

17. That your petitioners were able, as a result of these experiments, to divert the water, and to proceed with the work in the tunnel in manner as previously modified by the Resident Engineer, with the addition of an extra ring of bricks at the portion where the collapse took place.

18. That Mr. Witheridge had during the suspension of the works been, in the course of his official duties, removed to another part of the colony, and Mr. McGonegal had been appointed as overseer in his place, and acted as such up to the completion of the tunnel. From the time that he was in charge of the work, and up to such completion, he approved of and concurred in the course of construction of such tunnel previously suggested and desired by your petitioners, as referred to in paragraph 10 of this petition, and the work was carried on in such manner without any further breakdown or collapse. The brickwork completed under such system has proved sound in every respect, whilst the brickwork completed under the system insisted on by Mr. Witheridge against your petitioners' judgment and remonstrances shows signs of weakness, proving conclusively the error of judgment on the part of the Government authorities in charge of the construction of the tunnel up to the time of the collapse.

19. That, notwithstanding the enormous extra expenditure incurred by your petitioners in the completion of such tunnel by reason of the facts hereinbefore set forth, the Resident Engineer declined to allow your petitioners any sum therefor in excess of actual schedule rates, which were based by your petitioners, as hereinbefore appears, solely on the supposition that the tunnel would prove to be one in firm ground, and, in consequence thereof, your petitioners have incurred an enormous pecuniary loss.

20. That during the progress of the works of the contract several slips occurred, necessitating the removal of 11,605 cubic yards of earth, which slips your petitioners contend were due to insufficiency of slope, and not to any other cause. The slopes were constructed by your petitioners strictly in accordance with the specifications relative to slopes and with the approval in all respects of the Resident Engineer, and were protected by drains as required. Notwithstanding such slips the Resident Engineer has declined to allow your petitioners payment for the same, and your petitioners consider that they are justly and equitably entitled to payment therefor, as such slips occurred through no faulty construction of the slopes or through any neglect or omission on the part of your petitioners.

21. That your petitioners have carried on the works of the contract to completion in a faithful and workmanlike manner at enormous pecuniary loss to themselves, relying on the promise of the Hon. the Minister for Public Works that on the completion of the works your petitioners' position would receive at the hands of the Government favourable consideration, and that your petitioners' claim would then be justly and equitably dealt with by them.

22. That the Government have received the full benefit and advantage of the whole of the moneys expended by your petitioners in respect of the contract in addition to the actual contract sum, and such contract could not have been completed for the Government by any person at a less cost to the Government than the total moneys expended by your petitioners in connection therewith.

23. That your petitioners have been contracting for the Government and local authorities for some twenty-five years, and have always given satisfaction to their principals, and have never up to the present contract had occasion to bespeak the favourable and equitable consideration of their position under any contract by any of their principals.

24. That your petitioners consider that the exceptional and extraordinary circumstances connected with the Makarau contract entitle them to the favourable consideration of your honourable House, and to an equitable settlement of their claim.

Your petitioners therefore humbly pray that your honourable House will take the foregoing facts and statements into its favourable consideration, and that your honourable House will grant to your petitioners such relief and concessions respecting the same as to your honourable House may seem meet and just.

And your petitioners will ever pray, &c.

MURDOCH MCLEAN.
NEIL MCLEAN.