

SESS. II.—1897.
NEW ZEALAND.

RAILWAYS COMMITTEE:

REPORT ON THE PETITION OF MURDOCH McLEAN AND ANOTHER.

Report brought up on the 20th December, 1897, and ordered to be printed.

REPORT.

PETITION No. 203.

PETITIONERS state that they were the contractors for the Makarau Tunnel on the Helensville Northwards line of railway. That they have been heavy losers by the collapse of said tunnel, which latter they assert was caused by the removal of certain supports by order of the Government Inspector of Works.

I am directed to report that the Committee, having considered the petition, and having taken expert evidence upon the several matters referred to in the said petition, have agreed as follows:—

That the said petitioners met with unforeseen and serious difficulties in the execution of their contract.

That, notwithstanding the difficulties encountered, they completed their work at a loss at least of £7,000.

That your Committee, having carefully weighed the evidence, recommend that the sum of £5,000 be paid to the petitioners, in full of all demands, as an equitable settlement between them and the colony.

20th December, 1897.

W. W. TANNER,
Chairman.

* PETITION.

To the Honourable the Speaker and Members of the House of Representatives in Parliament assembled.

THE humble petition of Murdoch McLean, of the City of Auckland, and Neil McLean, of the City of Wellington, contractors (trading together under the style or firm of "John McLean and Son"), sheweth,—

1. That your petitioners were the successful tenderers for the Makarau contract for the Helensville Northwards Railway at or for the contract sum of £26,616, and as such tenderers have carried out such contract to completion as hereinafter appearing.

2. That the principal work in connection with such contract was the construction of a tunnel of a length of $28\frac{1}{2}$ chains.

3. That, prior to calling for tenders for this contract, the Government caused borings to be made for the purpose of ascertaining the nature of the ground through which such tunnel would pass on the then contemplated line or course of the railway, and these borings, at the shallowest part of the proposed tunnel, about 12 chains along its course, showed the class of the country at this point to be sand-rock, and in basing the tender upon which such contract was to be carried out your petitioners accepted these borings and the details given in these specifications relative to the tunnel as indicative that the tunnel would pass through hard or firm ground, and consequently they had no price or schedule, or made any allowance for a tunnel through soft ground.

4. That the whole of the details given in such specification relative to such tunnel show conclusively that the Government were of opinion and convinced that the tunnel would pass through firm or hard ground, and that it was never anticipated by them that the class of country would prove any other than firm ground.

5. That unfortunately the borings so made as aforesaid were not made on the line of railway ultimately adopted by the Government, as the position of the tunnel was subsequently shifted or deviated a distance of a chain from the originally proposed line; but there was no reason to suppose