

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.

I have, &c.,

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