

MINUTES OF EVIDENCE.

FRIDAY, 6TH MAY, 1892.

Mr. KIRK examined.

The Chairman: Captain Humfrey was to have been examined first, but, as he is not in attendance, are you willing to submit yourself to examination? Of course, if there is any question you wish to have advice on we can postpone your examination. We have one or two preliminary witnesses to call.

Mr. Kirk: I am quite willing to expedite the work of the Commission and submit myself to examination, but would like any question on which I wish to be advised left over, to give me an opportunity of consulting counsel. It makes very little difference whether my evidence is taken to-day or to-morrow. I am quite willing to go on with it. I may say I am in this position: that I have no one present to take a note of my evidence, so as to enable me to frame any question I may wish to ask.

Mr. Macdonald: You will be furnished with a copy of the evidence.

1. *The Chairman.*] You appear here, Mr. Kirk, on behalf of Messrs. Kirk and Atkinson. Were you the original vendors in connection with the sale of the land at Polhill Gully to the Government?—Yes.

2. Will you tell us when you first entered upon this transaction, or when it was first proposed to you? Well, perhaps, Mr. Kirk, you would like to give your evidence in the form of a narrative, in your own way?—Very well. As far as I know, I was first written to from the Defence Office, on the 25th July, 1890. As far as I can recollect, about three months before that date Mr. Atkinson went to the Under-Secretary for Defence to see if there would be any objection to the Defence Department releasing part of Sections 1 and 3, in which we were interested, and which the Government leased, the lease having three or four years to run, as we wished to put it in the market. Mr. Atkinson saw Captain Humfrey in connection with the matter, and the Hon. Captain Russell. Captain Humfrey asked Mr. Atkinson if he was satisfied for the Government to acquire the land, and Mr. Atkinson said Yes. No definite proposal was made up to that time. Mr. Atkinson then went away to the Waikato. In the meantime, Captain Humfrey asked me three or four times whether we were prepared to negotiate in the matter or not, and on one occasion he was rather more pressing than usual, and asked me to come into his office and go into the matter with him. I got a plan, and we went into his office and discussed the whole question, and what land, as far as I could see, it was necessary for them to buy. I told him I would consult Mr. Atkinson in the matter. I said, of course I could not give him anything like a correct price for the land, but, as far as I could see, it would come to about £3,000. Nothing was definitely settled. Then, on the 25th July—I do not recollect whether there was more than one interview before this letter was written or not—but on that date I got this letter from the Under-Secretary for Defence. [Letter read. See Appendix No. 1.] Mr. Atkinson was away when I got that letter, and I had to wait till he came back before I could reply. When he came back we went into the matter very carefully. I saw Captain Humfrey, and told him I had had enough experience in acquiring Native land to know the bother there was, and that I did not care, at any rate, to account for every penny of expenditure through the Audit Department, and therefore would not accept an agency, but that we would secure the land and put the matter into writing in such form as would meet our views. He asked me to do that. I will read this reply. [Letter read. See Appendix No. 2.] You will see, after reconsideration, they altered that. This was the letter which [referring to one of the proposals of the letter] after consideration, we wrote. After the one interview between Captain Humfrey and myself—between the date of that letter and the letter in reply—nothing important transpired. The next step in the negotiations was a letter of the Under-Secretary for Defence to us. [Letter read. See Appendix No. 5.] That was the 11th September. Well, we discussed that, and on the following day replied. [Letter read. See Appendix No. 6.] The Defence Minister, so far as letters show, was willing to allow us to draw such moneys as we required. Having thought over the matter, we said as we were the principal vendors, it was hardly fair to ask Government to supply money to effect our own purchase with, and that it would be more consistent if we did not draw money on account. After that letter I saw Captain Humfrey. He said the Government department was satisfied with the position, and asked if I thought any formal agreement was necessary. I said I was quite satisfied. If the department accepted our offer that was sufficient between us—any better agreement than that was not possible. On the 19th September, 1890, we received a letter from the Under-Secretary. [Letter read. See Appendix No. 8.] We then proceeded to acquire the land. That is the whole contract between the two parties—the Government on the one hand, and ourselves on the other. I presume it is not necessary to go through the correspondence, which shows how we lodged the titles, in the name of the Queen, with the Defence Department.

The Commissioners: No.

3. *The Chairman.*] It would be very much to the point if you could show us any correspondence or direct communication with the Minister?—There is none whatever.

4. You have seen no one except the Secretary in the matter?—Nothing at all definite was concluded when Mr. Atkinson saw the Minister, before the negotiations took shape. What we took to be the conclusion of the contract was the letter of the 19th September, 1890. [Letter read. See