

51. But does it? Does it not refer only to the proviso to subsection (b)?—No, it cannot.

52. What is the meaning of the words “and in the ridings by the last proviso”?—It cannot mean that, because there is nothing in (b) that refers to subsidies to Road Boards. That must come under (a).

53. What is the meaning of “the last proviso”?—Where a Road Board becomes merged in a county.

54. Does not the second proviso refer only to that?—The £10,000 one?

55. Yes?—No, because it gathers in the whole subject—the Road Boards which come under (a) and the County Councils which come under (b); and the ridings on the merger come under the proviso in (b).

56. What is the object of putting in those words, then—“by the last proviso”?—To show what they mean.

57. They are referring to the last proviso?—Yes, but that only relates back to the subsidy to the riding.

58. The £10,000 is the limit in two different cases?—Three different cases—the payment to the Road Board, the payment to the Council, and the extra payment to the riding on the disappearance of the Road Board.

59. Has not the Sixth Schedule to the Appropriation Act altered that, in that it makes the £2,500 the limit over the whole lot?—No, sir. I maintain that that paragraph 4 of the 1908 schedule only reproduces the sense of the other.

60. Apart from this, do you know of any alterations that have been made in the consolidated statutes the effect of which has been to alter the law?—I am aware of errors in the consolidation, and I should be very much surprised if there were not any.

61. *The Chairman.*] But there is no error here?—I will not say there is no error, but the translation of the law from 1885 to 1908 is correct.

62. *Mr. Allen.*] Are you quite sure there is no alteration in the law here?—I state most emphatically that, in my opinion, there is none.

63. *The Chairman.*] If the local bodies in question have been paid the correct amount under the Appropriation Act of last year, and if that is not as much as they received previously, then they have been overpaid in the past?—They have been overpaid, yes.

64. And would be liable for repayment?—I do not know about that.

65. But it has been an excessive payment?—Yes.

66. *Mr. Laurenson.*] How much money has really been paid over and above what ought to have been paid to these counties?—I know nothing of that.

67. *Mr. Fraser.*] If, as you say, the law has not been altered, then your opinion is that the payments made formerly were illegal?—Yes, if they differed from the payments made now, as I assume to be the case.

68. If the payments were larger formerly than they are now, they were illegal?—Yes, if they were in excess of the limit.

69. Is this not a question of interpretation of the law?—No. I should imagine there is very little doubt as to what the law means.

70. That is not my question. My question is whether the payment of last year, differing from former payments, is not a question of interpretation of the law?—Yes, sir; it would be.

71. You contend, then, that the present interpretation is the correct one, and the former interpretation was the wrong one?—The interpretation by the Valuer-General, you mean?

72. Yes. The Valuer-General was the executive officer?—Then, I maintain that his interpretation must have been wrong if he paid more than the limit.

73. You contend that the present interpretation is the correct one of the law as it stood prior to last year's schedule?—Yes.

74. And that the former interpretation, by which sums larger than that were paid, was the wrong one?—It must have been a wrong one.

75. *Mr. Russell.*] Your point is that in re-enacting the clause the law has not been altered in any shape or form?—Yes.

76. Is there any variation whatever in the wording of the Act as passed last year, as compared with the Act of 1885?—Yes, there is.

77. Will you explain to the Committee what that variation is, so that we can see whether the law is altered or not?—That will be rather a lengthy business. If I pass this draft round, it will show the variation. The original typing is the 1885 schedule, and, as altered, the draft is the existing schedule.

78. The proviso in the original wording read as follows: “Provided that no greater sum in all than £10,000 shall be paid in any one year in respect of the total amount of general rates levied and collected altogether by the Road Boards in the road districts and by the County Council in the outlying districts in any county, and in the ridings by the last proviso.” As amended you strike out the words “in any one year,” and all the words commencing with “of the total amount of general rates” right down to and including “by the last proviso,” and you substitute for these words the three words “of any county.” You hold that that covers the two payments that are made under the original Act, both to the Road Boards and the County Councils?—You have not read quite correctly. It should be, “. . . in respect of any county and its road districts.” Those two expressions gather up the whole thing.

79. The words “and its road districts” are not in the draft in front of me. I am quoting from your draft?—I mean that you did not read correctly what the law is now.

80. “In respect of any county and its road districts” is not what I have got in front of me?—That is so, but those latter words are in the Appropriation Act.