

9. You will have to answer that?—Well, you will wait a long time.

10. I am asking you whether you consider their opinions on a Bill of this kind are equal to yours?—I will say what I think of the question shortly.

11. I am going to have the question answered?—I decline to answer it.

12. *Mr. Herdman.*] Does it shake your opinion?—It does not shake my opinion at all. I do not think the facts have been properly put before the gentlemen, or they would not say so. They have not the facts that are before me.

13. *Hon. Mr. R. McKenzie.*] I know they have the facts, because they have before them all the papers on the file?—They are advising the Government, and I am not. I am advising the Council, and I am telling this Committee that this Bill is unnecessary. I do not know the aims of the Government.

14. *Mr. Brown.*] You say that the regulations that are made override the Order in Council, in your opinion?—No; the Minister is taking power to override every power in the Order in Council.

15. You say that the regulations the Minister is claiming the right to make will override the Order in Council?—Yes, under section 2.

16. You mean there may just as well be no Order in Council?—Yes, to a certain extent.

17. You say that the Minister has no power under the Order in Council to amend the regulations?—I cannot find it. You have power to amend the Order in Council under section 9 of the Public Works Act on the application of any local authority.

18. *Hon. Mr. R. McKenzie.*] If I show you the opinion of Mr. H. D. Bell that we have that power, would you believe it?—I should be surprised.

19. *Mr. Herdman.*] Do not the provisions in sections 213 to 215 of the Public Works Act relate to the track and permanent-way?—They partly refer to the whole establishing of the tramway.

20. It has been suggested by the Minister, I understand, that the effect of this Bill that we have now under discussion is practically to re-enact the provisions of sections 213 to 215 of the Public Works Act. That is not so?—No.

21. This Bill goes very much further than the provisions contained in the Public Works Act?—Yes, very much. As Mr. Morton explained, the Minister has the power to order almost anything he chooses—that is, to override our Order in Council.

22. Under the Order in Council has the Public Works Department or the Government the power of inspection?—Under the Public Works Act.

23. But not under the Order in Council?—No. The Order in Council contains conditions on which the franchise is granted. I do not know if there is a limit to the conditions that can be imposed by the Minister, but once the conditions are imposed, in my opinion, they are there, and there they must remain until legislation is passed to take the power away.

[Return showing the number of accidents on the tramways in the Dominion produced and put in by Mr. Blow. *Vide Appendix A.*]

MICHAEL MYERS examined. (No. 5.)

*The Chairman:* You wish to make a statement before the Committee?

*Witness:* Yes. Mr. Chairman and members of the Committee,—I represent, sir, the Auckland Electric Tramways Company (Limited), and I am going to show, with the assistance of Mr. Walklate, the general manager and engineer of the company, that the company is not quite so black as has been painted by the *ex parte* statements to which I have listened, yesterday at the deputation to the Minister, and to-day before your Committee; and I am going further, and will show that the aspersions which have been made against this company are to a very large extent unwarranted. I also hope to be able to show that, so far as this company is concerned, the Bill which is now before the Committee is really not justifiable. Now, sir, in the first place, may I say just a few words with regard to the procedure that has been adopted when an authorising order is applied for for the construction of tramways. An authorising order under the Tramways Act has to be applied for to the Governor in Council by the local authority, and the local authority may, if it chooses, delegate its order to a private person or company, and the person or company to whom or to which the order is delegated has to comply with all the terms of the Order in Council; and not only that, but it is bound by the terms of its deed of delegation from the local authority by all sorts of covenants and conditions. Now, sir, whenever an authorising order is applied for it goes first before the Under-Secretary of the Department, it goes also before the Engineer-in-Chief of the Department, it also goes before the Telegraph Department, and it also goes before the Crown Law Officers. An Order in Council of this kind is always hedged round, and perfectly properly, with all kinds of provisions for the public safety and convenience, and the terms of the Order have to be strictly complied with, and the Order always provides that if the terms of the Order are not complied with, then the promoter of the tramway is liable to penalties, and also to the revocation of the Order. Now, sir, as I say, the authorising Order is hedged round with all sorts of conditions and all sorts of restrictions, and upon the strength of that Order in Council the promoter, whether it be a local authority or whether it be a person or company to whom or to which the authority is delegated, expends a considerable sum of money on the construction of the tramway; and in the case of Auckland no less a sum than—I am putting it rather under, I think, than over the mark—three-quarters of a million has been expended in the construction of the tramways up there. Now, sir, this Bill proposes to give the Minister very wide powers indeed—it proposes to give him the power to set aside the provisions of the Order in Council. And, sir, the first point I desire to make is that the Bill is not fair and not just to the people who have spent large sums of money such as the Auckland Tramways Company has spent in reliance upon the Orders in Council which it has got, and which, I say, may be presumed to have been