

16. That at the time aforesaid, when the said John William Richard Guilding requested the Native defendants to make the said lease to him, John William Richard Guilding, and Gerald O'Halloran, the said John William Richard Guilding also agreed with the said Native defendants that the said one thousand acres should at once be surveyed, and application made for a Crown grant of the same to the Governor of New Zealand, in order that the said Native defendants might lease the same to the said John William Richard Guilding and Gerald O'Halloran.

17. That the said one thousand acres was, as the plaintiff believes, immediately thereafter surveyed according to and in pursuance of the said agreement so made between the said John William Richard Guilding and the said Native defendants, and a plan thereof made, which plan, however, the plaintiff has not seen; but was so selected and surveyed in a place quite and altogether different from that formerly chosen by the said Native defendants, as the plaintiff is informed and believes. And that the said plaintiff has never yet been informed regarding the exact position of the said one thousand acres, and that the knowledge of the said site is still withheld from the plaintiff and, as he believes, from the General Government of New Zealand, while the said defendants John William Richard Guilding and Gerald O'Halloran are dealing with the said Native defendants in relation to the said land.

18. That the said land now selected as the said one thousand acres is of very great public value, as all the defendants well know; and was so selected and surveyed, as the plaintiff believes, in fraud of the plaintiff, as such Superintendent.

19. That the plaintiff fears and believes that, unless restrained by the injunction of this Honorable Court, the said Native defendants, or the said John William Richard Guilding, Gerald O'Halloran, and James Mackay, will apply to the Governor of New Zealand for the issue of a Crown grant for the said one thousand acres of land.

20. That the plaintiff, as Superintendent of the Province of Auckland, and the province itself, may be and he believes will be seriously injured if the said defendants or any of them are not restrained from applying for or receiving a Crown grant of the said one thousand acres so latterly selected and surveyed as aforesaid, or if the said Native defendants are not restrained from dealing in any way with the said one thousand acres last aforesaid.

21. That the plaintiff believes that the agreement between the said Native defendants and John William Richard Guilding was made by and with the knowledge of the defendant Gerald O'Halloran.

22. That the plaintiff is anxious and willing to ascertain the exact rights of the Native defendants in the premises, and to act in accordance with the rights so to be ascertained.

23. That neither the General Government of New Zealand nor the Provincial Government of the Province of Auckland has agreed, as the defendants James Mackay, Gerald O'Halloran, and John William Richard Guilding well know, to the issue of a Crown grant to the Native defendants of the aforesaid one thousand acres of land.

24. That the defendant James Mackay had no power to bind the Government to issue a Crown grant or Crown grants for the said one thousand acres of land, nor to make any contract for the same, nor is the Government of New Zealand bound by the said indorsement of the said James Mackay.

25. That the plaintiff, as Superintendent of the Province of Auckland, is now making inquiries in order to ascertain what, if anything, in equity and good conscience the said Native defendants ought to receive from the Government; and if the Native defendants be allowed to complete any lease or demise to the defendants John William Richard Guilding and Gerald O'Halloran, or to any other person, or if the said John William Richard Guilding and Gerald O'Halloran are permitted to obtain such a lease of the said one thousand acres or any part thereof before the said inquiries are completed, it will seriously injure and embarrass the plaintiff, as such Superintendent, in the performance of his public duties as such Superintendent in relation to the Province of Auckland and to the said land.

26. That the plaintiff believes that, unless restrained by the injunction of this Honorable Court, the said Native defendants, acting under the advice of the said John William Richard Guilding, will sign and execute the said intended lease, and will thereupon proceed to exercise ownership and authority over the said block of one thousand acres, to the plaintiff's great loss and detriment.

27. That the said one thousand acres so selected recently by the Native defendants as aforesaid is the only place upon the said Tairau block upon which a township for public convenience can be placed and laid out, as the defendants well know.

28. That the plaintiff believes that the defendants are able to give full and complete evidence of the whole of the transactions between them or any of them in relation to the said alleged reserve of one thousand acres, and of all the subsequent transactions in relation therewith, which will enable this Honorable Court to deal justly with the same in relation to all the public and private interests thereto relating, and to determine the rights and equities of all the parties thereto.

Wherefore the plaintiff prays,—

1. That the defendants may be restrained by the order and injunction of this Honorable Court from dealing in any way with the said one thousand acres of land so surveyed as aforesaid, in the way of leases, agreements, or otherwise in any way whatever till the further order of this Honorable Court.
2. That the defendants each and all of them may be restrained by the injunction of this Honorable Court from applying to the Governor of New Zealand for a Crown grant of the said one thousand acres of land so surveyed as aforesaid, or from receiving any grant from the Crown for the same until the further order of this Honorable Court.
3. That the defendants may be ordered by this Honorable Court to disclose all documents in their possession or control, or the possession or control of any of them, in relation to the premises; and that they and each of them may be ordered to state all the facts within their or each of their knowledge respectively in relation to the agreement, if any, of the reservation of the said one thousand acres, in relation to the site of the same, in relation to the survey of the same and the plan thereof, in relation to the alleged agreement between the said John William Richard Guilding and the said Native defendants or any of them, or in relation to any application or applications made by the