

112. Why do you say you are dissatisfied now?—Well, even at the time I had an idea it was a low price, considering the section was not far from town.

*Mr. Kirk* (to the Chairman): I wish you to ask him what he means by saying Mr. Atkinson was not purchasing in the same manner as others, and that if he did not sell the land it would be taken away from him.

[Question put.]

*Witness*: The purchase should have been conducted in the presence of Colonel McDonnell, but it was completed when I arrived, and simply read over to me, instead of the whole matter being discussed in the presence of us all.

113. *Mr. Macdonald*.] Was Colonel McDonnell acting for you or Messrs. Kirk and Atkinson?—For both, he was interpreter for both parties.

114. *Mr. Kirk* (through the Chairman).] In the transactions we have had with you, have the moneys always been paid according to agreement?—Yes.

115. Have you any complaint to make against us?—No. I got enough money.

RAPANA TE OHIRO examined, through Mr. Pou, Interpreter.

116. *Mr. Baker*.] What section do you own?

*Mr. Kirk* (to the Commissioners).] He had half of Section No. 2.

117. *Mr. Macdonald* (to Mr. Kirk).] What was the area of the section?—Six acres.

118. What did he get for his land?—The document will show. [Document produced.] £75, less £38 7s. 5d. costs.

119. He says he got £75 for his share, and £100 for another piece of land belonging to him: where was that piece of land?

*Witness*: It included land at Polhill Gully and Williamstown.

120. *Mr. Macdonald*: What do you mean by saying you got £100 for another bit of land? Where was the other bit of land?—In Polhill Gully.

MONDAY, 9TH MAY, 1892.

Mr. KIRK re-examined.

121. *The Chairman*.] We wish you to answer some questions, Mr. Kirk, about the purchase of this land. I think I understood you to say that you had not had any communication on the subject until you were sent for by the Under-Secretary, when he again requested you to act as agents in the matter: is that so?—The first I ever heard that the Government wanted to purchase was when Mr. Atkinson came back from an interview with Captain Humfrey and told me that the Government wished to purchase, and wanted us to act for them. I did not attach any importance to it.

122. What was the date?—That I could not tell; probably a week before the first letter was written to us; I do not know; some time prior to that.

123. Did you then distinctly give them to understand that you would not act as agents, or did you not?—I distinctly gave the Government to understand that we would not act as agents for them in the matter. They wanted the land, and we advised them at what price it could be acquired.

124. Do you give us distinctly to understand that?—Yes; we knew the Government wanted to acquire the land, and we were to be the medium; but never agreed to act as agents.

125. When you received the letter accepting your proposals as principal vendors, were you distinctly under the impression that that letter was written by the authority of the Minister of Defence?—I could not have any other impression. I had no doubt about the matter; in fact, the letter states it. I never heard any suggestion to the contrary.

126. I think you told us that from first to last you never had any communication personally with the Minister of Defence?—None whatever.

127. Then, you understood, after receiving that second letter, accepting your proposals, that you were to receive something over £80 per acre?—£81 per acre was the average price.

128. You considered by that letter the Government accepted your proposals to put in force the law that enabled them to take the land under the Public Works Act in case of any difficulty arising between you and the owners. In making use of that position, did you make use of it for the acquirement of land in the same neighbourhood besides that you offered to the Government?—Certainly not.

129. Did you purchase any other land in the neighbourhood?—Long before this transaction, of course we have.

130. Did you, in your interview with the Under-Secretary, give him to understand that, although not legally, you were virtually owners of other land, and were in a position to offer it as such?—I probably told him we were owners of some of the land—that we had control of that part, that it was in our hands for sale. Section 1, containing 5 acres, was in our hands. Lease of Section 7 was in the same position.

131. What quantity of land is Section 7?—One acre. I pointed out that part of Section 9 would certainly be required; that could be settled afterwards if the Government wanted any part of it. The details of the question of getting part of Section 9 were left. Of course, I told him I had every reason to believe that we could secure a title to the whole of it.

132. Did you, in the course of the transaction with the Under-Secretary, make any arrangement with him that the sum which was paid to you should not be placed on the estimates for that year?—We had no conversation on the subject.

133. No suggestion from you that the sum should not be placed on the estimates?—Certainly not. We entered into the transaction the same as we would with any private person—presuming the Under-Secretary was authorised to negotiate.