

131. As far as this Bill goes, sections 2 and 3 would allow the Minister to practically revoke the Order in Council?—Not wholly.

132. But to a large extent?—No. One clause in the Bill says that, in the case of any inconsistency, in the event of the regulation contravening any particular word or clause of the Order, that particular word or clause is deemed to be revoked.

133. That takes away the vested right under the Order in Council without appeal?—Portions of the Order. That is, provided there are any inconsistencies.

134. Have you any complaint to make with regard to the way in which the Wellington trams are run, as the power you are taking provides for the distance between cars?—Yes, I think so. If the Governor has ever to make regulations under this Bill I think some of the present Wellington practices would be changed.

135. What ones?—The one you have instanced—the distance at which the cars follow one another.

136. Do you know we have regulations now?—If you have, they cannot be enforced.

137. But do you know they have regulations now?—I have not seen them.

138. Do you know we have power to make them?—Yes.

139. You are familiar with the powers of the Council to make by-laws under the Tramways Act?—Yes.

140. Is it not a fact that, by the Order in Council, according to the present statute you can in the case of a special tramway make provisions in the Order in Council to override that by-law? Clause 36 of the Second Schedule to the Tramways Act provides for that. In your Order in Council could you not make limitations that would limit the Council's power of making that by-law instead of transferring it to the Minister? If it is necessary to make regulations for the running of the tramways in Wellington, could you not put them in the Order in Council?—I do not see really what that has to do with this Bill, because the Orders in Council that already exist governing the trams in New Zealand do exist, and we cannot therefore put new clauses in them.

141. You are taking power for the Minister to make by-laws, and you are doing away with that section?—Not to make by-laws.

142. Yes, by regulations you are?—Not to make by-laws.

143. Are they not taking the place of the City Council's by-laws under the Bill?—It only repeals A and B.

144. The provisions of this Bill in regard to section 2 are to provide for things that have not been provided for in the Order in Council?—No; section 2 is a re-enactment of the existing law.

145. Then what is it wanted for?—To prescribe a penalty that is more reasonable than the entire closing of the tramway.

146. Then why not bring them in as an amendment to the Public Works Act? Does not section 2 give you power to make any alteration? Is not this a case of putting your head in the lion's mouth in the expectation of not being bitten?—Such an extreme view does not require to be combated.

147. Your Department, if this Bill becomes law, will immediately pass regulations dealing with overcrowding?—That is a Ministerial function upon which I can say nothing.

148. Do you think it is necessary?—I think it is very desirable.

149. Can you say, as a matter of fact, that the City Council could make their trams pay under the existing conditions if they had those limitations?—They do very well in Auckland with those limitations.

150. Do you think the trams in Wellington could pay with those limitations?—Yes.

151. The by-laws are made by persons having no financial responsibilities?—The Minister has no authority as to financial responsibilities with regard to the Union Company's steamers, but he imposes restrictions.

152. Their affairs are not fixed by Order in Council. Is not the City Council under a severe financial responsibility in the event of an accident occurring on the tramway?—Just the same as every other common carrier.

153. Would there be the same publicity and the same power to control on the part of the public in respect of regulations made by the Minister as there would be in respect to by-laws made by the Council?—There would be the same publicity when made.

154. But if we make by-laws they are advertised for a month before they come into force, and any one can object the same as he can object to this Bill?—Yes.

155. But if you choose to make regulations, and they come into force, he has no power to object?—That is so.

156. This Bill is a transference to a great extent of certain powers from the local authority to the Government?—No, I do not think that at all.

157. Subsection (2) of section 2 of the Bill says, "In order to insure the safety of the public or employees, or to meet the reasonable requirements of the traffic, the Minister may order such alterations, repairs, or additions to be made accordingly." I want to ask you, first, whether the Minister has that power at present, and, secondly, whether it does not give to the Minister altogether the absolute control and management of the tramways?—In reply to the first question, yes; and in reply to the second, no.

158. In reply to the first question you say, Yes. Can you show me?—Yes. It is in the Public Works Act, under section 215: "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