No. 11 is shown on the first plan as containing 15,211 acres. There was too much acreage in No. 11, and then No. 6 gets shifted so as to give the area. You will see there is a straight line in No. 6 across the narrow path. The area is given to No. 6 out of No. 14 and No. 14 out of No. 11 with the shifting of the boundaries. It is only No. 14 or No. 11 that is affected. No. 11 is found to have been given too much, and No. 14 cannot be given its area, and it is shifted across the railway-line. We say the No. 14 into which the Act directs investigation is Division 14 mentioned in the schedule. Now, let me state the peculiar circumstance—which is known to the Legislature as appears from the Act—which affects this matter. The 600 acres west of the railway-line, which was originally Block 11, is the land upon which Sir Walter Buller's house stands, and on which all his improvements have been made, and it is the land which the Supreme Court has, by final judgment, ascertained to be his. His house and the Papaitonga Lake are on this land No. 14 on the westward of the railway-line, thus showing that the Legislature, having expressly by the same Act directed the reregistration of any title validly obtained to Division 14, has directed a registration of mortgage to Sir Walter Buller over this land, which now it is suggested by the Native Land Court was not part of 14, but was taken out of Block 11, and is subject to the original trust which the Supreme Court found to exist in respect to Block 11. But, inasmuch as this is only one of the acts of the Court, and inasmuch as the Court did when it finally issued Certificate No. 14 intend that the certificate should include this land west of the railway-line, the question is: Is the certificate valid if it be found that the order was irregular? In the Mangaohane case (N.Z. Law Reports, 9 Supreme Court) the Court had before it a question of the external boundary of a block adjoining Native land unascertained, and the Court held that it was necessary, if any alteration in the boundary were made, to take the steps defined by the Act of 1880 for the purpose of notifying the people whose rights outside the block might be affected by the alteration in the boundary, and that Winiata had a right to insist that the Mangaohane Block had not been properly ascertained. The Court took the precaution in this case, inasmuch as there was a substantial alteration in the boundaries here, to get Kemp and Hunia—the persons nominally entitled—to approve of it. Whether they could give it away or not, they were the persons entitled at law to speak for their *cestuis que trustent*. The persons obviously would be—on the one side Kemp, and on the other side Kemp and Hunia and others representing the *cestuis que trustent*. That is the only substantial point in which the Native Appellate Court do not simply ask the Court to say what is the effect of regularity or irregularity. Here they say this Block 14, as originally defined, has been pushed into Block 11, and they ask the Court whether it did not remain part of Block 11, and therefore subject to the trusts of Block 11. We point out that this Horowhenua Block Act defines it as having an existing boundary; and by the judgment of the Supreme Court the other day Sir Walter Buller is declared to be the person entitled to this very area. It is a curious question, but we submit the Native Land Court must have jurisdiction to shift boundaries on partition, and that sections 26 to 32, requiring plans to be deposited of any boundary, relate only to outside boundaries, and, if not, it was a mere irregularity, which the Native Appellate Court has no jurisdiction to deal with now. The question is, was a trust intended to be created in respect of the area now known as Division 14?

The Chief Justice: You are contending that it is the area as brought under the Land Transfer Act in favour of Kemp?

Mr. Bell: Yes.

The Chief Justice: Not the defined area existing before the final determination?

Mr. Bell: That is so, your Honour.

Sir R. Stout: The determination of the Court was up to the railway-line. This is something done after the Court rose.

The Chief Justice: You are setting up the record?

Mr. Bell: Yes. The question is whether a Court sitting under the Equitable Owners Act would have authority to determine this question.

The Chief Justice: This tribunal was not set up for the purpose of settling every possible grievance, but to ascertain whether there was a trust in reference to this particular block of land.

Mr. Bell: I should like to couple question 16 with question 17.

Sir R. Stout: I submit that my friend has entirely misconceived the legislation that has been passed. First, I want to show what was the existing law in dealing with trusts before the Horowhenua Block Act was passed at all. By the Native Land Act of 1894, section 14, subsection (10), there was ample power to do everything my friend says the Horowhenua Block Act alone does. That section says,—

"Subject as hereinafter mentioned, the Court shall have jurisdiction—(10.) To determine whether or not any land heretofore dealt with by the Court, of which there has been no alienation other than a lease, mortgage, or contract for sale upon which the purchase-money has not been paid, was, on the investigation of title thereto or partition thereof, intended by the Native Land Court, or by the nominal owner or owners of such land (whether such nominal owner or owners be a tribe, hapu, or section thereof respectively, or a definite individual or individuals), to be held by the nominal owner or owners in trust for Natives not named in the title to such land; and to determine who are the Natives, if any, entitled beneficially to any land so held in trust, and to order the inclusion of such Natives in the title, either together with or in lieu of the nominal owners, and for the purpose aforesaid to order the cancellation or amendment of any existing instrument of title, and the issue of such new Crown grants or other instruments of title as may be necessary: Provided that the Court shall not proceed to exercise this jurisdiction unless the Governor in Council shall by order authorise the same to be done."

I submit my friend wants to say that the Horowhenua Block Act gave no further powers than this.