

3. (a.) Was not the order made on the 3rd December, 1886, for Subdivision No. 14 made in confirmation of the order made on the 25th November, 1886, for the 1,200 acres in the name of Major Kemp?

(b.) Was not such confirmation made in order to afford to the persons beneficially entitled under such agreement the choice of accepting either Section No. 9 or Section No. 14?

4. Were not the proceedings in Court of 1886 intended to be in pursuance of an alleged voluntary arrangement under "The Native Land Court Act, 1880," section 56?

5. Was the assent of the whole of the 143 registered owners ever given to such alleged voluntary arrangement?

6. Did any, and if so what, members of the Rangitane, Ngatikahungunu, and Ngatiapa Tribes included in list of registered owners give their assent to alleged voluntary arrangement?

7. Did the whole of the members of the Muaupoko Tribe included in the list of registered owners give their assent to such alleged voluntary arrangement?

8. (a.) Was such alleged voluntary arrangement in writing?

(b.) What evidence was there before the Court of 1886 of any such voluntary arrangement, or of the assent of the registered owners thereto?

9. Did the Judge who sat at the Subdivisional Court in 1886 exercise any judicial discretion in giving effect to such voluntary arrangement?

10. Did not the said Judge act merely administratively, and merely purport to record the alleged voluntary arrangement?

11. (a.) At the time of the said alleged voluntary arrangement, were not a number of the registered owners dead?

(b.) At that time were not certain of the registered owners infants?

(c.) At that time were there not a large number, amounting to thirty and upwards, of registered owners dead to whom successors had not been appointed?

(d.) At that time were there not successors appointed to certain of the deceased owners—

(1.) Which successors were then infants?

(2.) And on behalf of some of whom no trustees had been appointed?

(e.) At that time were there not successors who were subsequently appointed to certain of the deceased owners, which successors were then infants?

12. Was not the Subdivision No. 14 at the Court of 1886 a block of land lying entirely to the eastward of the railway-line?

13. Was not all land to the westward of railway-line at the Court of 1886, called "Horowhenua No. 11," the subject of an order at that Court in favour of Kemp and Warena Hunia, in trust for 143 registered owners or some of them?

14. Under what authority was 589 acres lying to westward of railway-line, forming part of Horowhenua No. 11 at the Court of 1886, included in the order for Horowhenua No. 14 as it now stands?

15. Did the beneficial owners of No. 11 ever assent to the said 589 acres being taken out of No. 11 and included in No. 14?

16. Prior to the making of the order for No. 14, including 589 acres part of No. 11, were the provisions of sections 28 to 31 inclusive of "Native Land Court Act, 1880," complied with?

17. Prior to the exercise by the Court in 1886 of its jurisdiction under "The Native Land Division Act, 1882," was a surrender made of the original certificate of title issued under Act of 1867 to Major Kemp, or was an order made for its cancellation?

18. Was not Major Kemp at time of Subdivisional Court in 1886 in a fiduciary relation towards the 143 registered owners in regard to the Horowhenua Block?

19. Was not Major Kemp at time of Subdivisional Court a chief possessing paramount authority and influence over the Muaupoko?

20. Was not the alleged voluntary arrangement a mere dictation by Major Kemp of what he intended to do.

21. Was not the position of Major Kemp in 1886 such as to leave to the registered owners no choice but to agree to what he dictated?

22. Did not Major Kemp assume at the meeting and at the Subdivisional Court in 1886 the position that the registered owners had no choice but to agree to what he dictated with regard to the subdivision of the Horowhenua Block?

23. Did not the members of the registered owners who were present at the meetings and at the Subdivisional Court in 1886 assume that Major Kemp was in such a position that the registered owners had no choice but to agree to what he dictated with regard to the subdivision of the Horowhenua Block?

ADDRESS OF MR. ALEXANDER McDONALD.

May it please the Court: So far as the present case has gone this Court is asked to say whether or not a trust should be declared as to Section 14 of the Horowhenua Block. "Trust or no trust" is, so far, the sole question which this Court has been asked to determine. There is nothing at all specially difficult about the question. The Native Land Court, while the Equitable Owners Act was in force, determined many exactly similar questions, and "The Horowhenua Block Act, 1896" revives and re-enacts that Act for the express purpose of enabling this Court to determine that same old question in this case. It is true that this Court announced at the beginning of the case that before finally determining the question submitted to it by the application of Major Kemp the Court intended to refer certain questions to the Supreme Court; and any one can readily see that such a course is probably very prudent and judicious. But this Court at the same time stated emphatically and repeatedly that it did not consider it wise to disclose at that