

the fact that the people with Rewi are afraid to give up their guns, lest they should be imprisoned afterwards, as was the case with the prisoners taken at Rangiriri. This, it will be seen, and the uncertainty regarding the future fate of the prisoners, were the points dwelt on in his despatch No. 64, of the 3rd inst.

As Ministers state, General Cameron in his official despatch, of the 24th November, 1863, reported that the natives taken at Rangiriri were prisoners of war. In a letter to the Governor of the same date, which the Governor sent on to his Responsible Advisers, the General also said—"I hope the prisoners will be treated generously, for every one must admire the gallant manner in which they defended their position to the last."

The Governor is sorry to differ with his Responsible Advisers; but he has always felt that after this it was not advisable that the native prisoners should first be treated as prisoners of war, be confined for a length of time on board a hulk, have their rights as British subjects practically ignored, and then after the war is over, be all punished as subjects who have been in rebellion, by the forfeiture of their property, without having been tried or heard in their defence. As he has before stated, he thinks a course which in his view would have been a more generous one, would have tended much to save life, and to an earlier pacification of the country, and he always must regret that it was not adopted.

Government House, 25th May, 1864.

G. GREY.

No. 28.

MEMORANDUM relative to His EXCELLENCY'S Despatch of 3rd May.

In reference to His Excellency's Memorandum of the 25th instant, relative to his Dispatch No. 64, of the 3rd of May, Ministers desire to be permitted to make a few short remarks.

1. They have always considered the case of the Natives of New Zealand, whatever might be its legal aspect, as an exceptional one, and requiring exceptional treatment.

2. That whether the captive Natives be regarded as Prisoners of War, or as subjects in rebellion, is a matter, as regards their land, of no importance. In either case, the right to take land appears to Ministers equally clear.

3. That the New Zealand Settlements' Act, 1863, expressly provides that every man whose land is taken under its provisions should be heard in his own defence, if he thought fit.

30th May, 1864.

FRED. WHITAKER.

No. 29.

MEMORANDUM relative to the condition of Natives on board the Hulk.

The Governor has received from his Responsible Advisers a memorandum upon the subject of the Maori prisoners on board the hulk "Marion," which, in compliance with their wishes, he will have great pleasure in transmitting to the Secretary of State with the other papers. As Ministers remark, the detention of these men on board a hulk for so long a period of time, entails a very grave responsibility on the Government of the Colony, including the Governor. It would, therefore, be a great satisfaction to him if the Government would allow a Judicial Board of Naval and Military Surgeons to be appointed a Commission to enquire and report whether the prisoners can with safety be retained in confinement on board the hulk, during the winter, and if so, if it is necessary to make any and what changes in the system of confinement to which they have hitherto been subjected.

Government House, May 4th, 1864.

G. GREY.

No. 30.

MEMORANDUM relative to a Medical Board on Native Prisoners.

Ministers beg to acknowledge His Excellency's Memorandum of the 4th instant, in which he suggests a Medical Board "composed of Naval and Military Surgeons to enquire and report whether the prisoners can with safety be retained in confinement during the winter, and whether it is necessary to make any changes in the system of confinement to which they have hitherto been subjected."

Ministers have already turned their attention to the subject, and readily acquiesce in His Excellency's suggestion, although they think it would be better that the board should not be exactly composed in accordance with His Excellency's recommendation, but partly of medical and partly of nautical persons, who may be able to pronounce an opinion on the sufficiency of the hulk—her seaworthiness, and other particulars. Ministers would also prefer that the majority of the Board should consist of persons resident in the colony rather than comparative strangers to the climate of the colony, and the habits and constitutions of the natives. They have no objection to some officers of Her Majesty's service being on the Board, if His Excellency wishes it, and will be prepared shortly to submit the names of some gentlemen for the purpose.

Ministers take this occasion to mention that they have already made arrangements to give the prisoners a run ashore, as many of them, daily, as the means available will enable them to grant this indulgence to, under the necessary surveillance.

Auckland, 9th May, 1864.

WILLIAM FOX.

No. 31.

MEMORANDUM respecting a Medical Board of Enquiry into the state of the Maori Prisoners.

The Governor requests the attention of his Responsible Advisers to the Memorandum he addressed to them on the 4th instant, representing the very serious responsibility he felt must rest upon him in