

of the disinterment of the body, but found it was not at all likely to be acceded to. I therefore determined to let it stand over, until I procured the attendance of the witnesses in the robbery case. After this we left Opuneko for Kopu Flax-mill, calling at Hikutaia for our prisoners on the way down. We arrived at Kopu at 8 p.m., found the cargo-boat had just returned from Coromandel, bringing the four European witnesses; but Mr. Lawlor had not come, not knowing for certain whether I should require his services. Hanauru Taipari and myself went to Kauaeranga the same night, and gave directions for Ngatimaru to meet in the morning.

Wednesday, the 21st March.—The half of the Ngatimaru Tribe met. I explained all I had heard and done in the case. They said that they could only come to the conclusion that it was a case of death from natural causes, and no murder. If it were not, why should the Ngatitamatera so strongly object to the body being seen? If I determined on exhuming the body and feared opposition, they would assist me. It was finally agreed that, before proceeding to that extremity, we should all ask Tukukino and the Ngatitamatera to allow us to dig up the body. They would be at Kopu or Kauaeranga in a day or two, to give evidence in the case of larceny. As all the tribe were not present, it was arranged to have a full meeting next day, to further consider the question.

22nd March.—Another meeting took place with the same result as that of the day previous. The general question of the law of murder, and also that of the Europeans and Natives being in all respects under the same laws, were much discussed. A Native asked, "If Teira and others are sentenced to death, and the Governor confirms it, who will execute them?" I replied, "The Law." Riwai Kiore: "That means the Europeans will hang them. Now, if these Pakehas have killed Paore te Waitau, and they are sentenced to death, let me kill them for *utu*." I answered, "Now that is the great difference between you and us. We hand a man over to the law; it tries him, finds him not guilty or guilty, according to evidence; if he is condemned to be punished, it is not to satisfy the relations of the murdered man, but to vindicate the law. As to putting a man to death, you, Riwai, are a chief, and talk of acting as the executioner of a murderer to satisfy revenge. With us it is often very difficult to get even a man of low rank, a nobody, to act as hangman. That is why I said to you the law would punish the murderers of Fulloon if sentence of death was passed on them and confirmed by the Governor. In this case of Paora te Waitau, if the old Maori custom had been followed, they would have at once killed the Europeans when they were accused of the murder, without making the slightest inquiry. It proved that they did not desire that state of things now, as they wished the body to be dug up. Supposing, for instance, in this case, they were to have acted according to Maori custom, and killed the Europeans as *utu* for Paora, and two or three years hence it was found out that Ngatitamatera had given false evidence, could they have brought innocent men to life? Another very objectionable feature of private persons seeking revenge was, that from their anger and sorrow at the death of a relation, they could not judge impartially. Also, if private persons acted as the executioners of even guilty men, their relations would bear spite against them. When the law took the life of a man, no one bore it malice or hatred. That is why I say "Let the law try, acquit, or condemn and punish, if necessary." The meeting was altogether very satisfactory in character. Next day Tukukino and five or six other Natives of the tribe of Ngatitamatera came to Kauaeranga. Ngatimaru again met. Tukukino and Hamiora Kewha publicly repeated the same statement about the wounds—Hamiora however omitting that in the calf of the leg. There were some other telling discrepancies in his account, but on the whole there was but little difference to the evidence taken on the 19th. A number of searching questions were put, both by myself and the Ngatimaru, but we could not shake the witnesses' statements. Nearly every influential man of Ngatimaru asked to be allowed to dig up the body of Paora te Waitau. They asserted their right from relationship, he being equally connected with both tribes. Tukukino replied, "You can have the blood, it was shed by your side; the body is mine, you shall not touch it; if you attempt to lift it we will oppose you with force." Tukukino and his people then expressed their intention of returning home at once. I however persuaded them to stay, saying that if they stopped for the case of larceny, something might come out in evidence about the murder.

Saturday, 24th March.—Having consulted with Hanauru Taipari, Native Assessor, over night, we started for Kopu in the morning, giving out that we were going to see if Mr. Lawlor had arrived at Kopu. On reaching Kopu I found one of the men, Thomas Lee, knew where a pot and camp oven, part of the stolen property, had been thrown into the Hikutaia Stream. This furnished an excuse to go up the river in a whale boat. We started accordingly; the party being myself, Hanauru Taipari, Native Assessor, Henari Pongo, policeman, Teraina and Pita, special constables, Hare One One and Thomas Lee (European). We reached Hikutaia undiscovered. We found the tide high, and that was an excuse for not diving for the pot and oven at that time. It was proposed to pass the interval in pulling up to the flax-cutters' camp, near Paora te Waitau's place. At Hikutaia I managed to smuggle a spade into the boat. We then proceeded up the river to within half a mile of Paora te Waitau's place—Hanauru Taipari, Pango, Tiraina, Hare One One, and myself landing. Pita and Lee were left in charge of the boat, with instructions that if any Maori canoes or boat came down the river, and asked what we were after, they were to say we were endeavouring to find if there were any footprints of Europeans between the flax-cutters' camp and Parora's place. (This was in fact part of our object.) We then proceeded to the spot where the body was buried. We had ascertained this on the 20th, but could not then exhume it, as there were Natives close to us. Hare One One dug it up. It was wrapped in a blanket. The body was not much decomposed. The outer skin had commenced to peel off, but the sub-cuticle was sound and firm. I scraped off all the outer skin, leaving the sub-cuticle clean. There was not even a scratch anywhere on the body; it was most carefully examined all over. There was no wound, or sign of a wound on the eyebrow, as stated by Tukukino and the other witnesses. The Natives who were with me, having examined the body, it was carefully wrapped up again in the blanket, bound with flax and returned to its resting-place. We then left the place as quickly as possible. On arriving at Hikutaia we succeeded in obtaining a pot, camp-oven, and lid, by diving in the Hikutaia Stream. After this we proceeded to Kopu, where we arrived late in the evening. On Sunday morning Mr. Lawlor, Resident Magistrate, arrived. Tukukino and party made another attempt to go away. I went to them and told them they must not go until after the Court