

Hakiriwhi and that represented by Te Puke; but Hakiriwhi, as the "Tauhiwi" of Ngatihaua, has a strong personal claim, and we consider that Te Puke te Huirama has also, but not through ancestry, as claimed, as the Marutuahu occupation did away with that.

(e.) As to the case brought by Mr. Swanson, the Ngatihaua and other hapus, having wrested the mana from Marutauhu, did away with any ground of claim they might otherwise have had. It is, moreover, quite clear to us, from the evidence before the Court, that a portion of the block as it originally was, was given to them and the boundaries fixed, so they can have no claim to what is before the Court now.

(f.) Wiremu te Whitu's case being really a branch of the Ngatihaua case, the remarks already made respecting Ngatihaua applies to this section of Ngatihourua.

In conclusion, we have but to express our regret that Ngatihaua, Ngatihourua, and Ngatikoroki did not coalesce, and take the smaller hapus all under their wing. The proceedings would have been shorter, the expense would have been less to themselves and the country, and the case would have been less complicated. And we would suggest to those who got the mana at Taumatawiwi that, as that battle was fought to avenge the death of te Whakaete, it would be an act of grace on their parts to include the name of Ratiwa te Whakaete in their list of names, as perhaps, without that *take*, Marutuahu might still have been in occupation.

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## Enclosure No. 2.

### APPENDIX A.

#### *Copy of Supplementary Judgment in reference to Occupation by Raukawa.*

THE Court has already given judgment as regards ancestral title over this block; our present decision therefore simply applies to the alleged occupation of parts of the land before the Court by some of the descendants of the original owners, Raukawa.

It appears from the evidence before us, that after the Ngatimaru had driven away Ngati-raukawa, some few persons did not migrate; they lived at Wharepuhunga and sometimes on this block, and a short time before Taumatawiwi they sought shelter at Otawhao, and that after Taumatawiwi Marutuahu having returned to Hauraki they resumed occupation, which continued till the war in Waikato, in 1864, when they removed to Wharepuhunga and other places which do not appear to have been possessed or occupied by Marutuahu.

The question before us is, was this occupation, the ancestral title having been destroyed, sufficient to entitle these persons to class among the owners? Our answer is: It is not; and we say so on this ground, that they merely occupied by sufferance such places as they did occupy after the land had changed owners, and that occupation having terminated, no right now exists.

In such a case, nothing but continuous occupation could confer a right to the use of the sites of the whares and their cultivations, but that could give no right whatever to any of the land beyond that so occupied; that occupation once terminated, the right to occupy ceases to be.