area of land, and that Block 14 was left to the end, and so did not come within the compass of what was spoken of before. But every matter which is here referred to by the Native Appellate Court, except the shifting of the boundary, is matter which entitles the person complaining not only to be admitted as a *cestui que trust* of No. 14, but of Nos. 1 and 2. Now, is that the meaning of the Horowhenua Block Act? Is not the meaning, if you look at the Act, this: that the grievances which are to be investigated are grievances relating to this subdivision only? Did the Act intend to practically gather grievances referring to the 52,000 acres and concentrate them on this 1,200 acres? If it did so, it does not say so. We submit the terms giving jurisdiction and excluding jurisdiction are a revival for the purposes of this Act, and not otherwise, of section 3 of the Equitable Owners Act, and this section 4 was to enable the *cestuis que trustent*—not persons who have a mere right, but persons entitled as the *cestuis que trustent*—to become certificated owners of certain portions of the said block. Section 14, among others, comes under this section. That is the only jurisdiction conferred, except the jurisdiction which is admitted as plainly necessary under section 15. My friend Sir Robert Stout has contended that from the destruction in section 5 of the Land Transfer certificates the Court will construe this as itself declaring these blocks to be blocks held upon trust. But of course, your Honours, there are obvious reasons why that destruction was effected. In the first place, that is required for the practice of the Land Transfer Office; secondly, it was necessary to destroy the certificate for the purpose of enabling proof to be given of notice to Sir Walter Buller, because the Land Transfer Act would have rendered the whole thing nugatory if the Land Transfer certificate still existed, because the Act provides that notice of a trust does not prevent dealings, but it is intended that you should have the right to deal with a trustee under the Act. So long as you deal *bonâ fide* and for value the title passes. The effect of the Land Transfer Act on the question intended to be tried in the Supreme Court under section 10 was, of course, obvious to the draftsman.

Sir R. Stout: But the statute not only set aside the registration, but set aside the title. He only had 1,100 acres of freehold.

Mr. Bell: Yes, it set aside a registered lease of his for twenty-one years. That registered lease, but for this, would have remained good, because he would have taken the lease to which he was entitled. We take a lease under the Land Transfer Act without any risk.

Sir R. Stout: My point is, that not only the dealings but the certificates are set aside. Paragraph 5 will show the existing certificates and all the dealings.

Mr. Bell: Sir Walter Buller would say he took the land under the certificate of title, and it did not matter whether his lessor had the title or not. I submit that is obvious on the face of the statute. Then, again, the object of destroying the certificates for Section 11, which had already been declared to be a trust block, and Section 6, which was admitted on all hands to be a trust block, was obvious enough, and there was no reason why you should not include Section 14 when the Supreme Court has to re-establish the European owner, and when the Court was to sit and inquire whether any one else than the nominal owner was the person entitled to the land. But the destruction of the certificates does not seem, so far as I can see, to offer any reason, one way or the other, for the construction of the statute. But if the intention of the statute was to destroy the title, to declare that Section 14 was a trust estate, and to simply direct the ascertainment of the *cestuis que trustent*, then it is a very badly expressed statute. My friends contended in the Supreme Court that the titles were not destroyed. We submit on that point that the statute leaves the question to the Appellate Court whether or not, within the meaning of the Equitable Owners Act, there was an intended trust of Block 14, and for the purpose of avoiding any technical question it destroyed the certificate. If Kemp is already a trustee, I do not know what I am doing here, or what he is doing in the Appellate Court, except as one of the persons to divide the spoil: and he does not assert himself to be one of those persons. If this is a trust block, and he is a trustee, it is ludicrous to suggest that he was a trustee for himself alone. He certainly does not assert that position, and, as far as I know, it has never been asserted against him. With regard to another point raised by my friend Sir Robert Stout, he submitted that they were not confined within the four corners of the Equitable Owners Act He said, the Land Transfer certificates being set aside, then the title is open; and, as I understood it, that therefore the Appellate Court, quite apart from section 15, would have, in exercising any function, a roving commission, the title now being the Native title, to ascertain who were the persons beneficially entitled to the land—or, rather, who ought to have been found in 1886 to be the persons beneficially entitled. But can it be supposed that the Legislature intended such a process as that it should not apply to Sections 6, 11, and 12, and be limited to Section 14? What reason can be suggested for limiting that process to one out of the fourteen blocks? Assuming that the Legislature was proceeding to deal with matters affecting the whole 52,000 acres, why should these sections be singled out for that purpose?

Mr. Justice Denniston: No. 2 is a trust.

Mr. Bell: What I mean is that I can understand the interpretation of the Act which says there are special reasons why the Court should ascertain if Block 14 is a trust block. On the other hand, my friend suggests that the same applies to Section 2 as well as to Section 14—that is, irregularities with regard to 1886 that affected not Section 14, but the 52,000 acres. They therefore throw open the whole matter for this roving body to deal with. One might see why there might be a reason for it in the mind of the draftsman. I am assuming that the Legislature is supposed to proceed on some fair ground upon such a matter.

Sir R. Stout: My friend knows that Sections 1 and 2 have been sold.

Mr. Bell: Portions of No. 14 have been sold, and the whole of it has been leased. Those people who bought the township might have known about these matters. I understand it has been said that we all ought to have read all the minutes. What we repeat, in answer to Mr. Baldwin's argument, is that all he suggests, equally with what Sir Robert Stout suggests, except one point as to the shifting of Block 14, is applicable to every other subdivision. That is, an answer to