

19. As an engineer you believe the system is as good as it can be?—I have never seen any better system.

20. *Mr. Brown.*] You said that if Government supervision was forced on, it might mean that the Wellington City Corporation might not be so strict in keeping its plant up to date. Do I understand you to say that, if the Government had said something was right and you considered that it was not right, because the Government thought it was right you would still do it?—We should be relying to some extent on the supervision of the Government Inspectors, and my opinion might be brought into conflict with the Government Inspectors, and if the matter was being debated by the Council it would be for the Council to determine who would be the proper official to decide the matter.

21. The Government might say certain things were to be done, and you might consider that certain other things ought to be done, and in the meantime perhaps a hundred people might be killed?—The Council would have difficulty in deciding between the two experts on the matter.

22. This Act is being brought into force to protect the public, and yet you apparently suggest in a roundabout way that it might possibly do the public harm. For instance, say you reported to your Council, and the Government were not satisfied, and the Corporation then said that they must do what the Government specified, and they did not take your recommendation, and then an accident happened, it would be a very serious thing from a financial point of view and also from the Council's point of view?—That is the position.

23. *Hon. Mr. R. McKenzie.*] If any accident occurs on the tramways the Corporation is bound to give notice to the Minister of Public Works?—Yes, that is so. Mr. Richardson, the manager of the tramways, does that.

24. What is the object of making it compulsory to send in that information?—In order that if there is any defect it may be remedied.

25. Is it not in order that if anything is defective the Government officer can make an inspection?—That is so at the present time.

26. That is the reason you have to report accidents?—That is the reason.

27. You say that there would be dual control; but would not the position be something like this: that the Government Inspector could report, you say, to the police, who would take proceedings and have you fined?—No. I think that under the large powers contained in this Bill it would be more than that. The person appointed would be really the Engineer-in-Chief in connection with the tramway system. He would have very great powers, and could order us to put down a double tramway where a single line might be considered sufficient by us.

28. Have they ever ordered you to do anything at all except in one case, where you laid down a new tramway where it was not shown on your plan?—Not up to the present.

29. How long has the tramway system here been in existence?—Six years.

30. And you have not been ordered to do anything?—Not up to the present.

31. Where does the dual control come in?—We have had no fear of it up to the present time, but the system may become so extensive that we may fear it.

32. Is not the Government's power confined entirely to inspection?—No, they would have power to order things to be done.

33. Where?—Under section 2, subclause (2), which says, "If such person reports that any alterations, repairs, or additions to the said tramway, rolling-stock, plant, appliances, or machinery respectively are necessary in order to insure the safety of the public or employees, or to meet the reasonable requirements of the traffic."

34. Have you ever read clause 213 of the Public Works Act?—No, I do not think I have.

35. Well, clauses 213 and 215 of the Public Works Act provide for the same thing. I will hand it to you and you can read it [handed to witness]?—That is for inspection.

36. No Government Engineer has yet ordered you to do anything?—No, our relations have been very satisfactory up to the present.

37. His business is simply to inspect and report to the Minister—he has no authority to interfere?—I understand that is so from reading the clause.

38. Well, where does the dual power come in?—What I take exception to is the power to order such extensive work.

39. If found necessary, of course?—It is his opinion as against ours.

40. You will notice in clause 2 that it says that this work must be necessary. It is only in cases where such alterations and repairs are necessary. You must report the accidents to the Minister so that the Minister can order an inspection and examination to be made if it is required. That is the whole object?—Well, we have done that. We are not objecting to that.

41. You are bound to do it?—We are not objecting to do it.

42. But you are bound to do it by law—you cannot object, as a matter of fact, unless you want to get fined. It applies not only to Wellington, but to every town in the country. Every accident in the country is reported to me in twenty-four hours, so that we can order an inspection to be made; so that the dual control you are afraid of does not exist at all?—I am not satisfied.

JOHN O'SHEA examined. (No. 4.)

1. *The Chairman.*] What are you?—I am City Solicitor.

2. And you desire to make a statement in regard to this Bill?—Yes. There have been some remarks made about the law which have been scarcely correct, in my opinion. The position in law, I take it, under the statute law of New Zealand, is that there are two statutes bearing on the subject—one is the Public Works Act, sections 208 to 215, which deals with the inspection of tramways and railways, and there is also the Tramways Act. Some remarks were also made by the Minister the other day in regard to certain provisions of the Municipal Corporations Act which