

bridge to be dealt with at all. This is a main road for all the public from Christchurch to Invercargill.

*Re Otipua Road*: This claim is founded on heavy traffic, light traffic, and sheep. The evidence fails to show that sheep go there at all. Elworthy's sheep only go half a mile on this road. The evidence as to traffic on this road shows that traffic is not considerable, having regard to the Waimate and Levels Counties, nor is it considerable as compared with the total volume of traffic. The fact that thirty people out of five or six hundred in Waimate go to Levels, where the population is about the same, shows that the traffic is not large. It will be seen from the railway returns that traffic from Waimate is enormous (see return prepared by Mr. Ackers). The whole of the grain grown in the county is accounted for, and, taking the Year-book and making allowance for what is retained by the farmers, it is all accounted for. The railway returns show that an enormous amount goes by rail, as compared with the wool, over this road. The traffic must be shown to be a large use by the county as a whole. The evidence shows only a small portion of the people of the district use the road. Whatever proof there is that Waimate traffic uses this road, there is nothing to show that it increases the cost of maintenance to any appreciable extent. The other side have used unfair methods. It is not fair to take the number of miles of road used by the ratepayers of Levels County. The total traffic from each county should be compared. The only part of the road we might be said to use is the outermost part, for the nearer the town the more the traffic is. Mr. Black shows this in his estimate. Our traffic cannot appreciably affect that traffic. Our county is only populated to the same extent as Levels, but it is five times as large. This accounts for the great cost of the maintenance of roads in Levels. Also, every Levels ratepayer has a say in the management and upkeep of the roads. If our ratepayers have to pay we have no say in the management of this road. There is no evidence to enable the proportion to be made, and no apportionment can therefore be made, and the case must fail.

As to estimate of traffic, Levels and Waimate, the evidence shows we use it to the extent of carting 1,300 tons. I admit this is carted on this road. This also includes back loading. Their admitted traffic amounts to 2,642 tons, which includes back loading 880 tons, and which deducted from 2,642 tons leaves 1,762 tons; and if our back loading is deducted it leaves 1,190 tons. This is mostly made up from proved returns. We took 20 bushels to the acre as a basis. This makes the output 1,190 tons as against 1,762 tons. The returns put in this morning show our returns to be 1,174 tons, and their output to be 1,340 tons. It will thus be seen that our carting is under theirs; but in any case it is largely guesswork, and it cannot include all their carting, for Levels may cart their produce to the railway at Timaru. It is impossible to give a definite return, and no definite conclusion can be formed. A large amount of shingle is carted over the Otipua Road, and this must increase the traffic very much.

Suppose our traffic is equal, where is the evidence that our cartage increases the expense? If a great lot of grain carted affects the road some signs of heavy traffic will be shown, especially as it is said that the road has not been attended to for a long time. If any injury can be shown some signs would be seen near the ford. If the roads are not appreciably increased in cost, then how can it be shown that they increase in cost nearer the town? How can an approximation be arrived at? There is none.

Again, it is not shown by Levels that farms fronting the road must be used by other people. Also there is nothing allowed as to tradesmen from Timaru. These people must use the road very largely. There must be timber and building-material carted out, and the question is extremely involved.

The evidence as to the enhanced value of land is clear. Land near the port is of more value than the land further away. Our witnesses show that the value of land must be higher near the port, and that the traffic from the country makes Timaru a most important centre, and causes greater prosperity to the town. This traffic must have been contemplated when the port was formed; they must have contemplated the traffic which would come through the district. Now they say, "We have got a port and you have increased the value of our lands; you must therefore pay for the means of increasing our value." This is Krugerism. In any case it is a mutual benefit for both parties. It is not equitable to formulate a claim on such a basis. If Commissioner considers that contribution should be made, then the average cost of maintenance should be taken, and the proportion of it due to excessive traffic should be ascertained, and that fraction would then have to be divided by half. If the people of Waimate are required to contribute and the people from Timaru are also interested, they should be taken into account.

It is no part of our case to cite the Borough of Timaru; if we cited the borough our liability would remain the same. If it is for through traffic from Waimate to Timaru then the proportion might be reduced to half. Our contention is that Levels does get a benefit. When that is done the result is insignificant, and it is not the intention of the Legislature to provide that this remedy should apply to a case of this nature. It necessitates the consideration of vast numbers of things and vast calculations. It is only intended for a large grievance and not for a small one. It is only intended to apply to a mere causeway where the district in which it is situated gets no benefit at all. I submit therefore that the claim has entirely failed.

Another matter imported into this case as showing equity was that as to Mr. Elworthy paying £640 a year to Waimate and that he only used one mile of roads in Waimate. He uses fifty miles of roads. It is in evidence that £640 is to be expended on that riding and £1,000 for bridges. This is the only allegation that the other side has been able to base any claim for equity upon.

With reference to the Upper Bridge, that bridge is being maintained by the counties jointly. There is no necessity for any further apportionment.

As to Cave-Cannington Road, the evidence fails there also. Taking the evidence, only 2 tons goes over the road, allowing the 81 tons which Levels cart as timber. The sheep traffic is practically Levels station sheep, and the use by sheep is nearly all by their sheep alone. Taking all