

due to themselves to remark upon His Excellency's quotation from Mr. Whitaker's memorandum of the 31st May, from which His Excellency cites and records just so much as supports his view that the hulk was defective; but (quite unintentionally no doubt) omits to quote the succeeding paragraphs which shew what improvements Ministers had made and were making to provide additional accommodation. If His Excellency had completed the quotations it would have been apparent on the face of his memorandum that eleven days before his receiving the unofficial "report" of the "principal medical officer in New Zealand and the sanitary officer for Her Majesty's troops," Ministers had already, on the official report of their own medical officer in charge of the hulk, directed steps to be taken, which, when completed, would obviate the defects which His Excellency has commented on in his memorandum. Ministers are confident that His Excellency's attention only requires to be called to these omissions to prevent them creating an impression unfavorable to Ministers, should His Excellency's memorandum be perused by any one less familiar with the subject than they are.

7. Ministers also beg most respectfully to express their regret that His Excellency, after pressing an enquiry upon them and their acquiescing in it, should immediately on receiving the draft instructions which they proposed to issue to the commissioners, and which shewed how searching an enquiry Ministers intended to direct, decline to take any further action in the matter. Dr. Sam's report, on which His Excellency rests his decision, was in His Excellency's possession from the 6th of June to the 17th, but it was not till two days after the receipt of the draft instructions on the 15th that His Excellency intimated his intention not to proceed with the enquiry. Ministers, however, cannot allow the matter to drop; and they propose to proceed with the enquiry on the basis of those instructions at once. They wish the commission to consist of Dr. Mouatt, the principal medical officer in Her Majesty's service in New Zealand; Dr. Christie, R.N., surgeon of H.M.S. "Esk," or Dr. Gibb, surgeon-major to Her Majesty's forces, who, having served many years in Caffraria during the war, will be able to bring much valuable experience to bear on the subject; and Dr. Philson, M.D., M.R.C.S., and Surgeon of the Provincial Hospital and Coroner of Auckland. Dr. Mouatt has already consented to act on His Excellency's requisition, but in order to obtain the services of Dr. Christie or Dr. Gibb, it will be necessary that application should be made to the Senior Naval Officer in the port, or to Lieut.-General Sir D. Cameron. Ministers will be greatly obliged if His Excellency will make such application to the Senior Naval Officer, or in case Dr. Christie's services should not be available, to Sir D. Cameron, on the distinct understanding that Ministers, and not His Excellency, are responsible for the enquiry.

WILLIAM FOX.

No. 46.

MEMORANDUM of HIS EXCELLENCY respecting Native Prisoners.

The Governor has received the Ministerial Memorandum of yesterday's date relative to the native prisoners. He would remark in the first place, upon the subject of omissions, which Ministers state he has made in his memoranda in quoting official documents; that such memoranda were, virtually, discussions between himself and his Responsible Advisers, and that in transmitting copies of them to the Secretary of State, or in otherwise placing them upon record, he has studiously endeavoured, in every case, at the same time to place on record every paper which threw light upon the intentions of his Responsible Advisers. They see all his despatches; if they will at any time point out any papers which he has omitted to put up as enclosures, he will at once transmit to the Secretary of State any further information that they desire to send home. He refrained from transmitting his despatch regarding the native prisoners by the last mail, purposely that his Responsible Advisers might at the same time have an opportunity of forwarding any information that they wished upon the same subject.

The Governor would still say that he does not think that he has hitherto been furnished with such information regarding the native prisoners as he was entitled to. For instance, notwithstanding his anxiety upon the subject of the chief Te Oriori, it is only this day, upon putting a question to the Colonial Secretary, that he learnt that that chief has been for some time at large upon his parole.

The Governor has felt that a responsibility he could not be expected to bear, has, in the case of the native prisoners, been thrown upon him, in his being expected to acquiesce in their continued confinement for so long a period without, in as far as he is aware, any legal authority whatever existing for their detention. He therefore gratefully accepts the offer contained in the Memorandum of his Responsible Advisers, and having seen the General upon the subject, will at once order that the native prisoners should again be taken charge of by the military authorities, and he will forthwith proceed to deal with the cases of the prisoners conjointly with the General, undertaking that the Imperial Government will refund to the Colony all the expenses which it has legitimately incurred in the imprisonment of these men, and that the Colony shall be relieved from all future liability of expense on their account.

Auckland, 23rd June, 1861.

G. GREY.

No. 47.

MEMORANDUM of Ministers respecting the Native Prisoners.

Ministers beg to acknowledge the receipt of His Excellency's Memorandum of this day's date, relative to the appointment of a Commission to enquire into the detention of the Maori prisoners. His Excellency states that "he gratefully accepts the offer contained in the Memorandum of his Responsible Advisers, and having seen the General, will at once order that the native prisoners should again be taken charge of by the military authorities," &c. But His Excellency does not notice the statement of Ministers that they could not allow the proposed enquiry to drop, nor does he give any reply to the request that he would obtain the services of Dr. Christy or Dr. Gibb, on the proposed Commission.

Ministers beg respectfully to observe that they did not in their Memorandum make any offer to His Excellency, but simply requested to be informed whether, if Ministers were prepared to acquiesce