chief, on the same subject.

I have, &c.,

His Grace the Duke of Newcastle, K.G., &c., &c.

G. GREY.

## Enclosure 1 to No. 5.

FATHER THE GOVERNOR,—

Auckland, April 22nd, 1864.

Salutations! This is a word of ours to you about the prisoners now on board of their vessel (the hulk). We think that you should permit them to come on shore to live: it would be well, as they would (still) be living in your presence, and keep in mind their misconduct. Hence our thought, and our continuing to urge you to permit them to come and stay on shore. If a thought should enter their minds about running away, where could any man run to who might entertain such an idea.

And now, O father, allow them to come on shore, and see how it will be. If they come on shore to stay, they must live quietly in your presence until the end of the war. It will be for you to decide about them.

This is our constant thought, to importune you to let them come and live on shore. This is all we have to say.

From us your loving friends,

KUKUTAI,  
AIIHIPENE KAHIAU,  
HORI TAUROA.

To the Governor, Auckland.

## Enclosure 2 to No. 5.

FRIEND THE GOVERNOR,—

Auckland April 27th, 1864.

Salutations! This is my word to you. Harken! My reason for constantly urging you to permit the prisoners to come on shore is that they are subdued by your kindness towards them.

Another reason is, they have (now) no *mana* (power, influence, or authority). This *mana* is all now with you, and the land also is in your possession.

The thing that I consider most is this: the land was what they thought the most of; it was this which caused their work, their obstinacy, and their determination to maintain the king movement. My idea is this: the men being dead (conquered), the land is likewise dead; why then detain the men when their bodies are dead, and also all their thoughts; how can they devise anything, or form any plans for the future, when the *mana* of the land and the *mana* of the men are gone? what can they do hereafter when you have got the *mana* of the land?

It is that thought which causes me to importune you to allow them to come on shore.

From your loving son,

KUKUTAI.

## Enclosure 3 to No. 5.

TO GOVERNOR SIR GEORGE GREY,—

Ship "Marion," 30th April, 1864.

O father, salutations to you! the guardian and exponent of good laws for the body and for the soul, the storehouse in which are hung up great thoughts, the father of the orphan and widow, the fountain head of knowledge and love! O Sir, this is the prompting of the heart anxious to throw out a word to you. What though the word be a little word, it is a proverb of our ancestors—"Though little, it is a little freely offered." I refer to your goods which are packed in this house, and which are being wasted by rotting through the badness of the house. It is a thought of mine that though the goods be bad, the house (in which they are stored) should be good.

This is another (inconvenience) that we have to speak to you afar off, that we cannot see you and hear your thoughts. Enough.

To Governor Grey.

From TAKEKEI TE RAU.

## No. 6.

Copy of a DESPATCH from His Excellency Sir GEORGE GREY, K.C.B., to His Grace the DUKE OF NEWCASTLE, K.G.

MY LORD DUKE,—

Government House, Auckland, 9th May, 1864.

I have the honor to enclose for your Grace's information, a very interesting narration of a short captivity amongst the Rebel Natives, which has been given by a Native of the name of Hemi Taiwhanga, who was recently captured by them. He reports that at the time of the pa at Orakau the Rebels expected to hear of the Native Prisoners we had taken being hung.

I have, &c.,

His Grace the Duke of Newcastle, K.G., &c., &c.

G. GREY.

## Enclosure to No. 6.

SIR,—

Camp Tepapa, Tauranga, April 15, 1864.

I have the honor to forward for your information the statement of Henri Taiwhanga, a friendly native who was captured by the Rebels at Rangiaohia, and afterwards released by them.

I have, &c.,

The Hon. the Colonial Secretary.

WILLIAM B. BAKER, R.M.

STATEMENT of HENRI TAIWHANGA, son of the late Rawiri Taiwhanga, a Ngapuhi Chief. Was engaged by Mr. D. Graham to go to Waikato with a party of Europeans to saw timber for

hutting the troops at Awamutu. We felt some alarm on account of the distance of the bush where we were working from the troops. Our foreman, Thomas Canty, went to the Camp for a guard, but did not succeed in getting one. While waiting for a guard, nine Europeans and myself went to shoot fowls and turkeys in the plantations of the natives who had retreated. This was about half a mile from the place where we were working. On emerging from a belt of scrub, the foremost man of our party discovered a fire, and informed his companions, who pressed forward to see it. I also advanced with them. Some of the Europeans supposed it was lighted by friendly natives, others thought that they were Kingites. I proposed to go and ascertain. Went towards them, and saw that they had their guns levelled at me. There were 20 of them: there was another party of ten behind a grove of acacia trees. They called to ask if I was a Maori. I replied, "Yes." "Are you a Queen Maori?" "Yes, I am a Queen Maori." Thereupon, they raised the muzzles of their guns and sat down. I walked up and shook hands with them all, after which I accompanied them to the side of their fire. They asked who my companions were. I replied "Pakehas." "Have they any arms?" "No, only one; a single-barrelled fowling piece, without a ramrod." They expressed a wish to see the Pakehas; but I told them that they had better pile their arms that I might know they were to be trusted. They accordingly put them all together, and we went to meet the Pakehas. When the Pakehas saw 30 of us advancing, they came towards us. We met half way. Four of the Pakehas remained behind; five came on. We shook hands all round, and began to converse with each other. I asked the natives what was to be done with us. They told us to return to our Camp: but three persons were annoyed at this, and ran to fetch their guns. Twenty-seven remained friendly. These last called to us to run for our lives, as they could not protect us from the fury of the three who desired our deaths. The Pakehas set off at once, but I, imagining that they would not hurt me, remained behind. The three persons who had picked up their arms, finding that the Pakehas had escaped, turned their guns against me; but I was instantly shielded by the 27, so the three passed round and ran on after the Pakehas, three of whom were in sight; the others had passed over a hill. The natives fired five shots. Don't know whether any of them took effect; but one of the natives picked up a hat which had been dropped. On the return of the three, I said to them, "Now my Pakehas have escaped, let me go too." They replied, "You shall be made a prisoner." I did not feel afraid, but said "This is murderous work to me and my Pakehas—me you have captured, and my friends you have fired upon." However, they persisted in detaining me. We set out at once for Te Tiki, near Maungatautari, and arrived at midnight: this was on the 2nd of April. A large fire was lighted, and when enquiries were made as to its meaning, the people were told that a great Council was going to be held to try a prisoner. Do not know how many were present. I was led into the circle, and some proposed that I should be held captive; others objected that they had no provisions to spare for prisoners. It was therefore agreed that a fresh trial should take place in the morning. At daylight they again met, and I computed the number of people present at 1,000. The same proposals were made as before: then Kereopa, the orator (*mangai*) of W. Thompson and the King, rose up, and declared on the authority of W. Thompson and the King, that I was to be released, to proceed to Rotorua, thence to the coast, and so to join my friends. I asked if W. Thompson and the King were present. Some said, yes; others, no. Kereopa called upon the people to assent: they did so, and I was free. I waited some time for tidings from Orakau, where the troops were fighting. While the people were dispersing, a messenger rushed in to the *pa* exclaiming "Orakau has fallen into the hands of the soldiers!" A second messenger arrived, and then a third, who stated that the Maoris were utterly routed. A panic fell upon them, and, throwing aside their arms, the men seized their children and five wounded men, whom they carried off. They retreated to Tapapa, to Maungatautari, and to Taupo. I accompanied them to Maungatautari: they were thoroughly disheartened. I advised them as we travelled along the road to give up their arms to the Government. Great confusion prevailed. They would not hear of peace, but declared their intention to die for their land. I missed them in the darkness, and saw no more of my companions; but journeyed on to Tapapa, where I found a number of refugees. Went also to Hamaria, where I saw 100 refugees. At present they are pretty well supplied with food, but the numbers fleeing thither will soon devour all they have to eat. The Tepapa people say they will only share their food with warriors, not with refugees. I passed through the forest to Rotorua, slept there, and so round to Maketu.

I told them that it was useless to struggle with the Pakehas, who came flocking into New Zealand like a flood tide; that Waikato was full of men. They replied "No; the Queen has refused to send any more." Many of them are short of ammunition and percussion caps: they are supplied by Ngatiporou. They are very short of food, especially of potatoes—live upon flour. They are very numerous, and sweep up all the provisions on their march. They intend to gather *tawa* berries, and dig fern root. They think this will only be a temporary inconvenience, as they are confident of ultimate success. I told them that for every Pakeha they killed, two would spring up. They greatly respect the courage of the soldiers; but dread most of all the cavalry: this is on account of the rapidity of their movements—the Maoris find themselves surrounded before they are aware of it. They asked after Ti Oriori and the prisoners on board the hulk. Told them they were well cared for. One had died from sickness. They said they expected to hear of their being hung. I replied that if the Waikatos committed any more murders, two of the highest rank would be hung for each man, woman or child that was injured. They were exceedingly defiant and insolent; even the children partook of this feeling.

WILLIAM B. BAKER, R.M.

### No. 7.

Copy of a DESPATCH from His Excellency Sir GEORGE GREY, K.C.B., to His Grace the DUKE OF NEWCASTLE, K.G.

MY LORD DUKE,—

Government House, Auckland, 25th May, 1864.

My Responsible Advisers have requested me to forward to your Grace the enclosed \*Memorandum on my Despatch No. 64, of the 3rd inst.

2. In compliance with their wishes, I transmit it to your Grace, with a copy of my remarks upon it.

His Grace the Duke of Newcastle, K.G., &c., &c.

I have, &c.,

G. GREY.

P.S.—Since the above Despatch was written to your Grace the two letters, copies of which are enclosed, have reached me from Tauranga, in each of which it is stated that one difficulty in the way of making an arrangement with the Natives of that place is the treatment of those Natives who were taken prisoners at Rangiriri. When I was recently at Tauranga, I found a Native wounded prisoner, whose leg had been amputated at the thigh; such was this man's fear of being sent on board the hulk, that I was informed by Archdeacon Brown that he had determined to refuse food from the day he found he was to be sent to Auckland, and the medical man informed me that this apprehension of his being sent on board the hulk was producing so depressing an effect on him that they found they could not save him. I therefore promised him that as soon as his stump had healed he should be allowed to return to his own settlement.

G. G.

### Enclosure 1 to No. 7.

SIR,—

Salutations. This is my word to you. I heard from Mr. Baker that you wished me to take charge of my vessel. When I heard that I did not consent, because I have forgotten how to manage a vessel. What I wish is, that the Government buy that vessel. I also mentioned to you that I suffered no loss by the Maori King party. We had only words passing between us. The vessel was damaged by the soldiers. By the soldiers also I lost my money and property. When my house was broken into, all the officers of this encampment saw the boxes opened and the clothes in them.

But as soon as Mr. Baker's letters about the vessel and the house are finished, *i. e.* replied to and disposed of. When you send an answer, let it be direct to me, because my affairs has been long delayed.

From your loving friend,

Papa Tauranga, 23rd May, 1864.

HAMIORA TU, Magistrate.

### Enclosure 2 to No. 7.

FRIEND,—

Papa Tauranga, March 15, 1864.

Salutations. I wish much to come and see you. Had I not been going to guide the soldiers, I would have come with Mr. Smith to see you. I shall accompany him when he goes. May God keep you, &c. Some of the Chiefs who went to see you are dwelling here in your love, that is Tamati Manao, Tomika Te Mutu, and Parera. These have staid. The men who have gone to the bush are, Rawiri, Enoka, and Hamiora Tangiawa. These are the men who came to see you at the time that the Pakehas left. But as for your Assessors, and some other of your friends, their thoughts will not move.

Friend, hearken. My house has been robbed, and my money stolen—£151 13s. has been taken away.

From your friend,

To the Governor, Auckland.

HAMIORA MATENGA TU.

### No. 8.

Copy of a DESPATCH from His Excellency Sir GEORGE GREY, K.C.B., to the Right Honorable EDWARD CARDWELL, M.P.

SIR,—

Government House, Auckland, 21st June, 1864.

I have the honor to transmit for your information copies of two \*statements made on the 13th and 14th instants by two native prisoners who were sent by the Government to visit the rebel natives, as also the statement of the friendly chief Paora Tuhaere, who was to have visited the rebels with the prisoners.

2. From these I collect that Rewi, Thompson, and other leading chiefs desire that the existing war should be regarded as having ended; that they are prepared to relinquish the whole of the Waikato country, now taken and held by our forces; and that, if after an interview with the Governor they were satisfied of their safety, if they laid down their arms, they would give up their arms and ammunition to him; that they made no written proposals on these subjects, because as two native prisoners had been sent to see them without a letter, they imagined that a message should be sent by the same individuals to the Governor.

3. I will further address you in relation to this subject when I have received the advice of my Responsible Advisers thereon.

I have, &c.,

The Right Honorable Edward Cardwell, M.P., &c.

G. GREY.

### No. 9.

Copy of a DESPATCH from His Excellency Sir GEORGE GREY, K.C.B., to the Right Honorable EDWARD CARDWELL, M.P.

SIR,—

Government House, Auckland, 7th July, 1864.

Adverting to my Despatch, marked "separate," of the \*6th ultimo, I have now the honor to transmit copies of the papers my Responsible Advisers wish to be laid before you in reference to that subject.

2. I would only wish to add in reference to this matter, that the native prisoners were taken as prisoners of war; that they were guarded by a detachment of the Colonial Forces; that I cannot under such circumstances regard a visit paid to the place of their imprisonment made by the principal Medical Officer in New Zealand, and the sanitary Officer for Her Majesty's Troops in New Zealand, as being a visit made by unauthorized persons.

3. I knew nothing of the intentions of these Officers to pay a visit to the hulk where the natives

are confined, but when they called on me and reported that they had made such a visit, and what was the state of things they found prevailing there, I felt sure it was my duty to call attention to the subject; and I believe that my Responsible Advisers have now placed the hulk in a satisfactory state.

I have, &c.,

The Right Honorable Edward Cardwell, M.P., &c.

G. GREY.

### No. 10.

Copy of a DESPATCH from His Excellency SIR GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

SIR,—

Government House, Auckland, 3rd August, 1864.

I have the honor to transmit for your information a Memorandum which my Responsible Advisers are anxious to have transmitted to you in relation to my Despatch, No. 101, upon the subject of the native prisoners of war.

I have, &c.,

The Right Honorable Edward Cardwell, M.P., &c.

G. GREY.

### No. 11.

Copy of a DESPATCH from His Excellency Sir GEORGE GREY, K.C.B., to the Right Honorable EDWARD CARDWELL, M.P.

SIR,—

Government House, Auckland, 26th August, 1864.

I have the honor to transmit for your information the copy of a \*Memorandum which I have received from my Responsible Advisers, and which they have requested me to transmit to you, in which, in reference to your despatches No. 43 of the 26th of April, and No. 65 of the 26th of May, 1864, they state that they deem it to be an imperative duty to place on record without delay their protest against the introduction into this Colony of a new form of government, under which native affairs would be administered partly by the Governor, and partly by his Advisers.

2. I have given this Memorandum the best consideration in my power, and beg to offer the following remarks upon it:—My Responsible Advisers think that practically no difference of opinion as yet exists between the Governor and themselves. What constitutes a difference of opinion admits of question. I think that several discussions which have taken place between my Responsible Advisers and myself regarding the terms which should be given to natives who have been in arms, regarding the confiscation of native territory, the entering upon military operations, and other cognate subjects, constitute differences of opinion upon important points connected with Imperial interests; but, as copies of the greater part of such discussions have been transmitted to you for your information, you will be able to determine whether or not I am right in thinking that they shew that considerable differences of opinion between my Responsible Advisers and myself have, from time to time, arisen upon subjects which are of great Imperial concern.

3. I would next state that I am of opinion that the publication in the Colony of your despatch No. 43 of the 26th of April, has produced a very happy effect upon the native population here. To it I attribute in no small degree, and in spite of adverse causes, the surrender of the rebel natives at Tauranga, and I believe its contents and the publication of them will go far to bring the war to a close in several districts of the Colony. In all this I may be wrong, but I have carefully observed and considered recent events, and as the result I have arrived at the conclusion I have above stated.

4. Since the direction of native affairs was originally assumed by the Colonial Ministers, a great change has taken place in this country. Then a war had recently been in appearance concluded, and there seemed grounds to hope that peace between the two races might be permanently preserved. Now a very different state of things prevails; what may with justice be regarded as a civil war is raging in New Zealand. The parties engaged in this conflict are, the whole of the European population, and a part of the natives on one side, the remaining portion of the native population on the other. Both parties to this war are subjects of the Queen, and citizens of the Empire, and they mutually allege against each other wrongs. Great Britain to bring this war to a close, furnishes an army of nearly ten thousand men, a considerable Naval Force, and a large Military and Naval Expenditure.

5. The Colonial Ministers at present possess and exercise here, upon all ordinary subjects, all the powers usually held and exercised by Ministers in those countries where the system of Responsible Government prevails. In addition they now, as I understand them, protest against not being allowed to exercise absolutely, powers which would virtually give them a very large control over the naval and military forces, and the naval and military expenditure of Great Britain.

6. I think that in deciding upon the protest now transmitted the following points should be considered. The Colonial Ministers are responsible to the General Assembly for Colonial matters; but, as I will presently shew, the General Assembly does not even in such matters exercise such an active supervision or control over their acts and proceedings as the Parliament of Great Britain exercises over those of the British Ministry, and when it is remembered that the General Assembly is in no way responsible for the mode in which Her Majesty's Naval and Military forces are employed, or for the naval and military expenditure of Great Britain, I think that that body would exercise little or no control over the Colonial Ministers in reference to those matters.

7. The Members of the General Assembly are collected from great distances, are drawn away from their own private avocations, to which they are anxious to return as speedily as possible. The settlements from which they come are also removed by long distances from the capital, and have frequently interests of a totally different character from those of the population inhabiting districts where there are many natives. From their remoteness from the seat of Government the information the inhabitants of such settlements possess regarding public affairs is limited; it is frequently only such as the Ministry of the day thinks proper to suffer to transpire. Hence less interest is taken in what may be termed general public affairs, as distinguished from provincial public affairs, than would be imagined, and public opinion regarding general public affairs, is, in the settlements remote from the



capital, formed upon limited, often erroneous information. When, therefore, the General Assembly meets, some time elapses before the Members can thoroughly acquaint themselves with what has passed since their last meeting, and ere they have fully mastered this, the time for their separation has almost arrived. Sometimes also papers upon important subjects are only called for after the Assembly has met for some time. I believe in some cases the printing of these papers has been hardly completed when the Assembly has separated. The Sessions of the Assembly are also not only short, but by far too infrequent to enable them to exercise such a control over public affairs as is exercised by the Parliament of Great Britain.

8. For instance, the General Assembly met at its last Session on the 19th of October, 1863, and was prorogued on the 14th of December of the same year, after a Session of only 56 days, and it may probably not meet again until the month of March, 1865—that is not until after an interval of fifteen months.

9. Whilst the General Assembly exercises so feeble a control over public affairs, what is termed the Cabinet bears but a faint resemblance to the strong and powerful Ministry which can be formed in Great Britain. Since September, 1861, there have been three Ministries in New Zealand. The present Cabinet consists of five members, one of whom has been absent in England during the greater portion of the time of the existence of the present Ministry. Two other members of the Ministry have been frequently absent from the Capital; so that the direction of affairs, involving largely the interests of Great Britain, in the employment of her Military and Naval Forces, and the expenditure of her funds, has rested at such times in the hands of the remaining two members of the Ministry, who are the two partners who compose one of the leading legal firms in the town of Auckland. And it was on advice thus tendered to him that the Governor was frequently expected to act in the most important affairs of Imperial concern. The protest I now enclose is made by this Cabinet, and not by the General Assembly, and it is made before your last despatch is known in the Colony, and before public opinion has been in any way formed or expressed on the subject.

10. The position of the Governor in this Colony is also peculiar, from the relations existing between the Mother Country and a Colony. The Governor is the person who here issues in his own name all orders to the chief Military and Naval authorities; such orders are, in fact, openly and ostensibly his orders, and he is apparently responsible for all acts done under them; and when his Ministers require him to sign such orders he is really their servant, and yet is responsible to the British Government for the orders they compel him to give, and which may be repugnant to his own wishes and feelings; and he has also here none of the facilities for forming a new Ministry which the Crown in England, or the Governors of neighbouring Colonies possess; for, from the great distance of the several Settlements from each other, the defective information they possess on public affairs, the rare and short occasions on which New Zealand statesmen are brought together in the General Assembly, it is almost impossible for the Governor to consult them as to whether they will, or will not, form a new Government, or for them to determine what support they can reckon upon in the General Assembly if they undertake to do so.

11. It should also be remembered in reference to the two distinct populations in this country, that the native population who are the largest landed proprietors in the Northern island, are unrepresented in the General Assembly, the other population, the European one is the governing body. Necessarily in a civil war the feeling of race exercises some influence, and men's passions more or less lead them to adopt extreme views, and too hasty and often illconsidered acts, in which they are sustained by a public opinion to which there is little or no counterpoise, so that surrounded by such influences, it would be very difficult for a Minister, endued with the very calmest mind to arrive at a correct conclusion; and this difficulty is greatly increased when he has to please a constituency in which almost universal suffrage prevails, and which is composed of one race engaged in a civil war with a race which it is to govern, and which is to be subdued by an army supplied by the mother country.

12. Great Britain, in whose service the officers and men of Her Naval and Military Forces have engaged themselves, often from the highest motives, owes something to the feelings of these officers and men, and something to the welfare of the wives and children of her soldiers, and I do not think that when two populations are arrayed against one another as is now the case in this colony, the uncontrolled power over the lives, actions and honor of these officers and men, and of the welfare of their wives and children, should be handed over to irresponsible persons, or at least but feebly responsible to a Colonial legislature, the seats of the members of which depend upon constituencies who must, by the course of events, be more or less excited against another race, which is unrepresented in that Legislature.

13. I have used the word "irresponsible" persons, for in truth a Colonial Ministry cannot be said to be responsible to the Parliament of Great Britain, nor even in any indirect manner to the British tax-payer, whose resources they would direct the expenditure of. I cannot but think that whilst a civil war prevails in New Zealand, Imperial officers, responsible to the British Government, should exercise such a control over the management of public affairs, as is directed in your despatch against which my Responsible Advisers protest. At the time of their protest being made, they had not sanctioned the publication in the colony of your despatch No. 65 of the 26th May 1864, so that no expression of public opinion had taken place here regarding it, I am not at all satisfied that when this subject has been fully considered public opinion will be adverse to the instructions you have issued for the management of public affairs during the present crisis. I think that all would see that these instructions which have been issued to meet a temporary emergency, would lapse the moment a normal state of things was restored in the colony, and that they were suited to meet the exigencies of the present moment and to provide for the restoration of peace to the country. I think no doubt should be entertained of the good sense and good feeling of the inhabitants of New Zealand, that you should feel satisfied that you will be supported by a large majority in this country in doing that which is right, and that when, after full consideration, you have determined that a certain line of policy is that which justice to Great Britain, and to both races in this colony requires to be pursued, you may direct that it should be carried out in the full confidence that the Governor here will, when all the facts become known, have ample support in giving effect to your instructions. I have, &c.,

The Right Hon. Edward Cardwell, M.P.

G. GREY.

## No. 12.

Copy of a DESPATCH from His Excellency Sir GEORGE GREY, K.C.B., to the Right Honorable EDWARD CARDWELL, M.P.

Sir,—

Government House, Auckland, 7th September, 1864.

My Responsible Advisers have requested me to transmit the enclosed copy of a \*Memorandum, in which they enter a protest against your Despatch, No. 76, of the 27th June, 1864, on the subject of prisoners taken by Her Majesty's Forces during the disturbances prevailing in this Colony.

2. I am anxious that the real question at issue in this case should be understood, and I wish therefore to point out that my Responsible Advisers have, in my belief, in the enclosed memorandum, lost sight of what I regard as the point which is to be determined. I understand them to say that the practical point is that you have decided that the disposal of the prisoners taken by Her Majesty's Forces is not a subject on which the Governor is bound to take the advice of his Ministers, but that these prisoners are to be held under the absolute control of the Governor, and to be disposed of at his pleasure, even against the advice of his Responsible Ministers.

3. What I gather from your Despatch is, that such prisoners are to be dealt with according to law, and not to be disposed of at any person's pleasure; and that they are to have the same safeguards thrown around them to protect them from wrong, or being injured by the heat of momentary passions, as the laws and customs of the Empire throw around all Her Majesty's subjects; but that in the event of the Ministry in this country requiring the Governor here to act virtually as their servant in carrying out illegal acts in reference to such prisoners in a manner that he regards as being unduly harsh, you will support him in refusing any longer to carry out such illegal proceedings in a manner he deems harsh and ungenerous; and that also within the limits of the law he may, if he sees a strong necessity for so doing, deal generously with such prisoners, whether with or without the consent of his Ministers. Whether your instructions, as I have stated them, are just and proper is, in my belief, the question which has arisen for decision.

4. My Responsible Advisers had an Act passed by the Local Legislature, which enabled them to deal summarily with the case of such prisoners, by bringing them to trial before Courts Martial, provided they did so at the earliest possible period; but of this law they did not avail themselves, nor offer to do so, until the prisoners had been for several months in custody. The usual Courts of the country were at all times open to them, but they had the prisoners in custody, the witnesses were present, and no just excuse for not bringing the prisoners to a fair trial existed. But they would not do this. They required me to have them confined for many months, without any legal authority existing for their detention. They were thus, as I believed, illegally detained in confinement on board a hulk, crowded into a most insufficient space, with nothing to lie on but the deck of the vessel, great want of light and air prevailed, and the ventilation was most defective. I believed the atmosphere to have been in a most impure state. I believed also that at the early period of their confinement their diet was not of the kind their habits rendered necessary. I was informed on the best authority that the hulk the prisoners were confined in was a most unfitting prison for them, and that they were there contracting the seeds of disease which would shorten their lives when released. On the whole, I was satisfied that the treatment these prisoners were receiving was such as would, when men's minds cooled down, be regarded as derogatory to the good name of Great Britain, and was rendering the Native population in some instances desperate. I have since seen the hulk and the prisoners. I believe that the health of many I saw and closely observed has been permanently injured by the length and nature of the imprisonment they were subjected to; and that their imprisonment in such numbers, in so limited, badly lighted, and ill-ventilated a space, reflects discredit on us, and will hereafter be most deservedly censured.

5. Amongst the men thus treated were some whose previous conduct gave them strong claims on our generosity; others who, I believe, were most probably innocent men; no enquiry had been made into the guilt of any of them. Whilst I was required to sanction and co-operate in this treatment of prisoners made by Her Majesty's Forces, important information regarding their state was not imparted to me, and the visit to the hulk of the Sanitary Officers, who were, I think, my proper advisers with regard to the condition and state of these prisoners, was treated as an unauthorized and improper intrusion; whilst besides imprisonment the prisoners were to be subjected to other severe penalties.

6. The Ministers who required me to carry out this illegal line of proceeding, of which I so highly disapproved, and who refused solicitations which I earnestly pressed on them regarding it, were, as I have shewn in another Despatch, but remotely responsible to the General Assembly,—not at all to the British Government. In truth, the whole responsibility in the eyes of Great Britain and of future times would have rested on me; yet my recommendations, my wishes, my feelings were all disregarded. You will therefore, I think, make every allowance for me when I say that I cannot consent to be put in such a position in this matter as my Ministers wish me to occupy, and that I cannot, whilst I am the person who is responsible for what is done, act as their servant to carry out that which I know to be illegal, and believe, rightly or wrongly, to be such as will reflect discredit upon our name.

7. I do not think, with my Responsible Advisers, that when all the facts are known public feeling in New Zealand will be in favour of the course they have in this instance pursued. It may take some time before all the facts are placed in their real light, and efforts will possibly be made by some to raise a popular clamour on the subject, but I have no doubt that the cause of justice and right will at last prevail.

8. In the meantime I shall continue to act before your instructions in the sense in which I have already explained I understand them; and I am quite satisfied they direct me to do that which is legal, constitutional, and right.

I have, &c.

G. GREY.

The Right Hon. Edward Cardwell, M.P.

P.S.—Dr Mackinnon, the Sanitary Officer to the Troops in New Zealand, drew up on the 4th of June last, a Memorandum for the principal medical officer in this command, detailing his observations when he visited the hulk on board which the native prisoners were confined on the 24th May last (the

prisoners had been confined on board this hulk since the 24th December, 1863—that is, for five months). At my request he has given me a copy of this Memorandum, which I transmit for your information.

G. GREY.

### Enclosure to No. 12.

Auckland, N.Z., June 4th, 1864.

I visited the hulk "Marion," in which the Maori prisoners are confined, on the 24th day of May, in company with Dr. Mouatt, C.B.

I was struck with the great neglect in providing any means of proper ventilation, more particularly on the lower decks, those parts of the ship which most needed strict attention to this important measure. It was impossible not to be surprised at the great want of both light and air; and on the lowermost deck perfect darkness prevailed, with the exception of an occasional glimmer through a small port; and the foulness and filthiness of the atmosphere made a most offensive impression, amounting almost to sickness, this evidently arising from organic matter given off by the respiration of numbers of individuals crowded into so insufficient a space, and the defect in cubic space not being in any way supplemented artificially by having proper inlets for fresh air and outlets for impure air. In some portions of the ship the air was quite stagnant; even the simple contrivance of windsails did not appear to be in use.

None of the prisoners had anything to lie upon save the deck of the ship; and their blankets looked very dirty and charged with organic matter emanating from the persons of the wearers—a circumstance highly injurious to health, particularly in confined places, such as the hulk is.

Many of the prisoners appeared to me much depressed and careworn, and some of them reduced in flesh and general vigour.

I believe the Maoris are, as a race, predisposed to consumption, phthisis, and other tubercular affections; and I have no hesitation in affirming that, in their present condition (as seen by me on May 24th, 1864) of neglected sanitary arrangements, shut up in a hulk, they are being placed under some of the most potent agents as favouring causes in the production of "phthisis pulmonalis," and other allied affections, which must ultimately seriously impair their constitutions and undermine their health.

WM. A. MACKINNON,

Surgeon 57th Regt, Sanitary Officer to Troops in New Zealand.

### No. 13.

Copy of a DESPATCH from His Excellency Sir G. GREY, K.C.B., to the Right Honorable EDWARD CARDWELL, M.P.

SIR,—

Government House, Auckland, 29th September, 1864.

My Responsible Advisers have requested me to transmit for your information the enclosed *Vide E. No. II., p. 97.*  
\*Memorandum upon my despatch to you, No. 131, of 7th September, 1864.

2. On the Memorandum I beg to remark that I still think that I rightly understand the instructions conveyed to me in your despatch No. 76, of the 27th June, 1864. I could not read them alone, but read them in connection with the case to which they applied, and in reference to which they were issued. I do not see that my Responsible Advisers deny that the proceedings they required me to carry out with regard to the native prisoners were illegal. They must know they were so.

3. In reference to what my Responsible Advisers have said upon my remarks upon the "Suppression of Rebellion Act," I would observe that I found no fault with that law, but that I objected to their not having complied with its provisions as they desired to bring it into operation. I still think that the present Ministry had the "Act for the Suppression of Rebellion" passed by the local legislature, and I think that they were right in doing so. With regard to the Memorandum they have enclosed from a Member of the previous Ministry, I can only say that on that Ministry submitting different courses to me, I, to the best of my ability, gave them my opinion as to which of these courses was the best for them to follow.

4. With regard to my Responsible Advisers remarks upon my not having instituted an enquiry into the state of the native prisoners on board the Hulk, a reference to the papers on the subject will shew, that it was not until the month of May that I had such an accurate knowledge of the state of affairs on board the Hulk as would have enabled me to take action in the matter; that they withheld important knowledge from me from the 13th May to the 6th of June, when I only accidentally saw the report of the medical officer which shewed the real state of the native prisoners, and which was in contradiction to that report with which I had been furnished by my Responsible Advisers for transmission to you; that on the 4th of May I earnestly pressed that a medical board, composed of naval and military surgeons, should be appointed to enquire into the state of the prisoners, which board they would not appoint, and I fearlessly leave it to any person who will take the trouble to look into the matter to say whether my Responsible Advisers are not the persons who are really responsible for an enquiry not having taken place.

5. The moment the Principal Medical Officer in New Zealand, and the Sanitary Officer for Her Majesty's troops called on me and reported what they had seen on board the Hulk, I transmitted the substance of their statement to my Responsible Advisers. The report from the Sanitary Officer for Her Majesty's troops contains nothing but the details of the statement which he had made verbally in general terms to me in May last, and with which I instantly acquainted my Ministers.

6. In reference to the complaint that the Governor, although the Hulk lay within 500 yards of Government House, and the Governor believed all the time that atrocities were being committed there, never once during the eight months that it lay there visited it himself, although it was suggested to him on one occasion at least by the Colonial Secretary, nor once sent an authorised person to make an inspection, I beg to report that the Hulk lay about 1300 yards from Government House, and that I declined to visit it because I believed that some of the prisoners were innocent men and ought to be

released, and that others of them, such as Ti Oriori, deserved to be released upon parole, and that, notwithstanding my most earnest solicitations on behalf of these latter men, my Ministers had refused to acquiesce in my request to be allowed to perform this act of mercy. Whilst, therefore, possessing in fact the power to do what I thought right towards these captives whom their captor, Sir Duncan Cameron, in sending them in had requested me should be "treated generously, for every one must admire the gallant manner in which they defended their position to the last," some of whom were also great chiefs, from whom many Europeans had received numerous acts of kindness for years past, I could not bring myself to go on board to look upon their misery, and then leave them without doing that which I believed in justice and fairness I ought to have been allowed to do. I think that in refraining, in compliance with the advice of my Ministers, from exercising towards these men the powers of mercy with which the Queen had invested me, I did all that any fair interpretation of Responsible Government could have required me to do, and that I am not to blame for having declined to place myself in the position I should have held if I had gone on board their prison. With regard to my not sending an authorised person to make an official inspection, I beg to observe that when on the 4th May I earnestly begged that on account of the great responsibility which must rest upon me in the eyes of the world for the treatment these prisoners received, that a medical board, composed of naval and military surgeons, might be appointed to enquire into the state of the Hulk and the prisoners, that this most reasonable request on my part was not complied with, and that when the proper officers did go on board to inspect the prisoners, and informed me of the state of things existing there, they were spoken of as persons who obtained access to the prison ship without the knowledge of the Colonial Ministers and against the prison rules.

7. In conclusion, I would say that I believe Mr. Fox, the Minister who signs the enclosed Memorandum, and who appears to be very angry at the view I have taken of the case of the native prisoners, to be a very kind hearted and benevolent man, from whom I am very sorry to differ, but I believed and still believe that a serious mistake has been made in this matter, and that looking to the share I had to bear in the transaction, my representations and views did not receive the consideration to which they were fairly entitled, and that I have in consequence been laid open to blame and censure, which neither myself nor others would have incurred had my earnest requests been attended to. Although, therefore, deeply regretting that my saying so should be a cause of annoyance to anyone, especially to Mr. Fox, I must repeat that I cannot consent to be again put, in reference to Prisoners of War, in such a position as I understand from their Memorandum, of the 6th of September, my Responsible Advisers wish me to occupy.

The Right Honorable Edward Cardwell, M.P., &c.

I have, &c.,

G. GREY.

#### Enclosure to No. 13.

SIR,—

H.M.S. "Miranda," Auckland, 30th September, 1864.

In reply to your letter of this day's date, I have the honor to inform your Excellency that the position of the "Marion" hulk when moored in this harbour was N.N.E., about thirteen hundred yards from Government House.

I have, &c.,

ROBERT JENKINS,

Captain and Senior Officer in New Zealand.

His Excellency Sir George Grey, K.C.B., &c., &c., &c.

#### No. 14.

Copy of a DESPATCH from His Excellency Sir GEORGE GREY, K.C.B., to the Right Honorable EDWARD CARDWELL, M.P.

SIR,—

Government House, Auckland, 8th October, 1864.

I have the honor to inform you that the native prisoners of war were, with my concurrence, placed by my Responsible Advisers on the Island of Kawau. They were under the superintendence and control of officers appointed by the Colonial Government, who selected these officers, fixed their numbers, and made all arrangements regarding the prisoners.

2. On the 11th of September the prisoners quitted the island, and passed over to the main land. I beg to enclose copies of a correspondence with the senior Naval Officer upon the subject. I have not yet received any reports from the officers of the Colonial Government upon the manner in which they quitted the island, but full particulars on the subject shall be transmitted next mail.

I have, &c.,

The Right Honorable Edward Cardwell, M.P., &c.

G. GREY.