

On the 9th of May, the Colonial Secretary informed the Governor (although objecting to the proposed composition of the Medical Board) that a Board should be appointed, and that the Government would be prepared shortly to submit to him the names of some gentlemen for the purpose.

On the 13th of May, the Colonial Secretary was informed by the Surgeon in charge, that the Native Prisoners were suffering from pains, from their having to sleep on hard wooden boards, and he requested to be allowed to obtain straw mattresses for them.

On the 14th of May, the Colonial Secretary was informed by the Medical Officer in charge of the prisoners that seven of them, including the Chief Tioriori, had considerably suffered since their confinement on board, inasmuch as they then seemed depressed in spirits, emaciated in frame, and inclined to yield to the least predisposing cause of disease. The Medical Officer therefore suggested that they ought at once to be removed on shore, where, with the facilities of exercise, and other remedial measures, they would be allowed a fair chance of renovating their shattered constitutions.

The Governor has no doubt that it was his duty, the moment this letter was received, to have written to the Secretary of State, and to have informed him of the mistaken information which he had transmitted to him in his despatch No. 72, of the 7th of May. The report from the Medical Officer was, however, not communicated to the Governor, and up to the 22nd of May, at which date the Colonial Secretary left for Whanganui, the Medical Board which was promised had not been appointed; nor was the Governor informed of the unfavourable report which had been received from the Medical Officer in charge of the prisoners.

The Governor thinks the report from the Medical Officer appointed by the Government of the 14th of May, rendered any further enquiry on the points alluded to by the Governor unnecessary, for it showed that the Native Prisoners could not with safety be retained in confinement on board the hulk during the Winter, and indicated the changes that ought necessarily to be made in the system of confinement to which they had, up to that date, been subjected. The Governor thinks that after what had passed between him and his Responsible Advisers, that report ought to have been communicated to him the moment it was received.

On the 27th of May the Principal Medical Officer in New Zealand, and the Sanitary Officer for Her Majesty's troops in New Zealand, called on the Governor and informed him, in fact, that they had thought it their duty to state that they had together visited the hulk on board of which the prisoners of war were confined; that it was a most unfitting prison for them, and that some of them were then contracting the seeds of disease which would shorten their lives when released. This report was entirely confirmatory of that which their own Medical Officer had already made to the Government.

On the same day the Governor wrote to Ministers, telling them the unfavourable report that he had heard, and begging them to take immediate action to carry out the promised enquiry.

On the 30th of May Ministers replied to the Governor stating "that some time since, when it became evident that the prisoners would in all probability have to be detained in safe custody during the winter, Ministers gave careful consideration to the question of the fitness of the hulk for the accommodation of so many, and it appeared to them that having regard to their health and comfort, some change would be necessary." And Ministers concluded by saying:—"That the names of gentlemen to form a Commission for the purpose mentioned in His Excellency's Memorandum of the 4th and 27th of May shall be submitted to-morrow." Ministers still did not inform the Governor that such a report as had been asked for on the 4th of May had been supplied by their own Medical Officer on the 14th of May.

On the 2nd of June, Ministers addressed to the Governor a Memorandum, objecting to any interference on the part of Her Majesty's Government in the question of the treatment of Prisoners of War taken by British Forces in this Colony; and in fact complaining of what the Governor had said in a Despatch on this subject; it being, in their opinion, under the control of the Responsible Advisers of the Chief Executive Officer of the Colony. But, in asking the Governor to send this Memorandum to the Secretary of State they made no mention of the nature of the report they had received from their own Medical Officer, which was so directly opposite to the Memorandum they had drawn up for the information of the Governor, and which information he had, at their request, transmitted to the Secretary of State.

On the 6th of June the Governor happened to ask to be allowed to see certain papers, and he then, for the first time became aware of the nature of the reports which had been made to the Government on the 13th and 14th of May, by the Medical Officer in charge of the prisoners.

The Governor thinks that a consideration of these circumstances will shew that until the Secretary of State has decided what is to be the position which the Governor of this Colony is to hold in reference to the treatment of Prisoners of War, he ought not to give any opinion, or in any way interfere in relation to a subject over which his Responsible Advisers claim the sole jurisdiction, and regarding which himself and the Secretary of State may not be in possession of information of the most important kind, and with which the Governor might be dealing in ignorance of some of the facts of the case.

Government House, Auckland, 17th June, 1864.

G. GREY.

No. 45.

MEMORANDUM in reply to HIS EXCELLENCY'S Memorandum of the 17th, relative to proposed Commission of Enquiry into State of Maori Prisoners.

The Colonial Secretary begs to acknowledge the receipt, on the 18th instant, of His Excellency's memorandum of the previous day, relative to a proposed Commission of Enquiry into the system of detention adopted by the Government towards the Maori prisoners. He begs to make the following remarks in reply.

1. His Excellency complains that "much of the responsibility is thrown upon him," and "he finds himself taking an active part in that which he disapproves, and performing duties which he is