

Taranaki and Ngatiruanui tribes have, for years, charged depasturage for such sheep and cattle as have been allowed to graze on the particular part of the run said to be required by themselves, viz. that near the high road and *kaingas*; though it is all but certain that those people would have charged highly for any part whatever, determined as they were, if possible, to stop the practice of driving cattle through their district; for I have known them exact heavy sums in places where they had not a dozen head of large stock of their own.

The General Government ordinance has hitherto empowered them to recover damages on all their cultivations, even though unfenced; but it has never allowed them to sue for trespass on mere Waste Lands, except where surrounded by an enclosure. And hence the Natives have been frequently known just to cultivate a small patch, and leave it unfenced in the midst of a run occupied by European cattle, for the sake of giving trouble and claiming damages; thus proving not so much their avarice and want of proper feeling, as the fact of their ready acceptance of a law which did not recognize their right to claim for trespass on lands which had never been, in any respect, subdued from a natural state.

This popular but vexatious system of exacting grass-money on lands altogether waste and unused, has chiefly arisen with the Maori Runangas, the members of which confederate together to carry out its provisions. But even here it must be observed, that the European's practice of driving off or impounding all other cattle from those of his lands which lie in the same waste and unoccupied condition, has afforded an example of conduct which the Maoris frequently quote in justification of their own measures; and I cannot see that there is less reason on the one side than on the other. They also notice the extreme rigour adopted towards their neighbours' cattle by many Europeans, who themselves possess only a fractional part of the stock required for their own runs. Nor do they fail to observe the testy and discreditable ebullitions of temper which are so often shown by the Pakeha towards the Maori, when driving his cattle from place to place, and allowing them to graze as they go. Such lessons are not lost upon the travellers, but are carried home by them and adopted in their own practice.

But there is one reason why damages are frequently charged on wild and waste lands, which must not be lost sight of; and that is, to secure to the Native claimant his right in the soil. In many places, the head chiefs have been the only ones to charge and receive grass-money; therefore, to assert their right to a portion of the land, the younger or inferior men step forward to make a similar claim. So also, as at Rangitikei and Manawatu, where three or four of the chiefs have leased away the whole of the runs, other men are now found to come boldly out, and claim a portion of the proceeds; or, in default, the right of impounding the stockholder's cattle, whenever they cross the boundary of his land. And it can easily be imagined how incessant a fretting is occasioned by conduct like this—and incurable too, except by the expenditure of unknown sums in the vain attempt to satisfy men who rejoice in having discovered a new method of livelihood, in what can only be considered as a new style of cattle lifting.

Secondly, as to the remedy.

From the preceding remarks it will be seen clearly how ineffectual it will be to apply any one measure to the various districts in which this evil of cattle trespass exists: and a recognition of this fact is to be found in the different ordinances which have been enacted on the same subject in different provinces. The ever varying character of the several districts would appear to necessitate an equally varying legislation to meet the case with justice to all concerned; and I cannot see how that is to be done so well as by carrying out the provision of the Assembly, which allows of local regulations being established everywhere under the sanction of the General Government. Any other system, I believe, will fail, through want of co-operation of the parties interested, on account of not being adapted to the various districts; and in such cases, the law of force will still be employed, and confusion ensue.

It appears to me that this provision should be made to apply to all districts of a purely Maori character, and that the Provincial Ordinances should be brought into force, *over both races*, within a certain area to be described around every European township. By so doing every case would receive its proper consideration, and this troublesome evil, with all its injurious consequences, would meet with a remedy as universal as itself.

I have, &c.,

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