

proper; of which all that Ministers know is, that down to this date they have entirely failed, and the prisoners continue at large, under circumstances extremely likely to result in very serious consequences to the Colony.

21. Three other groups of prisoners were voluntarily released by the Government. 1st. The few Ngaiterangi who had been taken at Tauranga, and whom His Excellency, with the full concurrence of his Ministers, released on the ground of the chivalrous and humane manner in which that tribe had behaved to the wounded at the Gate Pa. 2nd. The prisoners taken by the Friendly Natives at the engagement of Moutoa, on the Wanganui river, and who were surrendered to the Superintendent of Wellington, Dr. Featherston, on an implied promise that they should be handed over to the friendly natives, on parole, which was done by His Excellency on the advice of his Ministers. 3rd. Of the original group taken at Rangiriri—Te Ori Ori, Takerei Te Rau, Reihana, Hapimana, Pairoroku, Manihi, and one or two others had been released on parole by Ministers, on their own responsibility, for various reasons—such as extreme old age, delicate health, services rendered to the Government, &c., &c.

22. The above is a full account of the circumstances attending the capture and detention of Maori prisoners by the Colonial Government. Ministers will now proceed to place on record the facts of those cases in which His Excellency Sir George Grey took, and detained, Maoris in custody on political grounds, at times when Responsible Government in Native affairs had not been established; when His Excellency's word was law in such matters, and he was not under the control, or in any way bound even to ask the advice of Ministers.

Immediately before the commencement of hostilities in Waikato, His Excellency issued a commission, addressed to Mr. Gorst, and several other officers of the Native Department, directing them to proceed to certain Native Settlements near the City of Auckland, and require the Maori inhabitants to take an Oath of Allegiance. The greater part of the natives refused to take the oath, and prepared to leave the district for Waikato. A considerable number of these collected at Keri Keri, about 20 miles from Auckland, on the road to Waikato, and the principal resident Chief of which place was Ihaka Takanini. His Excellency hearing this, ordered an expedition of Queen's troops and Colonial forces to proceed there, to seize the disaffected natives. After a forced march, performed during a dark night, the force arrived at Keri Keri at early dawn on the 16th July, 1863. A large majority of the natives made their escape, but Ihaka, who was extremely ill and confined to his house, did not attempt to do so, and, with twelve of his men, seven women, and three small children, was captured by the troops without resistance. Under His Excellency's orders they were retained in custody of the military—first at Drury, and afterwards in a hut at Otahuhu, about 11 miles from Auckland. Their imprisonment is reported to have been of a very stringent character, not even the women being allowed to leave the hut without a sentry standing over them while they performed those offices which even men perform in secret. This close custody continued till the 16th September, without any attempt being made to bring them to trial, or even to legalize their detention by the issue of a Magistrate's warrant. On the 16th September, His Excellency sought the opinion of the Attorney General as to whether there were sufficient grounds for taking them or keeping them in custody. The Attorney General held that "there were not sufficient grounds for charging Ihaka with any criminal offence." On the 22nd of September, further papers were laid before him, and he was requested to advise again. His opinion was, 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 close Military custody in the hut at Otahuhu, till the 5th or 6th of November; when the present Ministry having come into office the subject was brought under the notice of the Colonial Secretary by a letter from Mr. Rogan, an officer of the Government, who stated 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" (who had died in their prison). The new Ministry found it a matter of great difficulty to advise His Excellency on the subject. The prisoners had been taken by His Excellency's express orders, on suspicion only, having been guilty of no overt act of rebellion; no specific charge had been made against them; they were detained under no legal warrant; they were in the custody of Imperial officers, and not of the Colonial Government; and the Attorney General had twice advised that there was no evidence to convict them of any offence. It was extremely difficult to suggest any course which should not compromise either the Governor, who had arrested them, or the Ministry to whose lot it fell to release them.

After much consideration, the Colonial Secretary advised* that the prisoners should be invited to go to the Island of Hurakia, about 10 miles from Auckland. This plan had, it is believed, been discussed between His Excellency and his previous non-responsible advisers, after the Attorney General had declared the prisoners could not be legally detained: but no action had been taken.

About the middle of November, after being in close confinement for five months, the survivors of the party, including Ihaka, were, with their own consent, removed to Hurakia. The Colonial Government built them a good weatherboard house, gave them a whale boat, and, as all their food and personal property had been destroyed when they were captured, clothing, food, horses, ploughs, and other necessary implements were also provided by the Government till such a time as they might be able to provide them for themselves.

Ihaka himself did not long survive his captivity, dying a week or two after his removal to Hurakia. The last time the Colonial Secretary saw this Chief, which was in 1861, he closely resembled in appearance, dress, and manners, a portly English country gentleman, of 14 or 15 stone weight. He was a man of great natural humour, and much courtesy of manner, and held a high position among the tribes connected with Waikato. At the time of the Patumahoe rising, in 1860, when the lives of the Native Secretary, Mr. McLean, Archdeacon Maunsell, and others, were in imminent peril, and a general massacre of outsettlers on the point of occurring, Ihaka, by his personal influence at the last moment, curbed the passions of the Maoris and averted the calamity.†

23. A case very similar to that last related occurred during His Excellency's previous administration; so closely resembling it in its principal features as would suggest that in his treatment of such

* The Colony had received and accepted Responsibility in Native Affairs a few days before.

† See Parliamentary Papers.