

proposal was to be allowed without any further delay to place on parole all such of the native prisoners as he thought proper, and the Governor believes that since Ministers have received that memorandum they have themselves placed on parole one or more of the prisoners about whom he felt so anxious, and who he proposed to place on parole, so that they have in part at least given effect to his views. And, secondly, the Governor now learns that Ministers have been collecting a body of evidence from many persons regarding the liberation of the native prisoners at the present time, which evidence he has not seen or weighed, and he could not, after the warning given to him by Ministers, feel that he was acting as a free agent in the matter, or with due regard to the consequences that might flow from his acts, until he had carefully considered the evidence which has produced so strong an impression on their minds, and which has not been laid before him.

Government House, Auckland, 29th June, 1864.

G. GREY.

No. 52.

MEMORANDUM respecting Prisoners who have Committed no Offences.

In returning Mr. Mainwaring's letter* of the 25th June, regarding a prisoner of the name of Manahi, who it appears has been imprisoned under a misunderstanding, the Governor would state his conviction, that an enquiry would shew that other persons detained as prisoners on board the hulk have committed no offence.

June 29th, 1864.

G. GREY.

No. 53.

MEMORANDUM of MINISTERS relative to responsibility with respect to the custody of the Maori Prisoners.

The Colonial Secretary begs to acknowledge the receipt of His Excellency's memorandum of this day's date, on the subject of the rebel prisoners. Ministers are placed by it in a position of considerable practical difficulty from which they trust that His Excellency will relieve them as early as possible. It is this—

In His Excellency's memorandum of the 23rd instant, he was pleased to state that, "he gratefully accepts the offer contained in the memorandum of his Responsible Advisers, and *having seen* the General on the subject, will *at once* order that the native prisoners should be again taken charge of by the military authorities, and he will *forthwith* proceed to deal with the cases of the prisoners conjointly with the General, &c." In His Excellency's memorandum of the following day he speaks in the past tense, of his *having felt* it to be his duty at once to close with the terms stated in the memorandum of Ministers referred to, and to assume the responsibility of the disposal of these prisoners on behalf of the Imperial Government; and *he cannot go back* from this unless, &c." And on the same day (24th) the Colonial Secretary has been informed by the Native Secretary that His Excellency gave orders direct to that officer, without communicating through the Minister whose subordinate officer he is, to make out a list of such prisoners as in his opinion might be allowed to go at large.

The sum of this is, as Ministers understand it, that His Excellency did actually and as a fact on the days above mentioned assume, on behalf of the Imperial Government, the custody of the rebel prisoners, and Ministers have since that date carefully abstained from any, even the smallest interference with them.

From His Excellency's memorandum just received it appears that His Excellency is now prepared to go back from the position he had taken up, and he states that he cannot now "carry out his intention" of accepting "the suggestion" made by Ministers in their memorandum of the 23rd.

This then is the difficulty in which Ministers find themselves. His Excellency appears in his two first memoranda to treat the matter as a fact accomplished, and his assumption of the management of the prisoners as a thing already done—from which "*he cannot go back.*" In the memorandum of to-day he speaks of "his intention to accept the suggestion," as if it were a thing still under consideration, and adds that "he cannot now carry it out."

The Governor is quite correct in believing that the suggestion made by Ministers in their memorandum of the 23rd of June "was made in a friendly spirit of accommodation," and they were therefore very much surprised to find the uncompromising tone of His Excellency's memorandum of the 23rd and 24th of June, which appeared fully to justify Ministers' statements that His Excellency seemed determined to carry out his views regardless of his Responsible Advisers.

Ministers are still prepared to act in "a friendly spirit of accommodation," and are willing to afford His Excellency every facility in carrying out his previous determination to leave the prisoners to the charge of the military authorities, or, on the other hand, are willing to receive back from His Excellency the charge of the prisoners, if he so desires it. If His Excellency will be pleased to state his wishes, Ministers are prepared to acquiesce in them.

Auckland, 29th June, 1864.

WILLIAM FOX.

No. 54.

MEMORANDUM of MINISTERS regarding certain Natives whom His Excellency desires to be Liberated.

The Colonial Secretary begs to acknowledge His Excellency's memorandum of yesterday's date, relating to a letter from Mr. Mainwaring suggesting the release of a prisoner on board the hulk named Manahi, in which His Excellency states "his conviction that enquiry would shew that other persons detained as prisoners on board the hulk have committed no offence."