

Hon. W. KELLY sworn and examined.

273. *Mr. Wilford.*] What is your name?—William Kelly.
274. You are a member of the Legislative Council?—Yes.
275. I understand you have known Wrigg for a number of years?—Since the formation of the Bay of Plenty Force. I think it was formed in 1867. I went to Opotiki in 1866.
276. Were you in Opotiki in 1867?—Yes.
277. How long previous to 1867 had you been there?—I was there since the 1st Waikato Regiment went there.
278. Would that be in 1866?—The end of 1865 or 1866.
279. During the time that you were there, at Opotiki, in 1867, do you remember hearing of the murder of Bennett White and the mailman?—Yes; I went over the beach the same day that he (Bennett White) was murdered.
280. From where?—From Whakatane to Opotiki. Bennett White and I went over together. I left in the morning, and he left some time after me.
281. You left for Opotiki on the morning of the day Bennett White was murdered?—Yes, from Whakatane to Opotiki.
282. From information that you have gathered now he would leave in the afternoon?—I could not say the time he left.
283. What distance would you consider it from Whakatane to Ohiwa?—About ten or eleven miles.
284. You came through that part of the country by yourself?—Yes.
285. Did you have any difficulties to contend with?—When I came to the Ohiwa Ferry the old ferryman took me across, and told me to be very careful along the beach, for he said the Ureweras were in the neighbourhood.
286. Are those the same Natives that are described as the Hathaus?—Yes. It was low-water at the time, and I kept as well out on the beach as I could.
287. Did you not have to pass the bluff at Ohiwa?—After I passed the Ohiwa bluff I was going along close to the Waiotahi, when I saw some Natives coming down to the beach, who sung out to me to come to them. I gave my horse the spurs and went as hard as I could. I crossed the river at low-water and went on to Opotiki. I did not think very much about it. The next day we heard of Bennett White's murder.
288. Whereabouts were the Natives at that time when you saw them?—Between the Waiotahi River and the bluff, on the sandhills.
289. If those Natives had been on the top of the bluff while you passed the bluff itself would you have had any chance of escaping?—I do not think they would have hit me the way I was galloping.
290. It would be a dangerous spot to be at?—It was always dangerous there—supposed to be.
291. I understand there is a track on the top?—Yes, there is a good beaten track.
292. They would not be able to be seen from the track which goes past the bluff?—You could not see them at all; they would be sure to keep where you could not see them.
293. I presume the proper course would be to go as hard as you could, and keep as far out on the beach as you could?—I was compelled to go as hard as I could for safety, and to keep out close to the water.
294. The element of danger would be considerably increased were the tide high?—Yes.
295. It would bring you in a chain or two nearer?—Yes.
296. What would be the distance to the base of the bluff—two or three chains?—Yes, about that distance.
297. What would it come into—two or three chains?—It would come right up to the bluff at high water.
298. Would you say when the tide was in that it is a very great deal increased in depth?—When the tide is full in a horse would be up to his belly in water close into the bluff in those days.
299. Then, I presume that if you came through at the time you mention, having left in the morning, and caught the low tide, Bennett White evidently caught the high tide?—Yes; but you could come along all right at half-tide.
300. Was it understood that you had to suit the tide? It would be generally understood by those who usually travelled that they must travel at low tide?—Yes; I have known many travellers come there and have to swim their horses. I have had to swim mine on many occasions when late for the tide.
301. From Ohiwa to Opotiki, would you say the country was one that would afford a good ambuscade for hostile Natives?—Yes, in those days it would be, as the land was covered with heavy scrub.
302. Do you remember whether at any part of the route the road became diverted from the sea-coast through the sandhills?—Not in those days. You crossed an arm of the estuary at Ohiwa. That was the only place you went off the beach.
303. What would be the position of a man if he landed over there and there was no ferryman there?—He would have to stay there until he came, or return.
304. At the Opotiki side of the river the hostile Natives were?—Yes.
305. What chance would a man have carrying despatches pursued by the Natives towards the river with the river in a high flood and no ferryman there?—He would have to take the river and swim if he could.
306. If he had to take the river, he might be able to swim across?—Yes, if he could it would be a long swim.
307. So there is plenty of ambush in this three-miles ride down to the beach?—There are large pohutukawa-trees there right down to the beach.