

has not been done, and as a good deal of the heavy traffic comes by road direct to the wharves the City of Wellington gets no benefit therefrom, but gets its roads damaged thereby. I am of opinion that this should reduce the Wellington quota somewhat, and I have allowed a substantial reduction on this account.

It was contended also that trade from the outside districts uses the continuation of the Hutt Road in the city. In my opinion the city gets its *quid pro quo* for this, for every main avenue that brings traffic by easy means from outside districts to the city is a direct benefit to the city. Moreover, the city traffic uses the roads of the outside districts without toll or other charge.

It was contended by some of the other parties that rateable value, population, and revenue should be considered in making the apportionment. This was opposed by Wellington, and rightly so. In my opinion neither of these would form a fair basis. If either of them were taken, Wellington would be debited as follows: Rateable value, 72·86 per cent.; population, 72·79 per cent.; total receipts, 76·14 per cent.: and to use any of these as a basis of apportionment would be grossly unfair.

As regards the benefit of the Hutt Road to Wellington, this road is peculiar inasmuch as it is its one and only great artery for traffic, other than railway traffic. The traffic on the three or four roads to Makara, Karori, Johnsonville, &c., are not comparable with it. The Hutt Road is now largely used by Wellington for pleasure traffic by motor and cycle, and this will increase as motors get reduced in price and population increases.

The outside districts get little advantage from this class of traffic, and they claim that Wellington should pay for it. In addition to this, 14 chains of the road are actually in the city, and the city has been relieved of the cost of constructing this portion, and this must be a debit against the city in making the apportionment. (See my remarks against Onslow and Makara later on.) It is also a fact that the city water-mains traverse the whole road, and, although Wellington has a statutory right to place them there, it helps to show how very valuable the road is to Wellington. This road is also used by the City Corporation from time to time in carting heavy material to its waterworks at Wainuiomata.

If the road were a bridge joining Wellington to the other districts, the evidence given could justify an assessment of nearly 50 per cent. against Wellington. The road is a line somewhat analogous to a bridge, but as other considerations come into this case that do not apply to a bridge, it is clear that so great an assessment cannot be made. The City Solicitor claims that Wellington should not pay more than 20 per cent., but his own witness admits that about 25 per cent. is payable, and, moreover, under Mr. Haselden's apportionment, which was afterwards accepted by the city, it would have had to pay 29·16 per cent. for part of the road, while the use of the whole road reduced to the equality of heavy traffic shows that Wellington's share is 47·36 per cent. of the whole.

The foregoing facts show that Wellington has failed to prove that its interests in the road are as small as it contends; and, after considering all the equities to the contrary pleaded before me, and after allowing for these and for the fact that some of the heavy traffic debited to Wellington goes to the wharves and is no direct benefit to Wellington, I am of opinion that if, say, about 10 per cent. is deducted from the results of heavy traffic to cover all these things, thus leaving, say, 38 per cent., this would be a just proportion for Wellington to pay, and after most carefully considering all the facts of this difficult case I am unable to see that equity can be satisfied with any less contribution.

Petone.

In this case the use of the road by or for the purpose of Petone is shown in—

Result No. 1	..	..	..	..	15·25 per cent.
Result No. 2	..	..	..	..	13·54 „
Result No. 3	..	..	..	..	12·94 „
Mr. Haselden's report	..	..	..	..	16·6 „

Petone pleads that its main road, which is a continuation of the Hutt Road, is used by traffic from all the other districts, and this should be taken in mitigation of the amount it would otherwise have to pay. Some slight reduction should, I think, be allowed for this, but it must be remembered that much of its traffic uses the Wellington streets. It also pleads that much of the heavy traffic from Petone comes from the freezing-works, which is largely a Wellington company, and that this should be considered in reduction. The industry is, however, a Petone industry, and as such Petone must shoulder its own burden, and should