

1893.
NEW ZEALAND.

PUBLIC PETITIONS A TO L COMMITTEE

(REPORT OF, ON THE PETITION OF DAVID ANDREW AND FIVE OTHERS *RE* FERNHILL COLLIERY AND RAILWAY LINE, TOGETHER WITH THE PETITION AND MINUTES OF EVIDENCE.)

Brought up 29th September, 1893, and ordered to be printed.

PETITIONERS pray that, in the event of the Government paying for the Fernhill Railway line in cash or otherwise, a sum or sums may be deducted from the amount so agreed to be paid, sufficient to meet the claims of the petitioners for the land taken for the railway, wages, &c.; that, in the event of a Bill being introduced to vest the said railway line in any person or persons, a clause may be inserted providing that he or they, before assuming possession of the said railway line or in any way dealing with it, pay to petitioners such sum or sums of money as may be found to be due to them.

I am directed to report,—

1. That the Fernhill Railway line was made by the Government in 1882 for a private company, and afterwards, under "The Government Railways Act, 1887," was vested in the Railway Commissioners.

2. That the Committee recommends an inquiry should be held before a Judge of the Supreme Court, to ascertain who are the legal representatives of the said Fernhill Railway and Colliery Company.

3. That the Railway Commissioners take the necessary steps to re-vest the Fernhill Railway line in the legal representatives of the said company.

4. That, if after due inquiry, it is found that John Hamill, one of the petitioners, has been constantly employed on the said railway line, the Railway Commissioners be recommended to pay him such wages due.

5. That, as the other petitioners have not exhausted their legal redress against the legal representatives of the said company, the Committee cannot express any opinion on the merits of their claims.

29th September, 1893.

C. H. MILLS, Chairman.

PETITION.

To the Honourable the Speaker and Members of the House of Representatives of the Colony of New Zealand, in Parliament assembled.

THE HUMBLE PETITION of DAVID ANDREW, of Green Island, Otago, farmer; JAMES GRAY, of the Fernhill Colliery Company, Green Island aforesaid, coal-miner; JOHN HAMILL, of Green Island aforesaid, platelayer; JOHN TOOMEY, of Dunedin, commission agent; LATHAM OSBORN BEAL, of Dunedin, civil engineer; and ROBERT BLAIR DENNISTON, of Dunedin, mining engineer, humbly sheweth:—

1. That the branch line of railway leading from the main trunk line from Dunedin to Invercargill at Abbotsford to the Fernhill Coal-mine was formed and constructed in 1882–83 by the Fernhill Railway and Coal Company (Limited), having been previously projected by the Provincial Government.

2. That the said branch line was formed and constructed on behalf of and at the expense of the Fernhill Railway and Coal Company (Limited), under the supervision of the Public Works Department of the Colony of New Zealand.

3. That the intention of so constructing the said branch line under such supervision was that the Government of the colony might ultimately purchase the said branch line, as otherwise the said branch line could have been constructed in such a manner as would have suited the purposes of the said company at much less cost than was incurred.

4. That the said company entered into a written contract with the contractor of this branch line, and paid him by progress-payments as the work proceeded, on orders furnished by the Engineer of the Public Works Department, the total cost to the company when completed being over £7,000, and of this sum about £1,300 was for rails.

5. That the said company, to enable them to construct the said branch railway, entered into an agreement with Messrs. Brown, Freeman, Samson, D. Andrew, and J. Andrew, the owners of the freehold, for the purchase of the land, and paid them, or some of them, about the sum of £850 on account of the purchase-money for the same.

6. That the officers of the Public Works Department and the Minister for Public Works of the colony always recognised and treated the said company as the owners of the said Fernhill Branch line, and the said company did at its own cost maintain the said line from its construction for several years.