

14. As to sheep-dealing: All the exportable meat goes from these counties through Levels. There are three great buyers in the county as well as the Christchurch Meat Company, who are the greatest buyers. These three buyers are really middlemen, and help forward the industry all round. This is a case between all the inhabitants, not three or four men, and the whole of the inhabitants of the Waimate County benefit. If there was only one sheep-dealer, and he lived in Levels and paid no rates, could that possibly be any answer to a claim by the Levels County? We are dealing with all the inhabitants, and we should not take out three or four men. How does Levels County benefit by the existence of these men? One or two dealers may benefit.

15. *Re Cave-Cannington Road*, and section 8 of the Act: The road is in one district—namely, Mackenzie—and is largely used as required by the Act. I say that this is a road which comes within the terms of the Act. Under section 109 of the Public Works Act, and section 250 of the Counties Act, we have contributed half the cost of the road to Mackenzie County. I say that, if this shows that Waimate is within the terms of section 8, we have the right to ask for a contribution, and I submit with every confidence that the road is within the terms of section 8. If the Commissioner is of opinion that the road should be paid for by each county, and as Mackenzie County has not appeared at this inquiry, then I suggest that the proportion payable by each county should be raised to one-third, and that the difference should be borne by Waimate. But I do say that the matter should be dealt with by the Court, who should adjudge quarter to Waimate and quarter to Levels. It is not part of our case to prove that Mackenzie should pay less than half cost. We have nothing to do with the claim of half, or we shall run the risk of having to pay costs of Mackenzie. This is a question between Mackenzie and Waimate.

16. As to bridges—Lower Pareora Bridge—namely, that the Proclamation cannot be amended: Subsection (7) of section 114 shows that the Governor may from time to time appoint a Commissioner. If we show an equitable and just case, I ask why the Governor should not make the inquiry and issue a further Proclamation? Why should not the Governor have power to deal with the question? In an administrative act of this sort he has power. There is a legal maxim that a power once exercised is exhausted. Thus a power exercised under a will. In acts of administration the Act does not apply, and even if it did apply it is provided for under subsection (7). I am dealing with boundary-roads and bridges, and say that section 114 dealing with bridges provides for a difference in the distribution of the contribution. If the Commissioner is satisfied on evidence that these bridges should be more largely maintained by Waimate, Waimate should think themselves fortunate that they have not been made to pay long ago. It is unjust that they should use them more than us and still only pay the same.

The Upper Bridge is only of use to residents of Upper Pareora Riding; therefore the whole cost of the bridge should be thrown on the shoulders of Waimate and very little on Levels. As to the Upper Bridge, our case is now at large, and we claim a substantial proportion.

As to Lower Bridge, some farmers in Levels go twice a month to St. Andrew's for four months and once a month the rest of the year. With the exception of those people the bridge is only useful for the Waimate settlers. The point of the petition by these settlers was that the whole interest lies in the Borough of Timaru. The bridge exists almost entirely for the benefit of Waimate. We do not say that their heavy traffic comes, but their light traffic comes very largely.

As to Mr. Hamilton's statement that Levels is thickly populated and Waimate only thinly populated: But the parts using these bridges are as thickly populated as Levels.

Then, as to there being no definite proof: This is not a case where such proof can be given. The Commissioner has to inquire between the parties, and we have submitted as much evidence as can be reasonably expected. Waimate has endeavoured to bring definite evidence, and yet they say that the evidence cannot be definite.

Then, as to their contention that a fraction of the cost of Waimate traffic over and above what uses the road can be claimed: We have no evidence that the Borough of Timaru uses this road except by back loading. There is nothing to show that the road is largely used by Timaru.

*Re Cave-Cannington Road*: It is used by an enormous preponderance of numbers and area of Waimate people as compared with ourselves. The only Levels settlers are two, and about 600 acres of the Levels Estate. We show that acreage and the settlers from Waimate use it. As to the sheep, and the statement that a large bulk of the use of sheep on that road is for the purpose of Levels Estate, this is for the estate in Mackenzie County where there are 14,000 acres.

Main Otupua Road: Referring to Table A. On this table we have 14,879 acres. I put this as a first method of proof. I will eliminate Hendry, 132 acres; two Parishes, 371 acres; Cox, 145 acres; McEwan Bros., 433 acres; Sidey, 300 acres; Elder, 3,695 acres; Squire, 1,963 acres: total, 7,039 acres. If this is taken from the 14,879 it leaves 7,840, to which add—Smithson, 600; Tuhy, 300; McClintock, 80: making a total of 8,820 acres. On this basis if we take one-third of 8,820 acres as in grain, this equals 2,940 acres, and counting on the average 30 bushels of wheat and 40 bushels of oats to the acre, this represents 1,590 tons of wheat and 612 tons of oats. The two-thirds of the area being in sheep equals 5,880 acres, which would produce 28 tons of wool, and with back loading 110 tons, to which add the admitted quantity from Elworthy's of 497 tons, including back loading, and Squires 3 tons, making a total of 2,840 tons carted on the road.

Then I take Table B as we had it, 2,445 tons: I divide this by three-fifths, which equals 1,348 tons. We have for the Main Otupua Road, on the hypothesis that the land is one-third in crop yielding 30 bushels of wheat and 40 bushels of oats, and that two-thirds is wholly in pasture carrying a sheep and a half to the acre, and 7 lb. of wool comes from a sheep, we then have 2,840 tons of produce as coming from Waimate as against 1,348 from Levels. With regard to these figures we should cut our figures in half, as our settlers must only cart on the average half-way along the road.

The store returns show, exclusive of those stores which did not send in returns, and exclusive of certain farmers who own land on both sides of the river, that there were carried from Waimate