

*Mr. Luckie :* The position is that it was never intended by the parties for whom we appear that clause 4 should appear as a separate question at all. It was understood that clause 4 was only appertaining to the others, and in the event of a favourable answer being received with reference to the line from Greatford or Marton to Foxton, that it was only part of the scheme, and should never have appeared in that form at all. We wanted put into the original Order in Council what now appears in the later Order in Council, but our endeavours were not successful.

Statement by Mr. M. MYERS. (No. 54.)

*Mr. Myers :* May it please your Honour and gentlemen of the Commission,—During the proceedings at Palmerston the Commission will remember that I submitted a fairly concise summary of the objections of the Department to certain proposals or suggestions made in reference to the railway ; but the Commission will remember that that course was not adopted, nor was it asked that it should be adopted, in reference to the question relating to the wharf at Foxton. I propose, if the Commission please, to deal with the various questions that are referred to in the Commission, but to deal with them briefly and without any attempt at an analysis of the evidence, though it may be necessary as I proceed to make an occasional passing reference to the evidence of certain witnesses. First of all, may I respectfully put it to the Commission that the questions that are asked are put, and intended to be answered, in a very wide form. What I mean is that the Commission is asked to report as to whether certain proposals are desirable in the public interest. What does that mean ? It has to be remembered that the railways of this country are owned by the State—that is to say, they are owned by the people as a whole and not by any particular section or the people in any particular locality. What I desire to emphasize in connection with the proceedings before this Commission is that the whole of the evidence which has been submitted by my learned friend in support of the proposals referred to in the Commission is evidence that concerns not what might be called the general public interest, but merely concerns the interests of a particular locality or of a section of the people in a particular locality. Now, the Commission is not asked, I submit, to determine whether a certain proposal is desirable, or whether any of those proposals are desirable, in the interests of a particular locality ; but the Commission is asked to say whether they are desirable in the public interest, meaning the interests of the public as a whole. Even if the interests of a particular locality had merely to be regarded I should submit to the Commission that if it is intended to carry out a particular work or undertaking which at first sight might appear desirable in the interests of the locality, but if upon investigation it appeared that that work or undertaking could only be carried out at a monetary loss and without any real corresponding advantage to the locality, not only would the performance of that work or undertaking not be in the public interest, but it would not be in the interests even of the particular locality or of the people of the community, although it might confer advantages upon, or give a profit to, a limited number of people or a particular section of the people in that locality. Those general observations bring me to the first question which this Commission is asked to consider, and that is the question “Whether it is desirable in the public interest that the Foxton Harbour Board should be permitted to purchase from the Railway Department the Railway Wharf at Foxton, and, if so, on what basis the purchase-money should be ascertained.” What I submit to the Commission, first of all, is this : that if it be shown that the acquisition of the wharf by the Foxton Harbour Board means that the importation of goods into the district will be more costly, or that the revenue is going to be dissipated in useless expenditure, it is not desirable, either in the interests of the public as owners of the railway and of the wharf, or in the interests of the locality which is asking that this wharf should be acquired, that the wharf should be taken out of the hands of the Railway Department and handed over to this local body. It has been suggested during the course of the proceedings that the Legislature has allowed a Harbour Board to be created, and that that is some reason, therefore, why the wharf should be handed over to this Harbour Board, or that the Harbour Board should be allowed to control it. Now I submit, with great respect, that there is really no point in that suggestion when it is carefully considered. I desire to point out that this Board was created as far back as 1876. It did not have the wharf then, and during the existence of the first Board and of the second Board—I mean the second elected Board, which was still a Board under the Act of 1876—it was suggested by the Marine Department, without reference to and without the consent of the Railway Department, that this wharf might be handed over to the Board if they undertook the ordinary responsibilities of a Harbour Board, a proposal which they declined. I quite recognize that that by no means ends the matter, because the mere fact that the Board may have taken a wrong step—if it were a wrong step—in the early days is not in itself a reason why the position should not be put right now, and why the interests of the Board or of the Foxton people should not receive attention now ; but my point is this : that although the Board existed in 1876, and for several years afterwards, this wharf never became the property of the Board. The wharf was never under the control of the Board, and it never was intended to be, under the Act of 1876. Very well ! ever since this wharf was constructed in the early “seventies” it has remained the property of the Railway Department and under the control of the Railway Department. Then it is suggested that this Foxton Harbour Board which was abolished in 1886 was recreated under a local Act in 1908 ; but my answer to that is this : that the mere recreation or reconstitution of the Board under the Act of 1908 is no reason why it should have this wharf ; because, as in 1876 so in 1908, the Board was constituted with the knowledge that it did not take over or acquire possession of this wharf. The wharf in 1908 was refused to this Board just as it had been refused previously. Nevertheless, the Board was constituted by the Act of 1908 to perform the functions of a Harbour Board, but not