

15. That the said George Stockman also made an application to the said Chief Judge under section 25 of the said Act, a copy whereof is hereto annexed and marked "F."

16. That upon such last-mentioned application the said Chief Judge issued a certificate, copy whereof is hereto annexed marked "G."

17. That upon such certificates the defendant, with full knowledge of all the foregoing facts and of the plaintiffs' said claims, proceeded to obtain from the Native owners of the said two blocks of land respectively leases thereof, which are dated the twenty-second day of June, 1887, whereby the said blocks respectively purport to be demised to the defendant, his executors, administrators, and assigns, for the period of thirty years from the date of the said lease, with a right to renew the same for another period of thirty years at the rent and on the terms therein mentioned, and such leases purport to be executed by all the Native owners so declared to be such by the said Court of the said blocks of land respectively, and not simply by those who had not signed the said document so obtained by the said George Stockman. Such leases also purported to be executed by the numerous lessors therein mentioned in the presence of a licensed interpreter and adult male witnesses, and the said document so obtained by the said George Stockman only provided for the granting of a lease for twenty-one years, and not for the term of thirty years with a right of renewal for a further term of thirty years.

18. That, having obtained such leases, the defendant has applied to a Trust Commissioner under "The Native Land Frauds Prevention Act, 1881," to affix his certificate to the said deeds.

19. That on the fifteenth day of June, 1886, when the said Chief Judge informed the defendant that he must take the said certificates for what they were worth, the defendant had then, and for a long time previous thereto, full knowledge in detail of the whole of the foregoing facts and circumstances, and of the plaintiffs' claims to participate in the benefits of the said document so obtained by the said George Stockman, and upon which the said certificates had been so issued; but the defendant wholly refused to recognise any rights whatever in the plaintiffs to participate in the said document, or that they had any rights at law or in equity under the same, and intimated his intention to proceed and have the said leases so obtained by him completed according to law, and to retain for himself all the rights and benefits thereunder.

20. That the said document so obtained by the said George Stockman, and upon which the said Chief Judge issued the said certificate, is not in the possession of the plaintiffs, and they are not able to set forth the same. But the same is in the possession of the defendant, who retains the same, and declines to supply the plaintiffs with a copy thereof.

The plaintiffs, therefore, contend that they were jointly interested with the said George Stockman not only in obtaining the said documents from the said Natives, but in all rights and privileges which by law the said document gave them, and it was a fraud on the part of the said George Stockman to make the said application to the exclusion of the plaintiffs, and it was also a fraud upon the plaintiffs by the said George Stockman to request the said Chief Judge to issue the certificate under the said application to the defendant, and that the said leases are void under the said sections 24 and 25; and in obtaining the same the defendant was acting illegally under "The Native Land Administration Act, 1886," sections 32 and 33. Or that if the said proceedings and leases are valid in law, that the plaintiffs are entitled to participate in equal shares with the said George Stockman, to the exclusion of the defendant, in any benefit or privileges which may have accrued to the defendant by reason of the making of the said certificate so issued by the said Chief Judge and the leases obtained by the defendant thereunder.

The plaintiffs, therefore, claim that it be declared by the Court—First, that the said George Stockman had not under the said document any power to make application under the said sections 24 and 25; second, that the said Chief Judge had no power to entertain the said application or to grant any certificates thereon, and that any certificate so granted is void and of no effect; third, that the said alleged leases so obtained by the defendant upon or in pursuance of such certificates are void and of no effect, and that the same were obtained contrary to the provisions of "The Native Land Administration Act, 1886," and that the defendant be ordered to pay the costs of this action. Or, in the alternative, if the Court should be of opinion that the said certificates and leases are good in law, then—Fourth, that the plaintiffs were jointly interested with the said George Stockman in the said document and all rights and privileges which it secured, and that the defendant obtained and holds the said leases and all rights and privileges thereunder as a trustee for the plaintiffs and the said George Stockman; fifth, that the defendant be restrained by injunction of this Court from assigning or parting with the said leases without acknowledging the rights of the plaintiffs and the said George Stockman therein; sixth, that the defendant may be ordered to pay the costs of this action; seventh, that the plaintiffs may have such further or other relief as the Court may see fit and the plaintiffs' case requires.

A.—"NATIVE LAND ADMINISTRATION ACT, 1886."—NOTIFICATION UNDER SECTION 24.

I, GEORGE STOCKMAN, of Tikorangi, Waitara, hereby notify to the Commissioner under the said Act, and to the Chief Judge of the Native Land Court of New Zealand respectively, that I claim to have, before the first day of January, 1887, purchased or leased the share or interest of some out of several owners of the block of land known as (1) Mangoira, (2) Mangapapa, (3) Ratapoiki, (4) Mangaawakino.

Particulars.—The title to the land is Native Land Court. The area of the land is unknown acres. No survey. The shares claimed by me are all in number. I claim to have acquired them by promised lease.

Dated this fourteenth day of March, 1887.

If delivered by post, one copy to be directed to the Commissioner, Native Land Administration, Wellington, and one to the Chief Judge, Native Land Court, Auckland.

GEO. STOCKMAN.