

Street. It is valueless to sell. Any value it had is taken away by the railway, which runs alongside it and leaves no means of access. If the Government made a road to it, it might be worth £5 a year; without the road it is not worth more than £1 a year.

By Mr. MACKAY: The section in Gladstone Street was on the freehold side. It was owned by Mr. O'Connor, but I will not swear whether or not he got a section in lieu of it.

The COMMISSIONERS: What was the number of the section in Gladstone Street?—It was a small piece of ground on the Native Reserve. I paid rent on section 105 until the Government refused to receive it. In the first claim I valued it at £50, but the value has decreased since then; in fact it is of no value. When I sent in a claim to Mr. Mackay in May last, I put down the £50 as a mere matter of form. I do not think the section was worth £50, but I thought that did not matter much. I bought section 18, Rintoul Street, from Mr. Grant, to whom it was allotted by Mr. Commissioner Sharp in lieu of a section in Kennedy Street, I think. I cannot say what the section is worth now, as it has been dug away by the Government until there is little of it left. I believe I am entitled to £50 compensation for that section. When it was taken by the Government it was looked upon as a valuable site. I was going to build upon it. It would be much more valuable if the blank space between Rintoul Street and Wakefield Street were cut up into allotments. I should think the section would be worth £15 a year if it were let out.

By Mr. MACKAY: The consideration to Grant for this section was £50. I did not pay him any money. I dealt with him for another section. The amount was to be £50, and Grant gave me a receipt for that sum. No money passed. In fact I gave nothing for it.

Why then did you get a receipt for £50?—It was a bet for the two sections, and I won the bet.

And you consider, under such circumstances, that the section is worth £50.—Yes.

Mr. FISHER: You considered you were risking £50 against his £50?—Yes.

The COMMISSIONERS: You drew lots as it were?—Yes.

Mr. FISHER: Could you ever have sold the section for £50?—I never tried.

Mr. MACKAY: Why did you get a receipt?—In case I should have to get a title.

Do you consider it gave you a valid right to the title?—I considered I was entitled to receive any title Grant got.

When did the transaction take place between you and Grant?—It was in July, 1872, two or three months after the allotment by Mr. Commissioner Sharp, and I was going to clear it and occupy it just as the railway was commenced. Then the contractors used the section. At the time I had the transaction with Grant I had no idea the section would be taken for railway purposes. It was generally understood the railway would come in at the bottom of the town.

The COMMISSIONERS: If 105 is valueless to sell, why should 18 be fixed at a value of £50?—Because section 18 is on a street already made; 105 is in the bush, with no means of access. I considered 18 was worth £15 a year to let.

The COMMISSIONERS: You do not appear to be very careful in the statements you make. You must remember that this is an important inquiry; and when people come here to make claims, they must give good reason why they make such claims. They must not trifle with their oaths. We are here to do substantial justice to all parties, and we shall do substantial justice to all parties. We are not here to be played with, neither will we be played with.

Mr. FISHER: Suppose the Superintendent had granted the lease of that section, what would the unexpired term be worth?—I believe it would be worth £50.

The COMMISSIONERS: What is its market value now?—I do not think you could get any person to buy it.

Then it is a fancy value you have put upon it?

Mr. FISHER: It is a value that has been paid for sections in the immediate vicinity.

The COMMISSIONERS: Corr has never done anything to the section, so that he cannot be said to have enjoyed it. Therefore there can be no deprivation, as we may term it.

WITNESS: I say that the section is not worth much now, because it has been destroyed by the Government. Section 117, Fonblanque Street, I bought from Mr. D. Emanuel, to whom it was allotted by Mr. Commissioner Sharp. [Mr. Mackay admitted allotment to Emanuel.] I am willing to keep the section upon the terms proposed by the Superintendent; but its outside value is £2 10s. per annum. On a previous occasion I valued the section at £50, but that was an over-estimate. At the present moment it is valueless. I put the £50 into the former claim as a matter of form. I claim £2,600 for section 47, Wakefield Street, because I consider it the most valuable section in the town.

Mr. FISHER said that as this was a large claim, he would produce independent testimony as to value.

The conveyances of the section—Martin to Monaghan, Monaghan to Bayfield, and Bayfield to Corr (seven years' lease)—were put in by Fisher.

WITNESS: I bought the section to erect a store. The clearing and the erection of the store cost over £200. It had a peculiar value to myself by reason of my occupation as a merchant here. I used it as a store to receive goods from steamers, and it saved me a very large sum in cartage. It was in close proximity to the only wharf there was in the town. It had a frontage to the whole of it. I have paid Bayfield the rent hitherto, and paid the Government one year's rent at the time. The Government would not receive any more rent, and consequently I have not paid any since. £2,600 is a *bonâ fide* estimate of the value of the section. The Government moved my store from it, and paid the cost of removal; but there was a stipulation that this transaction should not interfere with my claim for compensation for the section. The store being close to the wharf, I saved a considerable amount in cartage. If the place had prospered as we all hoped it would, the store would have been of considerable value as a receiving store. It would have been worth £300 a year to me, and I should have 100 feet of ground available for letting. I received an offer of 30s. a foot per annum from McKenna, a butcher, who wanted a lease of the spare ground for three years. I had no other offers. I am liable now to the charge of £20 a year for the unexpired portion of my seven years' lease. When I had my store at the wharf, I was not compelled to bring my goods down to the store in Cobden Street.