

APPENDIX.

No. 1.

The UNDER-SECRETARY for DEFENCE to MESSRS. KIRK AND ATKINSON.

GENTLEMEN,—

Defence Office, Wellington, New Zealand, 25th July, 1890.

With reference to the conversations we have recently had regarding the acquirement for Government of the present Polhill Gully Rifle Range, at Wellington, I am instructed by the Hon. Defence Minister to state he is prepared to enter into negotiation for the purchase of such part of it as will enable the present rifle-range to be used in the future without inconvenience or danger to the public.

This practically means the acquirement of the greater portion of the 44 acres at present leased by Government, and the Hon. Minister will be obliged if you will take the matter in hand on the understanding that the cost of the block is not to exceed £3,000.

If you are willing to undertake this business I shall be obliged, before a definite agreement is arrived at, if you will inform me of the rate of commission you will charge, and if, in your opinion, there is any other outside contingent expenditure which will require to be met.

I have, &c.,

C. A. HUMFREY,

Colonel, Under-Secretary for Defence.

Messrs. Kirk and Atkinson, Solicitors, &c., Wellington.

No. 2.

Messrs. KIRK AND ATKINSON to the UNDER-SECRETARY for DEFENCE.

SIR,—

Wellington, 20th August, 1890.

Replying to your letter of the 25th July, 1890 (M. and V. 90/1215, No. 675), and having regard to the further conversations had with you on the subject, in view of the many difficulties (which we have in some measure discussed with you) which present themselves in relation to the acquisition on behalf of the Government of the Polhill Gully rifle-ranges lands, we have the honour to propose, as being most simple and satisfactory, and, in fact, the only practicable way under the circumstances of doing it, to undertake the matter upon these terms:—

1. The area which it is proposed to acquire, and which, so far as we can judge, would give to the Government all that is absolutely necessary to secure to them, without possible interruption, both existing ranges, amounts to about $36\frac{1}{2}$ acres, in addition to nearly 2 acres of unused road, and is comprised of the following sections, as numbered on the subdivisional plan deposited in the Survey Office, a rough tracing of which is sent herewith: Block XV., Sections 1, part of 2, 3, 4, 5, and 6.

2. These sections, together, are referred to hereafter as “the block,” and outlined in blue on the accompanying tracings.

3. In addition to this block the lease of Section 7, 1 acre, with nearly twenty years to run, will be included.

4. For the sum of £3,000 net we will undertake to procure certificates of title under the Land Transfer Act in the name of the Queen, for the block, including an assignment of the lease of Section 7, subject to the following conditions:—

5. Such sums as may be required by us from time to time for on account of the purchase of any portion from the present owners shall be paid to us on application.

6. Notwithstanding this undertaking, however, it is to be clearly understood that, though we feel practically certain of being able to carry the whole matter through, we do not guarantee the acquisition of the whole block; and, in the event of our not being able to purchase any one or more of the sections, then the purchase-money (£3,000) is to be reduced proportionately, the reduction to be made according to the value of such section or sections relatively to the value of the block, such relative value to be assessed in case of dispute by a competent valuer to be mutually agreed upon. If, however, a lease can be obtained, with your consent, of any section or sections which cannot be purchased at once, then, in estimating any reduced price, the value of such lease shall be allowed for.

7. Should any difficulty arise in the acquisition from any of the present owners of any portion of the block, either by reason of the inability of any owner to sell under the present title, or by reason of any owner being unwilling to sell, or asking such a sum as we may consider to be an unreasonably high price, such portion affected shall, if we think advisable, be taken by the Government under the Public Works Act, in which case the compensation payable in respect of any land so taken shall be deducted from the amount of our agreed upon purchase-money—viz., £3,000.

8. For the sum named (£3,000) we are to do all legal work, pay all purchase-moneys and commissions, and all costs, charges, and expenses of every kind.

9. The Government are to facilitate the acquisition from the Natives in every possible way, and must undertake to obtain (if this be rendered necessary) the removal of all restrictions on the alienation of the said lands.

10. We are to be allowed at least one year within which to complete, and thereafter such further time as the circumstances may warrant, and as shall be agreed upon.

11. There shall be no obligation on our part to clear existing leases from the block or Section 7.