

P A P E R S

D—No. 8.

RELATING TO

I N Q U E S T

ON

UNUKAWA (OR SELWYN), A WANGANUI NATIVE.

INQUEST

D—No. 8.

AT

W A N G A N U I.

No. 1.

THE CORONER, WANGANUI, TO THE HON. THE ATTORNEY-GENERAL.

Wanganui, 18th July, 1862.

SIR,—I have the honor to forward herewith the Depositions and Inquisition in the case of an Inquest held by me upon the body of an Aboriginal Native who was killed on Monday last by a settler named William Lister.

You will doubtless ere this have heard of this case and its probable termination, but as it might have involved very serious consequences, and you may wish to have the fullest information at once, I have thought it my duty to forward the papers direct to yourself at Wellington, instead of sending them as usual to your office at Auckland.

Believing that there was a necessity for immediate action in the matter, to prevent by an open enquiry the spread of erroneous statements by which the Native mind might be inflamed, as well as to meet the Public wish, I determined to hold an Inquest with the least possible delay, and consequently I summoned a Jury partly from the Town, and proceeded to Major Cooper's house about eight miles up the River, he kindly allowing me to hold the Inquest there. I was accompanied by Mr. R. W. Woon, the Native Interpreter, who most willingly attended me, and rendered the most essential service, the Natives having very great confidence in him.

There was a large concourse of Natives, to whom I explained the nature of the enquiry, and that it would be open to them to put any questions they might think proper—that the enquiry was usual amongst the white population, and would tend to a full understanding by all parties how the unfortunate death had occurred.

I am happy to say, I never saw any number of Natives assembled upon any Judicial proceedings who were so orderly, quiet, and attentive, evincing as they did at the same time deep interest in the matter: they were told that all the proceedings would be stated in Maori for the information of those present, which was done by Mr. Woon much to their satisfaction; and upon leaving to return to Town; it was not without their unanimous declaration that the proceedings were fair, open, and proper, and that they attached no blame to Lister.

Lister was, at his own wish, examined at the Hospital, where he still lies, and his evidence read to those assembled at the adjourned meeting at Wanganui, many of whom were from the Wangahau, where the deceased's friends live, and they also in the same manner expressed their entire satisfaction and approved of the course taken, and their feeling that the deceased had brought on his own death from his improper conduct.

The great anxiety of the Natives seemed to be the removal from the mind of the white people any idea that there was a premeditated hostile attack in any wise sanctioned by themselves.

Many questions might arise upon this Inquest, but I believe the object in view having been so fairly attained I need not advert to them, except by saying, that surrounded as I was by difficulties of every kind, I could only act as I have.

I have, &c.

H. Ross,
Coroner.

Enclosure 1, in No. 1.

District of Wanganui, }
Province of Wellington, }
in New Zealand, to Wit. }

Inquisition taken for our Sovereign Lady the Queen at the House of Isaac Rhodes Cooper, on the Right Bank of the Wanganui River, in the Wanganui District, and within the jurisdiction aforesaid, on the sixteenth day of July, in the Twenty-sixth year of the Reign of our Sove-

PAPERS RELATIVE TO AN INQUEST

reign Lady Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, before Hugh Ross, Esquire, Coroner for our Lady the Queen for the said District, on view of the body of Unukawa, otherwise Selwyn, an Aboriginal Native, now here lying dead; upon the Oaths of Edwin Turner Woon, (foreman); George Willis, Walter Jowett, Thomas Moreton, John Toole, Charles William Broughton, John O'Neil, Stephen Ralph Matthews, John Perse, Stephen Foreman, John William Liddell, Daniel Smith, Charles Robinson, and Westwater Small; the several persons whose names are hereunder written, and Seals affixed: good and lawful men of the said District, duly chosen, and who being now here duly sworn, and charged to inquire for our said Lady the Queen, when, how, and by what means the said Unukawa, otherwise Selwyn, an aboriginal Native, came to his death, do upon their Oaths say:

That the deceased Unukawa, otherwise Selwyn, on or about Monday, the fourteenth day of July instant, met with his death in consequence of injuries received from one William Lister; such injuries having been inflicted by the said William Lister during a furious struggle with the deceased, and in defence of his own life. And the Jurors aforesaid, upon their Oath, say that the said William Lister, him, the said Unukawa otherwise Selwyn, in the defence of himself the said William Lister, in manner and by the means aforesaid, did kill and slay.

In witness whereof as well the said Coroner as the Foreman and the rest of the said Jury have to this Inquisition set their hands and seals on the day and year and at the place first above written,

H. Ross, (L.S.)
Coroner.

Edwin T. Woon	(L.S.)	J. Perse	(L.S.)
his		S. Foreman	(L.S.)
George x Willis	(L.S.)	John W. Liddell	(L.S.)
mark		Daniel Smith	(L.S.)
Walter Jowett	(L.S.)	his	
Thomas Moreton	(L.S.)	Charles x Robinson	(L.S.)
John Toole	(L.S.)	mark	
Charles Wm. Broughton	(L.S.)	Westwater Small	(L.S.)
his			
John x O'Neil	(L.S.)		
mark			
Stephen Ralph Mathews	(L.S.)		

Enclosure 2, in No. 1.

Province of Wellington,)
Wanganui, To Wit)

Depositions taken and acknowledged on behalf of our Sovereign Lady the Queen touching the death of Unukawa, otherwise Selwyn, an aboriginal Native at the house of Isaac Rhodes Cooper, Esquire, on the Right Bank of the Wanganui River in the District of Wanganui, on the Sixteenth day of July, in the year of our Lord one thousand eight hundred and sixty-two, before me, Hugh Ross, Gentleman, Coroner for the said District, on an Inquisition then and there taken on view of the body of Unukawa otherwise Selwyn, then and there lying dead.

MOKENA, otherwise Karioe, an aboriginal Native, being cautioned to speak the truth, says,—I knew a Native Unukawa, otherwise Selwyn; I was out with him on Monday last in the day time on the other side of the river; I saw a man name Lister on the afternoon of that day; Unukawa and myself went upon the Europeans' land; he caught a pig and Unukawa killed it and tied its legs for me to carry; I carried it, and met Lister, who spoke to them, and Lister said, no good the Maori make a thief of my pig; Lister looked at the pig's ears and said, this is my pig; Lister then tried to shoot his dog but the gun missed fire; I then told Unukawa, you carry the pig, Unukawa said, no, I was to carry the pig, and Lister said so also; I continued to carry it, we were coming to Lister's house; Unukawa proposed to me to spear Lister, I said no, we shall get into trouble if we do; we went on until we came to Lister's house, and he took the pig inside; Unukawa went into the house with Lister; I asked Unukawa to come away, he said no, let us go on with the white man; Lister and Unukawa came out of the house to go to Jackson's, a white man that lives in the neighbourhood; Lister and Unukawa went in front, Mrs. Lister and I followed; they went over a hill, and then Unukawa spoke to me again and said, let this man be speared; I said no, it would not be right, we shall be wrong, it is good for the white man to summon me; this was repeated; Unukawa then said, you are one with the white man, and presently I will cut your head for you; I said, I have no more to say to you, act according to your own thoughts; I heard the white man cry out, at that time they were out of my sight on the descent of the hill; when I saw them first after this I saw Lister moving his shoulder as if in pain, and Unukawa was behind him with a spear in his hand; the spear was a stick with a file tied to the head of it; Lister levelled his piece at Unukawa, but both barrels missed fire; Lister had been speared at this time, I know it by his moving about and crying out with the pain; Unukawa then seized Lister, knocked him

down and got him under; Lister turned him over and got Unukawa under; this happened twice; then they got up and struggled together, each having hold of the other's head; I ran up to separate them, and as I ran up my tomahawk fell from my hand; I did not come close to them to put my hands upon them; Mrs. Lister seized me by the hair of the head, and I said, let me go and I will go away, but she did not, and we struggled together and fell down, and I put my foot upon her shoulder and breast and got away; I then looked at Lister and Unukawa, and Lister was on the top of him striking him; I saw three blows given with the hatchet, and then I ran away to my own home where my mother was; I told my mother that Unukawa had speared the white man; I believe that if Unukawa had got the better of the white man he would have killed him; it was a very fierce struggle; I did not see the spear afterwards.

Question by George King, Maori Assessor—No person that I know of prompted or told Unukawa to commit a murder, it was done of his own evil heart.

Question by Wiari, a Native Chief—Unukawa did not propose to me to kill pigs on the white man's land or to murder a white man; I only knew that we were to go and catch pigs; Unukawa proposed it; I did not know a white man was there.

By the Coroner—I do not believe the white man was speared from any malice, but for fear of being summoned for stealing pigs.

MOKENA, his mark.

Witness to mark,

RICHARD WATSON WOOD,
Native Interpreter.

Taken before me, the }
16th day of July, 1862. }

H. Ross,
Coroner.

Enclosure 3, in No. 1.

JOHN BATTY TUKE, of Wanganui, Surgeon, being sworn, states: I am a Surgeon and Doctor of Medicine; I have this day examined the body of an aboriginal Native lying dead on the opposite side of the river; I did so this day in the presence of the jury; I found an extensive fracture of the right temple bone, extending backward behind the ear to the occipital bone, the continuation of that fracture going through a part of that bone; there is a branch fracture of the right temple bone at about right angles with the longer fracture, and also a fracture of the left occipital bone of smaller extent than the other behind the left ear, and a fracture of the lower jaw; the face was a good deal contused on the left side, a few scratches about the legs, but no other injury that I observed; either of the wounds on the skull would have, in my opinion, produced death, and I am of opinion are the cause of death in this case; the wounds have been inflicted with a blunt instrument, because the scalp was not cut; such a wound would be caused by a blow of the back of a hatchet or tomahawk; in all common probability either of the wounds on the skull would have caused immediate insensibility; I know a man of the name of Leicester who was living in this neighbourhood; I believe he is now in the Colonial Hospital at Wanganui; I was called to attend him last Monday night at Mr. Buckthought's, near his own abode; it was about 10 o'clock at night; he was suffering from a punctured wound in the back between the left shoulder blade and the spine; the direction of the wound was downwards and forward; the depth of the wound is about an inch and a-half, and from a slight escape of air through the wound I feel certain the lungs have been injured, but I think slightly; I do not think anything very serious will result from it; it would cause severe pain; there was a considerable effusion of blood, it was a triangular wound; I have seen a spear outside the Court with a wood rasp upon it made of iron or steel, and I think such an instrument would have produced such a wound; it is a wound that might produce inflammation of the lungs, in which case it would be dangerous, but I do not apprehend it.

JOHN B. TUKE.

Sworn before me, this }
sixteenth day of July, 1862. }

H. Ross,
Coroner.

Enclosure 4, in No. 1.

WILLIAM LISTER (hereinbefore called Leicester) being sworn stated,—On Monday last I met in my neighbourhood two Natives, one of them carrying a dead pig; I looked at the pig and found it was mine, and told him so; I asked them to carry it to the house, they did so. I was ahead they followed me to the house; I said they must go to Mr. Jackson's to talk the matter over, as I did not understand Maori: My wife, myself, and the two Maoris, then went from my house towards Jackson's; I was in front with the Maori; we went over a very steep hill, and as I was going down

in front I felt a spear (which the Maori was carrying) driven into my back; when I felt myself wounded I levelled my gun at him, but the gun missed fire; the Maori then rushed on me and downed me, and called to the boy for the tomahawk; he had me down for some time struggling with me; I was under at first, but I managed to get him under, and held him by the hair; I then saw the tomahawk lying near me; I got hold of it, and struck him with it; I cannot say how often the boy had fallen on the top of me, but my wife pushed him off; I did not intend to kill the Maori, but I wished to disable him from hurting me; I have no doubt if the Maori could have overpowered me, he would have killed me; I did not know the Maori; I struck the Maori on the head I believe; I was confused, and cannot say there had been no quarrel between the Maori and myself before he speared me; we were going to Jackson's to talk the matter over; I was in great pain from the wound, and lost a great deal of blood; I think if the tomahawk had not come to my hand at the time the Maori would have overpowered me; I was getting weak from the loss of blood; I swear solemnly that I did not intend to kill the Maori, and that what I did was only to preserve my own life; and it is by my own wish that I make this declaration; the Maori was not dead when I left him, but he was lying on the ground. When I got to Jackson's I told him what had occurred as nearly as I can recollect, the same as I have told the Jury; I had the gun with me when I first met the Maoris; there was a conversation between the Maori and the Maori boy, but I did not understand it; the boy kept behind with my wife, and the Maori repeatedly called him to come up and kept stopping for him; I had no idea until I was speared that the Maori intended any harm to me.

WILLIAM LISTER.

Sworn before me the }
17th day of July 1862. }

H. Ross,
Coroner.