

he wished to refer, from sending a reply to His Excellency's Memorandum of yesterday, requesting information as to prisoners who have been allowed to come ashore on parole. The Colonial Secretary has endeavoured to supply additional information, so as to make the minute as complete as possible.
1st July, 1864. Wm. Fox.

Enclosure to No. 59.

STATEMENT of all Native Prisoners who have been permitted to go at large by or under the advice of MINISTERS.

The first group of Native Prisoners who have been released on parole, consisted of Ihaka and the surviving members of his party. The circumstances of the case, as far as they can be gathered from the papers in the Native Office, and those printed in the Appendix to the Journals, are as follows:—

Ihaka and twelve men were arrested, by a mixed force of Queen's and Colonial Troops, by the orders of His Excellency, at their village of Keri Keri, about twenty-five miles from Auckland, on the morning of the 16th July, 1863. Seven women and three of Ihaka's children were taken at the same time. They were all retained in the custody of the Imperial troops at Drury, and afterwards in a hut at Otahuhu, till the 16th September, when the opinion of the Attorney General was taken, as to whether "there were sufficient grounds for taking and keeping Ihaka in custody." The Attorney-General, after perusing the papers, stated that there were "not sufficient grounds for charging Ihaka with any criminal offence." On the 22nd September, further papers were laid before him, and he was again requested to advise, when he stated as his opinion that "it was very questionable whether a prosecution should be instituted, and if instituted whether it would be successful." From this date the prisoners continued in custody at Otahuhu, till the 5th or 6th of November, when the present Ministry having taken office, the subject was brought under their notice by a letter from Mr. Rogan, an officer of the Native Department, who reported that "Ihaka expressed great disappointment at the length of time he and his people had been in custody, seeming to feel very much the loss of his father and two children."

The New Ministry, which had taken office only a few days previously, on looking into the subject, found it a matter of great delicacy how to advise His Excellency. The prisoners had been taken at a period when the Colonial Ministers were not responsible in Native affairs. No specific charge had been made against them. They were held under no legal warrant, and the Attorney-General had twice advised that there was not evidence to establish any criminal charge against them. It was difficult to suggest any course which should not compromise either those who had imprisoned or those who were to release them; and the difficulty was enhanced by the fact that the New Ministry had accepted of responsibility in Native affairs.

After much consideration, His Excellency was advised that these Natives should, with their own consent, be placed on the island of Arakino, in Hauraki gulf, about ten or fifteen miles from the City of Auckland. This course appears to have been discussed between His Excellency and his previous Ministers, in September, but no action had ensued.

About the middle of November, the survivors of the party, including Ihaka, were removed to Arakino. A weather-board house was built for them, and a good whale boat purchased for their use, by the Colonial Secretary: and as it appeared that they had been stripped of all their property at the time of their capture, and had neither food nor the means of procuring it, supplies were given them by the Colonial Secretary till they might be able to provide for themselves. To enable them to do the latter, a pair of good horses and a plough, and other agricultural implements, were given to them, and sufficient seed to enable them to plant crops.

Ihaka's father and two of his children appear to have died while imprisoned. The Colonial Secretary is not certain whether one of them did not die in the Colonial Hospital at the same date. Ihaka did not himself long survive his captivity, dying a week or two after he was placed at Arakino. The rest of the party are understood to be still there.

2. Ruihana and Hapimana. These men were taken in arms, at Rangiriri, on the 21st November, being of the number whom General Cameron reported to have surrendered unconditionally. On the 11th May last; having been selected from six nominated by the other prisoners, they were sent through Waikato to visit the rebels in arms, for the purpose of removing certain impressions said to exist in the minds of the latter as to their treatment on board the hulk. They returned to Auckland on the 10th June, and in consideration of their having kept faith with the Government, it was thought desirable not to send them again on board the ship. At the request of Paul Tuahaere they were allowed to visit him at Orakei for a few days, but are now in town at one of the Native hosteleries. They report themselves personally at the Colonial Secretary's Office every few days.

Takerei Te Rau.
Pairoroko Tuhiki-
tia.
Ti Oriori.
Mohi Tahura.
Matene Ruhe.
Paora Puketaha.

3. On the 14th May, the prisoners mentioned in the margin* were reported by Dr. Sam (the medical attendant of the ship) to have suffered by confinement, and he recommended their removal ashore for the benefit of exercise, &c. Orders were at once given that they should be sent to reside at a house which the Government had taken on the North Shore, and as early as it could be got ready; and these, with some others, were shortly after removed there. Subsequently, during the absence of the Colonial Secretary at Wanganui, on the 2nd of June, Te Ori Ori and Pairoroko were, by the orders of the Hon. Mr. Whitaker, brought over to the Town side of the harbour, and placed at the house of Hori Kukutai, an officer of the Survey department. On his return to Auckland, the Colonial Secretary was surprised to find that Takerei Te Rau was still on board the ship, notwithstanding his orders that he should be taken to the North Shore. On enquiry he found that he had been taken over there several times during the day but objected to remaining there, and seeming to get very low-spirited about it, had been taken back to the ship at his own request. The Colonial Secretary, on the suggestion of the Native Secretary, therefore, on Saturday, the 25th instant, directed the latter, verbally, to substitute Mr. Hobbs' hotel for the hospital at the North Shore. The Colonial Secretary desires to call His Excellency's particular attention to this date, because it exhibits an inaccuracy in the Colonial Secretary's Memorandum of the 29th ult., in which he stated that since His Excellency