

object of the Act in question was not to regulate or control the construction or working of the railway in any way but simply to provide for the taking of certain land for railway purposes on certain fixed terms. It is possible, however, that the Commissioners may be referring to the intentions which may, or may not, have been in the minds of the framers of the Act in question. If this is the case it is sufficient for me to point out that Parliament speaks by enactment only, and that, as no limitation of the uses to which the land reserved for a "railway-station" is to be put appears in the Act, no account can be taken of anything that may have been in the minds of the framers of the Act at the time that it was drawn. The Act as it stands must speak for itself. If I have misread the Act or overlooked any provision contained therein which provides for a passenger-station only being erected, I shall be glad if the Commissioners will kindly point out my mistake and indicate the particular section of the Act which provides for the establishment of a "passenger-station" only.

The Commissioners go on to state that the Government (of that day), after discussing the matter with its officers and others, determined that a second goods-station for Wellington was undesirable, but it surely is not contended that, because a previous Government took a somewhat narrow and short-sighted view of the case, the present Government is therefore debarred from granting to the people of Wellington a great public convenience which has since been authorised by Parliament. Or supposing that the condition of things at that time may have justified a previous Government in coming to the conclusion which it did (and this is quite possible) it cannot surely be contended that in the very different condition of things now existing that the present Government and Parliament is precluded from coming to a different conclusion.

It is admitted that the station question closely affects the interests of the port, but the interests of the port are more especially vested in the local Harbour Board—a body fully competent to see that nothing is done that will militate against its interests. Moreover, the Board has been fully consulted as regards the work at present being carried out, and will also be consulted in the future before any material modifications or extensions of the same are determined upon. Reference to the Harbour Board's interests was entirely omitted from your previous memorandum, in which you declined to advise on the location and arrangements of the proposed goods-station, but I am somewhat pleased to find that the Commissioners are so fully alive to the interests of the Wellington Harbour.

As regards the Commissioners fulfilling their duties, it is very pleasing to me to have their assurance that they desire so to do, and that thoroughly and especially pleasing to learn that they wish to act cordially with the Government, and I beg to assure the Commissioners that I heartily reciprocate the latter sentiment, as I have every desire to work with them so that the best interests of the colony may be served. I do not, however, think that the very wide question as to what the proper functions of the Commissioners may be would be a suitable one to ask the Solicitor-General to determine, nor is this general question raised that I am aware of. As regards the particular matter now under discussion, I may say that I have consulted the Solicitor-General fully thereon, and in taking up the position that I have taken I have followed his advice. Should the Commissioners think, therefore, that I have unduly trespassed upon their functions, I must leave them to take such steps in the matter as they may think proper.

My remarks on the somewhat parallel case to the present one—namely, the case of Mount Rix Wharf on the Kaipara line—made in my memorandum of the 28th ultimo, and with respect to which the Commissioners think I have been misinformed, are fully borne out by a reference to the departmental records on the subject. In my previous memorandum I made three statements with regard to the wharf in question—namely, 1. That it was constructed under the authority of my predecessor without the approval of the Commissioners. 2. That the Commissioners refused to take charge of the wharf, or work the same when completed, and 3. That during last session Parliament by special legislation ordered the vesting of the wharf in the Commissioners.

As regards No. 1, there seems to be no doubt that the wharf was constructed under the authority of the then Minister, without the approval of the Commissioners. The plans, I find, were referred to the Commissioners under cover of the late Mr Blair's memorandum of 15th April, 1889, and returned by the Commissioners on the following day with a memorandum stating that the proposed work was of an unduly expensive character, and that it would also prove embarrassing to the working of the railway. Notwithstanding this expression of disapproval, however, tenders were invited for the work in December, 1889, and the lowest tender duly accepted in January 1890.

My second statement seems to be equally well supported, for I find that on 6th February, 1891, the Commissioners were duly informed that the wharf was nearly completed, and that when finished it would presumably vest in the Commissioners as an appurtenance of the opened railway under section 16 of "The Government Railways Act, 1887" and inquiring whether the Commissioners would wish to have rails laid upon it or not, and a reply was received from the Commissioners on 12th of same month stating that, although the wharf had been "built by the Government adjacent to a railway previously vested in the Commissioners," the Commissioners held that it was "not a part of the railway," and that "no railway vote can have been legally expended on it," and contending that there was no "power to vest the wharf in them in the manner proposed," and that it "would be undesirable to expend any money in laying rails on to it," and concluding by drawing attention to the Commissioners' "objections" to the wharf made in April, 1889.

The Commissioners having raised the technical ground of the power of the Government to vest the wharf in them, the matter was referred to the Law Officers for opinion, when the Government was advised that there was no legal power, hence the necessity for the special clause in the Act of 1891.

My third statement of course does not need any argument to support, as section 6 of the Railways Authorisation and Management Act of 1891 fully bears this out.

The above seems to show that I was not materially misinformed in reference to the matter, but, apart from the actual details of the case, the broad principles involved therein were 1. That the