

promised to do. Should Te Hapuku's present good intentions be frustrated, however, I fear that much mischief may be the result. I may say that his act has been founded on his own sense of propriety after hearing my arguments; and has received the inducement of no promises whatever from me.

I then returned to town, found that the preliminary steps in Shirley's case had been taken, and arranged for the sitting of the Court on a certain day, Tuesday, the 14th instant. Captain Curling, the Resident Magistrate, Mr. G. S. Cooper, a Maori linguist, and Mr. J. Anderson, a Justice resident in Shirley's neighbourhood, sat to hear the case. I appointed Tareha, Renata, and Karaitiana, the three leading Chiefs, to be the Assessors. This was in fact merely complimentary and a matter of policy, as the appointment in no way affected the constitution of the court. I had no scruples arising from their interest in the case, being satisfied of their independence from the fact already mentioned, that, on violence being used, they had abandoned their own claims in the matter.

A cross action was brought by Shirley against Kaiwhata for damages sustained in the forcible removal and detention by the latter of the cattle belonging to the Shirleys.

The Bench, after carefully hearing both the case of Paora Kaiwhata against Shirley and that of Shirley against Kaiwhata, gave judgment in the former for thirty pounds, the amount claimed, and dismissed the latter. The reason for not allowing Shirley damages for the trespass committed by the Natives was partly that Shirley had brought the punishment on himself by his own obstinacy, and partly that the Natives had no other resource open to them but to impound the cattle. This referred to the fact that by the previously accepted construction of the law any action brought by the Natives to recover damages for trespass on unfenced land would have been dismissed by the Court.

During the action, evidence was taken to shew that Shirley had suffered absolute loss by the deprivation of his dairy stock to the extent of £54 in fourteen weeks.

I felt that, the impotence of the law having been declared to be a prime reason for the loss which Shirley sustained, and a reason also why he could not recover the amount of damage done to him from those who committed it, justice required that the Government should give compensation. I therefore caused the sum of thirty pounds to be paid to Shirley on this account, and permitted him to suffer the remainder of his actual loss as a penalty for his own obstinacy as defined by the judgment of the Court. I took care also that the Natives received the amount of damages awarded them; and both parties were satisfied.

I was now satisfied that the only true solution of the question of "grass-money" was to arrange for the legal occupation of Native lands; and the means of doing so at once presented themselves. It was only necessary to introduce by means of the District Runanga, when formed, a system of depasturing licenses adapted to the two forms of settlement in Hawke's Bay, the sheep-farming and the agricultural. This, however, will ultimately not be sufficient for the requirements of the two races. Nothing short of actual permanent settlement for agricultural purposes will gratify the desire of the Natives for utilizing their property or the anxiety of the European population for using it. I found many schemes matured among the Native Chiefs for leasing the Ahuriri plains to farmers; and I am strongly of opinion that a method may be found for practically effecting this object without fear of any bad results. Upon the plains referred to in particular Native title is in a very well-defined state, and all parties among them are ready to submit their boundaries and their claims for the sanction of the Runanga. I recommend as one important step that maps be furnished to them, and that the services of a surveyor be supplied. A record of boundaries on a map and a registration of titles in a book would quickly cause the ownership of lands to be so well ascertained and so entirely admitted amongst themselves that a grant from the Crown might issue in any form which might be thought proper, say in that of a grant to certain Chiefs and others in trust for the whole. Upon such a basis as this, the existing law being at the same time modified, agricultural occupation might proceed in safety.

I have ascertained that the Natives generally are perfectly willing to place the control of their lands in the hands of the Runanga, the profits only being guaranteed to the rightful claimants; and I recommend this course as more useful for the objects of the Government, more rapid, and more beneficial in its results to all parties, than any immediate attempt to individualize title, or to break up the lands of the tribe amongst its members.

Having come to these conclusions, and knowing how important it was that the irritation before existing between the two races in Hawke's Bay upon the land question should be allayed, I had no hesitation in communicating my views with great freedom. I have had to regret, however, the frankness which I used.

The European settlers who are not yet possessed of land, and all who are desirous of introducing population into the country, are most anxious to obtain possession in some way of the lands still held by the Natives on the Ahuriri plains. As soon as it was known that the Government was willing to sanction some kind of occupation, there was a general rush to obtain possession at once, without any regard to the system which might be found most advisable or the restrictions which might in the first instance be imposed of necessity. I fear that much difficulty will be experienced both from those who attempt to deal individually with the Natives and to secure thereby large possessions for themselves, and also from those who in a more thoughtful manner are organizing themselves to anticipate and outbid the private speculators. My only course under these circumstances was to point out to those who were capable of understanding an argument how their proposed action would defeat the undertaking of the Government, and with it their own aims; while I used every reason with the Natives to induce them to refrain from disposing in any way