

much as would at first appear, as the bulk of the ratepayers on Waimate side cross the river to Otipua Road by Brassell's or Jeffcoat's fords, which can be used at ordinary times, so that comparatively few cross the bridge.

My remarks as to natural causes damaging a road apply with much greater force to a bridge. A bridge, as a rule, rots out, and becomes useless by the action of the atmosphere, or is damaged or destroyed by floods, whereas the traffic on it, as a rule, only damages the decking, which is inexpensive to repair as compared with replacing other parts of the bridge. The bridge being a connecting-link between the two counties, the onus of its upkeep is *prima facie* cast upon the two counties in equal proportions. This being so, and as no evidence was brought to show that the Waimate traffic specially damaged the structure, or caused any special expense in the maintenance of the bridge, and looking to the equities of the matter as set out in the former and in this case, and also that Waimate County should, I think, contribute to the Otipua Road in the proportion mentioned above, I am of opinion that the present arrangement whereby each county pays half the cost and each manages one of the bridges is just.

Lower Pareora Bridge.

This is a very important structure on the Main South Road, and over it a considerable amount of light traffic and sheep pass, both North and South from Waimate, Levels, and other counties; but more comes from the south than north. Levels County seeks to compel Waimate to pay two-thirds of the cost of its maintenance.

My remarks on the Upper Pareora Bridge apply to this case also if "the Main South Road" be substituted for "Otipua Road." This being so, I cannot recommend Your Excellency to alter the present apportionment of the cost of maintenance.

IN CONCLUSION.

I respectfully state that, in my opinion—

1. Waimate County Council should contribute one-fourth of the cost of maintaining the Otipua Road from the Upper Pareora Bridge to the junction of the road with the Main South Road.

2. Waimate County Council should contribute one-fourth of the cost of maintaining Brassell's Road on the condition already mentioned.

3. Waimate County Council should contribute one-sixth of the cost of maintaining the Great South Road from the Lower Pareora Bridge to the junction of the road with the Otipua Road.

4. No alteration should be made in the present apportionment of the cost of maintaining the Upper and Lower Pareora Bridges, whereby each county controls one of the bridges and each contributes half the cost.

5. Levels County has mistaken its remedy in respect to the Cave-to-Cannington Road, and any action towards obtaining a reapportionment of the cost of its maintenance should be taken under section 250 of "The Counties Act, 1886."

6. Each party should pay its own costs, and the costs of the Commission, including the hire of the hall in which the inquiry was held, should be equally divided between the two counties.

I have, &c.,

Wellington, 20th May, 1902.

W. S. SHORT, Commissioner.

MINUTES OF EVIDENCE.

MINUTES OF EVIDENCE in respect to an Inquiry held at Sophia Street Hall, Timaru, on the subject of the Apportionment of the Cost of maintaining the following Roads and Bridges: Main South Road, Otipua Road, Brassell's Road, Cave-to-Cannington Road, Upper and Lower Pareora Bridges.

THE case was between Levels and Waimate County Councils.

Levels County was represented by Messrs. Raymond and Moore, Solicitors; Waimate County was represented by Messrs. Kinnerney and Hamilton, Solicitors.

Mr. Kinnerney stated the following preliminary objections:—

1. Section 8 of "The Public Works Act, 1900," emphasizes sections 113 and 114 of "The Public Works Act, 1894." Before Commissioner can be appointed (a) Governor must be satisfied that the claim is "equitable": No evidence to show this. (b) Notice must be given to parties interested to show cause before he decides whether or not it is "equitable." This was not done.

The Commission assumes that the Governor has been satisfied, and it directs the Commissioner to report. This shows the necessity for the procedure. It is clear that such is essential to the issue of the Commission. The Commission is therefore not legally issued, and it has therefore been issued without powers.

(2.) The scope of the Commission is too wide. Sections 113 and 114, "Public Works Act, 1894," are incorporated for the purposes of section 8. These do not contemplate a Commission so wide (*vide* subsections (7) and (8) of section 114). Submits that the Commissioner should be asked to report on some specific matter.

The whole of the Governor's authority should not be delegated. The Commissioner should be directed to report on some specified subject in order to allow the Governor to judge the case. Here the matter is not specific, but the whole question is whether or not a contribution should be made, and, if so, how much. The only power is a statutory power to report on specific matters to