

1. Whether His Excellency understood Mr. Mackay to say that the period when the circumstances mentioned came to his knowledge, and when he arrived at the belief that Taphana had murdered the Merediths was before or after Taphana and the other prisoners had escaped from Kawau.

2. What was the nature of the enquiry which has led to His Excellency's believing that a "suspicion" to that effect has been entertained in the "Native Department," and by what officers of the Native Department His Excellency believes that suspicion to have been entertained, and from what date.

3. Will His Excellency be so good as state whether he intends to imply that when the Attorney General and Colonial Secretary made a statement to the prisoners in April last, as to their ultimate disposal, they suspected or believed either Taphana or Tarahawaiki to have been guilty of murdering the Merediths; or whether he intends to imply that they had any such suspicion or belief at the time when the prisoners were sent to Kawau.

His Excellency must be aware that the implication contained in his Memorandum under notice is of a very serious character. To prevent any misunderstanding, Ministers will be much obliged if before they offer any further remarks upon the subject, His Excellency will oblige them by replying specifically to the above questions.

October 27th, 1864.

WILLIAM FOX.

No. 53.

MEMORANDUM of HIS EXCELLENCY, in reply to MINISTER'S Memorandum of the 27th October.

The Governor begs to acknowledge the receipt of the Ministerial memorandum of yesterday's date, on the subject of the escaped prisoners. Ministers will see that the Governor said, on the 26th instant, that Mr. Mackay, so lately as Friday last, told him that it was only recently that the suspicions attached to Taphana had been brought to his knowledge.

When the Governor the other day was informed that the Attorney-General and the Colonial Secretary had told the prisoners in April last, formally and officially, "That when the time should arrive, and peace be made, they would not be tried and punished, but be allowed to return to Waikato (excepting any who had committed murder: they would be tried and punished according to law)," he certainly thought they had reason to believe that there was, at least a great probability, that some of the men whom they then addressed had committed murder.

What the Governor meant about the Native Department was, that he ascertained from a single question, that Mr. Munro had for some time known that a suspicion was entertained that Taphana was one of the murderers of the Merediths; and the Governor thought, looking to the language the Government had used to the native prisoners regarding those of them who might have committed murder, that it would have been a measure of the most ordinary precaution, before letting them run loose on Kawau, to have instituted enquiries in the Native Office as to whether any of them, or which of them, lay under the suspicion of having committed murder. If this had been done, the facts would have come out.

The main point, however, in the Governor's memorandum was rather the future than the present. It is clear to him that the motives and position of the escaped prisoners are very different from what he thought they were; and what he wishes to arrive at is, a conclusion as to what it is now best to do.

Government House, October 28th, 1864.

G. GREY.

No. 54.

MEMORANDUM of MINISTERS respecting Suspicions resting on certain Native Prisoners.

The Colonial Secretary begs to acknowledge His Excellency's memorandum of this day's date, relative to certain allegations which His Excellency has made in reference to suspicions said to have been entertained by the Government that some of the prisoners sent to Kawau had committed murders.

The Colonial Secretary will reply to His Excellency's memorandum in full as early as he can; at present he desires to confine himself to the practical part in the last paragraph of His Excellency's memorandum of this day. His Excellency states that "It is clear to him that the motives and position of the escaped prisoners are very different from what he thought they were, and that he wishes to arrive at a conclusion as to what it is now best to do."

Ministers certainly did not gather from His Excellency's memorandum of the 26th instant that the above was His Excellency's object in writing it. But as they are extremely anxious to assist His Excellency in grappling with the difficulty of the escaped prisoners, on which they have already at his request advised him, they will be very much obliged if he will inform them what it is in the motives and position of the prisoners to which he alludes as different from what he previously believed, and what he conceives to be the practical bearing of that difference on the advice tendered by Ministers.

Since the above was written the Colonial Secretary has read His Excellency's second memorandum of this day's date,* in which he says "He gave that opinion before he was aware that no enquiry had been made as to whether or not it was probable that there were among the prisoners some who had been implicated in the murder of Europeans." The Colonial Secretary will be very much obliged if His Excellency will give his authority for the fact stated by him "That no enquiry had been made as to whether there were among those prisoners some who had been implicated in the murder of Europeans."

Auckland, 28th October, 1864.

WM. FOX.

*See post, page 91.