

day of December, 1886, which 1,200 acres was in the said order of the 3rd day of December, 1886, called "Horowhenua No. 14," but which by the order made on the 25th day of November, 1886, was then called "Horowhenua No. 3."

14. The plaintiffs allege that the orders made on the 25th day of November, 1886, hereinbefore referred to, were valid as to the railway-line, the township, and the 1,200 acres (then called "Horowhenua No. 3") for the descendants of Te Whatanui, and did not require to be confirmed; and, further, that the orders so made could not thereafter be cancelled or varied by the said Native Land Court.

15. On the 1st day of December, 1886, the said Native Land Court, purporting to sit pursuant to the said adjournment, proceeded to subdivide the residue of the Horowhenua Block, and made orders as follows:—

- (a.) For a subdivision, now "Horowhenua No. 3," containing 11,130 acres, in favour of Ihaia Taueki and 105 other Natives (not including the defendant Meiha Keepa te Rangihwinui) beneficially.
- (b.) For a subdivision, now "Horowhenua No. 4," containing 512 acres 1 rood 20 perches, in favour of Hiroti Teihu and twenty-nine other Natives (not including the defendant Meiha Keepa te Rangihwinui) beneficially.
- (c.) For a subdivision, now "Horowhenua No. 5," containing 4 acres, in favour of Tamati Taopuku and Topii Kotuku beneficially.
- (d.) For a subdivision, now "Horowhenua No. 6," containing 4,620 acres, in favour of the defendant Meiha Keepa te Rangihwinui in trust to be given by him to certain Natives (being forty-four in number) not in the registered list of owners hereinbefore referred to, but whose names had been accidentally omitted therefrom.
- (e.) For a subdivision, now "Horowhenua No. 7," containing 311 acres 3 roods 15 perches, in favour of Waata Tamatea, Te Peeti Te Aweawe and Hoani Meihana beneficially.
- (f.) For a subdivision, now "Horowhenua No. 8," containing 264 acres 3 roods 15 perches, in favour of Mere Karena te Manaotawhaki, Ruahoata and Karena Taiawhio beneficially.
- (g.) For a subdivision, now "Horowhenua No. 9," containing 1,200 acres, in favour of the defendant Meiha Keepa te Rangihwinui in trust as an alternative choice for the descendants of Te Whatanui in case they rejected the 1,200 acres ordered on the 25th day of November, 1886.
- (h.) For a subdivision, now "Horowhenua No. 10," containing 800 acres, to be awarded to the defendant Meiha Keepa te Rangihwinui, as agreed upon between himself and the tribe, for the purpose of discharging the law-charges of Messrs. Sievwright and Stout against him amounting to £3,000, none of which charges had been incurred on behalf of the tribe, or in respect of the said Horowhenua Block.
- (i.) For a subdivision, now "Horowhenua No. 11," containing 15,207 acres, in favour of Warena Hunia (or Hakeke) and the defendant Meiha Keepa te Rangihwinui, being the balance of the said Horowhenua Block lying between the railway-line and the sea, in trust for the 143 persons mentioned in the said registered list.

16. On the 2nd day of December, 1886, the said Native Land Court, purporting to sit in pursuance of the said adjournment, made a further order for a subdivision, now "Horowhenua No. 13," containing one square foot, in favour of Wiremu Matakara beneficially.

17. On the 3rd day of December, 1886, the said Native Land Court, purporting to sit as aforesaid, made an order for a subdivision, now "Horowhenua No. 12," containing 13,137 acres, in favour of Ihaia Taueki in trust for himself and others of the registered owners of the said Horowhenua Block whose names the plaintiffs are unable to specify.

18. On the said 3rd day of December, 1886, the said Native Land Court, purporting to sit as aforesaid, made an order confirming the said order of the 25th day of November, 1886, for the 1,200 acres (being then the Subdivision No. 3), but which by the said confirming order was called "Horowhenua No. 14."

19. The plaintiffs believe that the defendants allege that the last-mentioned order was made in favour of the defendant Meiha Keepa te Rangihwinui beneficially and not in trust; while the plaintiffs allege that such order was made for the purpose of confirming the order of the 25th day of November, 1886, in favour of the defendant Meiha Keepa te Rangihwinui in trust in order to leave to the descendants of Te Whatanui a choice between the land included therein—namely, Subdivision No. 14—and the land included in the order made on the 1st day of December, 1886, namely, Subdivision No. 9; and they further allege that it was not until after the 3rd day of December, 1886, and when the said Native Land Court had become *functus officio*, that the said descendants of Te Whatanui elected to accept the said Subdivision No. 9; and they further allege that when the said descendants of Te Whatanui did elect to accept Subdivision No. 9 the said defendant Meiha Keepa te Rangihwinui became a trustee of Subdivision No. 14 for the 143 registered owners hereinbefore referred to.

20. The plaintiffs allege that the order as to Subdivision No. 14 made by the said Native Land Court on the 3rd day of December, 1886, if intended to be made in favour of the defendant Meiha Keepa te Rangihwinui beneficially (which they deny), was made without the Court having jurisdiction to make it, because the said Native Land Court, having already made an order on the 25th day of November, 1886, awarding the land comprised in that subdivision, thereby became *functus officio* so far as regards the awarding of that subdivision.

21. The plaintiffs believe that the defendants claim that all the said subdivisions aforesaid were made in pursuance of a voluntary arrangement under section 56 of "The Native Land Court Act, 1880," but the plaintiffs say that even if there were any such voluntary arrangement (which they deny), then that the said voluntary arrangement was bad, because the assent of the whole 143