

## APPENDIX.

## LIST OF EXHIBITS.

1. Correspondence between the Public Works Department and Messrs. Findlay, Dalziell, and Co.
2. Original petition.
3. Petition of settlers in East Taupo County.
4. Amended prayer of petition by the Taupo Totara Timber Company.
5. Telegram received from various Native tribes objecting to the petition.
6. Resolution from the Auckland Chamber of Commerce in favour of the petition.
7. Resolution of Ngati-Wharetoa against taking their lands.
8. Application from Trades and Labour Council, Wellington, to be heard against petition.

## EXHIBIT No. 1.

Colonial Exchange Buildings, Lambton Quay, Wellington, 6th December, 1905.

*Re the Tramways Act, 1894, and the Taupo Totara Timber Company's Tramway.*

DEAR SIR,—

We are instructed by the Taupo Totara Timber Company (Limited) to make application for an Order in Council under the Tramways Act, 1894, in respect of the tramway recently constructed and now being used by this company in the Taupo district.

The tramway begins at the Government Railway-station, Putaruru, but is constructed from that point to Lichfield, upon the old Government railway-line, a license having been obtained from the Railway Department for this purpose. From Lichfield the line extends to Mokai, a distance of about forty-six miles. From Lichfield it is constructed wholly upon lands acquired by the company, and, save for the purpose of carrying passengers, it would be unnecessary to make application for an Order in Council under the Tramways Act were it not for the fact that it is necessary to cross road-lines in a few places. The necessary permission to lay the tramway across these road-lines has been obtained from the local authority, and it is improbable that any steps will be taken which will affect the right of the company to cross the roads. There is, however, no way by which the company can obtain an absolute right which cannot be interfered with to cross these roads save under the Tramways Act, and the only provision under that Act for a permanent grant is by Order in Council. If the company had only its own interests to consult it would probably be content to rely upon its present right, but it has in the course of its operations been compelled to borrow large sums of money. It now desires to consolidate all its loans, and there is every reason to believe that it can obtain the necessary money at reasonable rates of interest. In order, however, that it may be able to do this it is essential for it to show a good title to its property, and we have accordingly advised that an Order in Council under the Tramways Act should be obtained so that an absolute right to cross the road-lines in question may be shown.

We are accordingly instructed to make application for an Order in Council, but before making the formal application we think it well to approach you with a view to ascertaining the conditions your Department will deem it necessary to insert in the Order. It is of considerable importance to the company that its right to cross the road-lines should be established as early as possible, since we are hopeful of concluding our negotiations for the consolidation of the company's loans in the course of a month or two, and we would therefore ask that the matter might receive early consideration, and that the Order in Council may be granted, although all the technical information and plans which your Department customarily requires may not have been supplied.

We do not propose to ask for the right to carry passengers until you are fully satisfied that the line is fit for this purpose, and the Order in Council could so provide. We would be satisfied with a right to carry our own goods at present, the Order to contain a condition to the effect that it will not empower the company to carry goods or passengers for hire until your Department is satisfied that it is fit for this purpose. Practically, therefore, all we ask at present is a right to cross certain roads. This right, of course, the company has at present in common with all other members of the public, its only difficulty being that the local body might decide to alter the road in some way so as to interfere with the company's tramway. The concession sought to be obtained by the company, therefore, is the permanent right to retain its tramway across the roads as at present constructed, and this concession is an interference not with the rights of the Crown, but merely with the public right over the road-lines.

On a perusal of the terms or Orders in Council granted in the past which you have been good enough to submit to us, we find that your Department has in some cases insisted upon the promoter undertaking the liability of a common carrier, so that it shall carry goods for the public at specified rates. In every case, however, where this condition has been imposed some substantial concession has been asked for by the promoter, such, for instance, as the exclusive right to run tramways along a road-line which in effect gives to the promoter a monopoly of the traffic upon that road. No doubt it is equitable that, as a monopoly is asked for, the public should obtain a corresponding benefit. In the case of this company, however, practically no concession or monopoly is asked for: it merely seeks the right available to every member of the public of crossing the roads, which can only be exercised by a tramway company by laying a track across the road. The tramway has been constructed solely for the purpose of taking the company's timber to market, though no doubt it is hoped that in time it may be available for the carriage of goods and passengers to Taupo. At the present time, however, the terminus of the line is about fifteen miles