

with a tribe of Ngatiruanui Natives, and about a month ago I received a second message from that tribe that what cattle of mine they had seized should be returned as soon as existing difficulties were settled. I then proposed to visit the tribe by the mountain road, when, after some hesitation, the messenger told me that until existing difficulties were settled, it would not be safe for me to do so. I made this statement to His Excellency a day or two after it occurred. His Excellency remarked that the Natives had a custom of settling an unsettled question by taking away a life, and advised me not to run the risk of thus balancing an account. I told His Excellency that I was quite aware of the custom, and was not willing to run such a risk.

CHARLES BROWN, Superintendent.
JOSIAH FLIGHT, Coroner.

Joseph Browne, on his Oath, saith as follows:—I am a Private of the 57th regt. I was one of the escort from Poutoko to Tataraimaka on Monday morning last. After leaving Poutoko I remember crossing two rivers. After crossing the second river we saw a party of soldiers coming towards us along the beach; we advanced towards each other. There was an inland place, a bend like, which hid them from our sight for a time. There was a volley fired. I heard the report, and saw the smoke. The smoke came from the fern close against the beach. The soldiers coming towards us were close against the hill. There were some straggling shots after the first volley. I could see no one of those who fired. I saw two of the escort coming towards us fall. I knew them to be ours, from being dressed in red. I did not then see any other persons on the beach. I saw a mare coming towards us, which I knew to be Dr. Hope's. Private Byrne caught the mare after I had recrossed the Oakura. He gave her up to me, and I rode back to Poutoko redoubt. Before recrossing the Oakura a shot was fired at us. It went over our heads. I did not see the person who fired. The ball whistled over our heads. The bullocks had then halted.

J. BROWNE.
JOSIAH FLIGHT, Coroner.

Florence Kelly, on his Oath, saith as follows:—I am a Private in the 57th regt. I recollect leaving the Redoubt at Tataraimaka on Monday morning, 4th instant, in company with Sergeant Ellers in command, and Sergeant Hill, who was to give evidence against William Banks, a prisoner coming into town to be tried by a court martial. There was Private Kelly of No. 1 and 4 Privates of No. 7 company, also Dr. Hope and Lieut. Tragett, were with us; the two latter overtook us on the road, and got ahead of us for a good start. They proceeded on the beach (the two officers) we following them at about two hundred yards' distance. Then they went on slowly; we came up to them gradually till within thirty yards of them; they then made a dead halt at a stream, I don't know why they halted at the stream. We then came up to them within five yards, and presently there was a shot fired from the sand bank on the beach. The shot came from behind a bunch of fern. I looked round on the occasion. Sergeant Ellers and Sergeant Hill were then in rear of me. I asked Sergeant Ellers if his firelock had gone off accidentally. He said it had not. The question was hardly answered when a second shot was repeated, at which Sergeant Ellers fell prostrate on the ground. I knew then that as none of our men had fired, it must be Maoris. I then capped myself and fired in the direction of the shot that struck down Sergeant Ellers. The next thing I perceived was Sergeant Hill lying prostrate on the ground too. Before and after I fired there was a succession of shots poured in by the Maoris. I then looked to my left and saw Dr. Hope lying also prostrate on the stream. On that occasion Lieut. Tragett dismounted from his horse and joined the party that was firing. Private Ryan of No. 7 company went a few paces to the front, and then to the rear again and called out murder. I then told him to cease crying, or words to that effect, and then told him to commence firing at the Maoris, which he did. I turned round then and saw Private Flinn doing nothing; I asked him why he did not load and fire. He told me he was not able; his left arm was broken by a shot. I then told Lieut. Tragett to take Private Flinn's firelock and accoutrements and commence firing. He had no arms himself (Lieut. Tragett). One man named McCarthy I lost sight of. Private Banks was lying on the ground apparently wounded through the breast. He pointed out to me several times whilst he was lying on the ground the Maori that was keeping up a constant fire. At that time there were only three of us apparently living. Lieutenant Tragett was wounded in the left arm. He gave me the handkerchief which he had round his wound. I put it on the top of my bayonet as a flag of truce—Private Kelly doing the same with my own handkerchief. We had a flag of truce hoisted for about ten seconds under the fire of the Maoris. They appeared to take no notice of the flag, on which Private Kelly and I came and knelt down again and commenced firing. I looked round then and perceived Lieutenant Tragett also lying on the ground apparently dead. Lieutenant Tragett asked me before he died what we should do. I told him it was best for us to retire while there were three of us yet living. He said he could not retire and leave the wounded on the beach. I told him it was useless of us remaining to protect them, that our lives would only be sacrificed too. When I saw he was not inclined to retire, I also remained and abided my fate. After the death of Lieutenant Tragett, Kelly did not fire, but said it was useless firing any more. When the flags of truce were hoisted and the Maoris taking no notice of our flags, I commenced firing again. Private Kelly checked me for doing so and said I should not fire while the flag of truce was up. I told him it was useless holding up a flag of truce and having no attention paid to it. After firing for a short time myself Private Kelly got a second wound, which he sunk under. When I saw Kelly dead and none left but myself, I thought I would make some desperate effort to save my own life. Whilst loading my firelock a Maori stooped over the edge of the sandbank and was taking away Sergeant Ellers' firelock. I was then loaded and capped. I fired at the Maori and shot him. Two other Maoris came then and took away the one I knocked down, on which occasion I took up my firelock and bayonet and ran to the rear, closely followed by the Maoris. They were yelling and shouting after me and firing, on which I turned round to fire and perceived about twenty Maoris over the dead, and ten or eleven more following me. I threw off my pouch-belt and took ten rounds of ammunition out of it. I then threw the pouch and belt into the sea. I also took off my haversack, waist-belt, and small pouch, and threw them also into the sea. There was some flax tying my boots as laces, they broke, and I also pulled off the boots and threw them away. After going about four hundred yards on the beach the Maoris gave up the chase. I threw myself into some long fern to hide, for I was exhausted from running. I remained there till the escort came down from St. George's Redoubt, Tataraimaka. Towards the latter end of the fight I saw a Maori distinctly trying to outflank me in order to get