

confident will subject him to future blame." Ministers are quite at a loss to understand what "active part," and what "duties" His Excellency refers to. Beyond his signing passes for visitors to the hulk, which will be presently explained, Ministers are not aware of His Excellency having, at all events with their knowledge or at their request, taken any active part or performed any duty in connection with the subject. Ministers have never considered, and do not now consider, His Excellency responsible for anything connected with the detention of these prisoners. They have always considered it as a matter of Governmental administration for which themselves and not the Governor are responsible, precisely in the same manner as they are responsible, and the Governor is not, for the system of detention adopted towards other prisoners in the various gaols of the Colony. It has never been customary, since responsible government was established, for Ministers to lay before His Excellency the reports of the medical officers of those gaols, or otherwise to refer to him the ordinary details of their management or condition. Ministers can find no analogy or precedent for the system of divided responsibility which His Excellency seems to aim at establishing in this matter. Under Responsible Government, as they understand it, they are either responsible solely or not at all. They are quite prepared to answer to the General Assembly (by whose votes they hold their position) for all that has been done in reference to the imprisonment of the rebel natives.

2. The whole cost of the maintenance and custody of these prisoners has hitherto been defrayed by the Colony, and it has never been attempted to make that cost an Imperial liability. If, because they were taken by Her Majesty's troops, they are not under the sole control of Responsible Ministers as His Excellency seems to contend in his recent despatch to the Duke of Newcastle, they ought to have been retained in the custody of those who took them, and not handed over to the Colonial Government. Ministers beg most respectfully to request His Excellency to inform them whether if they should acquiesce in the position taken by him in his late despatch to His Grace the Duke of Newcastle and in his present memorandum, he is prepared to refund to the Colony the heavy outlay which has been already incurred about the imprisonment of the rebels, and to relieve the Colony for the future of all liability for such expense.

3. The practice of His Excellency signing passes for visitors to the prisoners on board the "Marion" originated in the fact that a military guard of Queen's troops had, at the request of Ministers, been placed on board the hulk, and the Colonial Government does not generally communicate with the military in any way, except through His Excellency. And Ministers may be excused for reminding His Excellency that on the 3rd of May last he declined in writing to sign any such passes for the future, on the express grounds that he disclaimed any responsibility for the system of detention adopted by Ministers. If it had been proper to submit the reports of the officers of the ship to His Excellency, or otherwise consult him in reference to the management of the prison before that disclaimer, Ministers were certainly relieved from any such obligation after that date.

4. Taking this view of the subject, Ministers do not think it necessary to offer any remarks upon His Excellency's recapitulation of the dates on which he became aware of the particular circumstances recorded by him; nor upon the visit of Dr. Mouatt and Dr. McKinnon to the ship. They must, however, observe in passing, that the visit of these gentlemen was made without the permission or even knowledge of Ministers, and in direct violation of the prison rules. Whatever "report" they may have made to His Excellency (of which Ministers know nothing) must have been made after a very superficial enquiry, on most imperfect information, and in entire ignorance of the steps which were being taken by Ministers at the time for improving the accommodation of the ship, and adding extensive buildings ashore, with a view to the approaching winter. Had Ministers been made aware of the intentions of Dr. Mouatt and Dr. McKinnon to visit the ship every facility would have been offered them, and they would have been placed in a position to obtain information which might have made their "report" of some value.

5. As regards His Excellency's opinion that Dr. Sam's report of the 14th May "shewed that the prisoners could not with safety be retained on board the hulk," Ministers have, with the utmost respect for His Excellency's opinion, arrived at an exactly opposite conclusion. To them Dr. Sam's report appears to prove that an unusually small and steadily decreasing proportion of sickness existed in the ship. Of nearly two hundred prisoners who had suddenly exchanged a life of intense excitement for the monotony of a prison, seven only, at the end of six months confinement, were suffering from depression of spirits or general degeneration of health to such an extent as to induce the surgeon in charge to report upon their cases. Considering what was the meagre state of health of the majority of the prisoners when first taken, the report of Dr. Sam, on which His Excellency relies, is, in the opinion of Ministers, conclusive proof that during the whole of the past summer, and down to its date, the "Marion" had been a most unexceptionable place of confinement. It would, probably, be difficult to find any other instance of a prison in which, after a lapse of six months' confinement of so large a number of prisoners of all ages, so very small a number could be pointed out as affected in the manner reported by Dr. Sam. But Ministers respectfully submit that a question of this sort ought not to be disposed of by a simple reference to the authority of a single day's report of six lines long. If Dr. Sam were personally examined, and if the daily, monthly, and half-yearly reports which he has sent in were inspected, it would be seen that during the detention of the prisoners there has been a steady and marked improvement in their general health and condition, entirely inconsistent with the conclusion at which His Excellency has arrived.

6. Ministers cannot help most respectfully expressing their regret that His Excellency, while placing on record the summary given in his memorandum under notice, and while commenting on Dr. Sam's report, which he considers conclusive against the sufficiency of the hulk, should have omitted all allusion to the memorandum of the Colonial Secretary appended to Dr. Sam's report, and written instantly on its receipt, in which he directs the seven prisoners specified to be immediately removed ashore, and several other improvements to be made as suggested by Dr. Sam.\* Ministers also think it

\* See Dr. Sam's Report, and Memorandum of Colonial Secretary, *post* under date of 14th May, 1864. "Dr. Sam's Daily Reports."