JAMAICA

(2)

25 OF 1969

IN THE PRIVY COUNCIL

ON APPEAL

FROM THE COURT OF APPEAL JAMAICA

BETWEEN	THE COMMISSIONER OF VALUATIONS	APPELLANT
AND	JAMAICA GYPSUM LIMITED	RESPONDENT

Record

Prepared by

THE CROWN SOLICITOR

Kingston, Jamaica

2, 1971

PRIVY COUNCIL APPEAL 25 OF 1969

BETWEEN THE COMMISSIONER OF VALUATIONS—APPELLANT

AND JAMAICA GYPSUM LIMITED —RESPONDENT

DOCUMENTS INCLUDED IN THE RECORD

INDEX

LIST OF EXHIBITS

No.

1 Part of Jamaica, a Cadastral Map relating to part of Parish of Saint Thomas. (Under separate cover).

2 Estimate of Alternate Route to Rock-Bin.

3 Composite Plan. (Under separate cover).

4 Map by Hunting Survey Corporation of part Bull Park Pen. (Under separate cover).

5 Certified copy Valuation of Cambridge Heights.

6 Estimate of Sub-Division Costs.

7 Estimate of Cost Alternate Route in 1960

8 Estimate of Costs of Existing Access Route.

9 Certified Copy Valuation of Glenfinlass

10 Certified Copy Valuation of Mezgars Run

11 Certified Copy Valuation of Moorefield

12 Certified Copy Valuation of Palisadoes Heights

13a Contract for sale of house under Windsor Housing Scheme to H. Kenton.

13b Contract for sale of house under Windsor Housing Scheme to V. Dixon

14 Certified Copy Registered Title Bull Park Pen Property. (Under separate cover).

15 Certified Copy Registered Title Cambridge Heights Limited. (Under separate cover).

16 Certified Copy Title showing transfer from Patrick Chung to Edward Barford of Glenfinlass—Volume 540 Folio 59. (Under separate cover).

17 Copy Contract of sale of Cambridge Heights to Karl Hendrickson.

DOCUMENTS NOT INCLUDED IN THE RECORD

1. Application for Order granting Extension of Time.
2. Order granting Extension of Time.
3. Application for Order granting further Extension of Time.
4. Affidavit.
5. Order granting further Extension of Time.
6. Supplemental Affidavit.
7. Application for Order granting Final Leave to Appeal.
8. Notice of Intention to use Affidavit.
9. Affidavit.

COPY

LAND VALUATION LAW

(Law 73 of 1956)

NOTICE OF VALUATION

VALUATION DISTRICT OF ST. THOMAS

JAMAICA GYPSUM LTD.

ADDRESS:

HARBOUR HEAD KINGSTON 2

PROPERTY ADDRESS: BULL PARK PEN

Unimproved Value

£14800

Improved Value

£

22674

Name of Person in Posssession (Surname First) Followed by

Name of Owner (Where the owner is not the person in possession)

Valuation Date			Lot No.	Deposited Plan	Volume	Folio	Property Area			Property Frontage		Dimensions Depth	Valuation No.	Services
Day	Mth.	Year					Acres	Rds.	Poles	Feet	Ins.	Feet		
1	9	60					99	0	16				21203004001	

Servicess Codes

1 Electricity
2 Fire Protection
3 Water
4 Sewage
5 Sanitation

Take notice that I have entered on the Valuation Roll the valuation of the Land described hereon at the amounts respectively stated. Should the owner desire to object, his objection should be lodged with the Commissioner of Valuations 8, Ardenne Road, Half-Way-Tree within thirty (30) days after service of the notice.

Forms which set out the grounds of objection may be obtained from any Post Office or Collector of Taxes in the Valuation District or the Commissioner of Valuations.

In all correspondence please quote Valuation District and Valuation Number.

Commissioner of Valuations.

Date

1a

COPY

FORM NO. LVD. 5

THE LAND VALUATION LAW (No. 73) 1956

NOTICE OF OBJECTION

The Commissioner of Valuations,
8 Ardenne Road,
Halfway Tree,
Kingston 10.

Objection is hereby made to the entry on the Valuation Roll under Valuation No. 21203004001 Valuation District St. Thomas Parish St. Thomas Property Address Bull Park Pen Area: 99 Acres 0 Roods 16 Poles Frontage Depth Unimproved Value £14800.

GROUNDS OF OBJECTION (see back hereof)

I contend that the valuation should be altered as set out hereunder for the following reasons:—

1. The value assessed is too high.
2. The area of the land is 95 A. 0 R. 32 P. not 99 A. 0 R. 16 P. as stated in the notice of valuation.

The unimproved value contended for by me is £2000 0s 0d.

Jamaica Gypsum Ltd.
(sgd.) M. D. Lewes.

Signature of owner or authorised agent.

Address for service: Box 11, Kingston 2.
Date: May 17, 1961.

BELOW THIS LINE FOR OFFICE USE ONLY

Date of Valuation — Notice Issued

Objection Received — Acknowledged

Decision.

The Land Valuation Law (Law 73) of 1956.

GROUNDS OF OBJECTION

Section 20 of the Law states that objections shall be limited to one or more of the following grounds:

(a) that the values assesses are too high or too low.

(b) that lands which should be included in one valuation have been valued separately.

(c) that lands which should be valued separately have been included in one valuation.

(d) that the person named in the notice is not the owner of the land. 10

COPY

Ministry of Agriculture and Lands,
Land Valuation Division,
8, Ardenne Road,
Kingston 10.

Ref. No. 0/5163--6B/104

The Land Valuation Law (Law 73 of 1956)

DECISION OF COMMISSIONER OF OBJECTION

Sir,

Re Valuation No. 212/03/004/001

I have to advise that the objection lodged by you in connection with Valuation No. 212/03/004/001 has been considered and the following amendments made:—

Acreage from 99 acres 0 rocd 16 perches
to 95 acres 0 rood 32 perches

Unimproved Value:—from £14,800
to £ 9,500

Unless within thirty days of the service of the Notice of the above decision you request, in writing that the decision be referred to a Valuation Board for review in accordance with Section 22 of the Land Valuation Law, 1956 the decision hereby notified shall stand and the matter will be deemed to be concluded.

The Collector of Taxes has been advised accordingly.

I have the honour to be Sir,
Your obedient Servant

/s/ M. B. C. Scott,
for Actg. Commissioner of Valuations.

Messrs. Livingston, Alexander & Levy,
Solicitors,
20, Duke Street, Kingston.
c.c. to Collector of Taxes
Morant Bay.

Please amend your office copy of the Valuation Roll as above. Effective date 1st April, 1961.

/s/ M. B. C. Scott,
for Actg. Commissioner of Valuations.
20.3.60.

See back hereof for Appeal Provisions.

Section—(1) Any person who is dissatisfied with the decision of the Commissioner upon an objection may, within thirty days of the service of notice of that decision in writing request the Commissioner to refer the decision to a Valuation Board for review of the Valuation.....

(2) An appeal shall be limited to the grounds stated in the objection: provided that the Valuation Board may in its discretion permit the ground of Appeal to be amended.

COPY

Deryck H. F. Stone
C. C. Sandford
R. G. Sturdy, M.A. (Oxon)
Bruce B. Barker
G. A. W. Bourke
William F. Smith

P.O. Box 142,
20 Duke Street,
Kingston,
Jamaica, W.I.

LIVINGSTON, ALEXANDER & LEVY
Solicitors & Notaries Public

Associates
H. P. Myers
P. E. Levy
Solicitors

Cable Address
"Lival, Kingston, ja"
DHFS/PM —

Dear Sir,

Your Ref. No. 0/05163--6B/104
Re: Valuation No. 212/03/004/001
Jamaica Gypsum Ltd.—Part Bull
Park Pen, Saint Thomas

On the instructions of Jamaica Gypsum Ltd. we hereby give you notice that they are dissatisfied with the decision contained in your letter addressed to us dated the 20th ultimo, and in pursuance of Section 22 of the Land Valuation Law, 1956 we hereby request you to refer your decision to a Valuation Board for review of the valuation.

We have been unable to find any regulation prescribing the amount to be deposited with you as security for the due prosecution of the appeal, but if there is any such amount prescribed, we would be grateful if you would inform us so that we may deposit the same with you immediately.

Yours faithfully,

LIVINGSTON, ALEXANDER & LEVY,
Per: D. Stone

The Commissioner of Valuations,
8 Ardenne Road,
Kingston 10.

COPY

27th August, 1963

Messrs. Livingston, Alexander & Levy,
Solicitors,
20, Duke Street,
Kingston.

Dear Sirs,

re Appeal under Land Valuation Law —
Jamaica Gypsum Ltd. Valuation No. 212/03/004/001
Part Bull Park Pen St. Thomas

I am to advise you that His Honour the Resident Magistrate has fixed the above matter for Friday the 27th day of September 1963 at 10 a.m.

Yours faithfully,

sgd. Y. B. Watson
for Clerk Courts,
Saint Thomas.

c.c. Commissioner of Valuations,
8, Ardenne Road,
Kingston 10.

NOTICE TO ADMIT FACTS

Before the Valuation Board for the Parish of Saint Thomas

Holden at Morant Bay.

IN THE MATTER of the Land Valuation Law, 1956 (Law 75 of 1956)

AND

IN THE MATTER of an Appeal by JAMAICA GYPSUM LIMITED against Valuation No. 212/03/004/001 in respect of part of Bull Park Pen in the parish of Saint Thomas.

TAKE NOTICE that Jamaica Gypsum Limited the above named Appellant requires the Commissioner of Valuations to admit for the purposes of the abovenamed Appeal only the several facts respectively hereunder specified.

Dated this 24th day of September 1963.

LIVINGSTON, ALEXANDER & LEVY,
Per (?)
Solicitors for the Appellant.

To: The Commissioner of Valuations,
8, Ardenne Road,
Kingston 10.

The facts, the admission of which is required are:

1. The land the subject of Valuation No. 212/03/004/001 (hereinafter referred to as "the said land") was sold by Charlotte Elizabeth Harmon to Bellrock Caribbean Limited and the Certificate of Title therefor registered at Volume 526 Folio 10 was transferred by the said Charlotte Elizabeth Harmon by Transfer No. 80887 dated the 22nd and registered on the 24th March, 1949 to Bellrock Caribbean Limited for a price of £850.

2. That 520 acres part of Glenfinlass, Saint Thomas being the land comprised in Certificate of Title registered at Volume 305 Folio 15 was sold and transferred in October 1957 by P. W. Chung to Edward Barford for £20,000.

3. That Whitehall, Botany Bay, Relief and Mezgars Run in the parish of Saint Thomas containing 1,312 acres were purchased by Karl Hendrickson in about 1959 for £35,000.

4. That 112 acres 3 roods 13.1 perches part of Cambridge Hill in the parish of Saint Thomas being the land comprised in Certificate of Title registered at Volume 540 Folio 59 is the land on which the Cambridge Heights subdivision is situate and was purchased by Sydney Leopold Browney from Marie Louise Latty in 1949 for £2,000 and was transferred to him by Transfer No. 82003 dated the 2nd and registered the 13th of June, 1949 on Certificate of Title registered at Volume 32 Folio 90 of the Register of Titles.

5. That 10 acres 0 roods 30.7 perches part of Cambridge Hill aforesaid formerly comprised in certificate of Title registered at Volume 32 Folio 90 was sold and transferred on the 19th March, 1959 by Roy Fitzgerald Dyke to Sydney Leopold Browney for £340 by Transfer No. 138238 and is now comprised in Certificate of Title registered at Volume 939 Folio 8.

6. That the following lots part of the land comprised in Certificate of Title registered at Volume 540 Folio 59 were sold and transferred on the following dates at the following prices to the following purchasers and the lots are of the areas stated below.

Lot No.	Date Regd.	Price	Purchaser	Vol.	Fol.	A	R	P
65	16.1.61	£360	D. C. Ritch	967	622	0	2	26.2
51	27.1.61	£400	B. Meikle	967	623	1	1	00.
59	27.1.61	£280	D. Rambana	967	624	0	2	06.
56	27.1.61	£280	S. G. Thompson	967	625	0	2	08.5
66	27.1.61	£360	C. L. E. Bent et al	967	626	0	2	29.1
25	27.1.61	£380	C. A. Seaton	967	627	0	3	26.7
11	10.5.61	£290	D. E. Josephs	975	480	0	2	14.5
13	10.5.61	£390	A. A. Barrow et al	975	481	0	3	01.1
62	10.5.61	£325	M. G. Mulai	975	483	0	2	35.1
35	10.5.61	£325	M. G. Mulai	975	483	0	3	12.2
73	10.5.61	£460	L. G. Cooper	975	484	1	1	2.8
20	10.5.61	£250	I. L. Thomas	975	485	0	1	32.8
63	17.8.61	£380	O. J. Earle	976	640	1	0	30.5
30	18.8.61	£440	V. C. Robotham et al	977	274	1	1	23.7
58	22.8.61	£280	B. I. Holing	978	135	0	2	10
17 & 18	22.6.62	£640	D. C. M. Shirley	983	66	0 0	2 2	18.4) 02.7)
19	22.6.62	£270	L. A. Foster	983	67	0	1	35.5
61	22.6.62	£300	D. M. Anthony	983	68	0	2	11.3
14	22.6.62	£410	E. Lee	983	69	0	3	21.6
49	22.6.62	£400	S. E. Thomas	983	70	1	0	29.2
8 & 9	12.12.62	£720	D. S. Gayle et al	988	79 80	0 0	3 3	03.5) 34.7)

7. That the Central Housing Authority sold and transferred the following lots part of Windsor Lodge in the parish of Saint Andrew being part of the land comprised in Certificate of Title registered at Volume 506 Folio 35 on the following dates to the following persons at the following prices and the lots are of the areas stated below:

Lot No.	Date	Price	Purchaser	Vol.	Fol.	Area Sq.Feet
4	14.1.59	£40	I. A. Lamont	849	83	52,673.8
12	26.5.59	£40	E. Bennett	850	43	32,336.5
8	31.7.59	£40	E. E. Brown	851	87	48,818.6
32	18.2.60	£142 0s. 9d.	H. Saunders	952	160	34,982.7
11	23.1.60	£40	V. Donald	956	369	38,426.1
19	6.4.60	£147 14s. 8d.	M. A. Lewis et al	956	370	23,115.4
97	19.4.61	£72	A. Henry	973	572	17,471.0
115	30.5.61	£72	H. Kenton	973	573	16,649.1
117	1.7.63	£72	D. Z. Dixon	994	53	15,602.8
58	21.9.63	£210	T. Robinson	996	535	10,698.9

P. G. MAIS

9th October, 1963

PGM: ar

Dear Sir,

Re: Jamaica Gypsum Ltd. Land Valuation Appeal
Valuation No. 212/03/004/001 Part Bull Park Pen, St. Thomas.

You were served with Notice to Admit Facts in connection with this matter on the 24th ultimo.

We should be grateful to have your formal confirmation that the facts mentioned in the Notice are admitted with the exception of fact No. (3) therein mentioned. 10

Your signature to the copy of this letter enclosed herewith will be considered as sufficient admission.

Yours faithfully,

LIVINGSTON, ALEXANDER & LEVY

Per ?

Mr. K. Rattray,
c/o Attorney General's Department,
Kingston.
Encl.

I admit the facts stated in the notice to admit facts dated 24th Sept., 1963 with the exception of fact No. (3) and subject to 20

(a) the right to question whether the prices reflected the true market value.

(b) the right to question the date of sales and purchase prices in relation to facts No. (7).

/sgd./ K. Rattray
10.10.63.

BEFORE THE VALUATION BOARD FOR THE PARISH OF SAINT THOMAS

HOLDEN AT MORANT BAY

ON 27th SEPTEMBER, 1963.

IN THE MATTER of the Land Valuation Law, 1956 (Law 75 of 1956)

AND

IN THE MATTER of an Appeal by JAMAICA GYPSUM LIMITED against Valuation No. 212/03/004/001 in respect of part of Bull Park Pen in the parish of Saint Thomas.

Mr. V. O. Blake, Q.C. instructed by Messrs. Livingston, Alexander and Levy for Jamaica Gypsum Ltd.

Mr. K. Rattray, Crown Counsel, for the Commissioner of Valuation.

Mr. Blake opens:—

Scheme of Law requires land to be valued on unimproved value. The Commissioner valued for £14,800 Objection taken. As a result reduced to £9,500. Jamaica Gypsum appeals against valuation of £9,500 as too high. Taxes on valuation £9,500 amounts to £133 14/- per year.

HISTORY OF PARCEL.

Land transferred 27.3.49 by Charlotte Harmon to Bellrock Ltd. for £850. Some time prior to 1954 Bellrock Caribbean entered into arrangement with United States Gypsum who set up a Company, Jamaica Gypsum Ltd.—who in 1954 transferred this land with six other properties for £900. Land is situated between mile posts 10 and 11 east of Wickie-Wackie and west of Cambridge Hill. Property stands between two sub-divisions which have grown up between 1953 and 1959. Land has frontage on road of 1200 ft. northern section. Terrain is such that lowest height above sea-level is 100 ft. and highest portion 400 ft. About one-third of it is very steep and rising ground. The remaining two-thirds rises steeply from the main road and levels out gently over the rest. One acre, one rood, 16 perches lie south of road—elevation being 70--100 ft. above sea level. Southern portion of a frontage above sea level. Northern boundary of a southern piece is below road level and slopes down a gully. No portion of this land has a view of the sea. Land is dry and hot and does not enjoy benefit of any sea breeze, Rainfall is very poor. Up to 1930 land used for raising cattle—on account deforestation totally impossible for cattle to survive—only purpose now—goat rearing. Soil is rocky—Vegetation consists of scrub and small trees here and there.

Land is used as an access road to a Quarry. Quarry is not on this particular road. When Gypsum Ltd. acquired, there were no mineral deposits there. It was acquired as part of an omnibus deal. There are no mineral deposits on this bit of land. Only use of this bit of land is it serves to provide them with an access road to a quarry higher up. Alternate route to quarry is available to the Gypsum Ltd. Quarry is about three-quarters of a mile from boundary of this bit of land.

In 1962 Gypsum Ltd. made application to the Parish Council to sub-divide part of this land for the purpose of resettling peasants. Scheme was turned down as there was no water supply.

Water Supply.

Property is served by Bull Park River—flow of river is estimated 20 gallons per minute—1200 gallons per hour. There are no people living on land except for one sample house—Pipe 1 and one-half inches in diameter runs along main road—supplied by K.S.A.C. to St. Thomas Parish Council by agreement. That supply inadequate even for needs it is supposed to cater to.

To the west of Bull Park is Windsor Lodge, a Government subsidised settlement. Windsor Lodge has 72 lots. Were Bull Park Pen to be subdivided, development costs would be in the vicinity of £38,500. Of the 95 acres only 55 acres capable of being sub-divided. These 55 acres would yield about 94 lots. Another element for consideration would be what was the state of the market in 1960. There was a slow-down in the land buying craze in 1960. In 1960 all lots except Cambridge Hill had been opted for—

Matters to be taken in consideration

(1) Was Bull Park Pen ripe for development?

(2) Comparable sales of similar land.

(3) Potential use of land.

Refers to case Conrad Hall vs. Commissioner of Valuations.

Cambridge Hill lands are completely different lands from Bull Park Pen. Cambridge Hill valued £10,800. They have excellent view, better rainfall, better soil. Medzars Run valued £35,000 at average of £26 per acre. Large parts of it are comparable to Bull Park Pen. Those which are not are much more valuable.

By Consent.

Part of Jamaica a Cadastral map relating to part of Parish of St. Thomas, tendered and marked Exhibit 1. Locus in quo visited.

On 18th October, 1963.

Appearances as before.

MICHAEL LEWES (sworn)

I live at No. 4 Pinkies Green, Kingston 6, I am a Bachelor of Engineering, McGill University, and Manager of Jamaica Gypsum Ltd. for 3 and one-half years.

Prior to be appointed manager, I was with the Company. Have been with the Company since October 1955. I know Company's land at Bull Park Pen in St. Thomas. That property is 95 acres 32 perches. It is immediately to the east of the boundary with St. Andrew.

I know Dry River in Saint Andrew which runs through Harbour View Housing Estate. Most westerly point of Bull Park Pen is approximately 5 miles west of Dry River. I know Roman Catholic Church in St. Andrew which is west of Bull Park Pen and east of Dry River Bridge. From Roman Catholic Church to Bull Park Pen is about three and one-half miles. East of Catholic Church is the Wickie-Wackie sub-division which is approximately two miles west of Bull Park Pen. On the eastern side of Bull Park Pen is the Cambridge Heights sub-division. The nearest part of Bull Park Pen to the Cambridge Heights sub-division is approximately 3 and one-half miles.

Bull Park Pen is traversed by the main road leading from Kingston to Morant Bay. The portion of Bull Park Pen north of the main road is 93 acres in area. Boundaries of northern portion are North—Bull Park River, South, the main road, East—John Canoe Gully, West—by same Bull Park River, Frontage on main road of Northern portion is about 1200 ft.

At point Land meets main road the elevation is about 100 ft. above sea level. Land rises gradually from main road and achieves highest height in North eastern section where highest point is about 400 ft. In the north eastern section there is a pronounced hill ranging in height for about 200 to 400 ft. above sea level. About one-third of the total area—roughly 31 acres is hilly—remaining two-thirds of portion of North of main road rises from main road at first quite steeply and then it levels out gently.

My Company constructed a road through the land. I was not with the Company when the road was constructed. The road was in last stages of construction when I arrived. Road runs through two-thirds section more or less cutting it in two. Road runs to the crush rock

bin where the gypsum is drawn. Crush rock bin is in Saint Andrew. It is not on Bull Park Pen. Portion of Bull Park Pen south of main road consists of a little more than one acre. It is bounded North—by the main road, South—by a gully, East—by Oliver Wray, West by a Mr. Lamont. Lowest elevation of Southern portion is 70 ft. above sea-level and highest about 100 ft. Width of southern strip is 100--120 feet at its widest point. Frontage along the road is 600 feet approximately. At northern boundary of southern portion land is below level of main road and slopes down to southern boundary. South of the gully which is southern boundary there is a range of hills part of the Sugar Loaf Mountain. Width of land is very irregular. Average width would be about 80 feet.

Bull Park River is normally a trickle of water. Bull Park River could in volume supply about 20 household. I took a test to estimate the flow. It was about 85 gallons a minute. This was shortly after heavy rains. In normal times I would estimate it at about 20 gallons a minute. That is why I said 20 household. I allow a little over 1,000 gallons to each householder per day. The water tastes a little saltish-brackish. I discovered it has sodium chloride in the water. I had a test made by the Government Chemist. If one intended to tap Bull Park stream for household purposes, purification would be necessary. It would require pumping and storage facilities. Rainfall in that area is very low. I would estimate it at 25 inches per year. No public supply of water is available. There is a water main passing along the main road. The St. Thomas Parish Council is in control of that part of the main which is in St. Thomas and the K.S.A.C. of the part in St. Andrew. Main is supplied by a reservoir at Green Vale at Nine Miles. Main not sufficient to deal with needs of a Housing settlement at Bull Park Pen.

Yes, the Company at one time thought of putting up a Housing settlement on Bull Park Pen for people who complained about the blasting operations of the Company i.e. for persons living on an adjoining property. An application to sub-divide the land was made to the Parish Council. The proposal was for eleven lots. The lack of water gnarled the proposal. One house has been constructed on the land for a person the Company has been trying to resettle. I made application to the Parish Council for water to be supplied to that one house from the main. The application was refused.

North of the main land the land is rocky and powdery. South of the main road it is similar but with more sand due to the proximity of the gully. As far as retaining water is concerned the land is very poor. The vegetation on the land is scrub-bush of very poor quality. I attempted to plant Kush-Kush grass on the embankment in order to retain them. Found it very difficult to grow on account of the lack of moisture. There is a small area of guinea grass on the land in northern portion—west side of road—about the middle going up road. Guinea grass about 3 acres fenced. One of our employees asked me for permission to grow guinea grass to feed 3 horses. Permission was granted. He fenced the land and planted the guinea grass in one area there was a mound—pushed back by a bulldozer—employee spread earth from mound by hand. About one-half acre did very well—the rest did not flourish.

In the 4 months employee has been growing grass horses have been able to feed on it five weeks. He has made other arrangements in August Town.

Bull Park Pen was bought by Company from Bellrock Caribbean Ltd. Bellrock Caribbean Ltd. bought it in 1949 from Charlotte Elizabeth Harmon for £850. When my Company bought out Bellrock the price apportioned for Bull Park Pen was £900. In my opinion Bull Park Pen has no agricultural potential. The land could be used for rearing goats. At the moment northern portion serves only to accommodate the Company's access to the Rock Bin. There is a road known as Salt Spring Parish Road. Road through Bull Park Pen runs to a point where it meets Salt Spring Parish Road. Junction of road and Salt Spring Parish Road is outside northern portion of the land. It cost £15,000 to construct the road through the property

to the junction with Salt Spring Parish Road. Assuming that the Company wished to give up Bull Park Pen there is no alternative road to the west of Bull Park River. For part of way there is an existing road for about two-thirds of the way. The entrance to this alternative road is right by Ten Miles—entrance to Windsor Lodge—by one Hall's shop. That road is a public road. To use that road there would have to be improvements to existing road and one-third part of the road would have been built.

From entrance to Windsor Lodge to the junction by existing road is one and one-quarter mile. To improve existing two-thirds and building one-third road to junction at Salt Spring would cost £16,900. Assuming I got into difficulty improving road from Windsor Lodge and building non-existing one-third, my Company could apply under Mines Law to Commissioner of Lands for a right of way, or, failing that, my Company would have to put in a overhead tram line. Where Bull Park Pen there are no substantial houses in the area. There are a few grocery shops supplying minimum needs.

Some of the people living in the area work for our Company and the rest eke out a precarious existence fishing, and rearing goats.

I know Windsor Lodge Housing Estate. It is situated to west of Bull Park Pen. There are about 50 houses on Estate—some are concrete nog—some are frame. Most one or two bedrooms. There is no water supply in area. There are one or two standpipes. There is no electricity. I would say from about 10% of Bull Park one can have a view of the sea. That would be from the northern part of the land.

Area is a very hot area. We don't get a very lot of sea breeze there. I would say that is due to the fact that it is blocked by Sugar Loaf Hill. There are no gypsum deposits or other economic mineral in Bull Park Pen.

XXD. BY MR. RATTRAY.

I came to Jamaica in 1955. Had not visited Jamaica before. Yes, there was a parish road before my Company acquired the property. The former road used to be used by heavy equipment. Bellrock had a road there—but not exactly same property road. If £16,900 spent heavy equipment could be used on alternative road. Yes, Bellrock used heavy equipment to carry on mining just as my Company now does but in a lesser way. Don't agree if alternative road were to be used the gradient would be much steeper. Yes, alternative road would require a number of culverts—abut 300 feet. There is one culvert on the existing property road.

Yes, it is correct to say that because of existing road this property is of considerable value to my Company as a means of access to the area of mining—but the volume of traffic we put on the road would not be accommodated unless we had built the road. Yes, it would be correct to say that what we did was to improve considerably the road used by my predecessor—in parts. We improved road through property by £15,000. I would say from my knowledge of mining operations Bellrock would have required a road of less than £7,000 in value. I was told of an old parish road through the property to which the public has a right. Public now use our road. Yes, I understand that there were some properties purchased at the same time with Bull Park Pen. Existing road through land started some time in 1954 and finished in early 1956. I would say that road would cost about the same amount in 1960. In 1960 the alternative road would cost about the same £16,900 for improving it.

The length of the existing property road the junction is about three-quarters of a mile. In case of alternative road it would necessitate travelling in parts near to the edge of the river bed. In heavy rains like "Flora" it would require some protection. In alternative road it would require a certain amount of blasting operations—not so in existing road. I would say to remove rock in that particular area would cost about £1 per cubic yard. I would say to

excavate sand would cost 2/- per cubic foot—not 3/- per cubic foot. The alternate route would require greater excavation. Out of estimate of £16,900 for alternate route, I estimated £10,000 for rock excavation. I never saw existing road before it was built. I am dealing with same type of road in comparing existing road with alternate route. The main expense on existing road was filling in the culvert. Culvert alone on existing road cost over £4,000. Don't know whether Bellrock used to have a storage on the right hand side going up. My Company carries on the mining of Gypsum. I understand under section 5 of the Mining Law my Company would be able to get some right of way.

Question: Will you agree that in 1960 the property as bare land situated as it is in relation to the Company's operations would have been of the value of at least £9,500 to the Company in view of the advantages offered in the way of an access route and in the other respects in which it accommodated the Gypsum operation?

Mr. Blake objects:—

(1) Question seeks to canvass the opinion of witness on which it is the Tribunal's responsibility and function to decide.

(2) Question is a double-barrelled question because it seeks to get an answer related to the value to the Company of the land as an access route as well as other respects not specified or identified.

(3) Question is based on a false premise—false premise being value of land to the Company as an access route must depend upon the question whether an alternative route is available or not. Question is posed on the hypothesis that no such alternative is available.

Mr. Rattray:—

Re (1) Question re value is legitimate in valuation cases.

(2) It is not necessary to itemise other respects.

(3) It is not based on a false premise.

Question not allowed.

Question: In relation to the Company's operations, would you agree to the totality of the value of this property to the Company as a bare land is at least £9,500?

Answer: No.

Question: How much do you agree then, relating to that question it would value?

Answer: £2,000.

When I say land is rocky, I meant if you dug up the soil you would find pieces of rock under it. All the land came originally from rock. It is same basic type of rock which would be found on the alternative route. I know Cambridge Hill. I agree feature of Combridge Hill is quite different from this land. Yes, there are two distinct slopes in the 400 feet area—one sudden, one gradual. There is slope in area between 200 feet and 400 feet. That area could be built on, but it would be difficult. I don't know if under that dirt there is rock. Slope in northern area is about 1 in 4. Slope from 400 feet down would be a steep sharp slope. There is a piece which slopes precipitously towards the gorge and another piece which slopes away gradually in general terms. A few people live around the area.—Estimate 1,000 gallons per day to a household of say ten persons. I estimate the 1,000 gallons for domestic purposes—bathing, washing, drink, watering, irrigating purposes. I would not accept 500 gallons a day as a better estimate.

I did hear that a water supply from Llandewey was being considered for the entire area. I heard of that in the last six months.

Question: Were you aware that in 1960 there was an existing possibility of water coming to that area—an adequate supply in a period not remote?

Answer: No. When I submitted sub-division plans to the Parish Council, I contemplated getting water from an artesian well on a property in Saint Andrew from Brooks Pen. This has turned out to be impossible. Yes, I mentioned this on the application to the Parish Council. I have made an application for sub-division to the Parish Council without consideration being given to the water supply. This is application in which I contemplated getting water from the artesian well. I have not received any reply from the Parish Council in respect of fresh application. In former application for sub-division which was turned down I had asked the Parish Council to supply water. Period during which horses were put in guinea grass area—June—September 1963. Horses last grazed there in August.

Question: Do you think with proper husbandry grass would grow over the whole area?

Answer: No.

Employee used a little gasolene pump to water area he grew guinea grass on. I agree that two-thirds of northern area and section with 200--400 ft. contours is physically capable of being built upon. Portion which slopes from 200--400 ft. would require a considerable amount of work. A lot of levelling and drainage work would have to be done. Yes, steeper slopes would provide a better sea view than the lower slopes.

I would say the more southerly portion would be more valuable from the standpoint of "building land". Yes, there is a Police Station fairly close, about one and one-half miles away from the land. Rural transport passes on the main road. Yes, J.O.S. buses stop about 4 chains from the property. Yes, there is a Post Office about 8 chains from the property. Yes, electricity passes on the main road. There is no telephone available for use in Bull Bay. I wanted telephone service and they wanted £2,000 to put the line in. Yes, there are bathing beaches in the Wickie-Wackie area. Yes, there is a school adjoining the property. Yes, there is a church too. Yes, there is an existing village. The estimate of £16,900 for alternative access route does not take in consideration any land that would have to be required. The cost to acquire any land would not be much. It would not be more than £1,000.

RE-XN. The major engineering problem involved in the existing access road was to put in the culvert across Bull Park River. That involved filling. The linear distance of culvert work was about 200 ft. Apart from culvert other engineering work was bulldozing, smaller sized culverts surfacing. There is no comparable culvert work involved in the alternate route.

The projects of the existing and alternative route are different. It is not possible to make any deductions from the cost of the alternative to the existing access route. I did say that alternate route is about one and one-quarter miles long. I made an error. Length of alternate route is 3400 ft. I have estimate that I prepared for alternate route with me. That estimate was prepared from a map and observations made. This is the map. I produced the Estimate. This is it. **(Tendered and marked Exhibit 2.)**

When my Company proposed to use a portion of the land, for sub-division those lots were not to be sold on a commercial basis. The proposal was to exchange them for lots in another area. Before making application for sub-division, I made an application to K.S.A.C. for water. This was referred to the St. Thomas Parish Council. It was refused. I then made another application for sub-division without water, contemplating use of artesian well, I mentioned that to the St. Thomas Parish Council. Artesian well supply, I now know is not practicable. I have not yet made that known to the St. Thomas Parish Council. This is a plan prepared by Mr. Stewart, Commissioned Land Surveyor. (By consent Plan admitted and marked **Exhibit 3).**

Question: Looking at Exhibit 3, could you describe the area of land you say could be built on with considerable difficulty?

Answer: Area shaded in green—area within the 300 ft. contour line. The area of this is roughly 10 acres. Looking at area between 200 ft. and 300 ft. contour line, I say the three gullies would make it even more difficult for building purposes. There would be an area between two gullies on which building could be done.

Prior to my Company taking over, I don't know quantity of Gypsum being exported by Bellrock. Their export was something less than 100,000 tons per year. My Company's exports have averaged over a quarter million tons over the past six years. Bellrock's mining operations would have been considerably less than my Company's. The left hand fork (Plan) of existing access road is the old parish road I spoke of. There are traces of it still.

To Mr. Rattray (by leave). 10

Yes, there is no provision in my estimate (Exhibit) for protective works by the river side. No, in my opinion it would not be necessary for protective works to be built between the culverts as area there is in rocks. We would take up the road high enough so that it could not be washed away. Two of the gullies are indentations but I would not call them small. They could be filled up, but other arrangements would have to be made for draining. Yes, they start on property.

By Consent—map of Hunting Survey Corporation Ltd. of a portion of Bull Park Pen and adjoining areas indicating contour lines and the alternate route spoken of by Mr. Lewes, tendered and marked **Exhibit 4.**

SYDNEY BROWNE (sworn):— 20

I live at 8, Tremaine Road, Kingston 6. I am Managing Director of Cambridge Heights Ltd. I purchased 112 acres of Cambridge Hill Estate from Marie Latty in 1949. I paid £2,000 for that 112 acres. I started off rearing goats on it. I sold a lot of fence posts. I tried planting various things, but that failed due to lack of water.

In 1956 I decided to sub-divide the land for residential purposes. I formed a private Company—Cambridge Heights Ltd. I owned a substantial portion of the capital of the Company. I sold the 112 acres to the Company for £26,000. The Company sub-divided roughly 72 acres of the 112 acres into 80 lots. That area sub-divided into 80 lots was valued by Land Valuation Comm. under the Land Valuation Law for £10,000. Certificate of Valuation for £10,000 tendered and marked **Exhibit 5.** 30

When I decided to sub-divide 72 acres into 80 lots I was informed that there was a water rights endorsed on the Title and that Government would eventually supply the area with water. The St. Thomas Parish Council assured me that they would press Government to supply water to the area. This was in 1956.

When I put my lots on the market in 1956, purchasers from me knew that water was expected. By September 1960 of the 80 lots about 69 of the lots were opted for.

Between 1956 and September 1960, no water supply was installed—nor up to to-day. Between 1956 and September 1960, I would say there was a boom in the state of the Land Market in Jamaica. A decline started when the P.N.P. Government started Housing Schemes. I would say a definite decline started in 1959. That decline reflected itself in volume of sales 40 at Cambridge Heights. Since beginning of 1960 no lot at Cambridge Heights has been sold.

I know Bull Park Pen. Compared with Bull Park Pen, I would say Cambridge Heights is superior for sub-division. The elevation at Cambridge Heights is 300 ft.--600 ft. The view to the sea is excellent. The rainfall is good. The soil is extremely good. It is almost virgin soil. I would have valued Bull Park Pen in 1960 for £2,700.

XXD. BY MR. RATTRAY.

I have done valuation of houses and lots of land for Milholland, Ashenheim & Stone from 1950--1956 for mortgages purposes. Since then I have done one or two. Yes, my experience is confined to Valuations for mortgages purposes. I have done valuations since the Law.

Unimproved value means the raw bit of land. Type of soil, climate, elevation, and location, would be things I would have to take into account. Yes, I would have to take into account its existing use. I don't suppose I would take into account any other use to which it is capable of being put. I did not make any inspection of Bull Park Pen in 1960. I have driven over Bull Park Pen. I know the area. I know the height. Yes, valuation of £2,700 is as I saw it in 1960. I know Bull Park Pen lies on both sides of the road. Yes, I valued both sides with the road. With the exception of the road there, I don't see anything else.

I sold the remaining 40 of my 112 acres for £6,000. The 40 acre bit was sold in 1957. 40 acre bit at least 3 miles from Bull Park Pen. Yes, contours of 40 acre bit are 750--1,000 ft. Yes, no light there. Yes, no telephone there. Yes, no J.O.S. transport there. There is an access road to 40 acre bit. Nearer 30 than 20 chains from the main road. That access road is a marl road. Yes, that 40 acre has been sub-divided and opted out. I sold my lots on 72 acre bit at average price of £300. There have been re-sales at £50 to £100 more than I sold for. Only one person has built a house on any of the 80 lots—Mr. Barrow.

Plants died out because there wasn't sufficient rain.

I sold a portion to Edith Lee. That was a re-sale. She bought for £410. It passed through me as we weren't paid up by the first buyer. This sale was in 1961. Don't know if lot—Edith Lee—was 3 roods 21.6 perches. Yes, I know Edith Lee's lot was re-sold for £820. Mr. Barrow built on it, so he had to buy it.

In 1960 there was a possibility of the water supply scheme. I was told by Mr. Sievright then Home Minister, scheme would cost £79,000 and each lot owner would have to contribute £25 towards the scheme. That water supply scheme not installed.

I do not think because Bull Park Pen is near the main road and a village it can be compared with Cambridge Hill. Blasting operations noise would affect Bull Park Pen as a residential area. Yes, part of Bull Park Pen are relatively level—some are below the level of the road—a good portion. Yes, level parts there would be relatively easy to develop, if you want the dust and the noise.

RE-XN.

The water supply, I heard from the Minister would not have included the Bull Park Pen area.

40 acres sold in 1957 to Mr. Hendrickson. At time I sold to Hendrickson, he understood there would be water supply from Mt. Sinai Scheme and Brukway. Area sold to Hendrickson best part of Cambridge Heights and view from there takes in Morant Point to Healthshire Hills. Area there—very cool.

The fence posts I cut down had effect of decreasing rainfall. I don't see the prospects of water going to Bull Park Pen unless they are going to deprive me and I haven't got yet.

The Cambridge Heights sub-division has not been a success in terms of profit to the Company. We are now losing as figures show.

On 25th October 1963 (continued)

Appearances as before.

CYRIL HELLAM STEWART (sworn):—

I live at 22, Grosvenor Terrace, St. Andrew. I am a Commissioned Land Surveyor. I know Bull Park Pen—Jamaica Gypsum Property in Saint Thomas. I did not make a survey of it but I made a Contour plan from various plans supplied me by the Company and by the Titles Office. This is a Composite Plan showing contours prepared by me from the various plan supplied me by the Company and the Titles Office.

Exhibit 3. Looking at Exhibit 3 the boundaries of Bull Park Pen are shown in Red. Those boundaries show that the land is bounded on one side by a river and a gully, on the eastern

side by a gully—southern side by the main road and a gully. Plan shows parcel of land below main road to the southern side. To north of main road the area of land is approximately 93 acres.

I have been over Bull Park Pen and I know it well. I would describe north of main road as rising very sharply from main road to a height of possibly 30 ft. of main road—then continuing north there is a gentle slope approximately 1 in 11 to the foot of sharply rising hills in between the Bull Bay River and the eastern boundary of the Canoe Gully. The elevation of the highest portion of the property is just over 400 ft. in the N.E. portion of the land. I know the Company's access road which runs through property to rock bin. This is shown on plan.

At a point some distance North of the Main Road the road forks. One road—the one on the west goes to the rock bin—the one to the east goes up to the mining area. I correct. The western fork of the access road is the old Parish Road. The other fork goes to the rock bin.

I examined that land for the purpose of coming to a conclusion whether any portion is capable of sub-division. I came to the conclusion that approximately 55 acres of it is capable of sub-division. Plan Exhibit 3 shows a certain area north of main road shaded in green. Remainder north of main road is not shaded. The area shaded in green represents the area I am of the opinion is not fit for sub-division for a residential area.

The area in white represents area I think is capable of sub-division for residential purposes. I would describe area in green at the N.E. section of the property as steeply rising hills serrated by gullies. That would be area bounded south by the Canoe gully and on the North by the Bull Bay river. That area (marked A) I cannot say if it is of no use for agricultural purposes as I am not an agriculturist.

The N.W. of the green shaded area shelves steeply to the Bull Bay River (marked B). The area in white is area capable of sub-division. That area would be capable of producing 94 lots for residential purposes. Of that, 55 acres, in my opinion about 8 acres would be required for roadway. Based on that I prepared an estimate of sub-division costs taking into consideration costs of material and labour in 1960. This is my estimate **(tendered and marked Exhibit 6)**. Total cost—£32,095 4s. 9d. I have made provision in that estimate for sidewalk construction amounting to £2,277. Item 5 of my estimate relates to water, the cost of pipes, hydrants, assuming there is water. On basis of my 94 lots cost of development would amount to £340 to £350 per lot.

XXD BY MR. RATTRAY.

Adjoining main road property rises steeply 30 ft. There is no rock along the main road. Steep rise can be pierced. From information I received western fork is old parish road. I cannot say that the parish road did not enter the property there. Yes, there is an old road along side the river bed. I cannot say that is the old Parish Road, but there is a link between the western fork and the old road by the riverside. I don't know that the western fork of the access road was road put in by Bellrock previous owners. I would say that land sloping 1 in 4 can be built on, but it is not ideal for building purposes.

Question: From the 200 ft. contour to the 300 ft. contour you travel at 400 ft.?

Answer: Yes.

Question: From the 300 ft. contour to the 400 ft. you travel another 400 ft.?

Answer: That is true in part.

Yes, that terrain represents land regularly built on in this country—but I say at great expense.

I know Harbour View Housing Scheme. I do not know sufficient of Harbour View that parts of it represent a steeper gradient than this area. I know the Cambridge Hill sub-division. I would not agree that the gradient at Cambridge Hill is much steeper than this area.

It is about the same. I cannot say if a road through the 200 ft. contour to the 400 ft. contour in this area would not be as steep as the existing entrance to the Cambridge Hill area.

It would be quite easy to build a road following the contour but the side slopes in such a road following the contour of the land would be so steep as to make entrance into the lots along that road virtually impossible. Yes, I would say that the problem there would be even greater than it is at Grosvenor Terrace.

I envisaged low-class sub-division in this area, but at a higher bracket than Windsor Park. I took sidewalk construction into consideration as I would have to do this until and unless Parish Council had waived this requirement. I saw no sidewalks at Cambridge Hill. I hardly saw any road either. I made no plan showing outlay, and where roads would run. 10% to 15% of area to be sub-divided is area generally allowed in a feasibility plan for roadways. If I were designing a sub-division the existing access road could be used as a basis for roadways if the Company provided an alternative road for heavy haulage. The estimates I made are based on the requirements of the Local Improvement Law for a sub-division. The Parish Council has the right to vary them. I would concede Parish Council would most likely vary them in a low-class housing scheme. I cannot imagine Town Planner allowing heavy vehicles to be used on existing access road if residential houses were around. Nowadays it is the exception rather than the rule for this to be allowed.

My estimate is based on the regulations governing sub-divisions in general. Certain factors would remain constant, whether a low class Housing Scheme should be put up or otherwise. These constant factors are (1) Earth Work (Item 1). Under (Item 2) only "asphalt" I see could be waived. Sidewalk Construction could be eliminated (Item 3).

My estimate for cutting and filling was based on a road I did on the Southern-most section from the main road. The basic ingredient involved was a 1 in 11. I would say figures I have given for excavation are as reliable as a Pro Forma estimate can be. I don't agree that unless I had a plan with a layout of a sub-division then any estimate I make for excavation would have no value.

Question: Looking at plan from 200 ft. contour to 400 ft. contour—is the area roughly 19 acres?

Answer: I would say about 20 acres (marked C).

I would say the remaining green shaded portion is about 12--12 and one-half acres. The two gullies on eastern portion of area shaded green (Exhibit 2) are indentations starting on the land and ending on it. Yes, they can be filled up, but it is hardly practicable filling gullies on slopes of that nature. They act now as natural drainage for the area involved. If they were filled—with the slope of the land there would be

(1) some difficulty in maintaining the filling;

(2) Some other means of drainage would have to be provided.

Yes, in a normal sub-division it is usual to provide the drainage. These gullies range from 3 feet to 10 feet deep. Yes, the gullies could be paved.

NO RE-XN.

JEROME RAPHAEL HUNT (sworn).

I am a Consulting Engineer, Civil, and Structural—am Member Society Engineers, London, and Full Member Society of American Engineers. I live at No. 4, Begonia Drive, Mona, St. Andrew. I am Engineering Consultant in private practice. Worked P.W.D. for 18 years —and with Norman and Dawbarn Consulting Engineers for 18 months and Eubanks and Partners Consulting Engineers for 1 year approximately. Up to 1960 I was with Public Works Department. I have experience in road building.

I visited the Jamaica Gypsum Co. property Bull Park Pen in company with Mr. Michael Lewes. Was shown access road leading to the Company's rock bin. I examined that road thoroughly. I then proceeded to examine the area pointed out as site for the alternative route.

I look at Exhibit 4. I prepared an estimate of what it would cost to build an alternative route. I based estimate on prevailing prices in 1960. This is my estimate of the cost of the alternate route. **Tendered and marked Exhibit 7.** It is £23,552. I also prepared an estimate of what the existing access route would have cost were a private contractor to build it in 1960. This is it. **Tendered and marked Exhibit 8.**

This estimate is £21,600. I was advised that Jamaica Gypsum built the existing access route in 1955 for £15,000. The difference lies in the hiring of equipment. A private contractor would have to hire tractors, compressors etc. at 120/- per hour, for one tractor, while Gypsum would have its own equipment. A contractor would have to estimate about 20% of the cost of £15,000 to cover his profits, and overhead.

Looking on Exhibit 4, I say the distance along the access route from the main road to junction of Salt Spring Parish Road is 3100 ft. The distance from the main road along the alternate road is 3700 ft. In the access road one had to contend as an engineering problem, containing a gorge. In the alternate road no such problem exists but road passes near to a river and would need retaining walls. Part of the alternate road is an existing public road. A public road could be imposed on by a private contractor—with consent of the authorities. About 2,300 feet of the alternate road exists as a parish road. The alternate route is comparable in width with the access route. I made no provision in my estimate of alternate road for acquiring Land of right of way. I would say 3.2 acres of land would have to be acquired. The cost of that would be added to the Estimate. **Exhibit** 7. I would estimate the 3.2 acres to be acquired to cost about £100 per acre. I would say the £100 per acre would be a compulsory price.

XXD. BY MR. RATTRAY.

By compulsory price, I mean a forced issue. Yes, alternate route would be about 620 ft. longer. On the northern end of the alternate road the gradient would be slightly steeper. Yes, even with the retaining walls with the flood rains the road would be flooded. I took that into consideration. The existing access road is preferable to the alternative route. One road would have no advantage over the other from the point of view of erosion. I made estimates, Exhibits 7 and 8 yesterday. I did not know the property in 1960.

RE XXN.

The existing access road is easier for construction purposes. That is why I said it is preferable. I am not saying alternative proposed road would not be suitable.

GEORGE FINSON (sworn).

I live at 9, Enman Avenue, Saint Andrew, I am a Valuer, Auctioneer, and Real Estate Dealer and Sole proprietor of the firm of Tavares and Finson, Auctioneers, East Queen Street, Kingston. Have been engaged in valuation for 11 years in Jamaica.

I know Bull Park Pen in St. Thomas. I know it is divided by Main road. I know property 93 acres plus north of main road and one acre plus south of the main road. I have been over the property. That land has no potential whatsoever, for agricultural purposes. It is ideally suited for goat-rearing. There is no existing water supply on the property. I know Bull Park River. I would not say it is a source of reasonable supply. I know Harbour View settlement. Between Harbour View and Bull Park Pen, there is a sub-division—part of Bull Bay sub-division. Coming from Harbour View there is a sub-division to the east of Harbour View. There is a Wickie-Wackie sub-division. There are no other sub-divisions.

There is one house on Wickie-Wackie sub-division. The easternmost part of Wickie-Wackie sub-division is about one and one-half miles from Bull Park Pen. Between, is a sub-division known as Biscayne Beach. There is one house there. The houses referred to are on the beach. To the north of the road between these two sub-divisions there is Windsor Lodge Division, and a little peasant sub-division. My firm divided up Biscayne Beach in 1958. The sub-division I called Bull Bay—close to Harbour View started 20 years ago. Twelve lots were cut up. All were sold. It took 20 years to get these lots sold. All of them have not been built up.

Leaving Bull Park Pen going east the next sub-division area is Cambridge Heights. There is one house on that sub-division. I know a property known as Glenfinlass. It is on the left hand side—on road leading from Eleven Miles to Cambridge Heights. I know property "Medzars Run". I produce a certified copy in respect of "Glenfinlass"—520 acres, 1 rood 20 poles—valuation unimproved £17,500. **Tendered Exhibit 9.** I know portions of Medzars Run which now belongs to Mr. Karl Hendrickson. I produce certified copy valuation in respect of that area. 1312 acres in valuation £35,000. Tendered and marked **Exhibit 10.**

I know the property known as Moorefield—south of Bull Park Pen belonging to Joseph Lamont. I produce certified copy of valuation unimproved value—120 acres plus valued at £4,000. **Tendered and marked Exhibit 11.**

I know part Cambridge Heights sold for Palisadoes Height Development—that is uppermost part of Cambridge Hill. I produce certified copy of the valuation for that area—40 acres valued £7,000. **Exhibit 12.**

Palisadoes Heights is suitable for a residential sub-division. Comparing it with Bull Park Pen—there is no comparison.

Cambridge Heights has a delightful climate. Bull Park—lower—humid. Cambridge Heights has a lovely view—Bull Park only a view—small upper area. Bull Park is rocky and with no soil for developing gardens, flowers.

Glenfinlass is valued £17,500 unimproved—approximately £34 per acre. Land at Glenfinlass rises steeply and is rocky but has better soil than Bull Park Pen. There are fruit trees on it, e.g. Mango.

Medzars Run. I know a Lay-By on the main road between the 11 and 12 mile posts. When a person stands at the lay-by Medzars Run runs S.E. for a considerable distance. There are delightful building sites especially from the North. There is no comparison of Bull Park Pen with Medzars Run. Medzars Run is the better site. Unimproved value of Medzars Run is £28 per acre. Property of Medzars Run valued for £35,000 includes Whitehall, Content and a portion of the Sugar Loaf Hill. Lamonts Land—valued £4,000 is in between Bull Park Pen and Sugar Loaf Hill. Valuation £33 per acre. By comparison, Lamonts land is nearest to Bull Park Pen. It has not suffered from erosion as much as Bull Park Pen has. I know land part of Bickersfield recently acquired by Jamaica Engineering Research Company Ltd. Mr. Zettle lives there. It is close to part of Medzars Run which has excellent view. It is about 35 acres in extent. The purchase price for it was £7,305 in 1962.

I know there is a Police Station at Bull Bay also Post Office. The people who live in Bull Bay and surrounding area are peasantry. Commercial buildings around are pattie and soft drink shops. In 1960, I would not regard Bull Park Pen as a commercial investment as a sub-division. I cannot see Bull Park Pen being a residential sub-division within 30--40 years.

Such little development as has taken place has stopped east of Wickie-Wackie and has excluded Bull Park Pen, to take in Cambridge Heights. I am aware of access road on Bull Park Pen leading to Company's Rock Bin.

Question: Bearing in mind Gypsum uses Bull Park Pen as access route and that an alternate route would cost them £28,000 more to construct, and bearing in mind the use you say the property has for goat rearing, what opinion would you express as to the market value of Bull Park Pen in September 1960—unimproved?

Answer: £2,165.

Yes, I would say the market value in 1960 is only the value the land has to Gypsum. I valued 39 acres at approximately £10 per acre. I value land at front 55 acres at £25 per acre. I valued southern piece across the road £450.

In arriving at my figure £2,165 I take into account the fact that Gypsum would ask at least £2,800 difference between cost of existing road and alternative road but even after due weight to this fact I do not think market value—unimproved would be more than £2,165. I cannot see in the foreseeable future a substantial number of persons putting up week-end houses at Bull Park Pen.

XXD. BY MR. RATTRAY.

I first inspected the land in 1961—May 3rd. Went there on that occasion because Gypsum was considering putting up small houses on the land for their employees.

I did not think the idea crazy. The people to be transferred were suffering from Bomb-blast and in my opinion the houses which were to be built for them would be better than the shacks they were living in at that time. Yes, people in the Government Housing Scheme like Windsors—would live on that land.

I never investigated any sales at Windsor Housing Scheme. I heard of £250 sales for house and land at Windsor Settlement. I did not hear of sale of land—one half acre—without house at Windsor Settlement for £185. I do not think I could have found anyone to buy at that price. Yes, I suppose people in 1960 would pay at £72 for one half acre land at Windsor

Settlement but through Government—not a private individual. I don't see a private person buying half acre land for £72 at Windsor without a Government subsidy.

I never investigated any sales at Windsor. Yes, I would be surprised to hear half acre of land was sold at Windsor in 1960 for £185 10/- and with subsidy taken out £72. I don't think if Government acquired Bull Park Pen 1960 at £9,500 that would be a fair price. I was the only person who worked on my valuation. After my visit I called for other Reports before arriving at my own conclusion. I got no Engineering Report. Yes, I have heard that in relation to their operations Access Road is of value to Gypsum.

The difference to cost of providing alternative road had nothing to do with my valuation. I would say 90% of my experience as a valuer is confined to valuation for mortgage purposes. If I were valuing land for mortgage purposes it would be less. I doubt if I were valuing for mortgage purposes if I would recommend a loan on it. I could not. I don't think Windsor Settlement was any value for mortgage purposes. I have never done any valuation before under New Valuation Law. I am familiar with its principles. In applying myself to this valuation I assumed there was a purchaser. I made valuation in June 1963. I did not know then there was dispute in being now before the Tribunal. When I valued land, I valued land with road on the land. In my opinion Road adds no value to the land for purposes of a fair market value to a purchaser.

In arriving at my Estimate, I imagined a willing purchaser and a willing vendor neither under duress arriving at a reasonable market value.

Question: Did you take into consideration Gypsum Ltd. as one of the possible purchasers of this land?

Answer: Yes.

Question: And as one of the possible purchasers that they would be prepared to pay an amount for the special suitability of this land rather than losing it?

Answer: I was not aware that Gypsum was about to lose the land.

17th January, 1964.

Appearances as Before.

GEORGE FINSON (sworn).

Further XXD. by Mr. Rattray.

Question: As a valuer, you recognize that in arriving at the unimproved value the special adaptability of the land for a particular purpose is a special element for consideration?

Answer: Yes. The property provides an access road which facilitates the mining of Gypsum. I don't know the land that would be required for the alternative access route. I never inspected it.

Question: Assuming the cost of construction for alternative access route is £1,950 more and the cost of land acquisition an additional £300 more, as a valuer do you agree that it would be advantageous for Gypsum to pay at least £2,000 for the route?

Answer: Yes. I believe they would be prepared to pay the difference in cost. Yes, the land occupied by the access route takes up 2 acres.

Question: Do you agree that commencing from the main road you can find at least 60 acres of flat or gently sloping land?

Answer: Not in my opinion. No. I would not accept a figure of £55 per acre for the flat or sloping. Yes, I would accept 55 acres as being capable for being built upon. No, I would not accept an additional 20--25 acres as being physically capable for being built upon.

Question: Would you accept that apart from that 55 acres there is about 20--25 acres running between the 200 ft. and 400 ft. contour lines?

Answer: Yes.

Question: Would you accept that in this country land between the 200 ft. and 400 ft. contour lines is regularly built upon?

Answer: Yes. In the instant case land of this 200--400 ft. contour could be built upon but at great expense. Yes, I know Cambridge Hill. As land for sub-division I did say Cambridge Hill is more suitable than Bull Park. In giving my opinion of the value of land at Cambridge Hill I took into consideration the general conditions including the contour. Yes, the evidence I have satisfies me that Cambridge Hill can be physically built on, "if you have the money". I know the Windsor settlement. If Bull Park Pen was going to be built upon by a Government sponsored project, it could succeed, but not by private enterprise.

Question: If the prices at which the land were sold were similar to the prices at Windsor do you think it could succeed?

Answer: No.

Question: Why do you think it would make a difference with Government selling at one price and another person selling at another?

Answer: Private Enterprise could not afford to sell this sort of land at the same price as Government. Yes, I made investigations into the sales of land at Windsor in 1960. I discovered sales of lots there ranged from £200 to £250 for land and building. I made notes of some of these cases.

Question: In 1960 less than half acre lots, without houses, on Windsor were sold for £185 10/- with a subsidy of £113 10/- leaving a net of £72. Do you agree that sale of lots in 1960 for the same £72 would be successful?

Answer: No. I would say that Bull Park Pen would be just as suitable as Windsor—provided it would be developd by Government.

Question: Would you agree that in 1960 there was a possibility of a Government type of development succeeding at Bull Park Pen just as at Windsor?

Mr. Blake objects:—

Question much too speculative.

Mr. Rattray:—

(1) In valuations, you cannot avoid a certain amount of speculations based on judgment.

(2) As an expert, I am entitled to put to him possibilities in relation to 1960, because one of the Tests of Values is the existing possibilities of future development.

Question not allowed.

Continuing:

Question: Do you agree that in 1960 there was an existing possibility for development of Bull Park Pen at some time in the future not remote for building purposes of some kind?

Answer: By Government, Yes.

Question: Do you agree that Bull Park Pen provides a natural room for the expansion of Bull Bay?

Answer: No.

Question: Why do you say that?

Answer: In my opinion natural expansion would be more individuals. Forced expansion would be Government.

Question: Would you agree that situated where it is—adjacent to Bull Bay Village—it provides room for expansion to the Village?

Answer: I would say that Bull Bay is as developed as it is likely to be, and in the foreseeable future any further development would have to be sponsored by Government.

Question: What is your principle of Reasoning for that view?

Answer: The type of area, distances from Kingston, in spite of existing transportation—the lack of employment of persons living there—the lack of being able to develop the land on which they live other than a few catch crops.

Question: What do you mean by type of area?

Answer: Dry, dusty—the type of persons living there. The natural land the area is not conducive to encourage people to live there except the peasant type who want a "kotch" somewhere.

I am asking £650 per lot for the sub-division. I have for the sea front area at Bull Bay. Other than the Beach lot, I have sold only one lot. The lots I have on the sea side of road are about one-eighth of an acre.

Question: So you are not catering for peasants?

Answer: I am catering for everybody inclusive of peasants. I cannot say what is the cost of development per acre for my lots. The distance from Bull Park Pen to where my lots are situated is about 2 miles. I would not have to build retaining walls on my lots because of the action of the sea. I cannot remember if there is in fact a retaining wall on the house by the sea—on my seafront area. Yes, I would agree that lack of adequate water supply is one of the principal obstacles to the development of the Bull Bay area. Yes, when I made my valuation I did enquire into the possibilities of an adequate water supply serving the area in 1960.

Question: Did your enquiries reveal to you that Plans had been prepared and approved by the Parish Council in 1958 for a water supply scheme from Mt. Sinai which would supply and serve areas including Bull Park Pen and that this scheme was receiving the active consideration of the Minister of Home Affairs?

Answer: Yes. As far as I know today that scheme has never been put into operation. I don't know that today all plans and schemes have been made and that all that is left is for the scheme to begin. On the basis of what I learnt, I would not agree that in 1960 there was an existing possibility of water coming into that area.

Question: Why do you say that?

Answer: These schemes take an awful long time to come to fruition.
I had no evidence that in 1960 this scheme would not materialise.

Question: Assuming water came to this area, would the prospects for development be brighter?

Answer: No. I say that because the general character of the area does not lend itself to residential improvement. I have no evidence that people have been leaving this area for elsewhere. Yes, there are some middle-class houses being put up on the area going West towards Cane River. Yes, there is in general in Jamaica a demand for more land for building.

Question: And in the Bull Bay area this general trend is manifest?

Answer: No other than Government sponsored houses.

I have no evidence as to what kind of tree could grow on Bull Park Pen which appears to me to have no sub-soil. From what I have seen of the soil at Bull Park Pen and from what I have seen of the soil at Glenfinlass I would say that the soil at Glenfinlass is better. In assessing Bull Park Pen, I endeavoured to find a property adjacent that could be comparable. I found none. I therefore did not trouble to value any other property. I would say that valuation per acre would vary depending on the particular property and the whole of it might be valued at a fixed sum per acre or different portions at different prices per acre. I would agree that although the average price for Glenfinlass works out at £34 per acre, certain portions of it might have been valued at a price per acre considerably in excess of that. Yes, I agree that although one might not find an exactly comparable piece of land, one can find portions of it which are comparable. I don't agree that a certain section of Glenfinlass is comparable with the front section—the 55 acre section—Bull Park Pen I have not any idea that there is 100 acres of Glenfinlass that is gently sloping land at the front section going in. I would not say that there are large areas of Glenfinlass which are comparable to Bull Park Pen. I would

say from what I have seen of Glenfinlass that it is of such a nature that I cannot compare certain portions of it with Bull Park Pen. I would say that Glenfinlass, because of the general character of the area, the vegetation, the elevation would be more likely to be saleable land and that is why it bears no comparison to Bull Park Pen. I did not observe Glenfinlass to observe that in certain sections it has steeply rising hills compared to falling slopes on Bull Park Pen. Yes, on Glenfinlass there are areas of moderate sloping lands. Yes, on Bull Park Pen there are areas of moderate sloping lands. Yes, on Glenfinlass there are areas of gently sloping lands. Yes, on Bull Park Pen there are also gently sloping lands. I was of the opinion that the soil of Glenfinlass is far superior to the soil of Bull Park Pen. Yes, Glenfinlass has a gully running through it. So does Bull Park Pen. It has gullies. I did say that Moore Field is the nearest land in comparison to Bull Park Pen.

Yes, Moore Field is part of Sugar Loaf Hill. I have no idea that Moore Field consists of about 120 acres of which 92 acres is precipitous land.

I would say Moore Field and LaMonts' land can more nearly be compared by feature with Bull Park Pen.

On 17th January, 1964.

Yes, in my view the development of Medzars Run is inevitable in the not too distant future.

Yes, Medzars Run consists of very steep and moderately rolling land. It also consists of large areas of stone valleys. It also includes the Sugar Loaf Peak—so I understand. I agree just as in the case of Glenfinlass and LaMonts' land that the value of the land would vary in sections and that the average price per acre is not necessarily the value.

I would say that there are beaches on certain sections of Medzars Run. One reaches the beaches by steps. You would have to erect steps to get to the beach. I do not know whether portions of Medzars Run near to the old main road is slipping. I do not recall seeing any evidence of an old main road.

I did not make extensive investigations into the sales of land in the Bull Park-Eleven Miles area other than those mentioned. I did not come across a sale of ten acres plus at Cambridge Farm for £2,150. I heard about it.

Question: Will you tell me what is the precise basis on which you have valued Bull Park Pen?

Answer: I considered what a willing buyer would pay to a willing seller forced to sell.

The value of the Estate is in the market and it is my interpretation of this market. If I were instructed to sell Bull Park Pen for the value I put on it, I would go to persons I know who are interested in goat rearing to find prospective purchasers. No, I was not interested to find out what prices land suitable for goat rearing were being sold.

I have never sold any land for goat rearing purposes to my knowledge. I have no experience of goat rearing. Yes, I agree in arriving at the improved value you try to get the value of the land when put to its best use.

TO CHAIRMAN:

I valued the land: 55 acres at £25 per acre, 39 acres at £10 per acre, and 3 lots at the southern side of the main road at £150 per lot.

The section valued at £25 per acre is the lower land and the section valued at £10 per acre is hilly.

Continuing:

I do not agree that on the basis of comparable transactions in the area—that 60 acres of that portion I call 55 acres would fetch £105 per acre. I don't agree that between the 200 ft. 400 ft. contour that there are 20 acres which would fetch £45 per acre. I would agree that about 12 acres of the land sloping down the gullies would fetch £7 per acre.

Question: Do you agree that because of the special adaptability of the land, a willing purchaser would pay not less than £2,000 in addition for access route to the mining operations?

Answer: No.

I wouldn't know if the price paid for Glenfinlass was based on any agricultural value. I could not say. I cannot say whether Glenfinlass would fetch more than £20,000 if sold for agricultural pursuits. No, I would not say that Bull Park Pen will be the building land of the future for the expansion of Bull Bay.

Question: Do you agree that even if in the distant future if Bull Park Pen is suitable for Building the present value must take into account that possibility?

Mr. Blake:—

I object,

(1) Question is founded on a wrong legal premise as to valuation.

(2) It is too speculative.

(3) It is in the nature of a trap.

Mr. Rattray:—

(1) It cannot be in the nature of a trap as it seeks to test the witness as an expert.

(2) It is not founded on a wrong legal premise.

Question not allowed.

Yes, when I made my valuation, I did take into account the possibility of the development of these lands by Government, in a period not remote.

Question: If you took into account development by Government why did you say that the only persons interested in purchasing would be goat rearers?

Answer: Because the land is not ripe for sub-division for Government.

Yes,, you are not right in saying that I did not consider Government as one of the possible purchasers. In my opinion, the potential value of the land for building purposes by Government in the not remote future is an amount which I cannot say. Government will either take it away for Bonds or pay a fantastic sum for it.

RE-XN.

Biscayne Bay Development with lots at £650 was started in 1958. In 1960 all the lots were not sold. Up to now all the lots have not been sold. Approximately 30 lots were there. By 1960, 4 Beach lots and one on the outside were sold. No more since then.

Yes, I know that improvements to the land are not to be taken into account.

Leaving aside Gypsum Ltd. as a possible purchaser of this land, my opinion of the unimproved value of Bull Park Pen in September 1960 was £2,215. I took into account it had no foreseeable future in 1960 for sub-division except by Government. On the basis that Gypsum Ltd. and Gypsum alone wanted to buy Bull Park Pen—assuming there was an alternative road to their quarry, the minimum amount I think they would pay would be £2,000 to £2,150.

Assuming Bull Park Pen without the access route and bearing in mind Gypsum as a possible purchaser with an alternative route to cost them £2,300 more and other purchasers in the field in competition with Gypsum, my opinion of the unimproved value of Bull Park Pen in 1960 would be a maximum £3,000.

28th February, 1964.

Appearances as before.

PHILIP D. R. BOVELL (sworn):

I am a Real Estate Valuer. My business office is at 46 Duke St., Kingston, and Irish Town, where I reside.

Prior to starting the business of Real Estate Valuation, I worked with Government for twenty years. I retired in 1960. I held office as Assistant Commissioner of Lands and acted as Deputy Commissioner from time to time.

During my years with Government, I was concerned with Land purchase and with Land Valuation. I was requested by the Solicitor for Gypsum Ltd. to do a Land Valuation of Bull Park Pen. I visited the property on the 19th December 1963 and 25th February 1964. Those premises are registered in Volume 526 Folio 10 in the Register Book of Titles. This property is in the Bull Bay area, bounded:—

North by the Bull Bay River

South by Main Road and Gully

East by John Canoe Gully

West by Bull Bay River.

I was asked to do a Valuation of that property as at September 1960. The factors I took into account in arriving at the Valuation were:—

(1) General conditions and topography. Area is a very dry one with only 30 inches of rain per year. At the time I made the Valuation, I made notes which I reduced to typewritten form.

(2) Type of crops which could be grown there—Soil is rocky, sandy, powdery—eroded. Property is not suited for normal agricultural crops.

In some places gungo and cassava are only things which can be grown. In some sections mango and ackee could be established with great difficulty. The growth is scrub and not suitable for animals other than goats and sheep.

As far as I know there are no known minerals on the property. Gypsum Limited has a dumped roadway leading to a Quarry—on another property—that is the known use Gypsum Limited makes of the property. Apart from what I have stated, I took nothing else into consideration except the configuration of the land.

The property is not ripe for sub-division. That would be too speculative. The land might possibly be used for resettlement of poor people. There is no electricity in the area except for a Power line going through on the main road. There is a 1-inch pipe coming down through the Company's roadway within ¾ chain where this roadway joins the main road.

There is a standpipe along the main road. I heard lately about Mt. Sinai Water Scheme not 1960. The property has a frontage of about 1200 ft. on the southern side by the main road. I took into account topography, rainfall, agricultural potential, absence of minerals, the use the Company made of the property of the access road and I excluded use for sub-division as the area was not ripe for sub-division in 1960 as that would be too much speculative. After I made my valuation, I learnt of Mr. Finson's valuation. My total valuation of Bull Park Pen Property is £2,830.

There are parts in the North, North-East, and North-West which are fairly precipitous to the Gully—the rest has a southern slope to the main road. This applies to the land north of the main road.

The area—south to the main road—a narrow strip is fairly level .

I put the precipitation part at 30 acres which I value at £12 per acre.

I value the rest—65 acres at £38 per acre. Included in the 65 acres is the strip south of the main road. When I made my first visit, I was not aware of the alternative route on the other land available as the access route. I was so aware when I made my second visit. I was told what it cost the Company to build its access route and what it would cost them to build an alternative access route. The difference was £2,300 approximately. Yes, as far as I know the Company uses the property purely as a means of access to its quarry.

Question: What would you say would be the value on that hypothesis to the Company?

Answer: The difference in the cost of the road viz. £2,300.

Yes, that £2,300 is less than the £2,830 that I value at.

I did not think it necessary to add anything to my Valuation because one of the uses to a particular person was an access road.

XXD. BY MR. RATTRAY.

The area occupied by the access route is about 2 acres. Yes, there are other uses to which the remainder of the land could be put.

Another person might use the land for rearing goats and orchard crops. Yes, my valuation is what that other person would pay. Two acres would be necessary for building and roadway up to the Company's quarry. Excluding those two acres, I would value the remaining 93 acres at £2,700. The southern slope is about 40 to 45 degrees.

Yes, from 3 and 4 chains from the main road, the land levels off. No, I don't agree that parts of the 65 acres I described are flat and parts gently sloping. No, I don't agree that the slopes of 40 to 45 degrees cannot be found on large portions of the 65 acre piece.

Question: In saying that the land was not ripe for sub-division, did the slope 40--45 degrees affect your judgment?

MR. BLAKE OBJECTS:

(1) The slope of the land is concerned with an unchangeable feature of the land—terrain.

(2) Twenty years time whatever the slope of the land—unless there are improvements,

the land will still be there—therefore, it is not fair to put question to witness in that way.

Question allowed.

Answer: No. Yes, the question of lack of water did affect my judgment.

Question: Assuming there was a possibility in 1960 of an adequate water supply being available on the property within a period not remote, would you say that the chances of building development would be better?

Answer: I say—speculative. I know of several plans for water scheme—Harkers Hall for instance and nothing has ever come of them. I heard of Mt. Sinai Supply scheme only lately. I did not make any enquiries if there were any plans for water in 1960. I did not take into account possibilities as that is speculative. Yes, the price of land on the market reflects possibilities.

Question: Why did you ignore possibilities in this case?

Answer: They were not tangible. I made enquiries when the water was likely to come. I made no enquiries if a scheme for a water supply was drawn up in 1960, I heard there were plans. Yes, on 19th December, 1963 when I paid visit to property, I made a valuation. My valuation on that day was £2,830. I also paid visit on 25th February 1964 I just checked then. Yes, this was my first valuation for the purpose of the Land Valuation Law. Before this valuation, I was doing Compulsory Acquisition for Government. In this I excluded Houses, fences and roads. I had no consultations with Engineers or Surveyors. I saw their reports. I had no access to report of any Soil Chemist or Soil Scientist.

No, I examined no other property in the area. Yes, I made enquiries of sales of other land in the area. I heard of sales at Windsor. I gained no information of sales of other land other than Windsor Land Settlement. I would say what was being paid for land in the area in 1960 would not affect the valuation if those sales were excessive. I was not aware of any excessive sales.

Question: Would you agree that the land where it is situated provides natural room for the expansion of Bull Bay?

Answer: Yes, in time. I did not see electricity in the shops at Bull Bay. I did not go into shops. Yes, I agree that the existence of public amenities will affect the value of lands. I was aware that within walking distance of the property is a Jamaica Omnibus Stop. Yes, that Bus Stop is within very reasonable walking distance. Yes, I know there are rural transport buses passing going from Kingston to Saint Thomas and Portland. Yes, I know there is a Primary School adjacent to the property itself. Yes, I know there is a Post Office just below the J.O.S. Bus terminal. Yes, there is a Police Station in the area. Yes, there is also a Health Centre in the area. Yes, there are Public Bathing Beaches fairly close. Yes, I was informed that the Company had proposed to put houses on the land for resettlement of its employees.

Question: When you made the valuation, did you assume that there was a purchaser for the land?

Answer: I did it generally on the basis that there was somebody to buy it. Yes, I did the valuation on the basis of an imaginary purchaser.

Question: Was that imaginary purchaser one that would put the property to its best use?

Answer: That imaginary purchaser was not one who would put the property to its best use or to its worst use, but as I found the land.

NO RE EXAMINATION.

TO MR. BLAKE BY PERMISSION:

Question: When you inspected the Bull Park Pen, did you walk the area of the alternate route?

Answer: I walked both sides on my second visit.

Question: You were told 3.2 acres of land had to be acquired for the alternate route and shown the location. What would you value the 3.2 acres for?

Answer: About £100 per acre.

TO MR. RATTRAY:

The estimate of £100 per acre is based on my opinion, not on what I know the price of rocky land in that area is sold. Yes, as Assistant Commissioner of Lands I valued land to be acquired for road purposes by Government. I have never valued solid rock of this type for road purposes.

RICHARD ELLIS (sworn).

I am the Assistant Superintendent in charge Water Supply for the St. Thomas Council. I live at Morant Bay. I know the Bull Bay—Eleven Miles area. I know Bull Park Pen, the property of Jamaica Gypsum Limited. The area there gets water supply from the K.S.A.C. by a 1½ inch pipe line which runs along the main road. The Saint Thomas Parish Council buys that water from the K.S.A.C. It is metered water. The source of supply is in Saint Andrew. That was the source of supply, I presume, in 1960. I was not in the parish then. I came in 1962. When I came, the source of supply was as I described it. There have been no improvements since I have come here. That supply is not adequate to meet the needs of the people in that area. The Parish Council sends a sprinkler there with water twice a week,—every week of the year. As far as I know there is an overload on the reservoir in St. Andrew which serves the 1½ inch main at Bull Bay. I know something about Mt. Sinai Water Supply Scheme. It has been accepted in principle by the Council but it is to be approved by Central Government. No decision has as yet been taken as to when it will be implemented.

XXD. BY MR. RATTRAY.

The Mt. Sinai scheme as designed is intended to serve the Bull Bay area—right up to the border of Saint Andrew and Saint Thomas. I did not know that scheme was approved by the Council in June 1958. I am not fairly acquainted with all the history of the scheme. I cannot say if the scheme was accepted in principle by the Council before 1960. Yes, there are records.

I am not aware that the National Water Authority has taken over responsibility for the scheme. I carry water by sprinkler twice per week throughout the year.

We send one sprinkler. The sprinkler takes 1,000 gallons. The sprinkler makes 3 or 4 trips each day. We take the water from Yallahs.

RE-EXAMINED.

The sprinkler makes 6 or 8 trips each day.

CASE FOR JAMAICA GYPSUM LIMITED subject to Appellant being able to prove facts concerning the Company's application for sub-division by Document with approval of Counsel for the Commissioner of Valuations.

MR. RATTRAY opens:

It is important to keep clearly two issues:—

(1) The question as to the appropriate considerations which must be taken into account in arriving at the unimproved value.

(2) This issue which this Board is required to resolve. This Board is concerned to review the valuation of £9,500. Land Valuation Law requires Board to ascertain the unimproved value of land. Refers to Section 22.

Value to be ascertained by Board is the market value of the land. That value is what a man desiring to buy this land would have to pay for it to a vendor willing to sell it for a fair price.

Factors.

(1) Situation;

(2) Proximity to conveniences or inconveniences, and other features must be taken into account.

Principles.

What a willing vendor would reasonably expect to obtain from a willing purchaser.

Refers to **Rajah's Case (1939) A.C. page 302.** Reads Headnote. Land compulsorily acquired must be valued, etc.

Particularly refers to portions of Judgment, Lord Power Page 312 and 313.

Refers—Turner vs. Minister of Public Construction (Australia) Volume 29 Australia Law Journal Page 759.

Refers—Inland Rev. Comm. vs. Clay (1914) I K.B. Page 339.

Valuer has to assume a hypothetical purchaser.

Refers—Collins on Valuation, Compensation and Land Tax, 3rd Edn. Pages 27--28.

Most cogent evidence of value is in fact what people are paying for land.

Refers—Ladies Hosiery & Underwear & Westn. Middlesex Assess & Com. (1932) 2 K.B. 639.

GLADSTONE WINSTON MORGAN (sworn).

I am a Senior Agricultural Officer attached to the Agr. Div. of the Ministry of Agriculture and Lands. I hold the degree of Bachelor of Science from the University of London. I hold the Certificate of Merit from the Imperial College of Tropical Agriculture, Trinidad. I am the holder of Master of Science from Rutgers University, U.S.A. I have had over 11 years experience as a Soil Scientist. My work at the Ministry of Agriculture involves the assessing of soil on properties in Jamaica. I inspected certain properties in the Bull Bay--Eleven Miles area.

I inspected:—

(1) Part of Bull Park Pen on 5th November, 1962.

(2) Moore Field on 18th November, 1963.

(3) Glenfinlass on the 18th November, 1963.

(4) Medzars Run on the 19th November, 1963.

The soil types I found:—

(1) **Yallahs Loam**—This is a deep to very deep soil, that is it has more than 60 inches of usable soil on a formation called recent alluvia. This soil generally occurs on level situations.

(2) **Heartease Gravelly Loam**—which is a moderately deep soil between 16 and 36 inches of useable soil—developed from old alluvium and generally occurring in gently sloping lands.

(3) **St. Ann Clay Loam**—a deep to very deep red soil developed on limestone and generally occurring on various slopes.

(4) **Cuffie Gulley Gravelly Clay**—Loam—a moderately deep soil occurring on steep slopes.

(5) **Valda Gravelly Sandy Loam**—a moderately deep soil occurring on steep to very steep slopes.

(6) **Mocho Clay Loam**—a moderately deep soil occurring on steep to very steep slopes.

(7) **Killancholly Clay**—a shallow soil occurring on gently sloping lands.

(8) **Bonnygate Stony Loam**—a very shallow rocky soil occurring on steep to very steep slopes.

Over Bull Park Pen these types are distributed thus:—

(1) **Heartease Gravelly Loam**—mostly on the southern ⅔ of the property. The slopes on that area vary 2 degrees to 10 degrees and predominantly between 2 and 5 degrees.

(2) **Yallahs Loam**—almost entirely on nearly level land less than 2 degrees in slope. This area is also included in the ⅔ described before. The total acreage of these two soils combined, I estimate to be 68 acres.

(3) **Cuffie Gully Gravelly Loam**—on slopes ranging between 14 degrees and upwards.

(4) **Mocho Clay Loam**—mostly on land ranging from 20 to 30 degrees.

These last two I estimated to cover 27 acres. In my opinion re the agricultural potential—because of the severe limitation imposed by the climate, the entire property is generally unsuitable for cultivation. It is likely that forest trees or drought resistant tree crops may be grown on it—goats raised or a few pigs.

On Moore Field I found 2 soil types—

(1) **Yallahs Loam**—on slopes of less than 2 degrees comprising approximately 26 acres.

(2) **Bonnygate Stony Loam**—on slopes of greater than 30 degrees covering approximately 94 acres.

Due to the severe limitation imposed by climate I consider the entire property generally unsuitable for cultivation.

On Glenfinlass, I found 5 soil types:—

(1) **Heartease Gravelly Loam**—mostly on slopes between 2 and 10 degrees.

(2) **Yallahs Loam**—mostly on slopes of less than 2 degrees. These two soil types covered approximately 60 acres.

(3) **Cuffie Gully Gravelly Clay Loam**—on slopes between 10 and 20 degrees.

(4) **Valda Gravelly Sandy Loam**—slopes of 20 degrees and upwards.

(5) **Mocho Clay Loam**—slopes of 20 degrees and upwards.

These last three soil types cover approximately 470 acres of property. Because of the severe limitation imposed by the climate, I consider the entire property generally unsuitable for cultivation. On Medzars Run, I found three soil types:

(1) **Bonnygate Stony Loam**—on slopes ranging from two degrees to greater than 30 degrees with the predominant slope being the greater than 30 degrees slope. The extent of this soil type I estimated to be 1,272 acres. The other two soil types were—

(2) **St. Ann Clay Loam**—on slopes between 2 and 5 degrees.

(3) **Killancholly Clay**—on slopes between 10 and 20 degrees.

The extent of these last 2 soil types I estimated to be 40 acres. I consider the entire property generally unsuitable for cultivation due to the severe limitation imposed by dry climate.

In order of merit I would rate them in this order—

(1) Part of Bull Park Pen

(2) Moore Field

(3) Glenfinlass

(4) Medzars Run.

By part of Bull Park Pen, I mean Bull Park Pen Property. I rate Bull Park Pen highest because I consider it has greater percentage of better land for agriculture.

XXD. BY MR. BLAKE.

I started this analysis on the 5th November 1963. I was requested by the Commissioner of Land Valuation to do it. This is the first time the Commissioner of Land Valuation has asked me to do this for him. No, it is not the practice of the Commissioner of Land Valuation to ask me to analyse soil for him for this purpose.

My inspection is not a soil analysis. It is an assessment of the agricultural potential. My Department puts out maps based on soil surveys of this nature. To my knowledge, a soil survey of Bull Park Pen has not been done prior to this.

Surveys of properties throughout Jamaica have been done by my Department, but so far as I know, there is no soil survey map of these four properties. No, the average person buying land does not bother about soil survey. Yes, I reckon Bull Park Pen as the best of a pretty bad lot.

Yes, because of climate they are all generally unsuitable for agriculture. Among forest trees would include Red Birch, Fustic, Cedar, Mahoe, as capable of growing there. In drought resistant crops I include ackee, guinep, mango. If cedar is planted on Bull Park it would take 30--40 years to mature. Red Birch would take about 20 years.

In making inspection we bore holes with an augur—examine the texture and colour of each horizon where we bore.

By that examination we determine whether it is a known soil type. We use an Abnel level to measure the slope.

There was approximately 6 acres of Yallahs Loam of the ⅔. The remainder was Heartease gravel loam.

RE-XN.

I have received 3 requests from private individuals for soil assessment. In two of them I understood they contemplated buying the place. Soil Survey maps are made available to the Land Valuation Department by my department. There was no map for this particular area.

DONALD MULVENNY (Sworn).

I am a Housing Officer attached to the Department of Housing. My department established the Windsor Housing Scheme in the Bull Bay area. Some of these houses were sold in 1960. I produce two contracts of sale of Houses in 1960 in connection with the Windsor Housing Scheme. Tendered and marked Exhibit 13a and 13b. Exhibit 13a is a sale to H. Kenton for £185 10/- less subsidy of £113 10/-. It is dated 4th August 1960. Exhibit 13b is a sale to Vincent L. Dixon for the same price.

XXD. BY MR. BLAKE.

Originally I think 121 lots fell within the Windsor Scheme. I cannot say prior to 1960 how many of them were contracted for. The majority of them were contracted before 1960. The Windsor Scheme is divided into 3 schemes. Yes, I agree that in 1960 there was a slow down in the sale of lots. Exhibits 13a and 13b are contracts of sale for land alone. Not for land and house.

RE-XN.

I cannot say positively if there are any lots on the Windsor Scheme not taken up.

STANLEY SCOTTREL PRATT (sworn).

I am a valuer Grade I attached to the Land Valuation Division of the Ministry of Agriculture and Lands. I hold the Diploma in Building from the School of Building Chesterfield Technical College—England.

I have five years experience as a valuer. During this period I have done valuations in the Land Valuation Law in the parishes of Saint Catherine, Saint Ann, Saint Mary, Portland, Saint Thomas, and Saint Elizabeth.

In March 1961, I inspected property owned by Jamaica Gypsum Ltd. at Bull Park Pen and subsequently.

The purpose of my inspection was to carry out the unimproved value of the property. The acreage of this property is 95 acres 2 perches. This property lies between the villages of Bull Bay and Eleven Miles and is approximately 10 miles from Kingston. This property is approximately 4 miles from the Harbour View Housing Scheme. This is a certified copy of the Registered Title of this property.

Ex. 14. **Tendered and marked Exhibit 14.**

The property is severed by the main road in 2 sections. The Northern section lies between 100 ft. to 400 ft. contour belt. It is gently sloping for the most part.

The Southernmost part of the Northern section is gently sloping. This area covers approximately 60 acres. Going north from the Souhternmost part approximately 20 acres have a slope rising from about 200 to 300 ft. A section containing about 12 acres falls steeply towards a gorge. There is a gully in the Northerly section. It is on the North northeastern section. It is Canoe Gully.

On the North northwest section in the Bull Park River I saw one gully. The deepest part of that gully is about 8 feet.

On the southern side of the road the land is flat. A gully runs behind that section. On the Southern side of the road the acreage is 1 acre 1 rood 36 perches. The acreage on the northern side of the road is 93 acres 3 roods 16 perches. On the Northern side of the main road there is a view of the sea.

On the northern side I saw a road separating the property in two parts. It is an earth road, meeting the main road on the southern section and running northwards to the northern section of the property to the Company's mining areas. This road serves as an access road to Jamaica Gypsum to their mining operations adjoining the property. I regarded the access road to be of importance in this valuation. I took the need for an access route into account when arriving at a valuation. Looking at Exhibit 7 I am prepared to accept the estimate. Looking at Exhibit 8 I am prepared to accept it.

The existing access route occupies approximately 2 acres. I know where the alternative access route is situated. It would be necessary to acquire land for that route. It would require about 3 acres. In my opinion in 1960 the 3 acres would cost about £600.

I made enquiries about rainfall. It is about 30 inches per annum. I investigated the existence of public services in this area. I found that there is

(1) Water from the Cane River Reservoir.

(2) Electric Light.

(3) Transportation—The J.O.S. bus service comes within 4 chains of the property.

There is also rural transportation plying between Kingston, St. Thomas and Portland—buses, trucks, taxi-cabs.

(4) A Police Station—within ½ mile of the property.

(5) A Primary School—on land adjoining the property.

(6) A Post Office—¼ mile from the property.

(7) There are Clubs, Churches, Bathing Beaches around.

(8) A Health Centre near the Police Station.

I made enquiries about the water supply situation. I discovered that the St. Thomas Parish Council contemplated a Scheme to supply water from Mt. Sinai to Cambridge Hill, Eleven Miles, and Bull Bay. This supply would serve the subject property. The St. Thomas Parish Council had carried out surveys, prepared plans and estimates, approved them and sent them to Central Government for action. This was in 1958. I also discovered that Central Government had inspected the source, confirmed it as being adequate, prepared their own plans and estimates and were favourably considering the proposal.

On the northern side of the road coming from Harbour View leading to the property there is—

(a) Harbour View—a middle income housing estate.

(b) Seven Miles Village—it is a compact development village consisting of villagers, middle class housing and a Theatre. This area stretches as far as Eight Miles Village opposite Copacabana Beach.

(c) Next, an area consisting of swamps, a fish pond, and some high hills.

(d) Next, an undeveloped property.

(e) Next a high steep hill with almost sheer drop to the main road.

(f) Next Bull Bay Village. It is a development reaching as far as the Parish Border with villagers and middle-class houses. It includes the Windsor Housing Estate and it adjoins the subject property.

6th April 1964.

Appearances as before.

STANLEY SCOTTREL PRATT (sworn).

XXN. in Chief continued.

The pattern of land used from Harbour View on the southern side of the subject property is a ribbon development with villagers, commercial buildings e.g. Clubs, Groceries, Bars, and middle income houses.

This development stretches as far as the Wickie-Wackie sub-division. Next is a large salt pond, then the Bull Bay Village including the Biscayne Beach sub-division.

Bull Bay is a compact village consisting of villagers and middle class residences.

Biscayne Beach is a residential sub-division.

Next is Moore Field property which lies opposite the subject property. Moore Field property is also known as La Mont.

Going East from the subject property on the northern side of the road is an undeveloped property. Next is the Ten Miles to Eleven Miles Village which is a ribbon development. Next is the Cambridge Farm Housing Estate on the Llandewey Road. Next is a small village of settlers. Then the Bay View residential sub-division.

On the Southern side of the road going East from the subject property are

(1) The Ten Miles and Eleven Miles Villages.

(2) Medzars Run Property.

Ten Miles and Eleven Miles is a ribbon development consisting of peasant and a few middle-class houses. Next is the Oxford Heights residential sub-division. Then the Cambridge Heights residential sub-division; then next, is the Palisadoes Heights sub-division.

In the course of my investigations, I investigated the general market activity of land in the area. I found the market quite active and there was a general demand for building and accommodation. I carried out intensive enquiries in the area and I interviewed vendors and purchasers in the area. From these interviews, I found, of nine medium to large properties in the area, seven of them were the subject of sales between 1955 and 1960. These properties were:—

(1) Cambridge Heights—72 acres approximately purchased in 1956.

(2) Palisadoes Heights—40 acres approximately purchased in 1957.

(3) Part of Cambridge Hill—9 acres, 1 rood, 27 perches, purchased in 1957.

(4) Glenfinlass—520 acres plus purchased in 1957.

(5) Part of Roberts Land—35 acres, 28 perches purchased in 1959 .

(6) Part of Eleven Miles—10 acres, 3 roods, 06.8 perches purchased in 1955.

(7) Medzars Run—1312 acres purchased in 1959.

I discovered sales of lots in the Bay View sub-division Palisadoes Heights and also in the Windsor Housing Estate.

Yes, this transfer from Sidney Browne to Cambridge Heights Ltd. (tendered as Exhibit 15) contains sale of individual lots over certain time.

Yes, this Certificate of Title (tendered and marked Exhibit 16) shows transfer from Patrick Chung to Edward Barford of Glenfinlass for £20,000 on 11th October, 1957.

In my enquiries on sales on Palisadoes Heights, I learnt that Palisadoes Heights was transferred from Cambridge Heights Ltd. to Karl Hendrickson for £6,000. This is a copy of the contract for sale (tendered Exhibit 17).

In relation to 10 acres, 3 roods, 6 perches at Eleven Miles, it was transferred by Esther Mignott to Patrick Chung for £2,150.

I investigated sales in the Windsor Settlement. Lots were about one-third acre and ranged between 16,000 to 17,000 square feet. Lot 115 was sold by the Director of Housing to H. Kenton in 1960 for £185 10/-. That included subsidy of £113 10/-. The size of that lot was 16,149 square feet—roughly one-third acre.

There was the sale of another lot at Windsor by the Director of Housing to A. Henry in 1960 for £185 10/-. The area is 17,410 square feet, approximately one-third acre. The subsidy was the same £113 10/-

Of all these market transactions, the lands at Glenfinlass and Cambridge Farm (the sale to Patrick Chung) are the most comparable to Bull Park Pen.

Comparing Glenfinlass to Bull Park Pen:—

(a) There is a section of approximately 100 acres of flat to gently sloping land. This is the nearest section of Glenfinlass towards the main road. This 100 acres of Glenfinlass was comparable to 60 acres of land on Bull Park, i.e. the front land on the northern section of the main road.

(b) Approximately 140 acres of Glenfinlass—medium to steep sloping land. This section is comparable to about 20 acres of Bull Park Pen. This section of 20 acres lies between the 200--300 contour.

(c) Approximately 280 acres of very steep lands on Glenfinlass is comparable to 12 acres of very steep land on Bull Park Pen.

In terms of services available to it, no public service, e.g. light, water is available to Glenfinlass, while Bull Park Pen enjoys these facilities. The additional facilities of school, Police Station and Health Centre is about one mile away from Glenfinlass. The Public Service—Electric Lights are not available on the main road on which Glenfinlass lies. I made the valuation of Glenfinlass—Exhibit 9. This was:—

280 acres valued at £7 per acre

140 acres valued at £40 per acre

100 acres valued at £100 per acre.

There were improvements on Glenfinlass. There was an old wooden house and some buildings These I valued for £2,500. The unimproved value of £17,500 excludes the £2,500.

In respect of 10 acres 3 roods 6.8 perches for £2,150 I say it is directly comparable to the subject property except that there is no view of the sea. This is directly comparable to the 60 acres I spoke of on Bull Park Pen. It is unimproved. I valued this bit for £3,250.

This bit enjoys all the services available to Bull Park Pen—but is further away from the J.O.S. bus route.

I inspected property known as Moore Field or LaMont. I did not regard La Mont as comparable to Bull Park. LaMont is severed in two sections by the Canoe Gully and the greater portion forms part of the Sugar Loaf Hill, and this section is very rocky and steep.

This property is 120 acres, 2 roods, 03.2 perches. I valued this property. The breakdown is:—

(1) 16 acres of flat land which lies between the main road and the Canoe Gully. This 16 acres is valued at £175 per acre.

(2) 2 acres occupied by the gully. No value was ascribed.

(3) 10 acres behind the gully valued at £50 per acre.

(4) 92 acres forming part of the Sugar Loaf Hill valued at £8 per acre. Sugar Loaf Hill is a very steep hill.

60 acres on Bull Park Pen could be put to use for building purposes. Its situation in relation to the village of Bull Bay would enhance its use to building purposes because it is the ideal spot for the expansion of Bull Bay Village.

The water situation at present is quite limited, but from my enquiries I came to the conclusion that an adequate supply of water would reach the area in which Bull Park lies in the very very near future.

Looking, as I saw it at the situation in 1960, I would say the near future would be within 5 years. The basic factors I took into account in making my valuation were:—

(a) The activity in the real estate market in the area, e.g. sales of Glenfinlass and part of Cambridge Farm.

(b) The situation to the surrounding public and social amenities.

(c) Its position in relation to the mining activities in the area—particularly for providing an access road.

(d) Its suitability as accommodation lands.

Based on all these factors, I came to the conclusion that the reasonable unimproved value of Bull Park Pen would be £9,500 being:—

(a) Southern section of 1 acre, 1 rood, 16 perches—I value for £250.

(b) The 60 acre bit, I value at £105 per acre.

(c) The 20 acre bit, I valued at £45 per acre.

(d) The 12 acre bit at £7 per acre. This gave a total of £7,534.

I valued the two acres occupied by the access road at £2,000. This £2,000 represents the special use as an access road to the Company's mining operations based on the difference it would cost the Company to acquire additional land and build an alternative route.

XXD. BY MR. BLAKE.

Yes, in making the Valuation in 1961, I did it on the basis I have related to the Tribunal. My valuation was done for the purposes of the Law in September 1960. When I valued in 1960, I did so as I related except for the value per acre for the different sections. Yes, the basic considerations for my valuation is that Bull Park Pen is accommodation land, i.e. land which some time in the future would be used for building purposes.

Yes, at that same time I arrived at a valuation of £14,800 for Bull Park Pen—a difference of £5,300 between the then valuation and the present one.

Yes, that represents a margin in excess of 50 per cent. Yes, when I made the valuation of £14,800 in September 1960, I regarded Bull Park Pen then as Land ripe for development. Land ripe for development is not regarded in the same way as accommodation land. Between my first valuation of £14,800 and my second valuation of £9,500 my views did not change radically.

One of the reasons for the change is that in 1960, by error a parcel of land the property of the Church of England was included in the valuation of Bull Park Pen. That parcel of land was about 5--6 acres. No special value was placed on that 5--6 acres as it was not separately valued. As a separate parcel that 5 to 6 acres would be valued at about £100 per

acre. Yes, I am saying that in 1960, I valued Bull Park Pen as comprising 101 acres instead of 95 acres.

Yes, I was influenced in 1960 by the sale of the Walker property in 1959. Yes, I discovered this sale was cancelled after the valuation was made. In 1960 there was sale of Walkers Property. That sale was used in the approach to the first valuation of Bull Park Pen, but after the sale fell through, I came to the conclusion that it would not be right to use a cancelled sale in my valuation. I had to discard that sale and use other sales in that area.

Yes, the basic approach to both is the view I took that the land is accommodation Land. Yes, the only difference is whether that consideration is affected by sales or other values. Before joining Lands Department, I had no experience in Land Valuation. Yes, I agree Bull Park Pen has very little agricultural potential. Yes, I agree it is generally unsuitable for cultivation. I took no account of the agricultural potential such little as there is I do not agree that all lands not having agricultural potential must like Bull Park Pen be regarded as accommodation lands.

Yes, all land like Bull Park Pen not being agricultural land and situated near to village in a sense is accommodation land.

Yes, the valuer in coming to a decision is making a judgment in respect of the future. Yes, in that sort of situation that is one of the most difficult the valuer has to deal with. I would not say in the nature of things it is highly speculative. In a sense it is.

Question: Do I understand that in 1960 in September 1960, you came to the conclusion that Bull Park Pen would be likely to be used in the immediate or reasonably near future for building purposes?

Answer: In the reasonably near future.

Question: Within that period of time did you envisage Bull Park Pen being used for building purposes?

Answer: Within ten years.

Question: You agree that if that judgment is wrong, part of the basis of the valuation goes?

Answer: No.

Yes, I agree that the price a purchaser pays depends on his assessment of the future possibilities of the land. Yes, I agree the price a vendor will take depends on an objective assessment of the future possibilities. Yes, the longer the future possibilities can be realised, the less the price. Yes, the price is indissolubly bound up with the appraisal of the future possibilities.

Question: Who within your view is likely to develop Bull Park Pen within 10 years?

Answer: I don't think of any special person. I didn't differentiate between a private investor or Government.

Question: Did it strike you at all that even in your ten years, Bull Park Pen is a property likely to be developed for lower-class housing?

Answer: I never took into account any type of development, middle, low, or anything.

Question: Don't you believe that this is of the greatest importance in the matter?

Answer: No.

Yes, I agree in 1960 money was being lent at a rate of interest of 7 percent to 7½ percent. Yes, I agree accommodation land is an investment.

Question: A person who had £9,500 to lend to invest in 1960 could lend it out and get £665 per year.

Question: If, instead of investing, he puts it in Bull Park Pen, he must be convinced that at the end of ten years, be gets £665 per year plus the outgoings.

Answer: Yes, I agree. When I valued Bull Park Pen at £9,500 I took into account the fact that there was no water but that there was a possibility that there would be water available. I did not arrive at figure of £9,500 influenced by the fact that I was

of the opinion that there would be adequate water in the near future. In arriving at my opinion that the land is suitable as accommodation land, I took into account the fact that in the future an adequate water supply would be available.

Question: If you did not think water would come in the near future what would you regard the land as?

Answer: I would still regard it as accommodation land, but I would make certain allowances in the value. Yes, the fact that I thought water would come in 5 years caused me not to make allowances which otherwise I would have made.

Yes, the availability of water supply is of great importance when one is thinking of building land. The evidence I had then was that the Parish Council had put up a scheme to Central Government—that Central Government had made certain surveys and was giving the matter favourable consideration. I made enquiries from officials in the Ministry of Local Government. I have no correspondence on the matter. I made a personal approach in the latter part of 1960 or early 1961. I was not a person of the status of Permanent Secretary. I don't know that Government is always giving favourable consideration to hundreds of schemes that never materialise.

Up to today the scheme has not yet been implemented but in last month I saw the site being cleared. No pipes have been laid. I don't know if a scheme like that would be shown in the Estimates under Water Supplies as it is being built by U.S. Aid. I know no provision for it is made in Draft Estimates 1964-65.

Question: What sort of person do you envisage owning lots of Bull Park Pen?

Answer: The same type of people in the Bull Bay area. Yes, the preponderance of people in the Bull Bay area is the peasant type.

Question: Between Harbour View on the North side going to Bull Park is the type of dweller in the area mostly peasant class?

Answer: Yes, Yes, that section is more densely populated than the southern section. Yes, the development on the southern section is a mixture of middle class and peasant, but I do not agree it is mostly peasant. There are two sub-divisions on the southern side of the main road between Harbour View and Bull Park Pen. I say on the south side of road at Seven Miles, it is predominantly middle-class. I would term middle-class as person earning £500 per year and over. I also relied on market activity relating to 7 properties. One was sold in 1955, one was sold in 1956, three were sold in 1957, two were sold in 1959.

I do not agree that these suggest that the Real Estate Market was in a state of decline in 1960. I would say that the Real Estate Market suffered a state of decline in 1959-1962 but only in certain sections of the island, but not in the area of the subject property.

There were no sales of big properties like the seven mentioned in 1960

Re 23 transfers, Exhibit 15, the date when the lots were transferred is shown. I would say that there is some difference in time between sale of lot and time of transfer, but not a vast difference of time. Yes, I know it is the general practice that no transfer is made until the full price is paid.

I agree with Mr. Browne when he says the lots were put on the market in 1956, and between then and September 1960, 69 of 80 lots were opted for. I disagree with him when he says that from the beginning of 1960 until the time he gave evidence no lot has been sold. I do not know if the market was more active between 1956 and 1959 than it was between 1959 and 1960.

Yes, I agree that the less active the market was in 1960 the more hesitant the willing purchaser would be to buy for development. I did not investigate the Wickie-Wackie sub-division from the standpoint of market activity. I do not agree the relevant time for considering market activity is in 1960—not necessarily so. Yes, there would be a difference in considering market activity in 1959 and a declining market in 1960. Yes, I took into consideration Bull Bay expanding and consuming Bull Park Pen.

Question: If Bull Park Pen is ideal spot for expansion of Bull Bay village, what type of person do you think would be buying lots there in the future?

Answer: Peasants, middle people. The same type of people who live in the Bull Bay area. I would say peasant earning to be £250 to £500 per year.

People of middle class group I think who would want lots there would be in the £500 a year and over group. Having regard to the people I say would want to acquire lots at Bull Park Pen, I do not agree it would be a Government subsidised scheme. I do not agree that whether a private investor would want to purchase Bull Park would depend on the type of person who would be acquiring the lots—in order to make the scheme feasible.

Yes, additional money would have to be spent to lay out part I value at £100 per acre, in lots. Yes, I would agree that a purchaser in 1960 would have to consider whether he would be able to obtain persons able to pay £100 per acre plus development costs plus profit. I think a sane investor would find persons willing to purchase such lots. I envisage persons willing to acquire lots so that in ten years time the investor would buy at £100 per acre and make a profit after development.

I do not agree with what Mr. Stuart said that the costs of development today would make such a scheme prohibitive; I don't know over what period Government allowed the Windsor Lodge settlers time to pay the purchase price. I did not investigate the terms. I did not know when Windsor Lodge was first put on sale by Government. I think, but I am not sure that it was between 1954-1957. I have no idea how many lots of Windsor Settlement were sold by 1958. At time of my valuation of Glenfinlass no livestock was on the property. I have no idea whether any Tax Relief Certificate has been issued to the owner of Glenfinlass.

Yes, I know that a Tax Relief Certificate has been issued in respect of the Walker property. I do not agree that Tax Relief Certificate is issued when the owner can produce evidence he is using part of the property for agricultural purposes.

I am not saying that Cambridge Hill is comparable to Bull Park Pen. Yes, I am saying the ten acres plus sold by Esther Mignott to Chung is comparable to part of Bull Park Pen. Yes, that 10 acres has a large frontage on the main road leading to Morant Bay and it also had a frontage on the Llandewey Road. There is a shop site and a vacant lot on it. I would not regard that land as a commercial site. Yes, immediately opposite to this ten acre bit is a Bar. Yes, this ten acre bit can be used for commercial and residential purposes.

Question: If you were valuing Bull Park Pen on the basis that it was agricultural land, alone, what would your valuation be?

Answer: I have no experience in agricultural value.

When I did the valuation in 1960 I took into account all the factors I mentioned today.

I never asked Jamaica Gypsum Ltd. in 1960 to provide me with Estimates of how much it cost them to build the access road. I didn't know of the alternative route in 1960 as especially for them. I worked out personally the cost of what it would cost Jamaica Gypsum to build the alternative route and arrived at a difference of £2,000 to them. Yes, I valued the area used as access route as a separate parcel for £2,000.

I valued 12 acres of land in Bull Park as land that is practically useless or as land which can be used as a reserved Forest Reserve. Yes, I am aware that as far as Jamaica Gypsum Ltd. is concerned the only purpose they use the 95 acres is for access.

Question: Do you agree that no matter what the future possibilities of land may be the hypothetical purchaser only takes into account the purpose he wishes to employ the land for?

Answer: Yes.

Question: A person who is going to buy Bull Park Pen to sub-divide some time in the future would not be interested in the fact that the land has value as an access route for Gypsum?

Answer: Yes, he would be. Yes, the purchaser in that case might be interested in using the road as part of his sub-division. Although Bull Park Pen has no special adaptability value as an access route, I do not think it is not correct to include that value in the value of the whole. Yes, the owner of LaMont property has been issued a Tax Relief Certificate. I do not know that in respect of Walker property the Tax Relief Certificate issued is 50 percent. The valuation of Medzars Run is £35,000. I did it. I valued 150 acres southern side of main road £125 per acre, 20 acres northern side at £100 per acre, 377 acres steep land dispersed all over the property at £30 per acre, 200 acres of stony villages at £10 per acre, 567 acres of stony and very hilly land at £2 per acre. That section I valued at £125 per acre has no access to the Beach. A section of the 20 acres northern side has a view to the sea.

RE-XN.

The re-assessment came about because a section of the Bull Park Pen owned by the Walker family was the subject of a sale. The analysis of that sale was used in arriving at the valuation of Walker's property, Bull Park Pen and LaMont Property. Six months after the valuation was made the sale of Walker's property was cancelled, so I thought it right to re-consider the valuation. I then used the sale of Glenfinlass as the basis of my second valuation. Yes, an objection was made to my first valuation of £14,800 by Jamaica Gypsum Ltd. I made no allowances for water in this case because the other properties also had no water.

When I make a valuation, I do not consider the question of Tax Relief Certificates at all. I valued the ten acre bit at Eleven Miles at £350 per acre average and the 60 acre comparable part to it on Bull Park Pen at £105 per acre. I do not regard Medzars Run comparable to any part of Bull Park Pen.

BERTRAM ST. JOHN HAMILTON (sworn).

I am Secretary Manager, National Water Authority. In 1960 I was attached to the Ministry of Home Affairs and Local Government. I was so attached from 1959-1962. My duties involved matters relating to Water Supply Schemes.

In course of my duties I became familiar with a scheme for the supply of water from Mt. Sinai to the border of St. Thomas and Bull Bay. The scheme was given Central Government's approval by Letter 18th September, 1958 and passed on to the P.W.D.

Howard Humphrey and Sons were employed as Consulting Engineers to prepare designs etc. As of today this scheme has not been implemented. I know that discussions are now going on with a view to implementing this scheme this year. Looking at the matter in 1960, I would say there was a reasonable probability of this scheme being implemented in a reasonable time. I say so because it had reached the stage when we had alerted the Crown Agents to make purchases on behalf of Government. The scheme was designed to supply over 300,000 gallons of water per day to the area. This scheme is not included in those in which the U.S. is giving money.

For rural schemes allowance is made for 40 gallons per day per person. In urban area allowance made is 58--60 gallons. In Estimates for 1961 moneys were allocated for this scheme but never spent.

XXD. BY MR. BLAKE.

If discussions now going on bear fruit money for this scheme will find its way into the Supplementary Estimates. It is not even now in the Draft Estimates. The revised estimates to this Scheme is £170,000.

This scheme is designed to cope with Housing Development Schemes within the next 20 years.

NO RE-XN.

C A S E

10th April, 1964.

Appearances as Before.

Mr. Rattray addresses:—

Five basic principles are relevant in arriving at the value.

(1) Unimproved value represents market value of the property.

(2) In arriving at the unimproved value all the advantages the land possesses must be taken into consideration.

(3) The Law provides that a hypothetical purchaser must be presumed — a person familiar with market values in the area and a person who would not disregard the effect of any business consideration.

(4) Where there is evidence of sales of comparable lands—this is the most cogent of value —and must be given greater weight than any other factor.

(5) Where land has a special adaptability for a particular purpose it is necessary in determining the unimproved value to ascertain what a willing vendor might reasonably expect to obtain from a willing purchaser for the land in its particular position with its particular adaptability for the particular purpose.

A. Re Agricultural Potential.

It is undisputed that this land has no agricultural potential but soil is better than that of four other properties in the area.

It is said land would be limited for building purposes on account of lack of water and development costs.

No reliable evidence of development costs has been given by Jamaica Gypsum Ltd.

B. Re Question of Water.

It is clear that in 1960, the critical date, plans had been formulated, examined and formulated and favourably considered to bring water to the area. No prudent purchaser in 1960 would disregard the fact that water would soon come to the area in a reasonably near future. No other valuer except Mr. Pratt took that into consideration.

C. Re Question of Special Adaptability.

It does not matter whether only one person can turn the special adaptability into account.

Refers to Rajavyricherla Narayava Gaj Case (1939) A.C. 302.

Land compulsorily acquired must be valued not merely by a reference to the use to which it is being put at the time its value has to be determined but also by reference to the uses it is reasonably capable of being put in the future. Where the land has unusual features or potentialities valuer must take that into account, etc.

Refers also to:—

Inland Revenue Commissioner v. Clay

(1914) 1 K.B. 339

(1914) 3 K.B. 466.

In the Commissioners valuation, of Bull Park Property,

(1) 93 acres valued at £7,500

(2) The special adaptability of the access route—£2,000.

Re Approach of different Valuers.

(1) Tribunal cannot accept valuers of Jamaica Gypsum because:—

(a) They failed to make detailed investigations of sales of land in area to know what the market was.

(b) They failed to make detailed investigations necessary relevant to water supply.

(c) They seriously failed to appreciate the special adaptability of the access route.

(d) They failed to investigate the special features of neighbouring land with a view to make a comparability.

(e) They failed to ascertain value of land for goat rearing.

(2) Have Commissioners valuer made the right approach.

The Board will have to ask itself questions:—

(1) Have I seen land on the fringes of the Corporate Area with the topographical features of Bull Park Pen being sold in respect of flat portion at £25 per acre or in respect of sloping portions at £10 per acre?

(2) Does the evidence with respect to sales in the area indicate that lands of this type are being sold for this price in the area?

(3) Whether valuation of £9,500 is not conservative? Board has no consideration to talk of Land Taxation Relief.

Mr. Blake Addresses.

Re Special Adaptability.

It would be wrong to value Bull Park Pen without taking into account as a factor the special adaptability potential. What is in issue here is not whether special adaptability is to be taken into account, but whether in taking it into account the special adaptability value is to be "aggregated" with other values.

Any method which involves aggregation is wrong in principle because it implies a valuation of the land not as one parcel but as two parcels. Alternatively it presupposes if not two parcels two hypothetical purchasers buying for two purposes or in the further alternative one hypothetical purchaser buying two parcels of land for speculation.

Refers to Collins—Valuation Compensation and Land Tax (3rd Edition) (1949) Page 28.

In the Raja Case all that the House of Lords laid down was the uses to which the land was reasonably capable of being put in the future was to be taken into account.

In **Inland Revenue v. Clay** all the Court decided was—where you are dealing with a particular property and there is one purchaser in the World to which it has a special adaptability value which is greater than the value it has to other persons, you cannot exclude from your consideration this one purchaser, and from a business standpoint his higher value is the true value.

Key to the whole case is Bull Park Pen of any value to Gypsum Company other than as an access route?

Reads from Collins—Page 28.

It is one hypothetical purchaser—not a number which the definition unimproved value contemplates.

Page 107—Collins.

Kibble v. Dep. Com. Land Tax (1920) 7 Commonwealth Law Reports.

I think it is unsound to regard a parcel of land of which the unimproved value has to be ascertained to consist of a number of parcels the unimproved value of which has to be ascertained separately. It would be wrong to find value by adding value as building land to value as agricultural land to value as access route.

As far as Jamaica Gypsum Ltd. is concerned, it would be totally unrealistic to assume that they would need only two acres as access route. They may need more land for elbow room to or to expand route.

Agrees with principles stated by Mr. Rattray as principles to be applied.

The Commissioner of Valuations contends Bull Park Pen:—

(1) is accommodation land

(2) is land ideal for the expansion of Bull Bay

(3) is land comparable to Glenfinlass.

Gypsum contends:—

(1) Bull Park Pen could not in 1960 be said to be land in the immediate or reasonably near future to be developed for building purposes. That being so it is to be valued on the basis on such little agricultural potential it has plus its special adaptability as an access route.

Collins defines "Accommodation Land" as land which is close to or on the fringe of the suburbs that is land in close proximity to areas which are developed.

Is land which to-day commands an excess of rural land value—

Submits:

Bull Park Pen is not accommodation land in the strict sense of the word. It adjoins no town. It is three to four miles away from the nearest suburb. It is adjacent to a village with limited amenities. In between—Harbour View is an area—the settlement pattern of which varies considerably. If it can be regarded as accommodation land, it can only be so regarded in the broad sense of that term and value must depend on two crucial considerations:—

(1) The future possibilities, that is, were they in 1960 likely to be realised in the immediate future or in a reasonably near future.

(2) The particular type of building development in 1960 likely to take place in immediate and reasonably near future having regard to surrounding circumstances including the type of person likely to build there.

Question: What hypothetical purchaser would be likely to pay in 1960 for Bull Park Pen assuming it had possibilities as building land at some time in the future?

The price such a person would pay in 1960 would be influenced by:—

(1) When, if at all would I be able to sell it as building land to develop it as such.

(2) When that time comes would I be able to get back what I have spent in buying it now plus what I have earned on my capital as interest if I did not put my capital in Bull Park Pen plus some profit.

Re Pratts Evidence.

(1) Pratt on his own admission at date he made valuation had less than two years experience in Valuation.

(2) Pratt admits that when land is being valued on basis it is accommodation land it is most difficult the valuer has to contend with and it is a highly speculative exercise.

(3) He admitted what is necessary—apart from comparable sales—is a judgment—decision.

(4) He said he did not address his mind as to who was likely either to develop Bull Park Pen within the ten year period he fixed by either Government or private sector.

(5) He did not address his mind as to who was likely in the ten years to acquire lots on Bull Park Pen.

If you have to speculate you must speculate conservatively. Market activity in lands which are not comparable is not relevant.

If Board envisages that in 1960 development of Bull Park Pen as building land was not a possibility in the near future then value is to be placed not much higher than if it were agricultural land.

Area in which the property falls is predominantly a peasant area. If too high a value is put on Bull Park Pen now—that value might exclude the possibility of development for building purposes.

Re Costs (Page 255 of Collins)

Refers to Hook v. Valuer General (1932) 6 L.G.R. 33.

Refers section 22 (4) of the Land Valuation Law.

Mr. Rattray:

Two considerations must be taken into account—

(1) Where offer is made in relation to settlement figure and refused.

(2) In the light of the objection made by Gypsum Limited.

Re JAMAICA GYPSUM—LAND VALUATION APPEAL.

Findings.

Physical Characteristic.

Bull Park Pen consists of 95 acres more or less with

(a) a southern portion below main road of one acre and more

(b) a northern portion exceeding 93 acres.

Of this acreage, 55--60 acres is gently sloping land and steeply sloping and gully land. The soil is powdery and rocky but on analysis found to be of good physical structure. It is admitted that the land by severe limitation of cliimate is generally unsuited for cultivation, and could only be used agriculturally for trees of a drought resistant nature and the raising of goats and possibly pigs.

Rainfall.

The rainfall is very low and is poor.

Vegetation.

This is mostly scrub with a few trees.

Minerals.

There are no mineral deposits on the land.

Water Supply.

There was no water supply in 1960 available for area except for a small supply from the K.S.A.C. There was a possibility in 1960 of a supply from the Mt. Sinai scheme in a not remote future. Up to the present this scheme has not been implemented.

View.

There is a limited view of the sea towards the highest area of the property towards the north-eastern section.

Amenities.

This property is adjacent to the village of Bull Bay and would if and when it should have been developed as accommodation land enjoy the amenities provided by a Police Station, Post Office, School, a church, a bathing beach, rural Bus service, and a J.O.S. Bus service which has a terminus at Bull Bay.

Electric light passes along the main road on which the property has a frontage.

Building Potential.

At least 55 acres of the land is capable of sub-division for building purposes.

We find that as in 1960 it could not be regarded as accommodation land in the strict sense of the word and that any such development would take place only in the very remote future—possibly 25--30 years.

The Board is also of the opinion that the area was in 1960, ripe for development and accept the proposition that any building potential the land has is more likely to be exploited under a good subsidised scheme rather than by a private investor for speculative purposes. In this connection, the Board has considered the application by Jamaica Gypsum Limited to establish a sub-division for re-settlement of displaced persons.

We find that any building potential the area possesses would be most likely for the peasantry as the adjacent area is predominantly a low income area.

We find that Bull Park Pen is not as attractive and desirable an area as the adjacent sub-division of Cambridge Heights and Palisadoes Heights.

Land Sales.

We find that the real estate market was not as vigorous in 1960 as in previous years, and that activity of land sales had declined.

General Development of the Area.

The only marked development in the vicinity of Bull Bay was in the Windsor Lodge Housing Settlement—a predominantly low-income area which was Government subsidised.

The sub-divisions at Cambridge Heights and Palisadoes Heights had only two houses built, although many lots had been purchased or opted for. The development of this area had slowed down.

Special Adaptability.

We find that Jamaica Gypsum Limited used this land in 1960 for the special purpose of providing an access route to an area of land nearby on which they carry on mining operations.

Taking into consideration

(a) The situation and climate of the land,

(b) Comparable land in the area,

(c) Amenities available,

(d) Inadequacy of Water Supply,

(e) Lack of agricultural potential,

(f) Remote possibility of development as accommodation land,

(g) Special adaptability of land,

we are of the opinion that the assessment made by the Commissioner of Valuations is too high and also that the assessment made by Jamaica Gypsum Ltd. is too low.

We believe that a fair and reasonable assessment of the unimproved value is £4,300 and we assess the property at that sum. Fifty percent of the costs to be paid by the Commissioner of Valuations.

Dated the 10th day of April, 1964.

sgd. L. L. Cousins	Chairman, Valuation Board St. Thomas.
sgd. R. G. Jackson	Member, Valuation Board, St. Thomas.
sgd. W. W. Lewis	Member, Valuation Board, St. Thomas.
sgd. E. H. S. Champagnie	Member, Valuation Board, St. Thomas.
sgd. J. Uriah Fagan	Member, Valuation Board, St. Thomas.

IN THE VALUATION BOARD

FOR THE DISTRICT OF SAINT THOMAS

HOLDEN AT MORANT BAY.

BETWEEN THE COMMISSIONER OF VALUATIONS APPELLANT

AND JAMAICA GYPSUM LIMITED RESPONDENT

I, Yvonne B. Watson, Clerk, Valuation Board for the District of Saint Thomas do hereby certify the foregoing seventy seven pages to be a true copy of the Notes of Evidence and the findings of the Valuation Board, Saint Thomas in the matter of the Land Valuation Appeal Jamaica Gypsum Limited and the Commissioner of Valuations.

/s/ Y. B. Watson, 10
Clerk, Valuation Board,
Saint Thomas

IN THE LAND VALUATION BOARD

FOR THE DISTRICT OF SAINT THOMAS

HOLDEN AT MORANT BAY

BETWEEN THE COMMISSIONER OF VALUATIONS APPELLANT

AND JAMAICA GYPSUM LIMITED RESPONDENT

TAKE NOTICE that the Commissioner of Valuations hereby appeals against the decision of the Land Valuation Board for the District of Saint Thomas and intends to rely in support of this appeal on the following grounds:—

1. That the decision of the Board that the unimproved value be assessed at £4,300 is not consistent with the findings of the Board.
2. That the decision of the Board is unreasonable and cannot be supported having regard to the evidence.
3. That the Board precluded itself from properly considering the valuation by its failure to appreciate the concept of accommodation land.
4. That the Appellant will crave leave to supply supplementary grounds.

THE APPELLANT THEREFORE PRAYS—

1. That the decision of the Board be set aside and that the order of the Board be amended to restore the valuation of £9,500, or
2. That the Honourable Court remit the matter to the Board for re-assessment of the valuation with such directions as the Court thinks fit.
3. That the Honourable Court makes such order, or grant such relief as in the circumstances it may deem fit.

sgd. W. Chang,
Commissioner of Valuations.

Dated this 8th day of May, 1964.

To the Clerk,
Land Valuation Board
for the District of Saint Thomas,
Morant Bay.
And
To the abovenamed Respondent
or his Solicitor
Messrs. Livingston, Alexander & Levy,
20 Duke St.,
Kingston.

FILED by the Crown Solicitor, Crown Soliicitor's Office, Public Buildings, East Block, Solicitor tor and on behalf of the Appellant whose address for service is that of his said Solicitor.

NOTICE OF CROSS-APPEAL

IN THE LAND VALUATION BOARD
FOR THE DISTRICT OF SAINT THOMAS
HOLDEN AT MORANT BAY.

BETWEEN THE COMMISSIONER OF VALUATIONS APPELLANT
AND JAMAICA GYPSUM LIMITED RESPONDENT

TAKE NOTICE that Jamaica Gypsum Limited the Respondent herein intends to contend that the decision of the Land Valuation Board for the District of Saint Thomas be varied and intends to rely in support of this Cross-Appeal on the following grounds:—

That the decision of the Board on costs is unreasonable having regard to the fact that the valuation appealed against was found by the Board to be 100% wrong and the problems of fact and Law raised by the appeal were so complex as to warrant costs on the Supreme Court scale.

THE RESPONDENT THEREFORE PRAYS that:—

(a) The order of the Board as to costs be varied so as to permit the recovery by the Respondent of the full costs taxed on the Supreme Court scale.

(b) Such other order or relief as to costs as may be made or granted as the Court deems fit.

LIVINGSTON, ALEXANDER & LEVY,
PER: (sgd.) P. G. MAIS
Solicitors for and on behalf
of Jamaica Gypsum Ltd.
the Rspondent herein.

Dated this 15th day of May, 1964.

To: The Clerk,
Land Valuation Board, for the District of St. Thomas
Morant Bay.

and

To: The abovenamed Appellant or his Solicitor
The Crown Solicitor,
Crown Solicitor's Office,
Public Building, East Block, Kingston.

FILED by Livingston, Alexander & Levy of 20 Duke Street, Kingston, Solicitors for and on behalf of the Respondent whose address for service is that of his said Solicitors.

BEFORE THE LAND VALUATION BOARD

FOR THE PARISH OF SAINT THOMAS.

In the Matter of an Appeal to the Land Valuation Board for the Parish of Saint Thomas by Jamaica Gypsum Limited against the assessment of the unimproved value of Bull Park Pen property made by the Commissioner of Valuations.

REASONS FOR DECISION

This is an Appeal to the Land Valuation Board for the Parish of Saint Thomas against the assessment of £9,500 unimproved value on Bull Park Pen property—an estate 95 acres 32 perches in area owned by Jamaica Gypsum Limited.

Jamaica Gypsum Limited appealed to the Board on the ground that the valuation made by the Commissioner of Valuations was too high and stated that a fair and reasonable valuation for this property would be £2,000. Through this property runs a road known as an access road to a quarry on another bit of land in the parish of Saint Andrew on which Jamaica Gypsum Limited carries on mining operations. The Company makes no use of the property except for the access route.

On behalf of Jamaica Gypsum Ltd. it was urged that taking into consideration the factors mentioned hereunder, the assessment of the Commissioner of Valuations was too high:—

(1) That about one-third of the land is hilly—the rest gently sloping.

(2) That the rainfall in the area is very low.

(3) That no public supply of water is available. The water from the Bull Park Stream would be inadequate and moreover it is saltish in taste.

(4) That a water main which passes along the main road is not able to provide an adequate water supply for the area.

(5) That the soil is rocky and powdery—the vegetation is scrub.

(6) That the land has no agricultural potential and is fit only for goat rearing.

(7) That there are no minerals or other economic deposits on the land.

(8) That the adjoining residential area—Windsor Lodge and Bull Bay is predominantly a low or working class area.

(9) That whatever potential for building purposes the land has this can only be exploited under a Government subsidised scheme or otherwise at a prohibitive cost.

(10) That in comparison with the adjoining properties of Cambridge Heights, Palisadoes Heights, Medzars Run, Glenfinlass and Moore Field (or LaMont Land) the Bull Park Pen property is grossly inferior land.

(11) That Land Sales in nearby areas have been slow and that there has been a marked decline in the sales of lots in the areas programmed for development.

(12) That only from a small upper hilly section of the land can a view of the sea be had.

It was urged on behalf of the Commissioner of Valuations that the Valuation of £9,500 made by him was fair and reasonable taking into consideration:—

(1) Sales of comparable land in the adjoining areas.

(2) The situation of the Land to existing amenities and the advantages the Land possesses.

(3) The special adaptability of the Land to a particular purpose.

(4) A soil analysis of the Land.

(5) Its building potential.

We have already given in writing our Findings and now add that in arriving at our decision we have—

(a) assumed that a willing purchaser would pay a reasonably willing vendor for the Land

(b) valued the whole property in one parcel placing a valuation of £65 per acre on 60 acres of the gently sloping part of the land (inclusive of the strip to the southern section of the main road) and a valuation of £400 on the remainder.

We accept the approach of Messrs. George Finson, and Phillip Bovell, Real Estate Valuers of many years experience in preference to Mr. Stanley Scott who admittedly has little practical experience. 10

However, we find that the estimates per acre given by Messrs. Finson and Bovell are too low in view of the fact that the Windsor Lodge settlement to which Bull Park Pen bears the closest comparison is higher priced.

We accept too the submission of the appellant's Counsel that Bull Park Pen is not "accommodation land" in the strict sense of that term. It adjoins no town, it is 3 to 4 miles from the nearest suburb. It is adjacent to a village with limited amenities.

We hold that no hypothetical purchaser would have been likely in 1960 to purchase Bull Park Pen property for more than the sum of £4,300 at which we have assessed it—other than the Government under a subsidised scheme. 20

Dated this 26th day of August, 1964.

sgd. L. L. Cousins	Chairman, Valuation Board, St. Thomas.
sgd. R. G. Jackson	Member, Valuation Board, St. Thomas.
sgd. W. W. Lewis	Member, Valuation Board, St. Thomas.
sgd. J. Uriah Fagan	Member, Valuation Board, St. Thomas.
sgd. E. H. S. Champagnie	Member, Valuation Board, St. Thomas.

JAMAICA

IN THE COURT OF APPEAL

R.M. CIVIL APPEAL NO. 81/64

Before: The Hon. Mr. Justice Henriques
The Hon. Mr. Justice Moody
The Hon. Mr. Justice Eccleston (Ag.)

COMMISSIONER OF LAND VALUATIONS—APPELLANT

v.

JAMAICA GYPSUM LIMITED —RESPONDENTS

Mr. U. A. Parnell, Solicitor-General, and Mrs. Mason, for the Appellant.

Mr. V. O. Blake, Q.C. and Mr. D. H. Coore, Q.C. and Mr. R. H. Williams for the Respondents.

14th, 15th, 16th and 17th February, 1966 and 7th Oct., 1966.

MOODY, J.A.

The Commissioner of Lands valued the property known as Bull Park Pen, belonging to the respondents and situated in the valuation district of St. Thomas at £14,800 as of the 1st September, 1960. The respondents objected to the valuation on the ground that the value assessed was too high. The Commissioner considered the objection and reduced the value assessed to £9,500. The respondents gave notice that they were dissatisfied with this decision of the Commissioner and appealed to the Valuation Board for a review of the Commissioner's valuation on the ground stated in the objection.

The Board heard the appeal and gave their decision in writing dated the 10th April, 1964. The respondents gave notice of appeal and stated his ground of appeal in a document dated the 15th May, 1964.

The Board stated its reasons for its decision in a document dated the 26th August, 1964.

Learned counsel for the appellant made application for leave to argue additional grounds of appeal, but withdrew this application after strong opposition from learned counsel for the respondents.

Bull Park Pen is 95 acres and 32 perches in area, and is immediately east of the boundary with St. Andrew and stands between two sub-divisions, Wickie-Wackie on the west and Cambridge Hill on the east. It is traversed by the main road from Kingston to Morant Bay—north of the main road is 93 acres in area. This section is bounded on the north by Bull Park River, east on John Canoe gully and west by Bull Park river. The frontage along the main road is 1,200 feet. Where it meets the main road the elevation is about 100 feet above sea level, and rises gradually from the main road to about 400 feet at its highest point. About 31 acres of this area is hilly. The respondent Company constructed a road through the remaining two-thirds of this section running to a crush rock bin where the gypsum is drawn—a point not on Bull Park Pen, but in St. Andrew. The portion of Bull Park Pen south of the main road is a little more than one acre in area, bounded south by a gully, east, land belonging to one Oliver Wray and west by land belonging to one Mr. LaMont. The lowest elevation is about 70 feet above sea level and the highest about 100 feet. At its widest point this section is 100--120 feet and the frontage along the main road is about 600 feet.

Bull Park river is normally a trickle of brackish water—20 gallons a minute in normal times to 85 gallons a minute after heavy rains. The rainfall in the area is estimated at 25 inches per year; no public water supply is available. A water main controlled by the Saint Thomas Parish Council and the Kingston and St. Andrew Corporation, passes along the main road. This would not be sufficient to deal with the needs of a housing settlement at Bull Park Pen. An application to the Parish Council for a water supply from the main to a house constructed on the land by the respondents was refused. The land is very poor and does not retain water; vegetation is scrub bush of very poor quality. It has no agricultural potential.

It could be used for rearing goats. The land was purchased in 1949 for £850. The northern portion serves to accommodate the respondent Company's access road. The construction of the road through the property where it joins the Salt Spring Parish Road outside the northern boundary of this northern section cost £15,000. If the respondents were to give up Bull Park Pen, there would be no alternative road to the west of Bull Park River. There is a public road at the entrance of Windsor Lodge which runs about two-thirds of the way to the rock bin. Improvements would have to be made to this existing road to take the traffic, and as to the remaining one-third, a new road would have to be constructed. Together, this would cost £16,900. There are no gypsum deposits or other economic minerals in Bull Park Pen.

Because of the existing road, Bull Park Pen is of considerable value to the respondents; £15,000 was spent on improvement to this road—it is a means of access to mining operations.

The findings of the Board are as follows:—

Physical Characteristics:

Bull Park Pen consists of 95 acres more or less with—

(a) a southern portion below main road of one acre or more;

(b) a northern portion exceeding 93 acres.

Of this acreage, 55--60 acres is gently sloping land and steeply sloping and gully land. The soil is powdery and rocky but on analysis found to be of good physical structure. It is admitted that the land by severe limitation of climate is generally unsuited for cultivation, and could only be used agriculturally for trees of a drought resistant nature and the raising of goats and possibly pigs.

Rainfall.

The rainfall is very low and is poor.

Vegetation.

This is mostly scrub with a few trees.

Minerals.

There are no mineral deposits on the land.

Water Supply.

There was no water supply in 1960 available for area except for a small supply from the K.S.A.C. There was a possibility in 1960 of a supply from the Mt. Sinai scheme in a not remote future. Up to the present this scheme has not been implemented.

View.

There is a limited view of the sea towards the highest area of the property towards the north-eastern section.

Amenities.

This property is adjacent to the village of Bull Bay and would if and when it should have been developed as accommodation land enjoy the amenities provided by a Police Station, Post Office, School, a church, a bathing beach, rural bus service, and the J.O.S. bus service which has a terminus at Bull Bay.

Electric light passes along the main road on which the property has a frontage.

Building Potential.

At least 55 acres of the land is capable of sub-division for building purposes.

We find that as in 1960 it could not be regarded as accommodation land in the strict sense of the word and that any such development would take place only in the very remote future—possibly 25--30 years.

The Board is also of the opinion that the area was in 1960, ripe for development and accepts the proposition that any building potential the land has is more likely to be exploited under a good subsidised scheme rather than by a private investor for speculative purposes.

In this connection, the Board has considered the application by Jamaica Gypsum Limited to establish a sub-division for re-settlement of displaced persons.

We find that any building potential the area possesses would be most likely for the peasantry as the adjacent area is predominantly a low income area.

We find that Bull Park Pen is not as attractive and desirable an area as the adjacent sub-divisions of Cambridge Heights and Palisadoes Heights.

Land Sales.

We find that the real estate market was not as vigorous in 1960 as in previous years, and that activity of land sales had declined.

General Development of the Area.

The only marked development in the vicinity of Bull Bay was in the Windsor Lodge Housing Settlement—a predominantly low income area which was Government subsidised.

The sub-divisions at Cambridge Heights and Palisadoes Heights had only two houses built, although many lots had been purchased or opted for. The development of this area had slowed down.

Special Adaptability.

We find that Jamaica Gypsum Limited used this land in 1960 for the special purpose of providing an access route to an area of land nearby on which they carry on mining operations.

Taking into consideration—

(a) The situation and climate of the land

(b) Comparable land in the area

(c) Amenities available

(d) Inadequacy of Water Supply

(e) Lack of agricultural potential

(f) Remote possibility of development as accommodation land

(g) Special adaptability of land,

we are of the opinion that the assessment made by the Commissioner of Land Valuations is too high and also that the assessment made by the Jamaica Gypsum Ltd. is too low.

We believe that a fair and reasonable assessment of the unimproved value is £4,300 and we assess the property at that sum. Fifty per cent of the costs to be paid by the Commissioner of Valuations."

The reasons for the Board's decision are as follows:—

"This is an appeal to the Land Valuations Board for the parish of Saint Thomas against the assessment of £9,500 unimproved value on Bull Park Pen property—an estate 95 acres 32 perches in area owned by Jamaica Gypsum Limited.

Jamaica Gypsum Limited appealed to the Board on the ground that the valuation made by the Commissioner of Valuations was too high and stated that a fair and reasonable valuation for this property would be £2,000. Through this property runs a road known as an access road to a quarry on another bit of land in the parish of Saint Andrew on which Jamaica Gypsum Limited carries on mining operations. The Company makes no use of the property except for the access route.

On behalf of Jamaica Gypsum Ltd. it was urged that taking into consideration the factors mentioned hereunder, the assessment of the Commissioner of Valuations was too high:—

(1) That about one-third of the land is hilly—the rest gently sloping.

(2) That the rainfall in the area is very low.

(3) That no public supply of water is available. The water from the Bull Park stream would be inadequate and moreover it is saltish in taste.

(4) That a water main which passes along the main road is not able to provide an adequate water supply for the area.

(5) That the soil is rocky and powdery—the vegetation is scrub.

(6) That the land has no agricultural potential and is fit only for goat rearing.

(7) That there are no minerals or other economic deposits on the land.

(8) That the adjoining residential area—Windsor Lodge and Bull Bay is predominantly a low or working class area.

(9) That whatever potential for building purposes the land has can only be exploited under a Government subsidised scheme or otherwise at a prohibitive cost.

(10) That in comparison with the adjoining properties of Cambridge Heights, Palisadoes Heights, Medzars Run, Glenfinlass and Moores Field (or LaMonts Land) the Bull Park Pen property is grossly inferior land.

(11) That land sales in nearby areas have been slow and that there has been a marked decline in the sales of lots in the area programmed for development. 10

(12) That only from a small upper hilly section of the land can a view of the sea be had.

It was urged on behalf of the Commissioner of Valuations that the Valuation of £9,500 made by him was fair and reasonable taking into consideration:—

(1) Sales of comparable land in the adjoining areas.

(2) The situation of the land to existing amenities and the advantages the land possesses.

(3) The special adaptability of the land to a particular purpose.

(4) A soil analysis of the land.

(5) Its building potential. 20

We have already given in writing our Findings and now add that in arriving at our decision, we have

(a) assumed that a willing purchaser would pay a reasonably willing vendor for the land,

(b) valued the whole property in one parcel placing a valuation of £65 per acre on 60 acres of the sloping part of the land (inclusive of the strip the southern section of the main road) and a valuation of £400 on the remainder.

We accept the approach of Messrs. George Finson, and Phillip Bovell, Real Estate Valuers of many years experience in preference to Mr. Stanley Scott who admittedly has little practical experience.

However we find that the estimates per acre given by Messrs. Finson and Bovell are too 30 low in view of the fact that the Windsor Lodge settlement to which Bull Park Pen bears the closest comparison is higher priced.

We accept too the submission of the appellant's counsel that Bull Park Pen is not "accommodation land" in the strict sense of that term. It adjoins no town. It is 3 to 4 miles from the nearest suburb. It is adjacent to a village with limited amenities.

We hold that no hypothetical purchaser would have been likely in 1960 to purchase Bull Park Pen property for more than the sum of £4,300 at which we have assessed it—other than the Government under a subsidised scheme."

The grounds of appeal which were argued by the appellant's counsel are as follows:—

1. That the decision of the Board that the unimproved value be assessed at £4,300 is not 40 consistent with the findings of the Board.
2. That the decision of the Board is unreasonable and cannot be supported having regard to the evidence.
3. That the Board precluded itself from properly considering the valuation by its failure to appreciate the concept of accommodation land.

Several submissions were made by learned counsel for the appellant in support of these grounds of appeal which may be classified as follows:—

1. That the Board in arriving at its valuation failed to take into account the possibility of the use of the subject land as building land and in particular, the re-settlement of poor people; and

2. That in arriving at the valuation of £4,300, the Board mis-directed itself by basing that valuation on a sale price of lots at Windsor Lodge, instead of the price of the whole property, alternatively, instead of the price of comparable units.

I am unable to agree with these submissions. In my judgment, the Board set out its findings and the reasons for its decision very carefully and adequately. As will readily appear, none of the grounds of appeal can succeed. The appeal is accordingly dismissed.

In this case, the respondent company cross-appealed on the following ground:—That the decision of the Board on costs is unreasonable having regard to the fact that the valuation appealed against was found by the Board to be 100% wrong and the problems of fact and law raised by the appeal were so complex as to warrant the Supreme Court scale.

The Court had the able assistance of counsel for the respondent and the appellant.

Two points arise for consideration:—

(1) Should the successful respondent be deprived of a portion of his costs.

(2) On what scale should the costs be taxed.

The Land Valuation (Appeals) Rules for the district of St. Thomas to be found in Proclamations, Rules and Regulations, 1962, at page 266, provide in section 10:

"Subject to the provisions of the Law and these Rules the practice and the procedure in an action in the Resident Magistrate's Court shall with the necessary modifications apply to proceedings before the Board."

As appears from the record, the only statement in the findings of the Board as to costs is:— "Fifty per cent of the costs to be paid by the Commissioner of Valuations". It appears from this order that the successful respondent was deprived of a portion of his costs in the judgment of the Board, and no reason has been given for so doing.

The provisions as to costs in the Resident Magistrate's Courts are contained in sections 202-206 of Chapter 179 of the Revised Laws of Jamaica. Therein the award of costs is stated to be in the discretion of the Magistrate who may by his judgment award them to the successful party. This discretion, though wide, is judicial and not arbitrary and must be exercised in accordance with the rules of reason and justice, and not according to private opinion—(**Abrahams** v. Lindo, Clark's Reports 29 at 32). Learned counsel for the appellant submitted that the reason for the respondent being deprived of 50% of his costs was that he was only partially successful. I do not agree with this submission. In my view, the real issue was that the value assessed was too high, viz. £9,500, and the respondent was successful in his appeal, in that the Board reduced this valuation to £4,300, thereby establishing that the valuation was too high. Moreover, both counsel for the appellant and the respondents are agreed that this was an intricate case concerning land valued at thousands of pounds, involving difficult questions of law and fact, requiring careful preparation and diligent research, wherein the parties stood in need of full representation. The hearing was in public and lasted six days.

The Board has abstained from stating its reasons, as is required by the practice and procedure in the Resident Magistrate's Courts, although the notice and ground of the cross-appeal are dated the 15th May, 1964, and the Reasons for decision are dated the 26th August, 1964. I can find no trace of misconduct connected with the subject matter of this issue, or any other good and sufficient reason as would justify the Board in depriving the respondent of 50% of his costs.

The other aspect of this ground of appeal is whether the costs should be on the Supreme Court scale.

By the Land Valuation (Appeals) Rules, 1960, Proclamations, Rules and Regulations, dated 13th June, 1960, page 238, provision is made under section 9 (1) (d) for the Court of Appeal in dealing with any appeal under these Rules "to award such costs as it thinks fit including any costs of the hearing before the Board." In section 9, provision is made that "the costs of appeal shall not exceed the sum of £15, provided that it shall be lawful for the Court, for good and sufficient reason to order the costs to be taxed on such scale as it may direct." I am satisfied that good and sufficient reason has been shown and I would order the costs to be taxed on the Supreme Court scale in respect of the costs of hearing before the Board and the costs of this appeal.

NOTICE OF MOTION

In the Court of Appeal.

Application for Leave to Appeal to
Her Majesty in Council.
R.M. Civil Appeal No. 81/64.

BETWEEN Commissioner of Land Valuations (Appellant)

AND Jamaica Gypsum Ltd. (Respondent)

TAKE NOTICE that the Court of Appeal will be moved on the 27th day of October, 1966 at 10.00 o'clock in the forenoon or as soon thereafter as Counsel can be heard on behalf of the above-named Applicant on the hearing of an Application for an Order that the Applicant may be granted leave to appeal from the Judgment of the Court of Appeal dated the 7th October, 1966 to Her Majesty in Council on the grounds set forth in the Affidavit of the Applicant (a copy whereof is hereunto annexed) and that the costs of this application be costs in the cause.

Dated this 21st day of October, 1966.

(Sgd.) L. A. Gale,

Crown Solicitor
Solicitor for the Applicant.

To—The above-named Respondent,
Jamaica Gypsum Ltd., or to
their Solicitors
Messrs. Livingston, Alexander & Levy,
20, Duke Street, Kingston.

FILED by the Crown Solicitor, Kingston, Solicitor for and on behalf of the Appellant.

AFFIDAVIT IN SUPPORT OF APPLICATION FOR LEAVE TO APPEAL TO HER MAJESTY IN COUNCIL

In the Court of Appeal

R.M. Civil Appeal No. 81/64

BETWEEN Commissioner of Land Valuations—Appellant

AND Jamaica Gypsum Ltd. —Respondent

I, OSMOND ST. CLARE RISDEN duly sworn make oath and say as follows:

(1) That my true place of abode is 59, Glendon Circle in the parish of St. Andrew and my postal address is Kingston 6 and I am the Deputy Commissioner of Land Valuations.

(2) That Bull Park Pen, the property of the Respondent, with an area of 95 acres, 32 perches was valued by the Appellant in pursuance of section 7 (1) of the Land Valuation Law, 1956 (Law 73/56) at £14,800.

(3) That on or about the 17th May, 1961, the Respondent, in pursuance of section 20 of the Law, lodged an objection with the Appellant against the valuation on the main ground that the value assessed was too high.

(4) That the Appellant duly considered the objection and reduced the valuation from £14,800 to £9,500 whereupon the Appellant on or about the 20th March, 1963 notified the Respondent to this effect.

(5) Being dissatisfied with the decision of the Appellant the Respondent, in pursuance of section 22 (1) of the Law, requested the Appellant to refer the valuation to the Valuation Board of St. Thomas for a review thereof.

(6) That the Valuation Board of St. Thomas reviewed the valuation and in so doing heard evidence from witnesses called by the Appellant and the Respondent.

(7) That on the 10th April, 1964 the Valuation Board of St. Thomas reduced the valuation from £9,500 to £4,300 and awarded the Respondent 50% of their costs to be paid by the Appellant.

(8) That on the 8th May, 1964 the Appellant being dissatisfied with the decision of the Board, in pursuance of section 23 (1) of the Law filed notice of appeal and on the 15th day of May, 1964 the Respondent filed notice of a cross-appeal on the question of costs contending that the decision of the Board was unreasonable and should be varied to permit recovery by the Respondent of full costs taxed on the Supreme Court scale.

(9) That the Court of Appeal on the 7th October, 1966, in a written judgment dismissed the appeal of the Appellant and allowed the cross-appeal of the Respondent with costs to be taxed on the Supreme Court scale in respect of the hearing before the Valuation Board and before the Court of Appeal.

(10) That I am of opinion that the decision of the Court of Appeal in this matter constitutes

(i) a final decision in civil proceedings and is also

(ii) a final decision where the matter in dispute is of the value of five hundred pounds or upwards.

(11) That the questions involved in the appeal before the Court of Appeal concern matters of general and public importance such as:

(a) The extent of the powers of the Valuation Board when it is reviewing a valuation in pursuance of section 22 (1) of the Law and their approach to the review.

(b) Whether the Valuation Board has any and what power with regard to the issue of costs; the scale by which the costs awarded may be taxed; and the discretion, if any, to award costs where the valuation has been reduced.

(c) The correct principles to apply when the unimproved value of land is being ascertained and the extent of the burden of proof on the part of the objector who challenges the valuation of the Appellant under the Land Valuation Law

and that these questions ought by reason of their great general or public importance to be submitted to Her Majesty in Council.

(12) Accordingly, I hereby pray that leave to appeal may be granted so that the matter may be determined by Her Majesty in Council and that in the meantime execution be stayed.

Sworn to by the said Osmond St. Clare Risden at Kingston in the said parish on the 21st day of October, 1966 before me: } (Sgd.) O. St. C. Risden.

(Sgd.) R. S. Sinclair
Deputy Registrar, (Ag.)

FILED by the Crown Solicitor, Kingston, for and on behalf of the above-named Appellant.

JAMAICA

IN THE COURT OF APPEAL

R.M. CIVIL APPEAL NO. 81/64

BEFORE: The Hon. Mr. Justice Lewis
The Hon. Mr. Justice Moody
The Hon. Mr. Justice Shelley (Ag.)

COMMISSIONER OF LAND VALUATIONS—APPLICANT

V.

JAMAICA GYPSUM LIMITED —RESPONDENTS

Mr. U. A. Parnell, Solicitor General, for the Applicant

Mr. R. H. Williams for the Respondents.

27th October, 1966

LEWIS, J.A.:

This is an application for leave to appeal to the Privy Council from a judgment of this Court delivered on the 7th of October, 1966. The case concerns the valuation of certain land known as Bull Park Pen in the parish of Saint Thomas. The land was originally valued by the Commissioner at £14,800 and after objection, reduced to £9,500. The respondents appealed to the Valuation Board set up under the Land Valuation Law, 1956 (Law 73/56), who reduced the value to £4,300. The applicant appealed against that valuation and the respondents also cross-appealed against an order of the Land Valuation Board that they should have only 50 per cent of their costs. The appeal was dismissed by this Court on the 7th of October, 1966, and the cross-appeal was allowed and the Court ordered that the costs before the Land Valuation Board be taxed on the Supreme Court scale.

The appellant has filed an affidavit by Mr. Osmond St. Clare Risden in which the above-mentioned facts were set out and Mr. Risden expressed the opinion that the decision of the Court of Appeal in this matter constitutes a final decision in civil proceedings where the matter in dispute is of the value of £500 or upwards.

Learned Counsel for the respondents has contended that what the Court has to look at is not the amount of the valuation of the land but what taxes might ultimately be paid having regard to that valuation, and he has submitted that having regard to the quantum of tax which would be payable on the basis of the two valuations, that the difference in dispute is not £500 but only a matter of £100.

The application falls for decision under section 110 of the Constitution, sub-section (1) of which, in so far as is relevant, is as follows:—

"An appeal shall lie from decisions of the Court of Appeal to Her Majesty in Council as of right in the following cases—

(a) where the matter in dispute on the appeal to Her Majesty in Council is of the value of five hundred pounds or upwards or where the appeal involves directly or indirectly a claim to or question respecting property or a right of the value of five hundred pounds or upwards, final decisions in any civil proceedings;".

It is not disputed that this is a final decision in a civil proceeding.

Learned Counsel for the respondents referred the Court to the case of Meghji Lakhamshi & Brothers v. Furniture Workshop reported at 1954, 1 All E.R., page 273, where the Privy Council had to determine the meaning of an article of the East African (Appeal to Privy Council) Order similar to our section 11 (1) (a). In that case the Court pointed out that there were two limbs of the section and that whether the case fell under the first limb or the second, on the true construction of this section the 'value' from the point of view of the appellant was the determining factor. At page 274 Lord Tucker said:—

"Their Lordships have no doubt that under whichever limb of the article any case may fall the 'value' must be looked at from the point of view of the appellant,".

In this case the Court is clearly of the opinion that what is in dispute is not what taxes might ultimately have to be paid on the basis of the valuation arrived at but the proper valuation to be placed upon the land. It may be that this is one of those cases which might fall under either the expression—"where the matter in dispute on the appeal" or the expression—"question respecting property . . . of the value of five hundred pounds." It is quite clear that the issue between the parties was what was the correct valuation to be placed on this land. The applicant has the right to have the respondents' land valued at an amount to be fixed in accordance with the true construction of the statute under which it is valued, and he has an interest in seeing that that valuation is the correct one. Therefore, the prejudice which he suffers is the difference between the value which he claims to be the correct value and the value which has been placed upon it.

In these circumstances, the Court is clearly of opinion that leave to appeal must be granted as of right. The Court orders that leave to appeal be and is hereby granted to the Appellant conditional upon his entering into good and sufficient security to the satisfaction of the Court in the sum of £500 sterling for the due prosecution of the appeal and the payment of all such costs as may become payable by the applicant in the event of his not obtaining an order granting him final leave to appeal, or of the appeal being dismissed for non-prosecution, or of the Judicial Committee ordering the appellant to pay costs of the appeal (as the case may be); and that the time for preparation and despatch of the record to England be fixed and is hereby fixed at four months from today. Security is to be given within 90 days.

Application has been made for a stay of execution and Counsel for the applicant has said that this refers to the question of costs and there is no reason to stay execution of costs, but the Court will order that in the event of the Respondents claiming payment of the costs due to them as a result of the Judgment of the Court of Appeal those costs should be made upon the Respondents entering into good and sufficient security to the satisfaction of the Court for the due performance of such order as Her Majesty in Council shall think fit to make.

The cost of this application to be cost in the cause.

ORDER

IN THE COURT OF APPEAL.

CIVIL APPEAL NO. 81 of 1964.

BETWEEN The Commissioner of Land Valuations—Appellant

AND Jamaica Gypsum Limited —Respondent

27th October, 1966.

The Application on behalf of the Appellant for Leave to Appeal to Her Majesty in Council coming on for hearing this day and after hearing Mr. U. N. Parnell of Counsel on behalf of the Appellant and Mr. R. H. Williams of Counsel on behalf of the Respondent and on referring to the Affidavit of Osmond St. Clare Risden, Deputy Commissioner of Land Valuations, sworn to on the 21st day of October, 1966 and filed herein IT IS HEREBY ORDERED that leave to appeal to Her Majesty in Council be granted on condition— 10

(a) That the Appellant within 90 days hereof enters into good and sufficient security to the satisfaction of the Court in the sum of £500 for the due prosecution of the appeal and the payment of all such costs as may become payable by the applicant, in the event of his not obtaining an Order granting him final leave to appeal, or of the appeal being dismissed for non-prosecution, or of the Judicial Committee ordering the applicant to pay costs of the appeal (as the case may be):

(b) That the time for preparation and despatch of the Record to England be and is hereby fixed at four months from the 27th October, 1966.

AND BE IT FURTHER ORDERED that, in the event of the Respondents claiming payment of the costs due to them under the judgment of the Court of Appeal, those costs are to be paid upon the Respondents entering into good and sufficient security to the satisfaction of the Court for the due performance of such Order as Her Majesty in Council shall think fit to make thereon: 20

AND IT IS FURTHER ORDERED that the costs of this Application be costs in the cause.

BY THE COURT.

(Sgd.) R. S. SINCLAIR,
Dep. Registrar (Ag.).

This ORDER is entered by the Crown Solicitor, Crown Solicitor's Office, Public Buildings (East) King Street, Kingston, Solicitor for and on behalf of the Appellant. 30

ORDER GRANTING FINAL LEAVE TO APPEAL TO HER MAJESTY IN COUNCIL

IN THE COURT OF APPEAL

CIVIL APPEAL NO. 81 OF 1964.

BETWEEN THE COMMISSIONER OF VALUATIONS—APPELLANT

AND JAMAICA GYPSUM LIMITED —RESPONDENT

The 31st day of January, 1969

Before The Honourable Mr. Justice Waddington
The Honourable Mr. Justice Shelley
The Honourable Mr. Justice Fox

The Application on behalf of the Appellant for Final Leave to appeal to Her Majesty in Council coming on for hearing this day and after hearing Dr. K. O. Rattray of Counsel on behalf of the Appellant and Mr. R. H. Williams of Counsel on behalf of the Respondent IT IS HEREBY ORDERED that FINAL LEAVE to appeal to Her Majesty in Council be granted and that Costs hereof be costs in the cause.

BY THE COURT.

(Sgd.) L. S. HUNTE,
Dep. Registrar (Ag.)

This ORDER is filed by the Crown Solicitor, Crown Solicitor's Office, Nos. 134-140 Tower St., Kingston, Solicitor for and on behalf of the abovenamed Appellant.

Exhibit 2

Alternate Road to Rock Bin

1	General widening and surfacing 1960 ft.		
	Bulldozer (rental)	£1000	
	Surfacing material	300	
	Grading (rental)	200	
	Rolling (rental)	200	
			£1700
2	Fill 250 ft.		
	8000 c.y. at 10/- in place	£4000	
	Bulldozer	200	
	Grader	100	4300
3	Culverts		
	300 lin. ft. at £3 installed		900
4	Rock cut		
	1100 ft. lin		
	9000 cu. yds.		9000
5	Supervision and Engineering		1000
			£16,900

EXHIBIT 5

LAND VALUATION LAW
(LAW 73 OF 1956)

VALUATION ROLL

Certified copy of particulars in respect of Valuation No. 213 01 008 001 as entered on the Valuation Roll.

25th September, 1963.

VALUATION DISTRICT OF: S T T H O M A S

*B R O W N E Y S Y D N E Y F O R C A M B R I D G E H E I G H T S L T D

ADDRESS:
6 2 B A R R Y S T R E E T K I N G S T O N P O

PROPERTY ADDRESS: C A M B R I D G E H E I G H T S

UNIMPROVED VALUE	IMPROVED VALUE
£ 10800	£

* 2 2 0 8 7

NAME OF PERSON IN POSSESSION (Surname First) FOLLOWED BY NAME OF OWNER (Where the Owner is not the person in possession).

VALUATION DATE			LOT No.	DEPOSITED PLAN	VOLUME	FOLIO	PROPERTY AREA			PROPERTY DIMENSIONS			VALUATION No.	SERVICES				
DAY	MTH.	YEAR					ACRES	RDS	POLES	FRONTAGE FEET	FRONTAGE INS.	DEPTH FEET		ELEC	FIRE PR	WATER	SEW	SAN
1	9	60	69				72	3	13				213 01 008 001					

SERVICES CODES:

1. ELECTRICITY
2. FIRE PROTECTION
3. WATER
4. SEWAGE
5. SANITATION

Commissioner of Valuations

Date

EXHIBIT 6

ESTIMATED COST OF SUB-DIVIDING 55 ACRES OF JAMAICA GYPSUM'S BULL PARK PEN PROPERTY (REMAINDER NOT BEING SUB-DIVIDED)

Prepared by Cyril P. Stewart, Commissioned Land Surveyor.

132 Chains of Road Way

1. EXCAVATION		
(a) Cut 26,400 cubic yds. at 3/- per cu. yd. Road	£3,960	0 0
(b) Cut 13,200 " " " 3/- " " " Sidewalk	1,980	0 0
(c) Fill 13,200 " " " 1/- " " " Road	660	0 0
(d) Fill 6,600 " " " 1/- " " " Sidewalk	330	0 0
	£6,930	0 0
2. CONSTRUCTION		
(a) 4,224 cb. yds. 9" Ballast at 30/- purchase, transport, pack, roll	£6,336	0 0
(b) 1178 cb. yds. 1½" metal purchase, transport, spread, roll at 30/-	1,767	0 0
(c) 538 cb. yds. marl, purchase, transport, spread, roll at 20/-	528	0 0
(d) Asphalting—19,360 sq. yds. at 4/-	3,872	0 0
	£11,503	0 0
3. SIDEWALK CONSTRUCTION		
(a) Curbs—9,424 ft. run at 4/6	£ 528	0 0
(b) Channels—9,424 ft. run at 4/6	528	0 0
(c) Benching—approximately 37 cb. yds. per chain—4,884 cb. yds. at 5/- hand labour	1,221	0 0
	£2,277	0 0
4. 10% CONTINGENCY		
1 year Road Maintenance, possible retaining walls, wash-out during construction (owing to type of soil)	£2,077	0 0
5. WATER		
(a) 8,712 ft. 4" pipe at 8/- delivered	£3,484	1 6
(b) 513 joint gaskets at 6/3	160	16 3
(c) 20 4" hydrants at £54—purchase and transport	1,080	0 0
(d) Approximately 10 cu. yd. tracking and backfill per chain—1,320 cb. yd. at 7/-	495	0 0
(e) 8,712 ft. of laying at 3/- per foot	1,306	16 0
(f) 94 service take off at 70/- each	329	0 0
	£6,855	13 9
6. SURVEYORS COSTS		
(a) 5 ft. contour plan for design and Parish Council's approval of sub-divided 55 acres at £5 5s. 0d	£ 343	15 0
(b) 2½ of Development cost for design of sub-division	740	16 0
(c) 132 chains roadway, layout, long and cross section, estimated at £4 per chain	528	0 0
(d) Survey and prechecked diagram of 94 lots at £9 0s. 0d. per lot inclusive of labour, pre-check fee, monumenting and travelling	846	0 0
	£2,458	11 0
GRAND TOTAL	£32,095	4 9

(sgd.) Cyril P. STEWART,
C.L.S.

EXHIBIT 7

Telephone 773111 J. R. Hunt, A.M I.C.E. M. S.E. (London) M.Am. Soc. C.E.
Consulting Engineer (Civil & Structural)

4 Begonia Drive,
Mona,
Kingston 6,
Jamaica, W.I.

1.

Estimate for Alternate Road in 1960

24th October, 1963

Item	Description	Unit	Quantity	Rate	Amount
	(A) **Widening, Surfacing & Fill**	0 — 1120			£ s. d.
1.	Fill and earth and stone— 1120 x 22.5' x 5.0' av. / 27	c.y.	4680	3/-	702 0 0
2.	Surfacing road, including spreading metal, rolling and grading 1120 x 22.5' / 9	c.y.	2800	10/-	1400 0 0
					2102 0 0
	(B) Rock Fill with Retaining Wall 1120--2270				
3.	Fill in rock against embankment and consolidate 1150 x 30' x 20' / 27	c.y.	25600	4/-	5120 0 0
4.	Construct wall in rubble fill in 1.3 c.m. with weepholes 1150 x 24' x 2.5' av. / 27	c.y.	2550	30/-	3825 0 0
5.	Metal, grading and rolling road surface with equipment 1150 x 24' / 9	c.y.	3070	10/-	1535 0 0
					£10,480 0 0
	(C) Rock Cut for Filling (B)				
6.	Drilling, Blasting & Excavating through rock	c.y.	25600	4/-	5120 0 0
	(D) Earth Fill 2270-2650				
7.	Fill in Earth, roll and consolidate in layers to section above 150' x 30' x 30 / 27	c.y.	5000	3/-	750 0 0
8.	Construct roadway, shape grade and roll 250' x 30' / 9	c.y.	830	10/-	415 0 0
					1165 0 0
	(E) Cut and Grade 2650--3710				
9.	Excavate in earth and rock to section 750' x 30' x 2.5 / 27 plus 400 x 30 x 1 / 27	c.y.	2525	6/-	755 0 0
10.	Grade and shape road 1150 x 30 / 9	c.y.	3820	10/-	1910 0 0
					£2665 0 0
	(F) Culverts				
11.	Construct culvert in Armco Steel Tables L.F.	300	60/—	£900 0. 0.	

A—Widening surfacing and Fill	£ 2,102 0 0
B—Rock Fill with Retaining Wall	£10,480 0 0
C—Rock Cut for Fill	£ 5,120 0 0
D—Earth Fill	£ 1,165 0 0
E—Cut and Grade	£ 2,665 0 0
F—Culverts	£ 900 0 0
	£22,432 0 0
Supervision and Contingencies 5% =	1,120 0 0
	£23,552 0 0

(sgd.) J. R. Hunt,
24.10.63.

EXHIBIT 8

24th October, 1963

JAMAICA GYPSUM LIMITED

ESTIMATE — EXISTING ROAD

Based on Actual Time Factors.

Item	Description	Unit	Quantity	Rate	Amount £ s. d.
	(A) Excavation & Fill				
1.	Tractor H.D. 21(D 8)	Hrs.	735	120/-	4410 0 0
2.	" H.D. 20(D 8)	"	349	120/-	2094 0 0
3.	" D 7	"	571	90/-	2569 10 0
4.	Shovel—1½ cu. yd.	"	635	200/-	6350 0 0
5.	Grader—motor	"	438	70/-	1533 0 0
6.	Compression—600 c.m.f.	"	73	50/-	182 10 0
7.	Euclid Truck—10 tons	"	854	40/-	427 0 0
					£17,566 0 0
	(B) Excavation & Fill (Rented Equipment)				
8.	Tractors				1980 0 0
9.	Explosives				350 0 0
10.	Mix Supplies				89 0 0
11.	Transport & haulage				680 0 0
12.	Labour—Man hours 45,604 3/-				6840 12 0
					9839 12 0
	(C) Culverts.				
13.	Armco Steel tubes—180" dia. L.F. 232				4370 0 0
14.	" " " — 48" " L.F. 128				600 0 0
15.	" " " — 24" " L.F. 90				125 0 0
	c.i.f. charges and freight and transport				811 0 0
16.	Pumps				46 0 0
17.	Sand and Cement				29 0 0
18.	Misc. Tools & Supplies				54 0 0
19.	Bulldozer (D 7)—Hrs. 141 90/-				534 10 0
20.	Labour Man Hrs. 5552 3/-				832 16 0
					7402 6 0
	(D) Calcium Chloride				
21.	Calcium Chloride	Tons	20	£45.25	£ 905 0 0
22.	Local Charge	"	20	£ 9.00	£ 180 0 0
23.	Crusher Stone	c.y.	800	£ 1.25	£1,000 0 0
					£2,085 0 0
	Summary				
	A—Excavation and Fill				£17,566 0 0
	B—Rented Equipment				9,839 0 0
	C—Culverts				7,402 6 0
	D—Calcium Chloride				2,085 0 0
					£36,892 6 0
	Supervision—5%				1,844 0 0
	Insurance				1,000 0 0
					£39,736 6 0

Cost of 5700 L.F.

" " 3100 L.F. = $\frac{31}{57}$ x 39736

= £21,600.

EXHIBIT 9

Certified Copy of particulars in respect of Valuation No. 21301 017 001 as entered on the Valuation Roll.

LAND VALUATION LAW
(Law 73 of 1956)

VALUATION ROLL

(sgd.) W. S. Chang,
Commissioner of Valuations.

25th September, 1963.

VALUATION DISTRICT OF ST. THOMAS

CHUNG, PATRICK W. for Est. E. BURFORD

SOUTH CAMP ROAD HOTEL, KINGSTON.

PROPERTY ADDRESS: GLENFINLASS.

Unimproved Value

£17,500

Improved Value

£

22735

Name of Person in Posssession (Surname First) Followed by
Name of Owner (Where the owner is not the person in possession)

Valuation Date			Lot No.	Deposited Plan	Volume	Folio	Property Area			Property Frontage		Dimensions Depth	Valuation No.	Services
Day	Mth.	Year					Acres	Rds.	Poles	Feet	Ins.	Feet		
1	9	60					520	1	20				21301 017 001	

Services Codes
1 Electricity
2 Fire Protection
3 Water
4 Sewage
5 Sanitation

(sgd.) W. S. Chang,
Commissioner of Valuations.

EXHIBIT 10

Certified copy of particulars in respect of Valuation No. 231 001 001 as entered on the Valuation Roll.

LAND VALUATION LAW
(Law 73 of 1956)

VALUATION ROLL

(sgd.) W. S. Chang,
Commissioner of Valuations.

25th September, 1963.

VALUATION DISTRICT OF ST. THOMAS

HENDRICKSON, KARL for EST. ROBERT STOTT.

ADDRESS: 45 HALF-WAY TREE ROAD, KINGSTON 10.

PROPERTY ADDRESS: MEZGARS RUN.

Unimproved Value

£35,000.

Improved Value

£

22884

Name of Person in Posssession (Surname First) Followed by
Name of Owner (Where the owner is not the person in possession)

Valuation Date			Lot No.	Deposited Plan	Volume	Folio	Property Area			Property Frontage		Dimensions Depth	Valuation No.	Services
Day	Mth.	Year					Acres	Rds.	Poles	Feet	Ins.	Feet		
1	9	60					112	0	00				231 001 001	

Services Codes
1 Electricity
2 Fire Protection
3 Water
4 Sewage
5 Sanitation

(sgd.) W. S. Chang,
Commissioner of Valuations.

.....
Date

EXHIBIT 11

LAND VALUATION LAW
(LAW 73 OF 1956)

VALUATION ROLL

Certified copy of particulars in respect of Valuation No. 212 03 003 001 as entered on the Valuation Roll.

25th September, 1963.

VALUATION DISTRICT OF: S T T H O M A S

* L A M O N T J O S E P H
ADDRESS:
B U L L B A Y P O

UNIMPROVED VALUE	IMPROVED VALUE
£ 4 0 0 0	£

PROPERTY ADDRESS: M O O R F I E L D

* 2 2 6 7 3
NAME OF PERSON IN POSSESSION (Surname First) FOLLOWED BY NAME OF OWNER (Where the Owner is not the person in possession).

VALUATION DATE			LOT No.	DEPOSITED PLAN	VOLUME	FOLIO	PROPERTY AREA			PROPERTY DIMENSIONS			VALUATION No.	SERVICES				
DAY	MTH.	YEAR					ACRES	RDS	POLES	FRONTAGE FEET	FRONTAGE INS.	DEPTH FEET		ELEC	FIRE PR	WATER	SEW	SAN
1	9	60					120	2	03				212 03 003 001					

SERVICES CODES:

1. ELECTRICITY
2. FIRE PROTECTION
3. WATER
4. SEWAGE
5. SANITATION

Commissioner of Valuations

Date

EXHIBIT 12

LAND VALUATION LAW

(LAW 73 OF 1956)

VALUATION ROLL

Certified copy of particulars in respect of Valuation No. 213 01 014 001 as entered on the Valuation Roll.

25th September, 1963.

VALUATION DISTRICT OF: S T T H O M A S

LAI EDWARD A FOR PALISADOES HEIGHTS LTD

ADDRESS:
164 HARBOUR STREET KINGSTON P O

UNIMPROVED VALUE	IMPROVED VALUE
£ 7000	£

PROPERTY ADDRESS: PALISADOES HEIGHTS

* 22093

NAME OF PERSON IN POSSESSION (Surname First) FOLLOWED BY NAME OF OWNER (Where the Owner is not the person in possession).

VALUATION DATE			LOT No.	DEPOSITED PLAN	VOLUME	FOLIO	PROPERTY AREA			PROPERTY DIMENSIONS			VALUATION No.	SERVICES				
DAY	MTH.	YEAR					ACRES	RDS	POLES	FRONTAGE FEET	FRONTAGE INS.	DEPTH FEET		ELEC	FIRE PR	WATER	SEW	SAN
1	9	60					40						213 01 014 001					

SERVICES CODES:

1. ELECTRICITY
2. FIRE PROTECTION
3. WATER
4. SEWAGE
5. SANITATION

Commissioner of Valuations

Date

JAMAICA S.S. **EXHIBIT 13A**

MEMORANDUM OF AGREEMENT made this 4th day of August One Thousand Nine Hundred and Sixty BETWEEN THE DIRECTOR OF HOUSING a Corporation sole established and existing under the Housing Law, 1955 (Law 67 of 1955) hereinafter called "the VENDOR" of the ONE PART AND [redacted] of 22½ East Race Course - KINGSTON 4 OF [redacted] in the parish of Saint Andrew (Hereinafter called "THE PURCHASER (S)") of the OTHER PART WITNESSETH as follows:

1. The Vender agrees to sell and the Purchaser (s) agrees to buy Lot No. 115 of the BULL BAY Subdivision Scheme in the parish of Saint Andrew as shown on Plan deposited in the Office of Titles on the day of One Thousand Nine Hundred and for the price or sum of SEVENTY TWO POUNDS.

2. On execution of this Agreement the Purchaser(s) will:-

(a) Be let into possession of the said land.

(b) Be responsible for the payment of all Insurance Premiums, rates, taxes, and other charges made or imposed from time to time on the said land.

(c) Make an Ingiving on the prescribed form to the Collector of Taxes for the parish of Saint Andrew with a view to having the said land entered in the Valuation Roll.

(d) Deposit with the Vendor the sum of SEVEN POUNDS FOUR SHILLINGS which amount will be credited to a separate account of the Purchaser.

(e) Not to sell, assign, let or otherwise part with or dispose of the said land or any part thereof without the written consent of the Vendor first had and obtained.

3. The Title to the said land is under the operation of the Registration of Titles Law and on payment of the purchase price in full the Purchaser(s) will be entitled to have a Certificate of Title issued in his/their names free of encumbrances save and except such building and subdivision restrictions as are set forth in Paragraph 4 hereafter and which shall be endorsed on the Title.

4. The said lands are laid out under a Housing Scheme within the meaning of the aforementioned the Housing Law 1955 and are subject to the undermentioned building and subdivision restrictions which shall run with the land and be binding upon the present purchaser(s) as well as his/their heirs, personal representatives and transferees and shall ensure to the benefit of and be enforceable by the registered proprietors for the time being of the land or any portion thereof now or formerly comprised in the Certificate of Title registered in Volume 506 Folio 35.

(1) Within twelve months from the date hereof the Purchaser(s) must erect and forever maintain a good and sufficient fence dividing off the said Lot numbered 115 from the remainder of the said land.

(2) All gates and doors in or upon any fence or opening upon any road shall open inwards.

(3) The said land shall not be subdivided into smaller lots.

(4) No building or other structures may be erected on the said land or any part thereof without the written consent of the Vendor first had and obtained.

(5) No bath water or water for domestic purposes in respect of the said land or any part thereof or any water except storm water be permitted or allowed to flow from the said land or any part thereof or to any portion of the lands now or formerly comprised in the Certificate of Title at Volume Folio or on to any road, street or land adjacent to the said land, but all such water as aforesaid shall be disposed of by being run into an absorption pit or pits or by evaporation or percolation on the said land.

(6) No fence, hedge or other construction of any kind nor any tree or plant of a height of more than 4'6" above road level shall be erected, grown or permitted within fifteen feet of any road intersection, and the Road Authority shall have the right to enter upon the said land and to clean, repair, improve and maintain all or any of the drains or water courses which may be thereon and to remove, cut, trim any fence, hedge, or other construction and any tree or plant which may be erected, placed or grown upon the said land in contravention of this covenant without liability for any loss or damage thence arising, and the registered proprietor shall pay to the Road Authority the cost incurred by reason of the matter aforesaid.

(7) The registered proprietor of the said land shall not in any manner restrict or interfere with the discharge of storm water from the road on the said land; and the Road Authority shall not under any circumstances be liable to the registered proprietor of the said land for any damage occasioned by storm-water flowing off the roadways.

(8) No building of any kind other than a private dwelling house with appropriate offices and out buildings appurtenant thereto and occupied there with may be erected on the said land.

(9) It is hereby expressly agreed that the Purchaser shall not for a period of ten years from the date hereof be able to sell or dispose of the land without the consent of the Vendor which consent may be with-held either unconditionally or subject to the condition that the Purchaser(s) shall pay to the Vendor the whole or so much of the excess of the sale price over SEVENTY-TWO POUNDS as the Vendor may determine.

5. The Vendor shall be entitled but not obliged to advance all monies as may be necessary for paying all Taxes and other charges on the said land and the amount of such advances shall be repayable by the Purchaser(s) on demand and until repaid be added to the amount of purchase money and bear interest accordingly.

6. The balance of purchase money after deducting the deposit referred to at 2 (d) above together with any amounts which the Vendor may advance on behalf of the Purchaser(s) will be paid by Monthly instalments of (10/9d.) TEN SHILLINGS AND NINE PENCE commencing from the 30th day of September One Thousand Nine Hundred and Sixty two together with interest thereon reducible annually at the rate of 5¼ percentum per annum and if the Purchaser(s) shall make default for the period of Thirty days in respect of these instalments (AS TO WHICH TIME SHALL BE OF THE ESSENCE OF THE CONTRACT) the Vendor shall be entitled to forfeit all amounts paid under this Agreement and determine this contract and retake possession without prejudice to any antecedent rights or liabilities.

7. In the event of any breach by the Purchaser(s) of any covenant, proviso, stipulation or condition herein contained and on his/their part to be observed and performed and without to the right of the Vendor under Clause 6 of this agreement, the Vendor may terminate this Agreement by giving to the Purchaser(s) one month's notice in writing to that effect commencing from the first day of the month next ensuing such breach of Clause 4 (4) of this Agreement and in the event of failure on the part of the Purchaser(s) to remove such

7/.....

7.(Cntd) building before the expiration of such notice the Vendor may proceed to have same demolished without further notice and shall recover the costs of an incident thereto from the Purchaser on demand with interest at the rate of 5¼ per centum per annum from the date of advance to the date of repayment.

8. Any demand for payment or notice required to be made upon or given to the Purchaser(s) shall be well and sufficiently made or given if personally served on the Purchaser(s) or posted up at some conspicuous place on the said lot or sent through the post by registered letter addressed to the Purchaser(s) at 22 [illegible] 4 and any demand or notice sent by post shall be deemed to have been served on the following day of the posting thereof.

9. If the Purchaser(s) shall duly and faithfully observe, perform, and keep all and singular the covenants on his/their part herein before contained he shall be entitled to receive a Certificate of Title for the said land and the Vendor shall duly execute the necessary Transfer and cause such Certificate to be issued.

The Corporate Seal of the Director of Housing was duly affixed to these presents and the same signed by ASTON DUNCAN MANAHAN in the presence of:-

[illegible]

Dept. of Housing

[illegible]
DIRECTOR OF HOUSING.

SIGNED by the Purchaser(s) the said [illegible] in the presence of :-

[illegible]

Witness [illegible]

Address C/O Dept. of Housing Kgn 10

Date 4/8/60

Cost of Land	£185. 10/-
Less Subsidy	£113. 10/-
Net Purchase Price	£ 72. 0. 0
Deposit	£ 7. 4. 0
Balance of	£64. 16/-

repayable by monthly instalments of - 10/9

with interest @ 5¼ p.a. monthly 5/8

Monthly payments required 16/5

EXHIBIT 13 B

JAMAICA S.S.

MEMORANDUM OF AGREEMENT made this 9th day of August One Thousand Nine Hundred and Sixty-Two BETWEEN THE DIRECTOR OF HOUSING a Corporation sole established and existing under the Housing Law, 1955(Law 67 of 1955) hereinafter called "the VENDOR" of the ONE PART AND **VINCENT L. DIXON**

of BULL BAY

in the parish of Saint Andrew (Hereinafter called "THE PURCHASER (s) of the OTHER PART WITNESSETH as follows:

1. The Vendor agrees to sell and the Purchaser(s) agrees to buy Lot No. 117 of the BULL BAY Subdivision Scheme in the parish of Saint Andrew as shown on Plan deposited in the Office of Titles on the day of One Thousand Nine Hundred and for the price or sum of SEVENTY TWO POUNDS.

2. On execution of this Agreement the Purchaser(s) will:-

(a) Be let into possession of the said land.

(b) Be responsible for the payment of all Insurance Premiums, rates, taxes, and other charges made or imposed from time to time on the said land.

(c) Make an Ingiving on the prescribed form to the Collector of Taxes for the parish of Saint Andrew with a view to having the said land entered in the Valuation Roll.

(d) Deposit with the Vendor the sum of SEVEN POUNDS FOUR SHILLINGS which amount will be credited to a separate account of the Purchaser.

(e) Not to sell, assign, let or otherwise part with or dispose of the said land or any part thereof without the written consent of the Vendor first had and obtained.

3. The Title to the said land is under the operation of the Registration of Titles Law and on payment of the purchase price in full the Purchaser(s) will be entitled to have a Certificate of Title issued in his/their names free of encumbrances save and except such building and subdivision restrictions as are set forth in Paragraph 4 hereafter and which shall be endorsed on the Title.

4. The said lands are laid out under a Housing Scheme within the meaning of the aforementioned the Housing Law 1955 and are subject to the undermentioned building and subdivision restrictions which shall run with the land and be binding upon the present purchaser(s) as well as his/their heirs, personal representatives and transferees and shall ensure to the benefit of and be enforceable by the registered proprietors for the time being of the land or any portion thereof now or formerly comprised in the Certificate of Title registered in Volume 506 Folio 35.

(1) Within twelve months from the date hereof the Purchaser(s) must erect and forever maintain a good and sufficient fence dividing off the said Lot number 117 from the remainder of the said land.

(2) All gates and doors in or upon any fence or opening upon any road shall open inwards.

(3) The said land shall not be subdivided into smaller lots.

(4) No building or other structures may be erected on the said land or any part thereof without the written consent of the Vendor first had and obtained.

5/ .....

(5) Nobath water or water for domestic purposes in respect of the said land or any part thereof or any water except storm water be permitted or allowed to flow from the said land or any part thereof or to any portion of the lands now or formerly comprised in the Certificate of Title at Volume Folio or on to any road, street or land adjacent to the said land, but all such water as aforesaid shall be disposed of by being run into an absorption pit or pits or by evaporation or percolation on the said land.

(6) No fence, hedge or other construction of any kind nor any tree or plant of a height of more than 4'6" above road level shall be erected, grown or permitted within fifteen feet of any road intersection, and the Road Authority shall have the right to enter upon the said land and to clean, repair, improve and maintain all or any of the drains or water courses which may be thereon and to remove, cut, trim any fence, hedge, or other construction and any tree or plant which may be erected, placed or grown upon the said land in contravention of this covenant without liability for any loss or damage thence arising, and the registered proprietor shall pay to the Road Authority the cost incurred by reason of the matter aforesaid.

(7) The registered proprietor of the said land shall not in any manner restrict or interfere with the discharge of storm water from the road on the said land; and the Road Authority shall not under any circumstances be liable to the registered proprietor of the said land for any damage occasioned by storm-water flowing off the roadways.

(8) No building of any kind other than a private dwelling house with appropriate offices and outbuildings appurtenant thereto and occupied there with may be erected on the said land.

(9) It is hereby expressly agreed that the Purchaser shall not for a period of ten years from the date hereof be able to sell or dispose of the land without the consent of the Vendor which consent may be with-held either unconditionally or subject to the condition that the Purchaser(s) shall pay to the Vendor the whole or so much of the excess of the sale price over SEVENTY -TWO POUNDS as the Vendor may determine.

5. The Vendor shall be entitled but not obliged to advance all monies as may be necessary for paying all Taxes and other charges on the said land and the amount of such advances shall be repayable by the Purchaser(s) on demand and until repaid be added to the amount of purchase money and bear interest accordingly.

6. The balance of purchase money after deducting the deposit referred to at 2 (d) above together with any amounts which the Vendor may advance on behalf of the Purchaser(s) will be paid by Monthly instalments of (10/9d.) TEN SHILLINGS AND NINE PENCE commencing from the 30th day of September One Thousand Nine Hundred and Sixty- together with interest thereon reducible annually at the rate of 5¼ percentum per annum and if the Purchaser(s) shall make default for the period of Thirty days in respect of these instalments (AS TO WHICH TIME SHALL BE OF THE ESSENCE OF THE CONTRACT) the Vendor shall be entitled to forfeit all amounts paid under this Agreement and determine this contract and retake possession without prejudice to any antecedent rights or liabilities.

7. In the event of any breach by the Purchaser(s) of any covenant, proviso, stipulation or condition herein contained and on his/their part to be observed and performed and without to the right of the Vendor under Clause 6 of this agreement, the Vendor may terminate this Agreement by giving to the Purchaser(s) one month's notice in writing to that effect commencing from the first day of the month next ensuing such breach of Clause 4 (4) of this Agreement and in the event of failure on the part of the Purchaser(s) to remove such

7. (Cont'd.) building before the expiration of such notice the Vendor may proceed to have same demolished without further notice and shall recover the costs of an incident thereto from the Purchaser on demand with interest at the rate of 5¼ per centum per annum from the date of advance to the date of repayment.

8. Any demand for payment or notice required to be made upon or given to the Purchaser(s) shall be well and sufficiently made or given if personally served on the Purchaser(s) or posted up at some conspicuous place on the said lot or sent through the post by registered letter addressed to the Purchaser(s) at Bull Bay P.O and any demand or notice sent by post shall be deemed to have been served on the following day of the posting thereof.

9. If the Purchaser(s) shall duly and faithfully observe, perform, and keep all and singular the covenants on his/their part herein before contained he shall be entitled to receive a Certificate of Title for the said land and the Vendor shall duly execute the necessary Transfer and cause such Certificate to be issued.

The Corporate Seal of the Director of Housing was duly affixed to these presents and the same signed by ASTON DUNCAN MANAHAN in the presence of:

.....

.....

.....
DIRECTOR OF HOUSING

SIGNED by the Purchaser(s) the said VINCENT L. DIXON.

Vincent L. Dixon
.....

in the presence of :-

.....

Witness Edith P. Miller

Address 7 Hagley Park Road Kingston 10

Date 9.8.67

Cost of Land	£185. 10. -.
Less Subsidy	£113. 10. -.
Net Purchase Price	£ 72. -. -.
Deposit	£ 7. 4. -.
Balance of	£ 64. 16. -.

repayable by monthly instalments of - 10/9

with interest @ 5¼ p.a. monthly 5/8

Monthly payments required 16/5

EXHIBIT 17

CONTRACT OF SALE

VENDOR:	CAMBRIDGE HEIGHTS LTD., 5 Port Royal Street, Kingston.
PURCHASER:	KARL HENDRICKSON, 45 Half-way Tree Road, Kingston 5.
SHORT DESCRIPTION OF PROPERTY:	41 Acres of land part of Lot 80 in the Sub-division of Cambridge Hill Estates in the parish of St. Thomas being part of land registered at Volume 540 Folio 59 of the Register Book of Titles.
PURCHASE PRICE & HOW PAYABLE:	SIX THOUSAND POUNDS (£6,000) payable as to £1,000 on the signing of this Agreement and the balance in four equal instalments of £1,250 each payable on the 11th day of the months of August, November, February and May next ensuing. Time shall be of the essence of the contract.
TITLE & COSTS:	MILHOLLAND, ASHENHEIM & STONE to have the Carriage of Sale. Title to be registered and the cost of title and of this Agreement shall be payable according to the Law Society's Scale and shall be borne equally between the parties hereto.
POSSESSION:	On payment of £1,000 and on the signing hereof.
RATES, TAXES & INSURANCE:	Apportioned as at date of possession.
MISCELLANEOUS:	The balance of the land forming part of Lot 80 is to be selected by the Vendor and this Contract is subject to the obtaining of Sub-division approval. The land is sold subject to the restrictive covenants already on the title and imposed as a condition of sub-division approval already obtained and also to those imposed as a condition of any further sub-division approval which may be necessary, and to a right-of-way in favour of land at present owned by L. Dyke. The two roads leading to this land are to be included into this contract as a right-of-way or entrance to this land.

Dated this 8th day of May, 1959.

CAMBRIDGE HEIGHTS LTD.

per: ?
Vendor:..... Managing Director

?
Purchaser.....

Witness to Vendor's Signature } G. M. Morris .....

Witness to Purchaser's Signature } Stanley Deleon .....

Exhibit 16

T 16

-2, 1971

EXHIBIT "B"

1481

CERTIFIED TRUE COPY
[signature]
Registrar of Titles.
10 SEP 1965

REGISTER BOOK.
VOL. 305 FOL. 15

JAMAICA.

Certificate of Title under the Registration of Titles Law, 1889.

George Norman Penso
of the parish of Kingston, Merchant

is now the proprietor of an estate in fee simple ——

subject to the incumbrances notified hereunder in ALL THAT parcel of land known as "Glenfinlass" situate in the Saint David's District in the parish of Saint Thomas containing by survey five hundred and twenty acres one rood and twenty five perches of the shape and dimensions and butting as appears by the plan thereof hereunto annexed ——

Dated the eighteenth day of December one thousand nine hundred and thirty Four. ——

Ian T. Graham
Acting Registrar of Titles

Incumbrances above referred to

No. 48766 Transfer dated the 26th and registered on the 29th of January 1943 from the above named George Norman Penso of all his estate in the land comprised in this Certificate to Donald Lester [illegible] of Saint Ann, Planter and Beatrice Euphemia his wife as joint tenants. Consideration money seven hundred and fifty pounds.

[signature]
Registrar of Titles

No. 51113 Mortgage dated the 1[illegible]th and registered on the 22nd of [illegible] from abovenamed Donald Lester [illegible] and Beatrice Euphemia his wife of all their estate in the land comprised in this Certificate to the [illegible] Co-operative Bank Limited to secure sixty pounds with interest thereon.

[signature]
Registrar of Titles

No. 30846 Discharge. The land comprised in this Certificate discharged from Mortgage No. 51113 above mentioned. Entered on 2nd October 1943

[signature]

EXHIBIT 14

2/1971

56 Transfer No. 16960 dated the [illegible] March and registered on the [illegible] of May 1954, from the above-named Bellrock Caribbean Limited of all its estate in the land comprised in the [illegible] [illegible] [illegible] to Jamaica Gypsum Limited a Company duly incorporated under the Laws of Jamaica and having its registered office at Harbour Head Saint Andrew. [illegible] 16671 and 20732 Consideration Money Two Thousand Five Hundred and Fifty Seven Pounds

[illegible]
Registrar of Titles.

No. 122181 of Transfers. Indenture dated the 29th of March and registered on the 17th of September 1956 wherein the above-named Jamaica Gypsum Limited granted to [illegible] Service Company Limited a Company duly incorporated under the Laws of Jamaica the easements liberties and rights in respect of the land comprised in this Certificate therein set out in consideration of the premises and covenants recited in the said Indenture.

N. O. Hendrick
Dep. Registrar of Titles

No. 122182 of Transfers. Indenture dated the 29th of March ~~and registered on the [illegible] of September~~ 1956 wherein the above-named Jamaica Gypsum Limited (hereinafter called the Grantor) granted to the Jamaica Public Service Company Limited a Company duly incorporated under the Laws of Jamaica (hereinafter called the Company) the easements liberties and rights in respect of the land comprised in this Certificate therein set out in consideration of the premises and covenants recited in the said Indenture and the Company covenanted with the Grantor to construct install and at times thereafter to maintain in good order and condition an Electric Transmission Line as stipulated in the said Indenture in consideration of the covenants therein recited and payment of the sum of One Thousand Pounds by the Grantor to the Company. Entered hereon on the 3rd of September 1956.

H. O. Hendricks
Dep. Registrar of Titles

No. 123763 of Transfers. Indenture dated the 29th day of August 1956 whereby the above-named Jamaica Gypsum Limited granted to The Kingston and Saint Andrew Corporation a [illegible] constituted by and under the Kingston and Saint Andrew Corporation Law [illegible] of the Revised Laws of Jamaica the rights and liberties therein set out in respect of the Way Leave therein mentioned and described subject to the conditions set out in the said indenture. Entered hereon on the 1st of October 1956.

[illegible]
Registrar of Titles

EXHIBIT "A" Exhibit 14 55

CERTIFIED TRUE COPY
[signature]
Registrar of Titles.
10 SEP 1965

1481

REGISTER BOOK.
Vol. 526 Fol. 10
[illegible] 16671

JAMAICA

Certificate of Title under the Registration of Titles Law, Chapter 268.

Charlotte Elizabeth Harmon

of Bull Park Pen in the parish of Saint Thomas

is now the proprietor of an estate in fee simple

subject to the incumbrances notified hereunder in ALL [redacted] THOSE two parcels of land parts of Bull Park Pen in the parish of Saint Thomas containing by survey Ninety three Acres Three Roods Sixteen [illegible] and [illegible] [illegible] Nine Acres and Sixteen Perches of the shapes and dimensions and butting as appear by the Figures marked A and B on the plan thereof hereunto annexed

Dated the Twenty fifth day of October One Thousand Nine hundred and Forty eight

[signature]
Registrar of [illegible]

Incumbrances above referred to.

No. 90887 Transfer dated the 22nd and registered on the [illegible] 1949, from the above named Charlotte Elizabeth Harmon [illegible] estate in the land comprised in this Certificate to Bellrock Caribbean Limited of Harbour Head Saint Andrew [illegible] [illegible] money Eight hundred and fifty pounds.

[signature]
Registrar of [illegible]

[illegible] No. 93602 the land comprised in this Certificate is wholly discharged from [illegible] mentioned Entered hereon on the 10th of March, 1962.

[illegible] Registrar of Titles

Mortgage No. 93063 dated the 20th of June and registered on the 10th of July 1962 from the above-named Henry Manwell Wellington of all his estate in the land comprised in this Certificate to Bromley Lodon Johnson of Saint Andrew, Transport Operator to secure [illegible] Hundred Pounds with interest.

[illegible] Registrar of Titles

Mortgage No. 100606 dated the 23rd of October and registered on the 8th of November 1962 from the above named Henry Manwell Wellington of all his estate in the land comprised in this Certificate to Allan [illegible] of 35 [illegible] Street, Kingston to secure one Hundred Pounds with interest.

[illegible] Registrar of Titles

Discharge No. 72848 The land comprised in this Certificate is wholly discharged from Mortgage No. 100606 above-mentioned.
Entered hereon on the 25th day of January 1964

Registrar of Titles

Discharge No. 72846 The land comprised in this Certificate is wholly discharged from Mortgage No. 93063 above-mentioned.
Entered hereon on the 25th day of January 1964

Registrar of Titles

TRANSFER NO. 122462 DATED the 2nd [illegible] AND REGISTERED ON THE 25th OF January 1964, FROM THE ABOVE-NAMED Henry Manwell Wellington OF ALL his ESTATE IN THE LAND COMPRISED IN THIS CERTIFICATE to Patrick Wilkinson [illegible] of Kingston [illegible].
CONSIDERATION MONEY Six Thousand five hundred POUNDS

REGISTRAR OF TITLES

TRANSFER No. 130/52 DATED 9th [illegible] AND REGISTERED ON THE [illegible] OF October 1967, FROM THE ABOVE-NAMED Patrick Wilkinson [illegible] OF ALL his ESTATE IN THE LAND COMPRISED IN THIS CERTIFICATE to Edward [illegible] of [illegible] Company Director
CONSIDERATION MONEY Twenty Thousand Pounds.

88 No. 57218 Mortgage dated [illegible] registered [illegible] above-named [illegible] Louis [illegible] estate in the land comprised in this Certificate [illegible] to secure [illegible] hundred [illegible] Pounds [illegible] with interest [illegible] shillings [illegible] per month [illegible]

Registrar of Titles

No. 59939 Mortgage dated the 15th and registered on the 20th of January [illegible] from the above named Donald Lester Marsh and Beulah Euphemia his wife of all their estate in the land comprised in this Certificate to Ivy Louise Crooks of Kingston Clerk to secure Two Hundred and Fifty Pounds with interest thereon at [illegible] payable weekly

Registrar of Titles

No. [illegible] Discharge The land comprised in this Certificate is wholly discharged from Mortgage No. 57218 above mentioned. Entered hereon on the 30th of May 1946

Registrar of Titles

No. 2009 Discharge The land comprised in this Certificate is wholly discharged from Mortgage No. 59939 above mentioned. Entered hereon on the 30th of May 1946

Registrar of Titles

No. 61136 Transfer dated the 27th of April and registered on the 30th of May 1946 from the above-named Donald Lester Marsh and Beulah Euphemia his wife of all their estate in the land comprised in this Certificate to Henry Manwell Wellington of Kingston, Sergeant Major of Constabulary Consideration money Nine Hundred Pounds

Registrar of Titles

No. 15741 Mortgage dated the 29th and registered on the 30th of May 1946 from the above-named Henry Manwell Wellington of all his estate in the land comprised in this and Two other Certificates registered at Volume 98 Folio [illegible] and Volume 351 Folio 8 to [illegible] of Kingston [illegible] and William [illegible] of [illegible] to secure One Thousand Two Hundred and Fifty Pounds out of moneys belonging to them on a joint account with interest thereon at Five per cent per annum.

Registrar of Titles

1461

REGISTER BOOK

Vol. 51 Fol. 59

C 37099

JAMAICA

Certificate of Title ...

is now the proprietor of an estate ...

subject to the incumbrances ...

Mortgage No. ______ dated ______, and registered ______ above-named ______

of all ______ estate in the land ... this certificate ...

to secure ______

with interest.

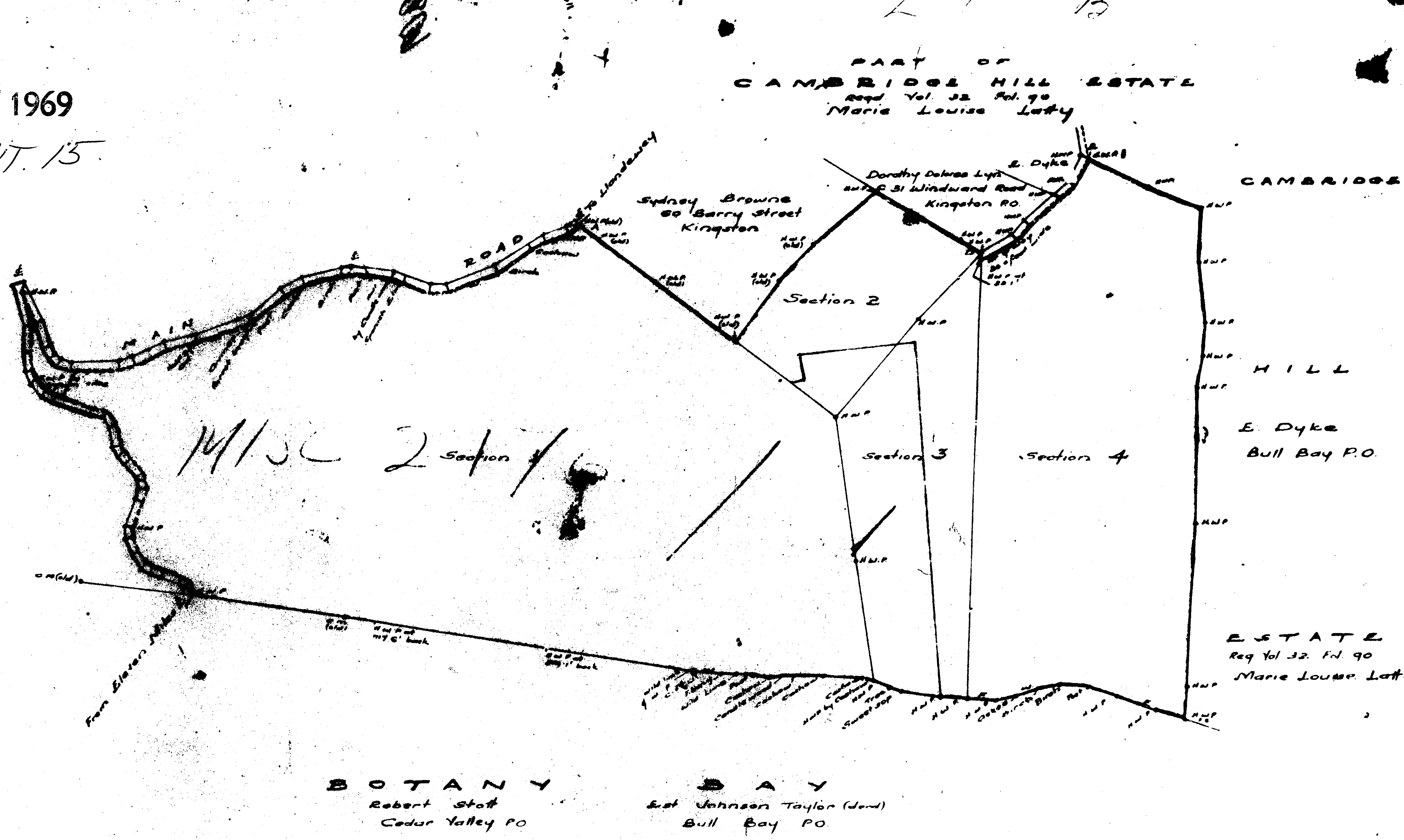
Registrar of Titles

Entry No.	Transfer No.				Transferee Name				Remarks
3	160446	16.1.61	65	£ 340	L. C. Ritch	967	622	[illegible]	Discharged
4	160770	27.1.61	51	£ 400	B. Meikle	967	623	[illegible]	
5	160771	"	59	£ 280	D. Rambana	967	624	[illegible]	
6	160772	"	56	£ 280	S. G. Thompson	967	625	[illegible]	
7	160773	"	46	£ 360	C. E. Bird et al	967	626	[illegible]	joint tenants
8	160774	"	35	£ 380	G. A. Seaton	967	627	[illegible]	Discharged
9	163682	[illegible]	11	£240	[illegible] Josephs	975	[illegible]	[illegible]	Discharged
10	163583	"	13	£240	B. A. Burrows et al	975	[illegible]	[illegible]	joint tenants Discharged
11	163684	"	62	£ 325	M. G. Mulai	975	[illegible]	[illegible]	Discharged
12	163585	"	35	£ 325	M. G. Mulai	975	[illegible]	[illegible]	"
13	[illegible]	"	73	£400	L. G. Cooper	975	[illegible]	[illegible]	"
14	[illegible]	"	20	£ 350	I. S. Thomas	975	[illegible]	[illegible]	"
15	166077	17.8.61	43	£382	O. J. [illegible]	976	[illegible]	[illegible]	Cancelled
16	164767	18.8.61	30	£440	[illegible]	977	274	[illegible]	joint tenants discharged
17	166163	22.8.61	58	£ 280	B. S. Holung	[illegible]	[illegible]		Discharged
18	169272	22.1.62	18	£ 640	D. C. M. Shirley	983	66		
19	169274	"	19	£ 270	L. A. Foster	983	67		
20	169275	"	61	£ 300	D. A. Anthony	983	68		
21	169440	"	14	£ 410	E. Lee	983	69		
22	172531	"	69	£ 400	S. E. Thomas	983	70		discharged.
23	174162	12.12.62	8 and 9	£720	D. S. Gayle et al	988	79 80	[illegible]	Discharged Joint Tenants
	192099	17.6.64	1–9 12–46 46A 47–72 Reading	£6000.	Palisadoes Heights Ltd	1004	696	[illegible]	discharged
	197630	23.3.65	15	£500.0.0	The Commissioner of Lands	1010	389	[illegible]	
	27521	9.3.65	11		Cambridge Heights Limited	1012	390	[illegible]	Subject to Mtge. 119747
	202166	14.9.65	47	£550.0.0	E. M. E. Jackson	1018	555	[illegible]	discharged
	202167	17.9.65	55	£220.0.0	K. C. Ryan	1018	556	[illegible]	discharged
	202168	13.9.65	74	£400.0.0	P. M. Richardson	1018	557	[illegible]	discharged
	202591	13.9.65	12	£330.0.0	G. F. Thomas et al	1018	558	[illegible]	discharged tenants in common
	220813	[illegible]	45	£400.0.0	R. M. Shim [illegible]	1031	[illegible]	[illegible]	discharged
	224951	29.3.67	43	£500.0.0	C. Kelly et al	1034	137	[illegible]	tenants in common discharged

WORCESTER PARK
MONTPELIER
A. R. P.
736 : 3 : 00
LLANDEWEY
Vol. 530 Fol. 69
A. R. P.
640 : 2 : 00
Rudolph A. Burke
MOUNT SINAI
1667 Acres
RIVER HEAD PEN
A. R. P.
219 : 0 : 00
LLANDEWEY
Vol. 530 Fol. 69
220 : 0 : 00
GLENFINLAS
Vol. 305 Fol. 15
A. R. P.
520 : 1 : 20
H. M. Wellington
SNOWDON
CAMBRIDGE HILL
Vol. 32 Fol. 90
A. R. P.
1060 : 0 : 00
Roy Fitzgerald Dyke
Vol. 540 Fol. 59
FELLOWSHIP
OR
FRIENDSHIP HALL
ALBION MOUNTAIN
A. R. P.
560 : 0 : 00
BULL EYE
OR
PEDDA WOOD
A. R. P.
182 : 0 : 00
SMITHFIELD
NUNC
LAND
63 Acs.
WAKEFIELD
536 Acres
COWARDS
HERMITAGE
150 Acres
WINDSOR CASTLE
Vol. 222 Fol. 41
A. R. P.
1686 0 00
Harold Wesley Norton
GEORGIA
ESTATE
Formerly belonging to COLEY
200 Acres
Vol. 224 Fol. 6
A. R. P.
1181 : 0 : 00
Rupert Aston Figuero
INVERNESS
REIDS MTN
1460 Acres
LINE OF ST DAVID
SWAMP
A. R.
775 : 0
MOUNTAIN SPRING
Part of
MOUNT SINAI
Vol. 654 Fol. 56
A. R. P.
265 0 225
Harold Malcolm Dacres
SMITHFIELD
Vol. 107 Fol. 14
A. R. P.
414 : 0 : 14
Lauretta Louise Murray
YALLAHS
EASINGTON
A. R. P.
222 : 0 : 00
BRANDON HILL
WOODBOURNE PEN
Vol. 31 Fol. 5
NORRIS
ESTATE
Vol. 403 Fol. 5
A. R. P.
1180 : 1 : 35
1375 1 00
The Colonial Secretary of Jamaica
COLLIERS RIVER
EASTWOOD
AND
FAIR PROSPECT
Vol. 181 Fol. 20
A. R. P.
236 : 0 : 00
Mathew Johnson
BLOOMFIELD
WINDSOR CASTLE PEN
171 : 3 : 00
COLDSTREAM
AND
LLOYDS ESTATE
Vol. 355 Fol. 53
A. R. P.
1624 : 0 : 00
The Colonial Secretary of Jamaica
LOWER ST. DAVID
LAWS MOUNTAIN
AEOLUS VALLEY
495 Acres
Remainder of
AEOLUS VALE
1150 Acres
W. A. Milne
CONTENT
106 Acres
ROBERTS LAND
Vol. 574 Fol. 63
A. R. P.
125 : 2 : 32
Mary Elizabeth Bamana
WHITE HALL
A. R. P.
480 : 0 : 00
BOTANY BAY
A. R. P.
375 : 0 : 00
CAMBRIDGE FARM
60 Acres
COTTAGE
50 Acres
RELIEF
OR
Part of
WHITE HALL
Precipitous Rocks to the Sea
MEZGARS RUN
A. R. P.
457 : 0 : 00
SPRING GARDEN
AND
ALBION ESTATE
Volume 225 Folio 64
A. R. P.
4422 0 00
GRANTS PEN
Vol. 606 Fol. 11
A. R. P.
519 2 35
Hon. Sir George Seymour Seymour
Vol. 609 Fol. 29
A. R. P.
201 : 1 : 21 84
Audley Orlando Morais
Vol. 608 Fol. 2
164 : 1 : 24 46
Basil Black
COW BAY
THE ALBION POND
COW BAY POINT
WRAYWOOD
RIVER
MOUNT CLAIR
96 Acres
HEART EASE
INVERNESS
60 Acres
BRIGHTON
153 Acres
OLD RECTORY
PHILLIPSFIELD
Vol. 209 Fol. 87
A. R. P.
326 : 3 : 23
Leo Dudley Delisser
Vol. 421 Fol. 51
A. R. P.
344 : 0 : 08
Leo Dudley Delisser
CHERRY GARDEN PEN
HAMPSTEAD
POOR MANS CORNER
YALLAHS
BUCHANANS MOUNTAIN
called
HEALTHY VALLEY
A. R. P.
136 : 0 : 00
PART OF
LLOYDS ESTATE
Vol. 359 Fol. 4
A. R. P.
400 : 0 : 08
Rose Hazel Sequin
MONTPELIER PEN
Vol. 153 Fol. 32
A. R. P.
856 2 00
Cecil C. Hendriks
DARK HOLE GULLY
ALEXANDERS GULLY
ORANGE PARK
Vol. 542 Fol. 61
A. R. P.
350 1 380
Arthur Vincent Sinclair
HILL SIDE PEN
51 Acres
LOWDEN
LOUDON
Vol. 340
220 Acres
LOUDON HILL

25 OF 1969

EXHIBIT. 15



Section 1 [illegible]

Section 2 [illegible]

Section 3 [illegible]

Section 4 [illegible]

REFERENCE

	A	R	P
Section 1	54	1	04.1
2	7	1	06.0
3	11	2	06.0
4	39	2	37.0
Total	112	3	13.1

Date of Tape check — July 1947 & February 1948
Result of " — Satisfactory

Scale 300 feet to 1 inch & 1 : 3600

Surveyed 11th January — 18th March 1948

The above figures shaded red represent 112 : 3 : 13.1 (A . R . P) of land parts of Cambridge Hill Estate in the parish of Saint Thomas This is the plan referred to in the annexed certificate registered in the name of Sydney Leopold Browney in Volume 540 Folio 59

Registrar of Titles

CERTIFIED TRUE COPY

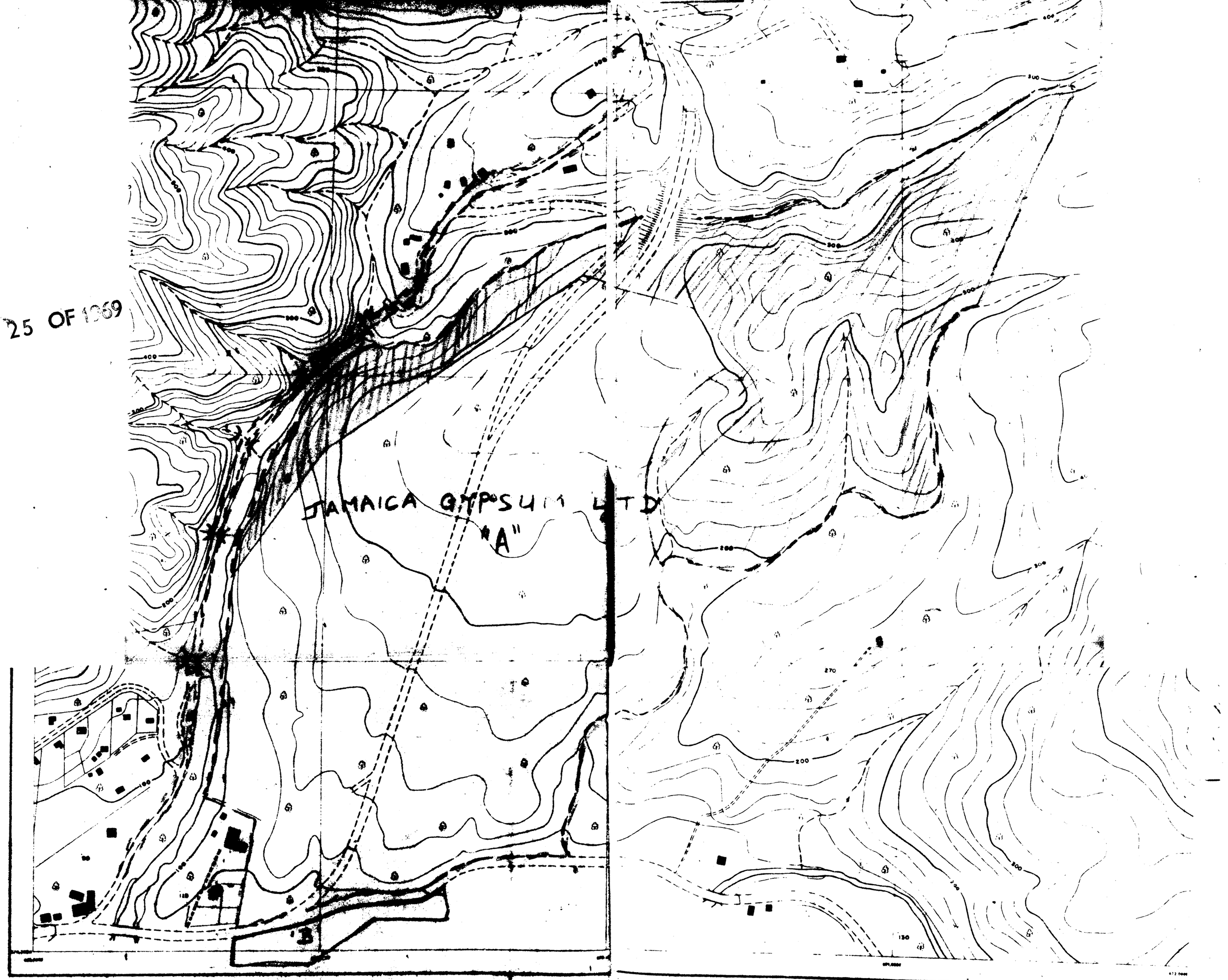
Registrar of Titles.

10 SEP 1968

Surveyed by R. G. Gore

25 OF 1969

JAMAICA GYPSUM LTD
"A"



A MEMBER OF
HUNTING SURVEY CORPORATION LIMITED

Topographic Map Dated May 1968
Compiled From Air Photography Taken Sept. 1969
Ground Control By D. L. PAISLEY, Registered Surveyor

N

Property boundary
Parish boundary
Proposed road
Widening of
Earth Fill
Rock cut
Culvert

GENERAL
Property of Jamaica Gypsum Ltd.
Parish of St. Andrew, St. Thomas.
Proposed main:
General improvement

SCALE 1 2,400

CONTOURS AT 20ft. V. I.
GRID INTERVAL 1,000 FEET