Mr. Lisle recalled.—Was manager of the Pareora Estate and knew it well. It was open for sale. On the average it was open at a little over £9 an acre, but there were different prices, but £9 was the average. The company would get more for land sold on terms than for the sale of the whole estate in one lump. It was never open as a block as a whole. The company got what they expected for it as a whole.

After some discussion it was arranged that the statement of grain carted from Waimate to Timaru to certain of the largest stores in Timaru should be referred to Messrs. Rhodes, Orbell, and Lisle to check by Monday morning.

The case was then adjourned till 11 a.m. on Monday.

Monday, 5th May, 1902.

Mr. Kinnerney said that the produce carted to the stores in Timaru from Levels County and the north side of the Pareora River over the roads in question except the Cannington-Cave Road came to 1,340 tons from Levels, and from Waimate 1,154 tons (see Exhibits 25 and 26). This only refers to certain stores in Timaru, and they are the chief stores. This result was arrived at by the Councillor from each county as already arranged.

Mr. Raymond said that these statements did not show the total tonnage, for farmers owning farms on both sides of the river had been struck out.

Mr. Kinnerney, in final reply, said,—As to Lower Pareora Bridge, I maintain that subsection (12) of section 114 does not enable a Proclamation made thereunder to be varied. It only applies to an apportionment made under a previous Act, but not to an apportionment made under this Act. There is no other section that provides for it. But in the case of a boundary-road there is power (see section 109). The general rule of law is that a power once exercised is gone; it is like a judicial decision.

Re Cannington-Cave Road: The evidence given by Mr. Bremner shows that the road is a boundary-road, and quite outside the Levels County. It is impossible for them to say that this is a road within Levels County. It is within the Mackenzie County. The control is under the Mackenzie County by virtue of section 250 of the Counties Act, and section 8 of "The Public Works Act, 1900," no more applies to this road than it applies to bridges.

Re Otipua, Main South, and Brassell's Roads: I submit that these claims are outside section 8. The remedy is the promotion of a Bill to alter the boundaries, and this has been recognised by the claimants. Section 8 was intended to refer to any very special cases, as in the case of the Hutt Road. In this case it is only because a portion of the traffic from Waimate County comes over the road; the remedy is to alter the boundaries. The remedy proposed is more unjust than the grievance of the Levels County. Under the Bill the Levels County was prepared to bear a considerable portion of liability, and the ridings would be made to bear their share. I submit that there is no provision to apply to these ridings any expenditure in respect to works in an outside county. This is an argument to show that section 8 cannot apply to this case: Money must be expended on works in the county. The Levels County thought that the Bill would be their appropriate remedy. Section 8 can only be applied where the road is used by the ratepayers of the whole county. Section 8 does not contemplate a case of this sort. It does not apply to the repair of the roads before the Act was passed. It does not apply to roads that have been allowed to get into disrepair for years. It has been suggested that Waimate County opposed the Bill. It is shown by the evidence that this was not done, whatever any of the ratepayers might have done. Even if the county had opposed it, it would have been within its rights to do so. The county only said that it did not care to discuss the matter.

As to the increase in benefit of the Levels ratepayers, a large amount of traffic tends to benefit the town, and the trade benefits the farms of its own ratepayers, and this quite counterbalances any extra cost. When all the counties agreed to constitute the harbour district it was inferred that Levels County intended to bear the burden of additional traffic. The Levels allowed the roads to wear out. They should have maintained them year by year. It is said that the farmers whose farms are benefited pay an extra tax: this is not an answer. What man would object to pay a small additional tax if his land were increased £5 an acre? The Act should only be applied where ratepayers as a whole benefit, and not where a portion only benefits. As to the right of Levels County to increase their claim, this would be quite unprecedented, and is not allowed in the Supreme Court.

Mr. Hamilton said, whatever the Commissioner's opinion might be as to the volume of traffic, there has been a great volume of evidence. That has been caused by their very embarrassed condition, as there was no defined issue of law before the Commission. The terms of the Commission were so wide and so many incidental questions were involved that it was impossible to say how much evidence was required. The Commission, therefore, should have been limited to a defined question. The question is as to whether it was "equitable" that Waimate should contribute, and which road was largely used, before the Commission could have been issued. These commissions should be limited to a defined question. The Commission was issued in accordance with the request of the Levels County, and they are responsible.

The claim has been grossly overstated from the first. It is said that the amounts claimed are not imported into the inquiry. The claims are very serious, as £800 or £900 a year is involved. If the claim is boiled down it really vanishes. No doubt the Levels wished to show that a large amount of expenditure was required on the road. They no doubt thought that if they got an award they would be able to do these works. I submit that in doing this they have over-reached themselves. In doing so they have failed to bring themselves under section 8 at all. Their claims are not claims for maintenance; they are not under section 8. As to sections 113 and 114 of "The