

Lord de Grey therefore trusts that, under these circumstances, the Lords of the Treasury will concur with him that the usual formalities, as far as the exigencies of the service would admit, have been complied with in this case.

I have, &c.,

EDWARD LUGARD.

## No. 12.

No. 121.

Downing Street, November 26, 1864.

SIR,—

I have received your Despatches of the dates and numbers noted in the margin.\*

\*Nos. 124, 26th August,                      It never was intended by Her Majesty's Government to place the direction of Native Affairs in the hands of the Colonial Administration in any such sense as to give them the control of Her Majesty's Forces, either directly or indirectly.  
 „ 130, 3rd September,  
 „ 131, 7th September,  
 „ 132, 7th September,

The continuance of the war involves the continued employment of the Queen's troops; and it is therefore evident that if terms of accommodation are to be refused by the Colonial Ministers, in opposition to your judgment, the control of Her Majesty's forces is, in effect, withdrawn from you, and placed in the hands of the Colonial Ministers.

The same reasoning applies to the treatment of the prisoners taken in war. You, on the one side, and your Ministers on the other, have attached great importance to the bearing of that treatment on the continuance of the war. It was my duty, on receiving the earliest intimation of a difference between you, to give you my instructions on the subject; and I accept as just and accurate the interpretation you have put on those instructions; viz:—

“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.”

On these two points I now repeat, in the name of Her Majesty's Government, the instructions which I gave you in my two Despatches of 26th May and of 27th June,

With respect to the extent of the confiscation proposed to you by your Ministers, I stated to you in my Despatch of 26th April that the Confiscation Act was only allowed to remain in operation for the present on certain conditions, one of which was that no land should be confiscated unless you were personally satisfied with the justice of the confiscation in the particular case. I had not remembered the interview which Mr. Reader Wood has reported. But I recognise the accuracy of his statement as conveying what I meant, and what I, no doubt, expressed to him. It might have been inconvenient to you in the midst of the war to be required to convene your Legislature at a particular time; but I did mean it to be understood that Her Majesty's Government will not allow their power of disallowance to expire by efflux of time; and I request you will take care that I am fully informed, as time goes on, as to the measures which you are taking to render that disallowance unnecessary.

I have, &c.,

Governor Sir George Grey, K.C.B.,  
 &c.,                      &c.,                      &c.

EDWARD CARDWELL

## No. 13.

(No. 133.)

SIR,—

Downing Street, December 23, 1864.

I have to acknowledge the receipt of your Despatch, No. 135, of the 30th of September, last, forwarding a return of the Colonial Forces serving in New Zealand on the 30th of June last.