

Enclosure 1 in No. 1.

MINUTE BY MR. DILLON BELL RESPECTING THE HAWKE'S BAY GRASS-MONEY.

[For Ministers.]

November 16th, 1861.

The letters received from the Resident Magistrate at Napier (61-532, 61-563) respecting informations and complaints against Natives for levying grass money, require early attention.

I apprehend the state of the law is as follows:—

By the Cattle Trespass Ordinance of 1846, damages to the extent of £20 could be recovered for trespass on substantially fenced land, except where Natives were concerned, when Justices might assess damages though the land were unfenced. This Ordinance was repealed within the Province of Wellington by the Impounding Act of the Provincial Council, Sess. 3 No. 8 (1856), which made other provision on the subject of cattle trespass. By this Act, however, it was provided that the Superintendent might proclaim Pastoral Districts in which the Act (or any Section of it) should not be in operation. The Superintendent, on the 14th April 1856, proclaimed the whole of the Wairarapa and Hawke's Bay country to be Pastoral Districts, except the townships of Napier, Featherston, Greytown, and Masterton; and declared that Sections 2, 4, 6, 7, 8, 11, 12, and 13, of the Act should not apply there. I do not find that any other Proclamation has since been made, or that the Act has been amended or repealed.

It appears, therefore, that the only law of Cattle Trespass in force in the Napier Country Districts is to be found in Sections 3, 5, 9, 10, 14, 15, 16, and 17 of the Act. Those Sections are as follows:—

- § 3. Any person occupying land over which cattle shall trespass, may, without impounding the cattle, summon the owner before a Justice of the Peace, who may award special compensation.
- § 5. Protects persons driving cattle on a highway, if the cattle accidentally trespass on unfenced land.
- § 9. Owners of trespassing cattle may not enter without permission upon land in the occupation of any other person to seek and drive away such cattle, under a penalty of 5s. to £5, unless such cattle shall be milch cows, or be seen actually trespassing on cropped land, or land laid down to grass and substantially fenced; but if permission be asked and refused a Justice of the Peace may give authority, such authority not to relieve owner of trespassing cattle from damages for any injury done.
- § 10. Persons driving cattle belonging to any other person from land in the occupation of the latter, to pay a penalty of 5s. for great and 1s. for small cattle, besides damages for loss of time to party seeking redress.
- § 14. Relates to entire animals.
- § 15. Gives power to Superintendent to proclaim Districts in which Act not to apply.
- § 16. Interpretation of words "cattle," &c.
- § 17. Penalties and damages may be recovered summarily: damages to be paid to the person on whose land trespass committed, and penalties to the Treasury.

The Resident Magistrate reports several cases of "grass-money":—

1. Torr's case. The Petane Natives (8 miles from Napier) forcibly seized 4 working bullocks and other cattle; the Resident Magistrate sent them a letter, which they disregarded; issued a summons, which was torn up; Natives said their side of the river was for the Maori Whakawa. Torr paid the demand of the runanga.

2. Alley's case. Natives of Pawhakaairi seized 6 or 7 cattle; Alley offered £20; the Resident Magistrate applied to A. Alexander, J. P., but matter not arranged up to 7th October.

3. Stevens and Elwin's case. Natives of Petane, on the 28th October, forcibly took 17 head of cattle, demanding £15 for grass money.

4. "Several other instances," not described by the Resident Magistrate.

The Resident Magistrate says that the prominent circumstances in the cases are these:—

- There are 40 or 50 small land-holders;
- Close to their small holdings a large extent of Maori grass land;
- No fencing or natural boundaries;
- Actual dependence on the Maori pasturage for feed;
- No attempt, or only a mere pretence, to prevent cattle straying;
- The wish of the settlers to get the feed for nothing;
- The determination of the Natives to put their own price on the grass, and to enforce their demands.

And he warns the Government that violence on the part of the Natives, if their demands are resisted, will end in collision, and that "the present state of things cannot go on much longer without serious and perhaps deplorable events."

It may be added, that the Hawke's Bay newspapers have been full, for some time, of articles and letters on this subject.

A public meeting of the Hawke's Bay settlers was held at the end of October, to prepare a Memorial to the Governor. This Memorial (dated 2nd November 1861, received 20th November) represents that "unless His Excellency steps in between the settlers and the Natives collision will ensue; that the law as between Native and European, is a dead letter; that there is no tribunal before which disputes between Europeans and Natives can be taken with any hope of a satisfactory result;