

No. 57.

Enclosure 1.
Consul March to
Governor of N.Z.,
Dec. 11, 1871.

Enclosure 2.
Governor of N.Z.
to Consul March,
Jan. 22, 1872.

Enclosure 3.
Opinion of the
Attorney-General
of N.Z., Feb. 12,
1872.

Enclosure 4.
Police Report,
March 15, 1872.

Enclosure 5.
Governor of N.Z.
to Consul March,
March 27, 1872.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to the
Right Hon. the Earl of KIMBERLEY.

(No. 33.)

Government House, Wellington,

New Zealand, 27th March, 1872.

MY LORD,—

I have the honor to transmit herewith, for your Lordship's information, copies of correspondence which has passed with Her Majesty's Consul in the Fiji Islands, in consequence of that gentleman having alleged that men were being enlisted in New Zealand for military service in Fiji.

2. I caused strict inquiry to be made, with the advice of the Attorney-General, and it will be perceived, from the official report (Enclosure 4), that there is no foundation for the rumours referred to by Consul March.

I have, &c.,

G. F. BOWEN.

The Right Hon. the Earl of Kimberley.

Enclosure 1 in No. 57.

Consul MARCH to the GOVERNOR of NEW ZEALAND.

SIR,—

H.B.M. Consulate, Fiji and Tonga, Overlau, 11th December, 1871.

From what has come to my knowledge, I have reason to believe that the so-styled Government of Fiji are endeavouring to raise, among Her Majesty's colonial subjects, a body of men for military service under Thakombau, one of the kings or chiefs of Fiji. Each volunteer is to receive a grant of land in return for his services.

It is stated that several recruits have already been made at the Thames and in Auckland, and that a member of the staff of the "Thames Volunteers" is taking a leading part in the enlistment.

Your Excellency is doubtless aware of the movement initiated for the establishment of a Government in these islands. The group has always been under the control of several independent chiefs; and although Thakombau's advisers have lately proclaimed him "King of Fiji," his right to that title is disputed. It is to compel these independent chiefs to submit to him that an army is being raised.

I deem it my duty to report this circumstance to your Excellency, as I believe it involves a breach of the Foreign Enlistment Act.

I have, &c.,

His Excellency Sir George F. Bowen, G.C.M.G.,
Governor of New Zealand.

EDWARD MARCH,

H.M. Consul.

Enclosure 2 in No. 57.

The GOVERNOR of NEW ZEALAND to Consul MARCH.

SIR,—

Government House, Wellington, New Zealand, 22nd January, 1872.

I have the honor to acknowledge the receipt, on this day, of your letter of the 11th December ultimo, stating that you have been informed that several recruits have been made in this Colony, at the Thames and at Auckland, for the service of Thakombau, of Fiji; and that a member of the staff of the "Thames Volunteers" is taking a leading part in the enlistment.

The Colonial Government will cause inquiry to be made as to these alleged facts, and will take the opinion of the Attorney-General on the questions of law involved.

I have, &c.,

Edward March, Esq., H.B.M.'s Consul, Fiji.

G. F. BOWEN.

Enclosure 3 in No. 57.

OPINION OF ATTORNEY-GENERAL.

Wellington, 12th February, 1872.

I THINK the alleged enlistment, if without the consent of Her Majesty, is a breach of "The Foreign Enlistment Act, 1870."

"The Act provides that if any person without the license of Her Majesty, and being a British subject, accepts any engagement in the military service of any "Foreign State" at war with any "Foreign State" at peace with Her Majesty, or, whether a British subject or not, induces others to enter such service, he shall be guilty of an offence.

The term "Foreign State" includes any "Foreign Prince" or any part of any Province or people, or any person exercising or assuming to exercise powers of Government in any foreign country or over any part of any Province or people.

These words seem sufficient to include the state of things existing in the Fiji Islands. I think, therefore, that inquiry should be made, and if it be found to be true that any such enlistment has been practised, that a notice should be issued, warning the public against it, and the officer of Volunteers referred to, if found out, should be warned against proceeding in such a matter; if, notwithstanding the warning, the practice is continued, I think that a prosecution should be instituted.

If on inquiry the allegations contained in this letter are not borne out, it will be unnecessary to take any steps. I think the writer should be informed of what is intended to be done, and thanked for his information.

The Hon. the Colonial Secretary.

J. PRENDERGAST.