

# MISCELLANEOUS REPORTS

RESPECTING THE

MAORI RUNANGA, CATTLE TRESPASS, &c.,

IN

NATIVE DISTRICTS.

## I N D E X .

---

	PAGE.
No. 1.—Report by Mr. Hanson Turton on the subject of the Maori Runanga ...	3
No. 2.—Report by Mr. Clarke, Civil Commissioner of the Bay of Islands, on the same subject ...           ...           ...           ...           ...           ...	9
No. 3.—Report by Mr. Hanson Turton on Cattle Trespass ...	11

# MISCELLANEOUS REPORTS RESPECTING THE RUNANGA, &c.

## No. 1.

REPORT BY MR. HANSON TURTON RESPECTING THE RUNANGA MAORI.

At the instance of the Government, I proceed to note down a few of the observations which I made illustrative of the working of the Maori Runanga, in some of the places which I lately visited in the capacity of District Magistrate.

In the Runanga Maori we observe an institution of very ancient date; and in its revival at the present day is easily to be seen an ill-assorted mixture of European with Native customs, though generally asserted by the Maoris to be of purely Aboriginal origin.

In old times the term *Runanga* seems to have been chiefly used for Councils of a grave and political character, to which all men, women, and children, except slaves and their offspring, were frequently admitted. Meetings of a more private and select nature, and generally held in the night time, were used by the head Chiefs for the discussion of the more important questions, especially such as related to peace or war. In 1832 we find the term "Council" in the prayer book, translated by the word "Runanga," and so on since; but in ordinary use it speedily became absorbed in the more diluted form of *komiti*, to which even slaves were admissible, but which from the Natives' incomplete notions of Christian duty, became very irregular in its proceedings, and very undecisive in its action. The term *komiti* was taken from the "Committee" meetings of the Missionaries, which were held periodically at the various stations; the terms "whare-hui-hui," or assembling-house, and "whare-korero" or talking-house, were also sometimes heard, and the word "runanga" fell into general disuse. Even in 1846, in Sir W. Martin's short paper on law, the term does not occur once: but "Court" and "Supreme Court" are rendered by the words "komiti," "komiti-whakawa," and "komiti-nui." It was in the following year that the expression was revived amongst the Natives, by the publication of the "Rongo Mau" (a treatise on peace by the Rev. J. Whiteley), in which they were strongly recommended to establish general and local "Runangas" under the superintendance of the Government, for the better management of their internal affairs, in preference to arbitrament by the sword. But it was not till 1856, that the term *Runanga* became common in Waikato and the word *komiti* disused; and since then its thoroughly Native origin has caused it to be extensively adopted, both North and South, though some of the tribes (such as the Arawa of Rotorua, and the Lower Whanganuis) seem to think that the Runanga is somehow or other connected with disloyalty, and so continue in the use of the word *komiti*. And now at last, as the height of perfection, a single man or woman, old or young as the case may be, is generally allowed to constitute a runanga; and it is not an uncommon thing to hear a man exclaim, "*E! ka runangatia au e te rutuhi nei*," my case is being judged by an old woman.

Ever considering the *komiti* Maori, from its very constitution, to be the weakest form of local government which could be devised, and almost entirely useless for the attainment of those great ends for which all government is adapted, I have from the beginning looked forward with great hopes, to the re-establishment of the stronger and more definite form of runanga wherever it could be placed under English supervision. For I hold it as a truth, from the history of late years, that in many cases where this very powerful engine has been left to the sole management of the Natives themselves, the mixture of evil with good has been so strong, as to render the plan anything but desirable as a permanent institution. Not perhaps that we could expect otherwise, under the circumstances: but for all that, it appears to be a *sine qua non* that European guidance is absolutely necessary to render such a scheme the means of civilizing those who adopt it. But with such guidance, and a submissive people, there is every reason to hope for the best. It is quite true that the Maoris generally look with suspicion at the introduction of our Representative form of Government, being especially fearful that their interest would not be consulted so much as if left entirely to the Crown. I have heard Chiefs repeat this objection, over and over again; but I must add, that I have always thought the suspicion to have been implanted by people of our own race. But when they find in practice that this very Legislature is so willing to advance their best interests, even to the voting of large funds for that purpose there is nothing in the Maori mind, when properly trained, to preclude the hope that they will not only acknowledge the obligation, but also cheerfully assist in the attainment of such benefits. Only let them see where their interest lies, and that such benefits will really accrue, and their co-operation, I think, may be depended upon. Perhaps their establishment of the Runanga at the time was partly in consequence of ours; and partly, because they desired to do that for themselves which they did not wish us to do for them.

Apologising for this long introduction, I now proceed to describe the Runanga Maori, as I found it in operation in some of the various districts which I visited. Wherever I went, I endeavoured, possible, to meet the Runanga and advise with them on general matters, calling their special attention to such as were of the greatest importance; though I fear with very little success. In fact, the spirit of litigation and covetousness had risen to such an extent, that nothing would serve them but the constant trial of offences, whether real or imaginary, at which substantial damages were frequently awarded by the Runanga, and one individual or family enriched at the expense of another; the sum of £60 having once been actually paid at the Thames, for a trivial offence. A feeling of revenge or recrimination was at once aroused, and no little part of their happiness seemed to consist in raking up their clanish grievances, though of ancient date and of trifling importance, and thus endeavouring to recover their

property with interest, by claiming much larger damages than they had previously lost. And to such an extent had this mania risen, that the chief reason assigned by many for wishing to individualize their titles, was not that they might alienate their lands to European purchasers, but that they might be enabled to transfer them as payment for offences committed against each other. In which case, it is easy to see how soon the whole of the Native territory would be involved in confusion; and how the Maori's dissatisfaction would result in revenge, on finding himself denuded of his little patrimony, and that too, perhaps, without cause. I hope the Government will provide against this power being exercised by the runangas. On the other hand, I met with several Natives, in the Bay of Plenty, indebted to European merchants and traders, who expressed regret that their lands were held in common; as otherwise they would have the ready means of defraying their liabilities, which are now being annually increased by the addition of 10 per cent. to the original sum; and in some cases goods had been almost forced upon them, with the promise that payment would be accepted in land on failure of other means of discharge.

At *Waiheke* I found an Assessor, but no runanga-maori; and at *Coromandel* neither the one nor the other. Some of the people obtain considerable sums by the sale of timber, or by its freight to Auckland; with this money *spirits are bought extensively*, and both men and women, with the youths, are given to its consumption. And if they receive cash from the Government for the working of their lands, it is to be feared that it will be mostly spent in a similar way. At *Kapanga* I found the Natives repeatedly drunk, and the women worse than the men. They received the liquor from *Waiheke*, and then would hawk it about the harbour at 8s, per bottle. In such a case a Maori runanga would be a blessing, but the people have neither the desire nor the energy to appoint one. *Pita* is the most suitable man for an Assessor, being one of Mr. Lanfeer's Teachers; he declines the appointment.

At *Kawaeranga* (mouth of the Thames river), I found the Natives divided into two distinct parties; the *Ngatiwhanaunga* under *Tikapa* calling for English law, and the *Ngatimaru* under the old chief *Riwai* all wishful to go back to the *ritenga* of their ancestors. At a meeting of their runanga which I called, they expounded their views fully, and pronounced for a state of pure Maori-ism as regards customs, laws, language, trade, religious instruction, and local habitation. I never heard anything so exclusive before. They would have nothing to do with the King (*Potatau*), nor with the Queen, nor the Governor, nor Magistrates; but simply rule themselves by their own laws, and keep entirely separate from the Pakeha. Their fathers had done without us, and so would they, &c. The argument lasted three hours, kept up with spirit and good temper; and after that the "Queen's runanga," as they styled themselves, followed in reply, and gave expression to sentiments of a very opposite character.

Immediately afterwards, the *Maori Court*, or runanga, was opened, as if in illustration of their speeches, and for my peculiar benefit. Old *Riwai* sat as Judge; the case, one of "korero-teka," (slander), was introduced, and argued by two young men as "Roias" (lawyers), each having received a fee of 10s. The Judge was quickly confused by them, and sent to ask me how to proceed. I replied, that I was there as a spectator only, and wished to see how such cases were conducted. Plaintiff then began on behalf of her daughter of ten years of age, whose gentle birth had been maligned, and in a screaming speech, with abundance of *pukana* (grimaces) demanded damages of fifty pounds, to be paid down at once. On this, loud laughter arose on every side. The child's father came forward to prove how reasonable was the demand; saying that though the mother was a slave, he was a chief, and a great one, too, and that the sum was little enough for having called his daughter a *taurekareka* (slave). He was quickly supported by aunts and uncles in abundance, who all doubtless thought that £50, ready cash, would be a good thing for the family; and so they all stood up and chattered together, making confusion worse confounded. By this time the two lawyers were nearly fighting, pacing about and speechifying one against the other: and the Court was about to decide in favor of the plaintiff, who had gained judgment solely through strength of lungs and impudence, when up jumped the defendant,—a wretched looking old woman, and all in tatters; and rushing into the ring, she first divided the lawyers, then assailed the plaintiff, then abused the witnesses, heaped scorn on all the party, and justified the libel; then repeated it most expressively, and dared them to their faces. The whole Court was instantly in an uproar, like *Bedlam* let loose, each person siding off to his party, and every speaker grinning at the rest, and all speaking and rushing about together; when my interference was again requested by the Judge. Poor old man, he was all in a nervous sweat, and had evidently lost the train of his ideas. Order being restored, I took the case in hand, much to the discomfiture of the lawyers; and within a quarter of an hour the whole evidence had been extracted, and the decision given. Judgment was still for the plaintiff, but only 10s. damages; and yet all parties were pleased with the result. Even the old dame herself was content, crying out that "she had never had such a sum in her life, and never should have, and they might get the money as they could." This speech was received with great applause, and a collection at once commenced, when garments and coins of various value, amounting to about 25s., were handed over and laid at the feet of the mother, the plaintiff,—as a cure-all for her troubled mind and daughter's daaged reputation.

The above scene I have described as it really occurred; and ludicrous as it may appear, I was informed that it was but a type of what frequently took place at their runanga-maoris.

The next day, I held a meeting of our own runanga, and found only fifteen adults, of that hapu, fit to act as jurymen; out of which twelve were chosen by suffrage, or rather by the nomination of two or three of the head men, assented to by the rest. The Chief's son (who was acting as a kind of Assessor) I found to be very talkative and vain, expectant of high salary, and ambitious of power, especially that of throwing both Maoris and Pakehas into prison. He said, if we rule them, they ought also to rule us; otherwise, how could we say that they possessed the same right and immunities as British subjects? But still, though very rigid, his relations would prefer him to one of the *Ngatimaru* as an Assessor; whereas the latter tribe seem to hold him and his pretensions in extreme contempt. As in many other similar cases, the only remedy is to appoint one from either party.

As to the practice of having a *fixed set of Jurors*, it is no doubt opposed both to the letter and principle of the "Native Circuit Courts Act." And yet, what is to be done, and by what other means can the spirit or intention of the Act be reconciled to the necessity of the case? The fewness of the Natives meets you at every place, and the very small number of suitable men as Jurors is admitted everywhere; therefore, there can be no choice but one, unless Courts are to be held at considerable distances from each other, which again would be contrary to the design of the measure. This Act seems to have contemplated a larger population than really exists, and, indeed, a population of a different kind. Amongst the Maoris I would not trust any Jurymen, unless they had been drilled and trained to it, and thus gained a character for integrity and impartial dealing; as, otherwise, "trial by Jury" would but be equivalent to "trial by perjury, bribery, or family affection." In many instances the Jury would comprise the whole of the adult male population of the place; and if the selection be extended to a larger district, then there is the great difficulty of getting them together in one place at the same time. This could be met by holding the Jury Courts at more distant intervals of time, (say, once a quarter, or even twice a year would be sufficient), and by extending the jurisdiction of the Resident Magistrate and Assessors to cases of twenty pounds, instead of five pounds; inasmuch as nearly all Maori offences rise superior to the smaller sum. To put off such cases from time to time for want of a sufficient Jury, would be to throw all the business into the hands of a self-selected runanga, which would not allow such difficulties to operate.

It must also be remembered that the Maori Jurors, almost everywhere, intend to be paid for their labour at so much a day; and that not as board or travelling expenses, but for what they style as the "*mahi roro*," or "working of the brain." This will be found rather expensive. And if two classes of men are to be chosen for the working of the two separate Acts, (supposing there be men enough), then each class must be paid equally, or the best of the members will enter themselves on the Jury list, leaving the more important work, contained in the "Native Districts Regulation Act," to those who will neither have the ability nor disposition to perform it: and so, as at present, the whole time of the people will be spent in litigation. And when it is considered that the principle of *unanimity* is introduced into the Maori Jury, it will be at once seen how impracticable is the intention of acting with such a body at frequent intervals, and on inconsiderable cases. If trial by Jury is so often found, in English practice, to be so unprincipled and thoughtless, what may we expect amongst the Maories, when they are told that unanimity of opinion is a necessary pre requisite to eating their supper? Whereas, if the Magistrates and Assessors were to do their own peculiar work, calling a Jury for superior cases two or three times a year, the judicial department would then be efficient; because, under a good system, the list of Assessors or Probationers would be extended, and made to include men of greater mental and bodily vigour, and moreover of about the *middle* age. Then, if the *Runanga* were chosen by the people, and established as a village Council for the purpose of the Native Districts Regulation Act, under the superintendence of the Resident Magistrate, every department of local self-government would thus be thrown into their hands, and every further cry for Maori-king or Maori-runanga would be simply known as a cry for a separate nationality.

Before I left Kawaeranga, old Riwai (the head of the runanga-maori) came and wished me to enter into his claims on the Mission Station, to the sale of which, he said, he had been no consenting party. I declined to enter on the question, and referred him to Mr. Commissioner Bell, or the Native Officer: on which he reproached me with being an "unjust judge," and wondered what I came for, &c. So that even Riwai could admit the benefit of *English Law*, when carried out in his own favor, though not otherwise.

At *Opukeko*, on the River Thames, I was detained five days by a flood, and thus had an opportunity of holding protracted meetings with the people every night, (the day time being useless for such purposes), when I laid down such rules and gave such advice, as would tend gradually to break up that restless system of censoriousness and judging which makes every trifle an offence, and every offence to be visited with heavy penalties. It was near this place that a runanga-maori was called to adjudge the case of a young delinquent of some five years of age, who was brought in guilty, and fined 2s., for having abstracted a cooked potato from the dinner kit before the grace had been said; and the poor mother had to pay it, too! I found that Pinehaha (the choice of his people) had been acting here as a Native Magistrate for many years; and, indeed, that he was the originator of the *runanga-whakawas* of these parts. Wiremu Tamehana, of Matamata, had copied such from him; but he highly disapproved of Tamehana's policy as to the Maori king, and would have no connection with the party, though often urged to do so. This very intelligent chief, I am happy to say, has lately been gazetted as a Native Assessor. During my long intercourse with these simple-minded folks, I succeeded in eliciting their own views and wishes, which were unanimously in favour of English law and good government.

Higher up the *Thames*, I came to another runanga-maori, (no European Magistrate had before visited them), and found a remarkable determination expressed to refer all their offences for settlement to the code of the Mosaic institute. Thus, cursing, adultery, and witchcraft were to be punished by stoning, and so on throughout. And in answer to all my explanations the simple reply was, that if God had commanded it, it must be right; and that if it was right then, it could not be wrong now.

As the growth of flax is so very luxuriant on both banks of the river, I promised the Runangas to recommend that the Court fees, &c., should be expended in the purchase of some portable machine to assist them in scraping it. Thus, instead of the flax being carried to the machine, it could be removed from place to place, and much useless labour saved,

It was in the Thames that I first heard (what was often repeated afterwards at other places) that the good and punctual payment of Assessors is considered praiseworthy on the part of the Government; and that it would be used as a substantial argument against the promoters of kingism.

At a placé called Te Maro, I attended a Runanga, which lasted till daybreak, and which was called by one of my attendants (Aperahama, a returned chief from Taupo), on such of the residents as were charged with encroaching on a portion of his patrimony. The argument, both *pro* and *con*, was conducted with good temper and great research: the genealogy of many generations being placed under contribution for the supply of facts with which either side opposed or defended the present occupancy of the land in question. It is but a small piece, but were it only a square yard, a Maori would fight for it all the same: and an Englishman would go to law in a case equally insignificant. The battle, however, was drawn: the defendants maintaining their right to the land, on the ground of some subdivision which one of their ancestors had made in their favour, and of their subsequent occupancy; the complainant, on the other hand, disputing the truth of the statement made, and objecting to their further occupation of the piece. The others replied, that they were in possession, and would so continue until they were removed by a stronger power: that they had cleared the ground and should plough it up for wheat next week: on which Aperahama quietly declared that, in that case, he should come and sow the seed and claim the crop. He was told to act as he pleased, and the Runanga broke up.

And this is but a slight specimen of the endless controversies, personal quarrels, and bitter hatred with which near relatives frequently indulge themselves, when the mere *occupancy* of their common property is the point in question. What then, it might be asked, would be the general state of family feeling, if the right to alienate were included in the disposition of the estate? To individualize Native property has always been considered desirable by the friends of the Natives, and so the subject has been discussed for the last thirty years at least, and constantly urged on Maori attention: but the more cautious and thoughtful of the Natives cannot be brought to try the experiment, looking on it as replete with difficulty and danger, and therefore impracticable by themselves. A few of the younger or more impoverished branches of the tribes might easily be brought to accept of Government assistance, in acquiring for them possessory rights which they could not otherwise obtain. But as a general rule, if extensively carried out, I think the danger to their present peaceful state (as amongst themselves) would far outweigh any real advantage which any of them would derive from the system. On a subject like this, we cannot safely argue from the European to the Maori; and the less we interfere, for some time to come, with Native lands, except by wholesale purchase, I believe, on the whole, the better.

I have noticed, where such sales have been made, and individual or family properties re-purchased or reserved, that the general satisfaction of the Natives has been great; and if the Maori Reserves, now in common occupancy, could in the first place be subdivided, it would be a great step to that more extended individualization of property which seems so desirable. In the Taranaki and Wellington Provinces, the young men cry out most bitterly against the monopolisation and leasing of their Reserves by the more elderly chiefs, who endeavour to keep the rents to themselves. Maori Kingism, (which does not allow of leasing at all) they say, would put a stop to this; and so, in disgust, they patronise the Native Runanga, as if that were the panacea for all existing evils.

At Matamata I did not meet with Tamehana Tarapipipi and his Runanga, as they were away at Maungatautari. I found that a Maori Boarding School was here, established and taught by Te Ropiha, and not by Tamehana, as somewhere represented. There were 20 boys and girls at that time, fed and clothed by their parents, who nevertheless provide no support for the Teacher. The food was substantial and in abundance, but the clothes were very ragged, and the bedding deficient. I therefore expended a small sum at Tauranga in supplying these wants, and making them warm for the winter. Four or five little fatherless things were described to me as having no blanket or coverlid, and obliged to crouch together in a corner all night, to obtain warmth and sleep. I afterwards spoke largely on this subject (the proper treatment of widows and orphans) to most of the Runangas, but met with very little support, for in matters of natural affection the Maori is a hard-hearted race. No one who has not resided amongst them, and become intimate with their ways, can have the least idea of the neglect, and want, and visible wretchedness, which are attached to such a condition, when occurring amongst the slaves or lower order of freemen. And yet no relief has ever been systematically afforded by the Government in such cases, nor am I aware that they have ever been made sufficiently acquainted with the fact. And as to the Runangas in general, who ought to look after these cases and provide for them, they care more for feasting themselves, and punishing others, and dividing the fines, than for supporting life and making it comfortable where no equal return can be expected. Of all the tribes of the earth, I think the Maori is the last that should profess to have any practical sympathy with the "orphan and the widow," whose days are shortened and rendered miserable either by work or want.

At Tauranga, I found some half-dozen Runangas in very lively operation, and giving offence on all hands. They had established what they called a "*tire kati*," or prohibitory law, whereby all Natives were forbidden to sell their wheat for less than 6s. a bushel; and in case of disobedience, the grain was seized and a fine inflicted. In a recent case, the Runanga had extorted a sum of £3 10s., which they were going to spend in tobacco for the use of the members; but I persuaded them to give it up, and then returned it to its former owner. He, on the other hand, no sooner received the money, than he determined to make reprisal, by summoning the Runanga for having taken it away, nor was he at all satisfied when he found that I would not assist him in his revenge. Many other seizures had been made, and, in one case, a large quantity of wheat belonging to a trader was taken away by force, as having been sold under the regulation price. They contended that the real benefit of the Maori Runanga was seen in the formation and working of such combinations, as well as in the adjustment of offences; but they eventually agreed to discontinue such operations until a Resident Magistrate was appointed, with whom they would consult.

In my Report from that place, I find the following remarks on the general subject which I will beg to quote:—

“Throughout my journey, hitherto, I think it would greatly surprise and please your Excellency to see the extreme desire which these people manifest, of having just laws properly administered amongst them. The imposition so frequently practised upon them by their own Runangas, is steadily working out its own effects; and wherever real justice can be had (no matter by whom supplied), to that point I believe the native mind will soon be directed, to the entire merging of all other considerations. But the great result, I apprehend, will only be effectually secured in those Districts where the people are supplied by the Government with ready means of comparison. With reference to their present practice of bringing up all offences at once to judgment, however trivial their character, on this as on some other points, their minds have actually gone mad, and it would be amusing to hear of some of the decisions given and penalties inflicted by the runanga Maori. In many cases, it is nothing but a concentrated form of robbery and persecution; and if they will only continue the system for a twelvemonth longer, and work it with energy, I hardly think there would be a proselyte left on whom to practise their imposition or folly. My general plan is, not to notice their proceedings at all, by way of censure or even correction, but simply to leave them to their working, at the same time giving my own opinion freely on all similar bona fide cases submitted to my judgment.”

And on a general review of this journey through the Bay of Plenty and Waikato districts, I had to report of the Natives thus:—

“Their desire for law is at the present time very great, and accompanied with this is their general submission to European authority. Taking example from those places where English Magistrates and Native Assessors have been working together for so many years, I found the Runangas or Councils established at every important place, and acting for the general benefit, according to their several abilities.

These runangas they willingly reduced to a more manageable shape, themselves selecting the best men for that purpose, and leaving out the more inexperienced or incompetent. Thus, in the Bay of Plenty, a good working staff has been secured for carrying out the provisions of the Native Districts Regulation and Native Circuit Courts Acts, which for the present will have to be done by one set of men. I met with no final reluctance on the part of any, to adopt this system, nor with a single case in which a ready acquiescence was not accorded to the decisions given.

“The diminution of crime amongst themselves is very observable since the establishment of these Runangas. For though in many cases they acted with strange impropriety or great injustice, yet had they not failed to impress a certain amount of fear on the people at large, which resulted in better behaviour. At the same time, a reaction was beginning to take place, owing to the want of authority in carrying out the awards of the runanga: so that my official visit by your Excellency's appointment proved to be very timely, and much required in preserving them from a state of confusion and variance into which their own experiments would very soon have thrown them.”

At Tauranga, as in other places, I could not but observe the extreme inconvenience of having two different systems—the Maori and the English—at work, at the same time; for neither party will submit to the other, and all are thrown into confusion. And as the Natives plead, on Government authority, that they can either accept our English system or reject it, as they think proper, so it is merely a matter of interest or convenience with them as to whether they submit to our jurisdiction or not. In such a state of affairs, the total inefficiency of any system whatever is fully manifest. It seems desirable either that our own plans (whatever they may be) should be carried out, in all their integrity, or that the Natives should be left to themselves,—an alternative destructive to their own interests.

At Maketu, there were but few Natives, and no runanga; our Assessor, Tohi te Ururangi, managing everything in his own person. Besides which, all the people seemed under the personal influence of the Rev. Mr. Chapman, who exercised a paternal authority over them. At Otamarakau, until break of day, the talk was all about the runanga; and at Matata it was found flourishing with great authority. At Whakatane, they suspended its operations until after they had done fighting about the land. This broil originated in a slight quarrel about the site for a mill, and was said to be beyond the power of runanga, or Government influence, or anything but the force of arms, to decide: and so they were left to finish it, having lost seven on one side (Ngatiawa) and fifteen on the other (Ngatipukeko). At Ohiwa they had certainly gone stark mad on the subject. One man was fined a fowl for carrying a pistol with him on the beach. Another was fined £5 for stating his opinion that the runanga of the place had in a certain instance acted improperly. Indeed the runangas are as bad as the Star Chamber, for not allowing their acts to be evil spoken of. I have heard of their going about the houses, eaves-dropping, and afterwards citing the husband or wife before the Council for some tart remark or reply which one of them had used to the other; and then when both parties naturally joined forces, and complained of the inquisitorial character of the runanga, the latter body has fallen back on its dignity, and fined each of them severely for “contempt of Court.” In another case, a man was fined 10s. for properly correcting his own child. It is from this kind of thralldom and perpetual interference, that so many of the middle and lower classes of Maories, would, I believe, delight to be liberated. Another man, at Ohiwa, was informed by his wife that a youth of the village had taken the liberty of tickling her on the arm; on which he instantly called the runanga, and demanded £150 damages. Not having many friends on the bench, he lost his case, which he then removed to Opotiki, whose Council adjudged him £20, and the offence was at last compounded for by the present of a young

horse. Now, considering that nearly all temptation to irregular behaviour, in the Maori society, proceeds in the first instance from the woman and not from the man, it will be seen what a lucrative investment can be made by inter-marrying with a Maori coquette who will be artful enough to inveigle others, without committing herself or husband. In this way much money and property changes hands in New Zealand. I recollect one of the Waitara people being fined £200 for adultery with one of the women of the Puketapu, and this large sum was collected and paid by the tribe. Immediately after this, the tables were turned, and one of the Puketapus was found convicted of a similar offence with one of the chief married women of Waitara. Expecting to meet with equal promptitude, as from themselves, they laid the damages at £300, hoping to clear £100 by the transaction, for such it was in every sense of the word. For I was credibly informed, that it was a mere intrigue between the young chief and his wife (never very chaste), that she should so prostitute herself, as not only to bring back to the tribe the original fine, but half as much again, by way of interest. At my suggestion, the £200 were re-paid to the Atiawas, and a full stop put to all further prosecutions for criminal convictions of so outrageous a character. But for that, we should shortly not have had a virtuous woman in the district.

At Opotiki there was a very extensive Runanga—indeed there were two, one for the young men, and the other for the adults, this latter one comprising 70 members; I saw them all, and made provisional arrangements with them to accept our better system in lieu of this objectionable and unwieldy one. They chose a very intelligent Chief called Poihipi as Assessor (subject to the Governor's approval), and two sets of 12 each, to act as Runanga for corporate purposes; and I took care that the Protestants and Roman Catholics should be well intermixed in each set. At first, they wished for an Assessor to be appointed for each church, but finally agreed to unite in choosing Poihipi, which they would not have done for any other man in the tribe. The people of this place had thirteen vessels, ten of which were in the river; they had upwards of fifty ploughs, 26 drays and carts, and other implements in proportion. They have miles of good roads, leading to a water mill in the centre, which cost them £800; and some of the bridges, entirely of Maori workmanship, are equal to many on the South Road. The fact of this having been formerly the station of the Rev. Messrs. Wilson and Davies, will partly account for this advancement; in addition to which they receive counsel and encouragement from the Europeans living amongst them, and especially from the Roman Catholic Priest (Rev. J. Alletage), who seems to advise them in their worldly affairs with great zeal and judgement. And yet, for want of a few mechanics, their agricultural implements and coasting vessels were falling into a sad state of unrepair; and the Government could do no better service to these industrious but isolated people (as well as to those of Tauranga) than by encouraging a few tradesmen, such as a miller, a wheelwright, a baker, a carpenter, a blacksmith, and a shoemaker (partly for repairing their harness), to go down and settle amongst them. The Runanga promised me to give small sections of land to such parties as might agree to go and occupy themselves partly in their own trades. Few better places could be chosen than Opotiki for working out such a system, nor could Government assistance be rendered them in a more useful or unobjectionable manner; and from such an example the whole of the Bay of Plenty and the East Cape would soon be sensibly affected. Whereas, if allowed to run, as they are at present, in the mischievous work of "Runanga whakawas," all their other and more important affairs will be neglected, and the whole of the Whakatohea and Urewera tribes thrown into a state of internal discord. Their great council of 70 members actually sat during five long nights, in adjudicating a case which ended after all in a verdict of 8s.; and yet, I should think, these are men capable of being raised to anything within the scope of Maori capacity.

At Wairoa on the Tarawera Lake I found a model runanga, acting under a very excellent chief called Te Kepa, and in co-operation with Parakaia, the Government Assessor of that place; but then they have the rare advantage of being advised in everything by their missionary, the Rev. Mr. Spencer, and his intelligent and indefatigable lady. These Natives give a hearty attention to improvements of many kinds, in houses, fences, roads, bridges, and mills; and if Te Kepa, who is a Church teacher, could be obtained from Archdeacon Brown, and appointed as chief Assessor, this district would soon feel the effect of the change; for old men like Parakaia are not suitable for that office, however well they might do as the head of a runanga. I wrote a note to Tauranga to that effect, but the Venerable the Archdeacon declined to part with so useful a teacher. And yet, on the opposite side of the lake, amongst the Ngatirangihiri I found the runanga all at fault, meddling, and judging, and fining on all hands; and it took me two whole days and nights in getting them into order, and re-adjusting the most unreasonable of cases.

At Rotorua, I met the Arawa and Ngatiwhakaue tribes, to whom I explained the whole of our English system (as far as suitable to themselves): and after due discussion, they wrote a letter of proposal to His Excellency the Governor for the appointment of a Resident Magistrate, when their Runanga Maori would be given up. In consequence of this, and of the general state of good feeling throughout the Bay of Plenty, Mr. Clarke was gazetted for that circuit.

At Patatere, each village had its runanga; but all subject, more or less, to the influence of their head Chief, Paora Te Uatai, who lost his life at Taranaki. I spent a night with him on the Thames, and found him to be a very intelligent and agreeable old man.

At Maungatautari, our Assessor, Tioriori, sat with me on a case of dispute between some of the Arawa and Ngatihaua, and I could not but admire the judicious and straightforward manner in which he acted. The former party were cast in a sum of £5, which was cheerfully paid on the spot. But here also was a runanga sitting independently of the Assessor, and which recently mulcted a resident Pakeha to a very unreasonable amount, but, after explanation, they allowed me to over-rule the judgment. Tioriori is a man of powerful influence in the whole of that and the Upper Waikato district, and should not be allowed by the Government to lapse away into the Maori King party, as he seems at present to be doing. And yet, in his case, a circumstance occurred shewing how strongly the head Chiefs object to the law being carried out when against themselves. At his own instance, a stock-



yard had been erected for the impounding of all cattle found trespassing; when, as chance would have it, five of his own herd were amongst the first to be impounded, nor would the keeper let them go unless the fees were paid. On this, the Chief made a long blustering speech on the unreasonableness &c. of impounding his cattle with the rest, and succeeded with his hatchet in opening out a way of escape, and so let them go. This was, at once, the means of breaking up a good system, well adapted to the place, and to which all the people had given their consent.

On the Upper Waikato and Waipa rivers, there were Runangas everywhere, but none in such full and active exercise as about Rangiawhia and Mohoanui, and strange work they seemed to be making of it in many instances. Each hapu had its own leading Runanga, and all these bodies were continually being brought into collision with each other; so much so, that on my arrival at Rangiawhia, one of these misunderstandings had very nearly terminated in bloodshed. Hori Te Waru, with his son Taati and many others, broke off from the system whilst I was there, submitted their cases to my Court, and joined in requesting that a Resident Magistrate should be appointed to Otawahao, the former official residence of Dr. Harsant.

My visit to Waikato being professedly not so much of an official as of a friendly character, and for the collection of information, precluded me from seeing so much of the Runangas as I otherwise should have done. But from all that I did see and hear, I came to the same conclusion as in other places, namely, that the Government should leave no step untried to bring the whole of these councils under its own central management, if ever anything like order and efficient control is expected to result from them. But if, as hitherto, each tribe or village is allowed to receive or reject the direction of the Government according to its own will, then I cannot see how any system whatever can be made to work efficiently, or anything like proper order be maintained in the country. The mere spirit of opposition alone, and the love of notoriety, will breed dissentients against the most perfect of institutions, if the Maoris once know that the final decision will rest with themselves.

At Napier, the Native Council seems to be getting louder in its pretensions, which is not to be wondered at, considering all the reports they have received from Waikato and Taranaki during the last eighteen months. I had the good fortune to meet about sixty of them together at the erection of their mill, near Clive, and I could not but think, as I listened to them, what good stuff was there for all the purposes of life, if their energies could only be directed and sustained in a right channel. And the same observation I made at Wairarapa, Kapiti, Whanganui, and other districts, in each of which are to be found many Native Chiefs of middle age, who only require to know that insubordination to law will not be tolerated, to make them the most submissive of subjects and the most effectual of coadjutors. Most of the Runangas contain men who are constantly advising the rest to act with caution and decency, and in some cases their counsel is adopted and peace reigns throughout the district; but in other cases (and by far the most numerous) a few of the more thoughtless and energetic will seize the reins, and bring disgrace upon their brethren by proceedings of the most irregular description. And it requires a man to be constantly moving amongst them, and that too in the character of a Magistrate, to feel the full effects of such proceedings in the obstacles which they oppose to the general efficiency of his work.

In many of the Runangas there is a strong determination evinced to interfere with the Europeans residing in the district. But for this, the latter have in a great measure to thank themselves, by frequently appealing to the Runangas in the first instance for the collection of their debts, &c. Then, when in return they are cited to appear before the Council for some debt or trespass of their own, they complain loudly of the interference, and decline to comply, leaving the Maoris to take by force what is refused to their authority; and in so doing many of them are satisfied that they are doing right. Some of the Europeans also will make use of the Resident Magistrate or Maori Runanga, just as it suits their convenience; and then, in their turn, the Natives will often refuse to appear, saying that they do not acknowledge our jurisdiction. For this, in the present state of things, there appears to be no remedy but patience.

In the foregoing observations, I have purposely omitted to notice the great waste of time, unnecessary consumption of food, and irregularity of behaviour, especially amongst the younger people, attending the too frequent recurrence of these Runangas. Most of the Missionaries have given up the old system of holding "huis" or general assemblies, because of the evil which accompanied them: and I am satisfied that much of the popularity which attaches to these miscellaneous gatherings of both sexes (unattended either by their Ministers or their Monitors) is attributable to the opportunity which they afford of undiscovered indulgence in secret sin: though I am sorry to say that after thirty years of Missionary instruction, the Native people generally do not appear to feel that such connexion amongst the young or unmarried is in anywise sinful. But it is to be hoped that on the adoption of a more regular system, such evils would in time be extracted, and nothing but the good remain.

In conclusion, I must again apologise for the length and tediousness of my remarks, which nothing but a painful experience of the difficulties described, could have induced me to make.

H. H. TURTON,  
Resident Magistrate.

Auckland, November 20th, 1861.

---

## No. 2.

REPORT BY THE CIVIL COMMISSIONER OF THE BAY OF ISLANDS RESPECTING THE RUNANGA.

Civil Commissioner's Office, Waimate,  
April 3rd, 1862.

SIR,—

In submitting to the Government the Minutes of the First Session of the Bay of Islands District Runanga, which has been duly constituted by authority and carried out with every prospect of final success, I would beg to make a few general remarks.

It must be admitted as a fact, that generous, mild, and humane as the conduct of the British Government has been towards the Aborigines of this country, yet it has hitherto but partially secured their confidence; being unable to remove suspicion and jealousy, and enforce a due observance of law and order, and thus establishing unity and harmony not only between the two races, but among the Maori tribes themselves.

This failure does not appear to me to have arisen altogether from any want of solicitude on the part of the Government, nor from the independent and lawless character of the Natives, but from other causes. For nearly half a century the Natives have been seeking for a better mode of government than their own, being deeply sensible of the inefficiency of Maori usages and customs in preserving the peace and prosperity of the country. This want has been felt by the Natives more or less throughout the Islands, and without doubt the King movement originated principally from this source.

I am now more than ever convinced that the Maori race can never emerge from their present condition without the helping hand of the British Government; with that assistance, I feel assured, much good will be effected.

The present scheme for the better government of the Natives, based as it is upon Maori usages, has every prospect of success; and as the whole of the policy of the proposed organization is to be founded upon the Runanga, an ancient and cherished usage, I shall here venture to speak of its character and powers, in order to enable the Government to form a correct idea of the present organization of this District.

Native Runangas are usages from time immemorial; they are meetings called by the Chiefs, who are bound to provide all things necessary for the assembly, even to the erection of public buildings for the shelter and entertainment of the guests. They may be divided, and are so by the Natives themselves, into the great and small Runanga.

The great Runanga is a meeting of a powerful Tribe, consisting of a number of smaller Tribes and Hapus in connexion with the great Tribe. For instance, Ngapuhi would be represented by every Tribe and Hapu living on their territory, namely, from Wangarei to the North Cape; and if called together on any great occasion, there would be Chiefs or Deputies from every place of importance.

Such a meeting could only be convened by the most powerful Chief in connexion with other Chiefs. It must be by one who has the "Mana" (*delegated authority*), its power unlimited for the protection of the Tribe or its revenge, the "Iho ki Wainga," (*Declaration of war*), "He kai Arahi Ope," (*the leader of an army*), who consulting with other Chiefs of Hapus, agree upon the time and place of meeting, and the amount of provisions to be provided for the occasion, in which it is expected that every individual belonging to the Tribe and Hapu should furnish his portion.

The custom is to associate with this Meeting or Runanga, religious observances, then it is termed a Hakinga. An immense feast is provided; the bones of deceased Chiefs and Warriors are laid out in state, over which their friends make their last crying and wailing, previous to their being for ever removed and deposited in their resting-place. If any of them had been killed in war, or were renowned for other excellencies, advantage would be taken thereof by the different speakers to give effect to their subject, and to attain their object whether for good or for evil.

The powers of this Runanga extended to making war or peace, and making regulations for Hapus; but of this they are very cautious, offering them more as suggestions than making laws; confining themselves and their rules to matters connected with contemplated plans of operation. If of war, the plan of the campaign; suggesting energetic means for procuring arms and ammunition; prohibiting the disposal of property, otherwise than to procure munitions for the campaign; and even preventing the waste of powder and shot in pigeon shooting.

Their powers may be defined as follows:—

Determining on war or peace; selecting the leader for the campaign; regulating trade in reference to arms and ammunition, contributing all property to this object; and of late years they decide on what land may or may not be sold by Tribes, Hapus, or Individuals.

The powers of the Runanga, about being introduced by the Government in the Native scheme, under regulations securing unity and co-operation with the Government, appear calculated to meet the wishes and wants of this intellectual race; and being based upon their own customs, will I trust not only be acceptable to them, but secure peace and prosperity to both races. It would have been hailed as a boon in the earlier colonization, but may now require much time, patience, and labour fully to establish it, owing to the many projects of self government being tried by the Natives themselves in different parts of the Island.

The minor Runangas of Hapus deserve consideration; they exist, and, however inconvenient, they cannot at present be got rid of, but doubtless may be used under skilful guidance to accomplish the great object of the Government, without offending the Natives.

They are convened much in the same way as the Great Runanga: namely, by the leading chiefs of hapus, with the approval of other chiefs of their connexion.

They, when assembled, claim the right of settling all local matters affecting the people or hapus which they represent. Like the Tribal or Great Runanga, a feast is essential, at least plenty of food for those who are invited and expected to attend. They are accompanied with the same religious ceremonies as the other Runanga; and as autumn is the time when they most abound in food, as well as the most leisure time, they generally fix upon it for their feasts and for the settlement of the difficulties which have taken place between hapus in the course of the year. The autumn used to be termed by the earlier settlers "pay day," being universally the time of their *tauas* for avenging the insults of the year.

As the chiefs calling this Runanga have to provide for the meeting, they must be men of property as well as influence, to meet the expenses; and they are careful never to call a meeting

until they can entertain their friends. In contemplating a meeting, the first question asked is, where is the food to come from? The public therefore should not think it unreasonable that the Government, in meeting the Natives, have found it necessary to adopt Native custom, providing them to some extent with food for the occasion; nor does it deserve on that account to be denominated a flour and sugar policy. It is nothing more than supplying them with food for services performed; being called by the Government to meet them on business, having perhaps to travel 50 or 60 miles, it does appear unreasonable to expect such a service from a Native at his own expense.

Although the getting up of a Runanga is a very expensive affair, and only to be accomplished by influential chiefs, yet such is the importance attached to it, and the honor connected with it, that they will sacrifice everything, plunge themselves into debt, and almost famish their people for the attainment of this object: objectionable therefore as they are, they require grave consideration.

The disposition of the Natives to break up into small communities, claiming for themselves independent action, control, and management of their own local affairs, though inconvenient, is yet obvious, and will (unless carefully watched and provided for) render the complete organization of the district difficult, if not impossible.

The object, however, to be obtained by centralization appears so paramount, not only for the sake of unity and co-operation, but also for economy, that it appears to me that no amount of labour should be spared to accomplish this object; and to secure which, the District Runanga has been made the foundation of the Native policy. Had I commenced by forming Village Runangas, I should have despaired of ever having it in my power to have formed a District Runanga; but, having accomplished this object, I am confident of the other.

While, however, the Village Runanga is in existence, and it will be so as long as Native custom continues, they need not be lost sight of, and if they cannot be so beneficially used as might be desired the mischievous tendency may in a great measure be counteracted by making it to work in harmony with the District Runanga; by giving it a measure of self-government, through the chiefs of District Runangas and Magistrate of the Hundred, who will be appointed to preside at all Village Runangas, and through them the Runanga may be convened.

After this digression, I will proceed to notice the powers claimed and exercised by the small or Village Runanga. They are great, extending over all local matters affecting the Hapu over whom they claim jurisdiction. They are as follows:—

Jurisdiction on all cases brought before them, civil or criminal.

They determine when and what fences are to be put up to secure crops.

Upon what land and upon what terms pigs are to be kept about a settlement.

Selling land, when, and at what rate.

Executive powers:—

Exactng payment by Tauas.

Banishing refractory Natives from Villages.

Levying money for surveys or any public works.

With these powers, and with no two Runangas alike—at one time making regulations, at another neutralizing them; an Executive with no definite rules to govern it; exacting payment guided by partiality and the extent of a man's property instead of the extent of his crime; governed by love of plunder and covetousness; shows them to be a formidable heterogeneous mass without order, and always in difficulties; to reduce this chaos to order so as to harmonize with the Magistrates' Courts, requires not only tact, but persevering efforts, time, and patience.

With these general observations, I will close this letter, purposing in my next to confine my remarks to the Minutes of the District Runanga which will accompany it.

I have, &c.,

GEORGE CLARKE,  
Civil Commissioner.

The Hon. the Native Minister,  
Auckland.

### No. 3.

REPORT BY MR. TURTON ON FENCING AND CATTLE TRESPASS IN NATIVE DISTRICTS.

Auckland, December 3rd, 1861.

SIR,—

have to acknowledge the receipt of your communication of the 16th ultimo, in which you state that, with reference to the subject of fencing and cattle trespass in Native districts adverted to by me, you are directed to request that I will at once furnish the Government with such suggestions as my experience in so many parts of the country may enable me to make, as to the plan that should be adopted to remedy existing evils. I quote from your letter thus at length, as an excuse for any observation which I might otherwise be considered presumptuous in making.

*First, as to the evil itself.*

The subject of cattle trespass, in Native districts, naturally divides itself into two parts. 1st, as to cultivations which are said or supposed to be fenced; and 2nd, as to the cultivated and waste lands which are altogether unfenced. The frequent recurrence of trespass, as amongst themselves, was a standing trouble to the Maoris long before the colonists occupied the country; but that was chiefly

in reference to pigs. And the redress (as even now) was generally of a very summary character. After an ineffectual appeal to the owners to pay for the damages and keep away the animals, they were slaughtered without mercy, and eaten with great relish; nor would the owner resort to further measures of retaliation than that of obtaining a *quid pro quo*, and doing the same in return on the first opportunity: and so the balance was struck and good temper maintained. But when the pigs belonged to any of the trading Europeans, they were impounded and detained, until, after long discussion, the damages were paid for in property.

Soon afterwards, however, cattle and sheep, were introduced and spread in the Island, and the evil was proportionably increased.

*As to their Cultivations on fenced land.* And here it may be observed that the Maoris erect their fences, not so much as a matter of obligation to their neighbour, as of convenience to themselves; pleading as an allowed fact, that the crops do not go to the cattle, but would remain uninjured if the cattle did not go to them. Hence it is that so many of the Natives still object to put up what are called "substantial fences," as against sheep and cattle; stating that their own fences (posts stuck into the ground) are generally substantial enough, as against their own pigs. And that is a fact, for though the swine will nose themselves through any of the rotten sticks, yet are they afraid of burrowing under the pointed ends of them: whereas in the case of a stone wall, I have frequently known them to pass underneath with impunity. So that, in reality, no fence whatever can be said to be substantial as against pigs unless its foundation be well laid underground. As to horses and horned cattle, they will easily break through an ordinary Maori fence; and though one of strong posts and three rails will keep them out, yet it is of no use against sheep; nor is anything less than five broad rails substantial against lambs.

Such Maori fences as have the sticks piled up horizontally are of little use at all, for they are easily leaped by cattle or horses, and as easily climbed over by sheep or goats. But even in fences of good construction, the Natives have been known to make a temporary opening, and then by dropping food on the pathway entice their neighbours' pigs within the enclosure, where they have been duly shut up and impounded for damages. They also frequently leave their gates open, on purpose to entrap the cattle: or their horses, &c., will sometimes come home attended by those of other owners, which are immediately secured and complained of as the only trespassers: so that much of the case depends on the real honesty of the complainant. What is called a "hedge and ditch" fence is of little use against any animals, after a short time, unless made very wide and very deep. "Log" and "stake" fences (usually erected in new clearings) are very substantial against cattle, but of little use against sheep, &c.

At Waiheke, most of the cultivations are fenced in according to Maori fashion, and the Natives possess a few stock of their own; but complaints are made of the number of cattle which are taken down from Auckland, and then without any authority turned adrift on the Government land; whence, of course, they wander all over the island without proper supervision. The stock of some of the Europeans located on their own purchased farms do the same thing, and much trouble and bad feeling is the consequence. And so with respect to nearly every other part of the Colony where the Natives are still indisposed to erect suitable fences, the evil will increase with every increasing year, unless some stringent provisions be made to apply to all classes of the community. Wherever substantial enclosures are made, we hear but little of trespass, and the good neighbourhood of all parties is seldom broken; for it is chiefly to this cause that most of our misunderstandings in Native Districts is attributable, those of the European residents who breed no cattle having seldom any but trifling quarrels with their Maori neighbours.

*As to the unfenced lands, whether waste or cultivated,* the evil of trespass is much greater, from the nature of the case. At Coromandel, the Native plantations remain unfenced though situated in the very centre of the district, on account of the few European cattle in the neighbourhood. The Maoris possess many horses, but they are generally kept well tethered: there is plenty of timber about, but the people are too idle to make use of it. On the eastern bank of the Thames River, the unfenced cultivations are extensive, with no European stock but what belongs to one or two proprietors; and against the incursions of these, the people naturally complain of the hardship of having to fence-in their lands, if required to do so, in so purely Native a district. They are satisfied to keep them as they are, as amongst themselves, and very justly complain of the trespass occasioned by others who could easily avoid it by fencing-in the few cattle they possess. The same observation I have made in other districts where the stock is limited, and the cultivations extensive; but especially in the country about Waikato and the Bay of Plenty. The universal practice of cropping different lands in rotation (partly from necessity, and partly to uphold their ownership to the soil), is, however, the chief reason why the Maoris are so indisposed to erect substantial fences on any particular spot; and their being confined to special reserves, is generally accompanied by great improvement in respect to their enclosures.

But amongst Europeans (as was once the case at New Plymouth) there is sometimes a strong feeling expressed to maintain some particular agricultural district in an unfenced state (as in many parts of the South of England), rather than expend so much of their means in unnecessary enclosures. On the same principle, amongst the Natives, a large ring fence is frequently made to include the cultivations of many proprietors.

As to the trespass committed on the *waste lands* of the Maoris, the subject appears beset with many difficulties, if the claim be allowed. It is only of recent date that they have asserted this claim of "*utu-karahi*," or grass-money, for the depasturage of that which is *self-sown and unused by themselves*. For instance, the grass at Waitara, around the villages, was uncultivated; but being required for Native purposes, all visitors had to pay a certain fee on tethering their horses upon it; whereas at a mile's distance they might have fed freely without any charge at all. For the same reason, the

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.,

H. H. TURTON,  
Resident Magistrate.

The Native Secretary,  
Auckland.

