

104. At all events, the fact is that the rights and liabilities of the delegate have not been considered?—Not as apart from the authority that delegated.

105. Now, when an Order in Council is applied for, is it not a fact that before the Order is granted it is submitted to and considered by yourself, the Engineer-in-Chief, the Telegraph Department, and the Crown Law Office?—Yes, all those authorities examine it.

106. And you all endeavour to hedge the authorisation with proper restrictions and conditions, having regard to the safety of the public?—Naturally.

107. And that duty is always done?—You are in a good position to speak as regards that.

108. But that is a fact, and the duty is always very well performed?—That is not for me to say.

109. Now, are you in a position to say whether the Department would now agree to the air brakes being installed on all the Auckland cars?—That is not quite within my domain.

110. But you have heard the statement made by Mr. Walklate that the company is prepared to do that forthwith if the Department agrees?—Yes, I heard Mr. Walklate's evidence.

111. You know the motormen will be satisfied if that course is taken?—No, I do not.

112. Did you not hear Mr. Rosser state that?—I was not present.

113. If the Department is prepared to agree to that, and the company proceed forthwith to install the brakes, would not that dispose of the immediate urgency of this Bill?—I think even then it is very desirable that such a Bill should be enacted in order to guard against a similar case in the future.

114. But, having regard to the opposition to the Bill, would not that course I have suggested, if agreed to by the Department, dispose of the immediate urgency of the Bill so far as this session is concerned?—I have already stated that it is the Auckland case that makes the Bill urgent.

115. Then, if the Auckland company undertakes to proceed forthwith to install the air brakes, and that is agreed to by the Department, does not that dispose of the immediate urgency of the Bill?—But I do not think the Department regards the air brake as being the most efficient appliance that can be obtained.

116. I mean, if the Department agrees?—That is a very wide presumption, and we are no nearer a solution if the Department does not agree.

117. You say you cannot tell me what brake the Department will approve?—That is not on my side of the house. I believe the Engineer-in-Chief will decide that.

118. If the Auckland company undertake to install that brake at once, that would dispose of the immediate urgency of the Bill?—Yes, I think it would, although I think the Bill would still be desirable.

119. *Mr. Rosser.*] Supposing that that removes the urgency, what provision is there for any contingency in the future to enforce the recommendations of a Royal Commission?—I added to my reply that I still think the Bill is necessary, and very desirable.

120. *Mr. O'Shea.*] Are you familiar with the present legislation on this matter?—Fairly.

121. Is the Public Works Department of opinion that the Minister may revoke an Order in Council?—It would be quite improper for me to give any answer to a question of that kind.

122. He said so before the Committee yesterday?—It is quite impossible for me to give an answer to that.

123. Under section 215 of the Act you have two powers, have you not, in relation to tramways? It says, "If the person appointed to inspect any railway or portion of railway shall, after any inspection thereof, report in writing to the Minister that in his opinion the opening or the continued working of the same would be attended with danger to the public or to the persons employed on such railway, by reason of the incompleteness of the works or permanent-way, or the need of necessary repairs in any part thereof respectively, or the insufficiency of the establishment for working such railway, the Governor may from time to time order the proprietors of such railway to postpone such opening or discontinue such working for any period not exceeding one month at any one time." You say you do not wish to exercise that power of discontinuing the trams?—Yes, it seems too strong a remedy to apply.

124. Then, subsection (b) says, "Where an authorising Order has been made under 'The Tramways Act, 1908,'" [the Governor may from time to time] "direct that the works thereby authorised shall be completed in accordance with such Order and any plan or documents mentioned therein, without suspending the traffic upon the tramway"?—The power of the Minister under that clause is simply to direct that the work be completed in accordance with the Order.

125. If an Order was drawn with proper foresight and prudence, and with a full knowledge of the details and working of the tramways, I presume it would meet any ordinary case that would arise?—I think it is most unreasonable, great as our knowledge is assumed to be both by yourself and Mr. Myers, to expect that we can say what is going to happen in ten years' time.

126. Take our Orders in Council—you are familiar with those?—Fairly.

127. They would be quite sufficient for dealing with a question like this: You could make us put in efficient brakes under our Order in Council?—Only by exercising this clause.

128. According to the Order in Council we have to give the Department a specification for the brakes, have we not?—Yes, but have we power to force you to submit new designs from time to time?

129. They have to be kept in repair?—Yes, but only in accordance with the design as approved. A new invention may come out which may revolutionise all tramway brakes, but we could not force you to adopt that.

130. Would it not be right that the person who takes the Order in Council should have some right of appeal from the Minister supposing it was unduly onerous?—That is a position which the Committee will have to consider, and you should state your case, and the Committee will doubtless fully consider it.