

Counsel for Wellington pleaded that the traffic was not a true basis for apportionment. He contended that the test was the economic dependence of each district on the road. By "economic dependence" he appeared to mean the dependence of a district for its very life on the existence of the road: thus parts of Makara and Hutt County and Onslow Borough would suffer severely if the road did not exist, but he contended that Wellington would not suffer proportionately, as it has two railways as arteries for traffic. This contention is open to serious doubt, because the other districts are also served by railways. He also contended that the economic dependence was in the following order of dependency, viz. :—

- (1.) Makara and Hutt Counties, Onslow, and Johnsonville.
- (2.) Petone and Lower Hutt Boroughs, and Upper Hutt Town Board.
- (3.) Wellington City, Miramar Borough, and Eastbourne.

Under this argument it will be seen that the assumption is that the Hutt Road is three times more valuable to the districts mentioned in No. 1 than it is to those in No. 3, or twice as valuable to those in No. 2 as to those in No. 3, or only two-thirds as valuable to those in No. 2 as to those in No. 1. This contention is, I think, on the face of it, unreasonable.

There were some other contentions raised by the counsel for Wellington, which I will deal with later on.

Only one witness—viz., the City Engineer—was produced to support the Wellington case, and he tried with great ability and ingenuity to do so. He contended that as the request for improvement of this road came from outside bodies, they should bear the greater part of this cost, and that as Wellington was a receiving and distributing depot, and as much of the goods that came along the Hutt Road went direct to the wharves, this traffic did not benefit the city, and should not be debited to it. He contended also that the contiguity and the area of land benefited by the road should be considered. He proceeded to show that the apportionment should be decided by factors: that is to say, he based his scheme of apportionment on acreage of land benefited. He assumed that the factor of 3 represented extreme benefit, and lesser factors for lesser benefits. He propounded the following scheme, viz. :—

District.	Area benefited.	Represented by Factor of	Giving Assumed Value of	Shows Appor- tionment of Cost.
	Acres.		£	Per Cent.
Wellington	1,200	3	3,000	24·90
"	8,300	$\frac{1}{2}$	4,150	
Onslow	1,000	3	3,000	12·52
"	1,000	1	1,000	
Petone	1,060	3	3,180	10·22
Lower Hutt	3,255	1	3,255	10·44
Eastbourne	1,380	$\frac{1}{3}$	460	1·50
Miramar	2,250	$\frac{1}{3}$	750	2·41
Hutt County	309,210	$\frac{1}{40}$	7,500	24·10
Makara	64,640	$\frac{1}{20}$	3,230	10·38
Johnsonville	1,140	$\frac{1}{2}$	570	1·83
Upper Hutt	1,280	$\frac{1}{3}$	430	1·40

The difficulty in making an apportionment on any such basis as this is that the allocation of factors in this way is purely arbitrary and guesswork, and no two people would be likely to value the factors alike. He could not prove why he fixed these factors other than it was his opinion that these factors should be chosen. No other evidence was given in proof of this system of apportionment, and none of the other parties supported it. It is admittedly based on area and contiguity, and not on use and benefit as required by the general law, though of course he must have considered use and benefit in allocating his factors. The results which he arrives at are extraordinary. Thus a proposal to charge the Hutt County with almost the same proportion as Wellington is evidently quite unjust. His evidence is, however, useful, as it impliedly admits that Wellington should at least pay 25 per cent. It is also remarkably that with the exception of Wellington and Hutt County, the other results are not very far different from Results Nos. 1 and 2, disclosed by the traffic, and to that extent the City Engineer's evidence supports the evidence of these results.

As regards the contention that some of the heavy traffic goes direct to the wharves, and does not benefit the city, this I think is true. These wharves are vested in a wealthy Harbour Board, and it was contended that that Board ought to have been a party to contribute. This