erty in question?

(Objected to, as substituting Mr. McClean for Court, Commissioners and jury.)

A. I consider the lines as run at four degrees variation to be the correct lines.

Examination concluded.

Henry H. Rodgers, (real estate agent,) called to testify as to the value of the land in controversy, sworn:

By Commissioner Wilson:

1 q. Have you made a personal examination of this property in controversy in the park, near the pump house?

A. I have; I am familiar with the property, having seen it frequently in going to the park; I have observed the topography of the land there; I have not examined the property with reference to this case; I was out of town when I was summoned to go out there and make an examination.

2 q. Do you think you know enough about the property (something short of ten acres,) to express an opinion as to its present value?

A. I think I do.

3 q. What valuation would you put on it as a whole?

A. It is (if I may be permitted to say) a peculiar piece of property, and the question is embarrassing for a broker to answer, for the reason that it is not in such a position as property generally is, where streets are run through, and all that; I have thought over the matter; I have also talked to a broker who is to be examined in regard to the property, and I have made up my mind that that property is worth about ten thousand dollars an acre; I have come to that conclusion

from knowledge I have of property per front foot binding on the park, just this side of that property; the city is building up to the park rapidly, and there soon will be no property there for sale or lease; which fact is to be considered in connection with estimating the present value of this property, without referring to other considerations, the property is very desirable as it is.

4 q. There is a difference in the value of the east end and the value of the west end; you will notice there is a ravine or hollow at the east end?

A. (After inspecting plat) I know there is a decline, a ravine, below the pump house; there is some difference in the value of the two pieces.

5 q. Suppose you draw a line through the middle of the property, what would you say was the valuation of the upper half and the lower half?

A. This is very pretty ground; I think, considering the little quantity that is impract.. able for building purposes, there would not be much difference in the values; that part, (indicating,) may be as much as an acre, might be worth seven thousand dollars, and the rest ten thousand dollars an acre.

6 q. You would not add to the value of one by increasing the value of the other?

A. A great deal of this portion (indicating) is so beautiful for building on, and the other portion is so very minute, that that fact would not make any difference in the sale of the whole ten acres; I think a person would give that (ten thousand dollars per acre) as the average price for the land as a body.

By Commissioner Whiteley: