

He observes that the Assistant Law Officer states in his Memorandum of the 28th of October:—
 “I was desirous above all to discover the murderers of the Merediths, father and son; and having reasons, from information I had received, to suspect Tarahawaiki of being concerned in that outrage, with Ngatiapakura, under Taati, I tried every plan I could think of to obtain some evidence, even trying to get, privately, some of the other prisoners to turn Queen’s evidence, but I did not succeed.”

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 “I have not anything, and could never obtain anything which would be evidence against Tarahawaiki for this murder.”

From this the Governor gathers, he thinks rightly, that the Assistant Law Officer suspected and probably still suspects Tarahawaiki of having been engaged in the murder of the Merediths, and that other of the prisoners, and therefore almost certainly Tarahawaiki himself, knows that he was so suspected, and that attempts were being made to procure evidence against him.

From the Memorandum of Mr. Munro of the Native Office, the Governor gathers that he had noted down that Wi Tura or Tarahawaiki, Te Taphana of Ngatihikairo, and Tamati Te Hauma, it was said, killed Meredith and his son.

Ministers have made a mistake in saying that in his Memorandum of the 26th instant the Governor states that Mr. Mackay “told me on Friday last that circumstances had come to his knowledge which led him to believe that Taphana was one of the murderers of the Merediths.” The mistake is that the word “recently” is omitted. The expression the Governor used was “had recently come to his knowledge.”

Ministers have already informed the Governor that a formal official announcement had been made to the Native prisoners (who had been collected for the purpose), by the Colonial Secretary, in the presence of the Premier, to the effect—“That when the time should arrive and peace be made, they would not be tried or punished, but allowed to return to Waikato, except any who had committed murder; they would be tried and punished according to law.”

Ministers now inform the Governor that—

“No Minister ever suspected, or knew that it was suspected in the Official Departments, that either Taphana or Tarahawaiki was implicated in the murder of the Merediths.”

The Governor believes from the above that he was quite justified in saying that, looking to the language the Government had used to the Native prisoners regarding those of them who might have committed murder, it would have been a measure of the most ordinary precaution before letting those men loose on the Kawau, to have instituted inquiries in the Native Office as to whether any of them, or which of them, lay under suspicion of having committed murder, and in adding that it was clear to him after he had been made aware of the language used by the Government to the prisoners, and of what had been told to Mr. Mackay and Mr. Munro regarding Taphana, that the motives and position of the escaped prisoners was very different from what he previously thought they were.

He further stated that what he wished to arrive at was a conclusion as to what it was now best to do, and upon this point he would still be much obliged to Ministers for their advice.

Government House, Auckland, 8th November, 1864.

G. GREY.

No. 60.

MEMORANDUM of MINISTERS relative to Suspected Murderers among the escaped Prisoners.

Ministers beg to acknowledge His Excellency’s Memorandum of the 8th instant, on the subject of the escaped prisoners.

Ministers having pointed out to His Excellency that the fact of Mr. Mackay having heard something on the 18th of September, was no ground for His Excellency’s supposing that they knew it on the 2nd of August, His Excellency now changes his line of argument, and contends that because Mr. Fenton, in December, 1863, suspected that Tarahawaki was a murderer, but found, on full investigation, that there was no evidence to support his suspicion, therefore Tarahawaki, in August, 1864, believed that he was suspected of murder, and not only ran away from Kawau, but induced upwards of 200 other persons who were not suspected of anything to run away also; and because Ministers did not suspect what the Assistant Law Adviser, after a full investigation declared there was no ground for suspecting, therefore they were guilty of criminal neglect, and entirely responsible for Tarahawaiki and the 200 running away, and still more for having given them a motive not to come back.

Ministers confess themselves altogether at a loss to perceive that reasoning of this sort justifies the charge which His Excellency has made against them in his late Memoranda on this subject.

His Excellency goes on to justify his having said in one of these Memoranda that “it would have been a measure of the most ordinary precaution, before letting these men loose at Kawau, to have instituted enquiries at the Native Office as to whether any and which of them lay under suspicion of having committed murder.” Ministers beg to observe that this is not the point in dispute between His Excellency and themselves. Ministers complained in their last Memorandum that His Excellency had asserted as a fact within his own knowledge that they had not instituted any inquiries into the probability of there being murderers among the prisoners. Ministers denied His Excellency’s assertion, and gave ample proof of the correctness of that denial. His Excellency, who had in a previous Memorandum expressed his readiness to acknowledge an error if told of it, does not now do so, but reiterates his assertion with the material alteration that no enquiry was made at the Native Office—an assertion of which again His Excellency offers no proof.

His Excellency remarks on the omission of the word “recently” from a quotation from His Excellency’s Memorandum of the 26th instant. Ministers do not quite understand the bearing of His Excellency’s remark. It was this word “recently” which, in their two last Memoranda, they endeavoured to induce His Excellency to be so good as to explain. They wished His Excellency to state whether by its use he meant before or after the escape of the prisoners; and His Excellency has favoured them with no other reply than a repetition of the word, without any explanation whatever.

The last paragraph but one of His Excellency’s Memorandum appears to be only a repetition, in a