

2. The adoption of such scheme, we submit, would militate against our interests, in that it would depreciate the value of our properties owing to the future prospect of the present railway-station being removed from Nightcaps to the Morley Village, a distance of, say, 65 chains.

3. The extension of the railway from Nightcaps to Ohai would be in our interests, and we would urge the adoption of that route.

4. We strongly protest against a branch line being put in to Ohai either from Wairio or Woodlaw, by taking over the Wairio Railway and Coal Company's tramway, as such route would cut out entirely the Nightcaps-Morley Township, and if the alternative route above suggested be not approved we would prefer and would concur in the adoption of the scheme of the Wairio-Ohai Railway Extension Syndicate hereinbefore referred to.

ROBERT JAMES IRWIN and sixty-five others.

The Chairman, Public Petitions A to L Committee.

*Mr. Rodger.*] Attached to the latter communication is a list of the property-owners in Nightcaps, taken from the valuation roll in Invercargill, so that the two can be compared if necessary.

*Mr. Armstead.*] There are two points I desired to mention. One is the through rate, and the other is the Order in Council, of which a point is made. I want to point out that under the Order in Council we were compelled to prosecute the work and complete it within a given time. Mr. More knows nothing whatever about the Order in Council. Had we taken the Order in Council out, as is suggested, up to the terminus, we should have been compelled to carry that work out and finish it within a given time. Under the Order in Council the work has to be completed within a certain time, and that is a reason why the Order in Council was not taken out further. It reads, "The company . . . will (1) to the satisfaction in all things of the engineer of the local authority substantially commence the construction of the works authorized by the said Order before the 1st day of January, 1912, and carry on and prosecute the said works with vigour and dispatch; (2) complete and finish the said works and open the same for public traffic to the full intent of the said Order within the period of two years from the 18th day of October, 1911." As a matter of fact I do not think it was done in time, but it was very close to it. There was also some other mention with regard to the Order in Council. These Orders in Council are not matters that come before solicitors every day, I may say, and this Order was taken from one of Findlay, Dalziel, and Co., of Wellington, and is practically on the same lines as that. The deed of delegation is here. I also brought my draft so that you can see the alterations made by the county solicitors, if you are so inclined. You already have a copy of the Order in Council, I think.

*Hon. Mr. Fisher:* Yes. You had better keep the deed: you might not get it again.

*Mr. Armstead:* Very well.

THURSDAY, 6TH AUGUST, 1914.

JAMES ARMSTEAD addressed the Committee. (No. 20.)

Mr. Chairman and gentlemen,—I desire to make it plain at the outset that I do not appear here as counsel for the Wairio Railway Company, but as one of the shareholders. I will endeavour to be as brief as I possibly can. I will put the points that I wish to make as baldly and as concisely as I can. In the first place, personalities I do not intend to touch. If the Committee desire any information at all on any of the personal matters raised I shall be very pleased to give it; but if I attempted to go into all the matters that have been raised it would take me far more than the time allotted to me. Secondly, there are many statements in the petition which we do not admit, and those statements have yet to be proved. Thirdly, the district was opened up by Mores, who, I submit, are entitled to every consideration. Fourthly, no coal leases were granted beyond the Wairio pit when this line was commenced, and this line would not have gone on except for the assistance which was promised by both Mr. Rodger and Mr. McGregor. Mores' line was designed to take the whole of the traffic from that district; and it was designed to take the traffic off the roads; and that, I submit, it has done or is doing. And this point I wish to make with reference to that: Irrespective of any railway there must be a considerable amount of coal traffic on the road—the traffic, for instance, into Birchwood. All the Feldwick people bring their coal out through there. There must be a considerable amount of traffic on that road anyhow, and the principal damage has been done to the road by the farming people in the district carting their own coal, and that will still continue. Fifthly, it has been contended that if the Crown grants leases, then facilities should be given to the lessees to comply with the conditions of those leases. I submit that is not a sound contention. That obligation does not exist: it has not existed on any coalfield or on any timberfield yet in New Zealand. Any man taking up either coal or timber rights, wheresoever he may take them up, does so at his own risk, having provided in his own mind before he takes them up his own facilities for getting the coal or timber out. The Taupo Totara Timber Company can be instanced, which company constructed a line sixty miles into their timber country, and never thought of approaching the Government for assistance. Now, with reference to the Order in Council, the point seems to be insisted upon that there was no extension provided for in the Order in Council. The reason for that is this: a time for completion is stipulated in that Order, and the line had to be completed within that time. Had we applied for permission for an extension, then naturally we should have been compelled to give a guarantee that the extension would go in within a certain definite time. And when we first took up this proposition of putting in that line there were no coal-pits further on at all; and though we then saw that the probability was there would be a considerable quantity of traffic coming from that district, there was nothing in any shape or form