

perches: total, 287 acres 3 roods 30 perches. 3E, containing 50 acres, was awarded, in pursuance of a gift, to three strangers—viz., two Ringatu ministers (Ruka Poniwahia and Ehau Anaha) and Rina Ruka, the wife of Ruka Poniwahia, in equal shares.

It is to this award that the petitioners object. The matter of the gift was first mentioned in Court at the commencement of the investigation on 28th August, 1912, and the minutes relating to it are as follows:—

“ERUERA TE KAHU (Wg. M.B. 63, pp. 221-22): There are three names not under Tamatapui who were to get portion of the land under arrangement with our parents for their life, but we wish them included as absolute owners—Ruka Poniwahia, Rina Ruka, and Ehua Ana are their names. Have arranged the portion for these three is to be part of land I have already fenced. Marked red on sketch handed in. This has been agreed to unanimously.”

“List of names handed in panuied, also three names not under ancestor. Objectors challenged: Nil. List passed.”

The shares at this time were not defined, and the hearing was adjourned to a future sitting. The matter came before the Court again on the 7th June, 1913, when the list of names was handed in for the 50-acre piece the subject of the gift. The following is the minute (Wh. M.B. 64, p. 350):—

“List panuied. Three names.

“TAMEHANA KOHITI: I object to one name, Ehau Ana. He is different to Ruka and Rina. He remained at Kauangaroa because he married a sister of Niira Rangiao. I do not object to the 50 acres, but to Ehau Ana being a freeholder in the land.

“Objection disallowed. List passed. Shares still to be settled.”

As the shares for the main block could not be settled amicably, the Court proceeded to take evidence, and during the hearing some further references were made to the 50 acres and the reason for making the gift.

ERUERA TE KAHU stated (Wh. M.B. 64, p. 361): “Kauangaroa was given to Te Kooti by our ancestors about 1892-3. When he left he suggested that it should be held as an inalienable reserve for all the people and their husbands and wives. The 50-acre reserve is for the descendants (?) of Te Kooti now living on the land.”

TAMEHANA KOHITI stated (Wh. M.B. 64 p. 363): “Te Kooti came to land in 1893. An agreement was signed giving the land to Te Kooti. Sir James Carroll has the agreement now. Te Kooti said he would give the land back to Te Kahu and the people, Te Kahu being mentioned as trustee for the land and the people.”

After the Court had given its decision as to the relative interest in the main block it was stated (Wh. M.B. 64 p. 365): “The 50-acre list is to be equally held and to be severed from the other area. Area marked red on plan.” And on the next day the following order, amongst others, was made: “Kauangaroa 3E (Wh. M.B. 64, p. 368), containing 50 acres, having a frontage to Wanganui-Hunterville Road east of the school-site and extending towards Wangaehu River as shown on plan, to be vested in Ruka Poniwahia (m., a.), Rina Ruka (f., a.), Ehua Anaha (m., a.), equally.”

The facts appear to be that when Te Kooti visited Kauangaroa in 1892-93 the residents became so enthusiastic over him and the Ringatu religion that they offered him, as a gift, whether seriously or not the Court cannot now say, the whole of the Kauangaroa Block, which was at the time uninvestigated Native land. He declined the offer, but he left behind him three of his followers, two Ringatu ministers and the wife of one of them—viz., Ruka Poniwahia and his wife, Rina Ruka (who both came from Whakatane), and Ehau Anaha, (who belonged to Rotorua)—to conduct services and generally carry on the work of the Church. When the block came before the Court for investigation in 1912-13 it was decided by the elders that some provision should be made for these people, and it was agreed to make them a gift of 50 acres, all flat, and comprising some of the best land in the block.

The petitioners allege that in the making of the gift the owners were not unanimous: that they were dominated to a large extent by Eruera te Kahu (otherwise Edward Sutherland), and that he purposely kept those opposed to the gift away from the Court.

All the elders concerned in the making of the gift are dead, and the evidence of the younger people given at this inquiry is not, in the Court's opinion, too reliable.

Those opposed to the petition asserted that the gift was made unanimously, that it was generally known, and that it was an absolute gift to the three persons.

Kanapu Haerehuka, who at the investigation represented two sections of the owners, and at the inquiry assisted in conducting the case of those upholding the gift, gave particulars of a meeting of the owners to consider the question of the gift prior to the matter being brought into Court. He said Eruera te Kahu at that meeting stated that the whole of Kauangaroa had been gifted to Te Kooti, but that Te Kooti refused to take the whole land; that they were there now to consider how much land they were to give Te Kooti to carry out the arrangement made by their elders, and suggested that Ruka, Rina, and Ehau should be included in any gifted land, and that the 50 acres was to be an absolute gift for the three of them. This, Kanapu said, was agreed to by all the persons attending the meeting.

There is no doubt, the Court thinks, but that the matter of the gift was discussed by the owners, and agreed to by the elders at any rate; and, the elders having agreed, the younger members of the tribe would not be allowed to question the matter. This is proved by the fact that although the investigation extended over a considerable period no one made any objection to the gift, nor was any