

jurisdiction under the fourth and fifth sections of the said "Horowhenua Block Act, 1896," the said Court has duly sat and has heard all evidence adduced by the said persons in respect of such applications, but has not yet determined the said applications, or any of them, and had reserved its decision thereon, pending the decision of the Supreme Court of New Zealand upon a case stated by the said Native Appellate Court for the opinion of the said Supreme Court.

6. Under the provisions of section 10 of the said "Horowhenua Block Act, 1896," the plaintiff is directed and empowered to institute, within a period of six months from the date of the passing of the said Act, on behalf of the original registered owners of the Horowhenua Block as set forth in the Second and Sixth Schedules to the said Act, or any of them, such proceedings in the Supreme Court at Wellington as may be necessary for the purpose of testing the validity of the alienations referred to in subsection (f) of section 8 of the said Act, and also of all dealings the registration whereof shall have been cancelled as aforesaid.

7. On the 19th day of July, 1888, a certificate under "The Land Transfer Act, 1885," was issued to the defendant Meiha Keepa te Rangihiwini, and registered in the office of the District Land Registrar at Wellington as Vol. xlviii., folio 140, for the said Subdivision No. 14 for an estate in fee-simple.

8. The dealings appearing upon the said certificate of title are as follows :—

- (a.) A lease, dated the 5th September, 1892, to the defendant Sir Walter Lawry Buller of part of the said land, which was registered in the books of the District Land Registrar for the District of Wellington, under "The Land Transfer Act, 1885," as No. 1967.
- (b.) A lease, dated the 20th May, 1892, to the said defendant Sir Walter Lawry Buller of part of the said land, which was registered in the books of the District Land Registrar for the District of Wellington, under "The Land Transfer Act, 1885," as No. 1968.
- (c.) A lease, dated the 31st October, 1892, to the said defendant Sir Walter Lawry Buller of part of the said land, which was registered in the books of the District Land Registrar for the District of Wellington, under "The Land Transfer Act, 1885," as No. 2005.
- (d.) A transfer, dated the 20th May, 1892, to the said defendant Sir Walter Lawry Buller of part of the said land, which was registered in the books of the District Land Registrar for the District of Wellington, under "The Land Transfer Act, 1885," as No. 20454, under which a certificate of title registered in Vol. lxvi., folio 152, was issued.
- (e.) A transfer, dated the 31st day of October, 1892, to the said defendant Sir Walter Lawry Buller of part of the said land, which was registered in the books of the District Land Registrar for the District of Wellington as No. 20643, and under which a certificate of title registered in Vol. lxvi., folio 152, was issued.
- (f.) A mortgage, dated the 9th day of October, 1894, to the said defendant Sir Walter Lawry Buller of part of the said land, which was registered in the books of the District Land Registrar for the District of Wellington, under "The Land Transfer Act, 1886," as No. 17927.

9. The cancellation of the registration upon the said certificate of title, Vol. xlviii., folio 148, of the said dealings depends upon the determination of the Native Appellate Court of the matters referred to in paragraph 3 of the statement of claim, and the making and the issue by the said Native Appellate Court of the order or orders therein referred to.

10. Until the said Native Appellate Court shall have determined such matters as aforesaid, and made such order or orders as aforesaid, this honourable Court cannot test the validity of the said dealings nor make or pronounce final judgment in this action.

The plaintiff further says, without prejudice to and expressly subject to the question of law arising upon the construction of "The Horowhenua Block Act, 1896," and hereinbefore set forth :—

11. He repeats paragraph 2 of this amended statement of claim, and craves leave to refer to the Royal Commission therein referred to.

12. That the true meaning and effect of the said "Horowhenua Block Act, 1896," is that the said Meiha Keepa te Rangihiwini is thereby declared trustee for the persons mentioned in the Second and Sixth Schedules to the said Act of, *inter alia*, Division No. 14 of the said Horowhenua Block, and holds the said land in trust for them until the Native Appellate Court hereinbefore referred to shall have made the order or orders referred to in sections 4 and 5 of the said Act.

13. The plaintiff further says, without prejudice as aforesaid, certain of the persons named in the Second and Sixth Schedules to the said Act (contend that they) are the beneficial owners of the said Division No. 14, and that the defendant Meiha Keepa te Rangihiwini holds the said land in trust for the persons named in the Second and Sixth Schedules to the said Act, or certain of them.

14. They also contend that the defendant Sir Walter Lawry Buller had, prior to and at the time he entered into the dealings with the defendant Meiha Keepa te Rangihiwini, set forth in paragraph 8 of this amended statement of claim notice that the said land was, though vested in the defendant Meiha Keepa te Rangihiwini, held by him as trustee for the said persons, and that the said persons were the beneficial owners thereof.

15. The plaintiff repeats the matters set forth in paragraph 5 of this amended statement of claim.

The plaintiff prays :—

- (1.) That it may be ordered and declared by this honourable Court that the determination by the said Native Appellate Court of the matters referred to in paragraph 3 of this statement of claim is a condition precedent to an inquiry into the validity of the said dealings.