

The Railway Commissioner and the chief members of Government had frequent notices, and were well aware that the work was being prosecuted during the greater part of June on the route adopted by Mr. Fleming, (then Chief Engineer to the Government) in both his published reports. Mr. Beattie's protest affords but slight grounds for complaint, as it would be an extraordinary assumption that the powers of an agent extended to altering, on his own authority, the *basis* of a contract he was commissioned to fulfil.

In conclusion, it is submitted that on a fair view of the matter it is not probable that a purely Commercial Company would undertake to provide the whole of the capital for, and construct a long and difficult line of Railway, which the Government had the power to lengthen at will, or to make the work indefinitely costly, or so to divert as to eliminate all the local traffic on which, by its nature, it ought principally to depend for producing any remunerative return, or, indeed, to enable it to be kept open in the winter. Further, the character of the Line, as shewn by the plans submitted to the Government by the Company was, in every particular, greatly superior to that formally prescribed by the contract; was much shorter than any other line mentioned in the Report of Mr. Fleming, and in the details of construction was far more economical.

[The Papers and Correspondence above given comprise the whole of those in any way connected with the contract, and are printed at full length from the original documents.]