

relating to Native lands, of a certain lease from the Native owners thereof of two blocks of land known as Mangapapa and Mangaoira, situated in the Provincial District of Auckland.

2. That in pursuance of such agreement negotiations were entered into by the plaintiffs and the said George Stockman with the Natives, who were then believed by the plaintiffs and the said George Stockman to be the owners of the said blocks of land, to grant to the said George Stockman on behalf of himself and the plaintiffs, a lease of the said land whenever the said owners were in a position to lawfully grant such lease; and for the purpose of carrying out such negotiations, the plaintiffs advanced to the said George Stockman divers large sums of money, which were expended by the said George Stockman in carrying on such negotiations and in making payments to the said Natives, and in recouping himself any expenses which he might be put to in carrying on the same.

3. That by reason of such negotiations and payments the said George Stockman obtained from certain of the said Natives a document, signed by them, promising to grant such lease when the title to the said land had been investigated by the Native Land Court, as required by law, and when the said Natives had been declared by the said Court to be the owners thereof, and were empowered by law to make such lease.

4. That the said document so obtained by the said George Stockman was obtained by him under the said agreement between the plaintiffs and the said George Stockman as the result of the said negotiations and solely with and by reason of the money advanced to him by the plaintiffs, and by virtue thereof the said document and any rights thereunder was and were the joint property of the plaintiffs and the said George Stockman.

5. That the title to the said two blocks of land was investigated by the said Native Land Court in the month of June, 1886, and the said Court thereupon made an order, under "The Native Land Court Act, 1880," for the issue of a certificate of title to certain Natives then found by the said Court to be the owners of the said blocks, including the Natives who had executed the document so obtained by the said George Stockman.

6. That after such order and investigation had been made by the said Native Land Court the plaintiffs and the said George Stockman renewed their said agreement by a memorandum signed by the said George Stockman and the plaintiff Arthur Owen for himself and the said Hugh Owen, and dated the thirteenth day of June, 1887; and it was then agreed that the plaintiffs and the said George Stockman should, upon the said document so obtained by the said George Stockman from the said Natives, make an application, under section 24 of "The Native Land Administration Act, 1886," with a view of obtaining the necessary certificates and legal authority, under the said section, to go to the said Native owners so found to be such by the said Court, and to obtain their signatures to a lease under the promise contained in the said document; and the said George Stockman then delivered to Mr. Standish, of New Plymouth, solicitor, who was then acting as the solicitor for the plaintiffs and the said George Stockman, the said document for the purpose of making such application.

7. That, subsequently, the said George Stockman obtained the said document from Mr. Standish, and made an application, under the said 24th section, in his own name, and thereupon declined to recognise any of the rights of the plaintiffs in or to the said document or any rights thereunder and declined to allow them the benefit of such application.

8. That attached hereto and marked A is a copy of the said application so made by the said George Stockman.

9. That the said application came on for hearing on the fifteenth day of June, 1886, before the Chief Judge of the Native Land Court, when the plaintiffs, by their counsel, appeared and applied to the said Chief Judge not to grant the same to the said George Stockman alone, upon the ground that the plaintiffs were jointly interested with the said George Stockman in the document on which the application was made and any rights or privileges acquired thereunder, unless the said George Stockman would acknowledge such rights, and agree to hold any certificate that might be granted on the said application for the benefit of himself and the plaintiffs.

10. That the defendant was present at such application, and heard the objections so raised by the plaintiffs, but the said George Stockman declined to recognise any rights in the plaintiffs, and indorsed upon his said application, and signed a memorandum in the following words: "To the Chief Judge. I request that my certificate, granted on the above notification, may be granted to my appointee, Mr. Nevil S. Walker." The said Chief Judge was then fully informed of the claim of the plaintiffs, but, notwithstanding the same, the said Chief Judge did make a certificate under the said 24th section, and made the same in favour of the defendant Walker, and this notwithstanding the protest of the plaintiffs that their rights, benefits, or privileges under the said document would be impaired and jeopardised. At the time when the said Chief Judge issued the said certificate he informed the plaintiffs that he would enter in his notebook a note of the objections, and also informed the defendant that he must take the said certificate at his own risk. A copy of the said certificate so issued is hereto annexed marked "B."

11. That, following upon the said certificate, the defendant made an application to the said Chief Judge under section 25 of "The Native Land Administration Act, 1886," a copy of which application is hereto annexed and marked "C."

12. That, upon such last-mentioned application, the Court issued a further certificate, copy of which is hereto annexed and marked "D."

13. That the said applications and certificates related to Mangapapa Block.

14. That in relation to Mangaoira Block the said George Stockman, upon the said document so obtained by him from the Natives, made a similar application under section 24 of the said Act, copy whereof is hereto annexed and marked "E," and in connection with such application the plaintiffs made the like objections thereto as are set out in the ninth and tenth paragraphs hereof, and such application was dealt with by the said Court in manner set out in the said paragraphs.