

paid; that refers to some other compensation?—Yes; to another piece of land immediately alongside of this, and also to the deprivation of access.

*Dr. Giles*: That objection was in April, 1886.

THOMAS MACKAY further examined.

263. *Mr. Napier*.] You say, Mr. Mackay, that you consider the sum of £1,250 was sufficient for compensation for the land and for the consequential damages by reason of the battery being placed so near the house?—Yes.

264. You were under the impression at that time that a claim for consequential damages by reason of the proximity of the battery could be made?—Yes; so far as the injury to the ground. If you look at the Act of 1885 you will find there are certain damages excluded—that is, supposed to be damages—from firing or anything of that sort. My estimate was for what I considered would be consequential damages to the property as a residence.

265. By reason of the use of the battery?—Yes; by the curtailment of the place and the objectionable features of a battery.

266. The value of the land actually taken—that is one thing?—Yes.

267. You couple with that consequential damages by reason of the battery being placed so near the house, and the two things come to, by your estimate, £1,250?—Yes. I should explain with regard to this estimate of £1,250, it was made before the Act had passed in August, 1885, which defined what damages were to be considered in lands taken for defence purposes. So I had nothing to guide me except my experience of the working of the Public Works Act of 1882.

268. Then, you were not aware that under “The Public Works Act, 1885,” no such consequential damages could be claimed by reason of the proximity of the battery?—My estimate was made before that Act was passed.

269. Supposing that had been brought under your notice, would the amount which you then would have estimated as the value of that land have been less?—Yes; it would have been modified.

270. Very materially, I suppose?—I could not say. I was taken quite unawares with regard to this Commission being held here. I have no papers here. All I can speak of is from recollection. I have no papers here to guide me as to what were my calculations.

271. But, still, the firing of the artillery of a port would be a serious detriment to a residence?—Yes, certainly.

272. And you did take that element into consideration in fixing this £1,250?—Yes; my estimate was made a good many days before I knew anything about the Act.

273. Had you seen the Bill which was then before the House before it became an Act?—No.

274. Had you any knowledge of the contents of that Bill which was being passed through the House?—None whatever until it reached here, on the day of the sitting of the Court, and it was then telegraphed.

275. Seeing that the element of the proximity of the battery was such a large thing, could you give us any idea as to the proportion of the £1,250 that element constituted?—No.

276. But it would be a large proportion, I suppose?—It would be a reasonable proportion.

277. You say you had numerous conversations with Mr. Kissling and his solicitors?—Yes.

278. During any of those conversations did either Mr. Kissling or his solicitors mention anything to you as to Mr. or Mrs. Kissling being desirous to acquire the freehold of that land?—It never was broached.

279. When did you first hear of that desire of Mr. Kissling's?—I never knew that they expressed such a desire. I am not aware what led up to their getting the freehold.

280. Then, did you have no part whatever in the arrangements which were finally settled by the Special Powers and Contracts Act?—No part whatever.

281. *Dr. Giles*.] I should like to ask you, as a land-purchase officer, what would you think of the probable increase in value in forty-eight years of any of that land—that is to say, supposing £6,000 was fixed as the then value of the complete interest of the whole of that land? Would you consider that it ought to increase considerably in the course of forty-eight years, or not? Would you reckon on an increase in making an estimate?—That is, above the £6,000?

282. Yes?—Well, I am not of so sanguine a nature as a great many people here about the increased value of land in the future. I doubt whether it could be so very much more valuable than what it is—than £6,000—because there are a great many other places in competition with it; and I consider the battery, if it is left there—and I suppose it is a fixture for all time—I think it will always militate against the value of that place.

283. Is your opinion on that point modified by the state of things which has occurred since in Auckland?—Land values have depreciated very much since then.

284. At that time, do you think it would have been fair to estimate the then value as the same as the prospective value at the end of forty-eight years—that is, looking at things in the same light as they were then presented in 1885?—At the time I was pretty sceptical as regards the values of all the properties about here, and I think £6,000 was a very outside value.

285. For the then present value?—For that property, including both the interest of the trust as well as the leasehold interest.

286. And at that time you would not have thought it too small an estimate for the probable value of the land at the end of forty-eight years?—I certainly would never have recommended £6,000 at that time.

287. As the then present value?—As the then value of the two interests.

288. Supposing that was too much for that time, was it too much or too little to take as an estimate of the probable value at the end of forty-eight years?—I should say that £6,000 was a very fair, a liberal, estimate.