

of a person who had been pardoned by the Governor of New South Wales, and had recently arrived at Hong Kong from that colony.

I also enclose a copy of the reply addressed to the Vice-Consul by my order, in which he was told that the Government could not interfere with the departure from the colony of a person who had received the Queen's pardon and had not committed any subsequent offence.

I have, &c.,

A. E. KENNEDY,

Governor.

### Enclosure 1 in No. 9.

SIR,—

United States Consulate, Hong Kong, 24th September, 1874.

I have the honor to call the attention of his Excellency the Governor to the fact that this Consulate has positive information that the notorious highwayman named Gardiner *alias* Frank Christie, lately pardoned by his Excellency the Governor of the Colony of New South Wales, Australia, arrived in this port on the 21st instant from the port of Newcastle, New South Wales, Australia, as a passenger on the English barque "Charlotte Andrews," Captain Place commanding, and that there is reason to believe that it is the intention of certain person or persons to procure his transmission from Hong Kong to a port in the United States.

With these facts before me it becomes my duty, as the Consular Officer of the United States in charge of the United States Consulate at this port, to protest in the strongest possible manner in behalf of my Government as against any such proceeding, and to most respectfully request that this Government will take such action as will prevent this man being shipped or sent as a passenger on any vessel bound from this port to a port in the United States.

It would appear, from information in my possession from the United States Consul at Melbourne, that this man is no ordinary criminal—that he was for some years the terror of New South Wales, and is said to have caused, directly and indirectly, not less than forty deaths by violence.

I have, &c.,

H. S. LORING,

United States Vice-Consul.

Hon. J. Gardiner Austin, Colonial Secretary.

### Enclosure 2 in No. 9.

SIR,—

Colonial Secretary's Office, Hong Kong, 30th September, 1874.

I have the honor to acknowledge the receipt of your letter of the 24th instant informing me that a person, late a convict in Australia, had arrived in this colony *en route* for the United States, and asking that steps might be taken to prevent his being shipped or sent on any vessel bound from this port to a port in the United States.

In reply, I am desired by his Excellency the Governor to inform you that the Government cannot interfere with the departure from the colony of the person alluded to, as he has received a pardon in the Queen's name which entitles him to his freedom, and he does not appear to have committed any offence subsequently.

I have, &c.,

JOHN GARDINER AUSTIN,

Colonial Secretary.

H. Loring, Esq., Vice-Consul for the United States,  
Hong Kong.

### No. 10.

The Earl of CARNARVON to Sir A. E. KENNEDY, K.C.M.G.

SIR,—

Downing Street, 2nd December, 1874.

I have received your despatch of the 3rd of October,\* and I approve of the answer which you caused to be sent to the protest addressed to you by the United States Consul against the embarkation for the United States of an ex-convict, named Gardiner, who had recently arrived at Hong Kong from New South Wales.

I have, &c.,

CARNARVON.

### No. 11.

Sir H. ROBINSON, K.C.M.G., to the Earl of CARNARVON.—(Received 22nd February.)

MY LORD,—

Government House, Sydney, 30th November, 1874.

I enclose copies of the *Sydney Morning Herald* of the 25th and 26th instant† containing reports of the recent debate in the Assembly on the Gardiner release question, from which your Lordship will perceive that, during the progress of the discussion, it was asserted by different speakers that I "had insulted and degraded the House by unconstitutional interference and criticism."

2. I think that I should not rest content with the simple defeat by the Speaker's casting vote of an address founded upon such grave accusations, but that I am bound to point out to your Lordship that the charges in question were only supported by representations which are not in accordance with fact.

\* No. 4.

† Not printed.