

"that the Natives may have reason to consider themselves aggrieved in matters relating to cattle grazing on their land, but that the settlers protest against the Natives taking the settlement of such cases into their own hands."

The *Hawke's Bay Herald*, one of the Napier newspapers, says (28th October): "The trespass complained of is an inevitable consequence of the advance of colonization; and all the 'informations' and 'judgments' would utterly fail in arresting it. The offence is committed by the whole community—run-holders, small farmers, butchers, milkmen, and, indeed, every man who owns a horse or a cow; for the moment an animal finds itself at liberty, it forthwith repairs to the rich pastures of the neighbouring plains." The *Hawke's Bay Times*, which takes a strong view of the illegality of the course taken by the Natives, lays the blame on the numerous instances of illegal renting of Maori land; refers to an article in the *Herald*, of last May, which "noted a rise of 4s. a head in the value of sheep, consequent on the great extent of grazing country recently leased from the Natives;" and says that "while we condemn the Maoris for defying the law, we must not forget that they were not the first to do this: while we blame the Magistrates for allowing Maori passions to run riot over law and order, we must blame them still more for permitting the law, in the first instance, to be violated by the squatter."

The District Land Purchase Commissioner, Mr. Cooper, in his Report of 7th October, is of opinion that the Natives have just grounds of complaint. "They go to the Resident Magistrate, but as the depasturing of cattle on Maori land is contrary to the provisions of the Native Land Purchase Ordinance, they cannot get judgment. They come to me, but I can do nothing but write a private note to the cattle-owner to move his cattle and pay a fair recompense; the settler treats my message with contempt, knowing me to be powerless to act."

I agree with Mr. Cooper that the Natives have just ground for complaint as they cannot get redress; but I cannot concur with him if he thinks redress is not to be had. If I am right as to the Impounding Act, there is nothing to prevent Mr. Cooper himself, as a Justice of the Peace, assessing and awarding special compensation to the Natives whose land may be trespassed upon: nor do I see how the Native Land Purchase Ordinance prevents the Resident Magistrate from entertaining the cases, which, indeed, he was evidently ready to do, since he issued a summons.

It is vain, however, to preach obedience to the law to the Natives, in the cases of grass money and cattle trespass, while the Native Land Purchase Ordinance is openly violated by both races. The "grass money question" is one which will require special treatment. Mr. McLean and I agree that it is hardly possible to settle it in the present state of the law and the facts as regards the occupation of Maori lands. In the meanwhile, however, in the special cases raised by the Resident Magistrate's letter, where the settlers have undoubtedly suffered injury on their side and demand the protection of our Courts, I cannot help thinking that with care and judgment on the part of the local authorities, the evils threatened might have been prevented by using the 5th section of the Impounding Act.

There may be good legal reasons arising out of the state of the Native title which would make it inexpedient to apply that section; but if so, what is intended by the Magistrate's summons? It is a position impossible for any Government to hold, that the law shall give the settler redress for illegal and violent exaction of damages for trespass on Native land, but that if the Native claims the protection of the law against such trespass he can get none because the land is held under Native title.

For the future, the proper course would be to create a District under the Native Districts Regulation Act 1858, at Napier, and make regulations accordingly. A good agent might get regulations assented to by both races. But this will not settle what (if anything) has to be done in the cases now reported by the Resident Magistrate.

F. DILLON BELL,

Minute by His Excellency the Governor.

November 16th.

I have read this Minute with very great interest. I think that some officer should be specially sent down at once, to close the outstanding cases, and to explain to the Natives the nature of the regulations it is proposed to have established to deal with such cases for the future.

G. GREY.

Enclosure 2 in No. 1.

MINUTE BY THE HON. C. WARD RELATIVE TO HAWKE'S BAY GRASS MONEY.

16th December, 1861.

Mr. Bell's Minute of 16th November describes the facts of the case, of which the leading points appear to be:—

1. Constant and unavoidable trespass by the settlers' cattle upon Native lands.
2. A law, which Natives are unwilling to submit to, and Magistrates to administer.
3. Successful attempts on the part of the Natives to obtain redress by force for injuries sustained through trespass.