

1909.  
NEW ZEALAND.

TRAMWAYS AMENDMENT BILL COMMITTEE

(REPORT OF THE); TOGETHER WITH MINUTES OF EVIDENCE.

(MR. ARNOLD, CHAIRMAN.)

*Report brought up on the 22nd December, 1909, and ordered to be printed.*

ORDER OF REFERENCE.

*Extract from the Journals of the House of Representatives.*

MONDAY, THE 20TH DAY OF DECEMBER, 1909.

*Ordered,* "That a Committee, consisting of twelve members, be appointed, to whom shall be referred the Tramways Amendment Bill; three to be a quorum: the Committee to consist of Mr. Arnold, Mr. G. M. Thomson, Mr. Davey, Mr. Luke, Mr. Herdman, Mr. Poole, Mr. Glover, Mr. Colvin, Mr. Brown, Mr. Lang, Mr. Hogan, and the mover. The Committee to have power to call for persons and papers, and to report not later than 5.30 p.m. on Wednesday next."  
—(Hon. Mr. R. McKENZIE.)

REPORT.

THE TRAMWAYS AMENDMENT BILL.

THE Committee to whom was referred the Tramways Amendment Bill have the honour to report that they have carefully considered the same, and recommend that it be allowed to proceed with the amendments shown on the attached copy.

22nd December, 1909.

J. F. ARNOLD, Chairman.

MINUTES OF EVIDENCE.

TUESDAY, 21ST DECEMBER, 1909.

*Mr. M. Myers:* Mr. Chairman,—Might I be permitted to say a word at this stage? I represent, as I think you know, the Auckland Electric Tramways Company (Limited). I am here as the company's counsel, but the position I am placed in is this: The Bill, as you know, has just come before the House in the dying hours of the session; the Auckland Electric Tramways Company has expended something like three-quarters of a million of money, in reliance upon the Orders in Council, which it has obtained for the construction of its tramways; only yesterday a deputation waited upon the Hon. the Minister, and the Minister then said that he would proceed with the second reading of the Bill, and then have the whole matter referred to a Select Committee; the Select Committee meets to-day—the day after. Now, sir, very important questions are raised by this Bill, and I feel that I am not in a position at a day's notice, or even at two days' notice, to

place the position in a fair and proper way before this Committee and to do justice to my clients. I require evidence not only from Auckland, but probably from various other parts of New Zealand. I may say I have arranged with Mr. Walklate, the general manager of the company, who is also a tramways engineer, to be here by the Main Trunk train to-day; but, sir, at forty-eight hours' notice it is impossible to procure all the evidence I desire to procure in order to place properly before the Committee and before the House the evidence which I think should be available before a Bill of this kind is passed. My observations, sir, are submitted with regard to an application, which I shall renew at a later stage, that this Committee should report that the Bill ought not to be proceeded with at this stage of the session, and that it ought to be postponed till next session of Parliament. The Committee will see, sir, the difficulty in which counsel is placed and the difficulty in which this company is placed. The company, as I say, has expended no less a sum than three-quarters of a million in good faith, and in reliance upon Orders in Council which this Bill is going to give the Minister, by a mere stroke of his pen, the power to absolutely abrogate. Of course, sir, I shall tender such evidence as in the short time at my disposal I am able to tender, but that may be confined to the general manager and engineer of the company, and I ask that I should not be called upon to tender that evidence before this evening. Mr. Walklate will not be here till half past 4, and I must have an opportunity of conferring with him and seeing his papers; but my remarks are addressed, firstly, as preliminary to the observations I shall make at a later stage, and, secondly, to the application that this Committee should report in common fairness and justice that this Bill should not be proceeded with in the dying hours of the session without giving the Select Committee and Parliament the fullest opportunity of hearing all the evidence which this company is desirous of tendering, and which, in fairness to itself, it ought to tender, before such a Bill as this is proceeded with and passed.

*The Chairman:* The position is that this Bill has been referred to this Committee to take evidence and report: that we must do. I purpose this afternoon taking the evidence of those gentlemen who are present, and I have arranged, with the concurrence of the Committee, to meet at 7.30 this evening for the purpose of meeting those who are coming from Auckland, so that they can get away again to-morrow, and also one or two Wellington witnesses who cannot be here this afternoon. We will take that evidence, and then consider any other application you may make with regard to what you have alluded to.

ALFRED KINGCOME NEWMAN examined. (No. 1.)

*The Chairman:* You are the Mayor of Wellington?

*Witness:* Yes.

*The Chairman:* Will you make a statement in regard to the matter now before the Committee?

*Witness:* Well, sir, as you are aware, I presented the Minister with telegrams showing that the Christchurch Board and the Corporations of Dunedin and Wanganui were in accord with us, together with Miramar and Karori; also the Hutt and Petone, where they are going to have trams, are with us; and we have received a telegram from Napier besides, all protesting that we should not be affected by this Bill; and I wish also to call some expert advice as to the reasons why we should not be affected by it. Now, clause 3 of the Bill, which is the only clause I wish to draw your attention to, says, "The Governor may from time to time, by Order in Council gazetted, make regulations." Then follows a list of what may be done, and subclause (f), to which I wish to call the attention of the members of the Committee, says, "Providing for such other matters as he thinks fit in order to secure the safe and convenient working of the tramway." Well, sir, I submit that if those clauses are passed it takes the management of the tramways out of the hands of the Corporation of Wellington. A few years ago this city decided to have tramways, and under the Orders in Council that were then issued, and under the rules which were to govern this city, we raised half a million of money. We have spent more than that on our trams, and we understood that those regulations were to be in force practically in the same way as the articles of association of a company, and that they were to be in force for ever. Unfortunately, by this Bill it is now proposed to take away from us the whole of these powers. I have seen a great many citizens since yesterday morning, and they all desire to back me up, and also my Council, in this protest against the introduction of this Bill. I might also say that the whole of my Tramway Committee and every member of my Council unitedly protest against this interference with our trams. Besides, sir, I submit there is no reason for any such interference. In fact, sir, the Minister himself said yesterday that the brakes on the trams in Wellington were absolutely the best in the Dominion. I will call my Engineer, who is a man of wide experience, to give evidence, and we have also an Assistant Engineer of English experience: there is also the City Engineer, who superintends the laying-down of the lines: and they will be able to say that, whenever any of our experts have recommended to the City Council anything that conduces to the better management and control of our tramways, the present Council—although I have only been a few months in the Council—and previous Councils have unanimously and without hesitation voted any money that has been required. Everything that our experts have suggested we have carried out. Furthermore, I should like to point out that our record of accidents, considering the enormous mileage we cover, and that we carry about twenty-one to twenty-two million passengers per year, is, I suppose, as low as the record on any tramways in the world. Unfortunately, while we have very excellent brakes, there is always the human element, and while we have a first-rate set of motormen and conductors, there is always the chance that an accident may happen through the failure of a motorman. Sometimes their minds wander, or other things may happen when there is an emergency near, and there is a failure of human action which is inseparable from any system; but I would point out that we have managed our trams so successfully that our casualty list will favour-

ably compare with the Government railways or any tramways in New Zealand. I desire to say, sir, on behalf of the Corporation and the people of Wellington that they are proud of their tramways, and think they are well run. They do a bit of growling now and then, and they would growl at certain things if they were in heaven for a time, but still they are proud of the tramways, and desire to keep them free so that we can manage them ourselves. I would say, sir, that, if some tramway company has not been acting with all due care in its management, it is a little hard upon us to be incorporated under this Bill. Surely if a boy in a class is bad and needs a thrashing, it does not follow that all the good boys in the class should be thrashed in the same way, and therefore, as we have been managing our tramways with care, and supplying the most modern appliances, we do object to handing over the whole of this power to the Minister. We feel very strongly on this question, and we want to protest with all the force not only of the ratepayers but of the citizens of Wellington behind us, against being brought under the power not only of the Minister, but of his officers, who, should they choose to be unreasonably particular after getting control over our tramways, may cause a large amount of expenditure. It is open to them to inflict great hardships upon us, and, as we have conducted our trams without any complaint, we submit that this Bill should not apply to us and other towns who have not had a chance, owing to the hurried way in which this Bill is being perhaps unnecessarily forced on, of attending before the Committee and entering their protest. I submit that we could get from all the other cities in New Zealand who have tramways, and have not delegated their powers to anybody, a large amount of backing in the protest we are making. They unitedly desire to keep the management of their own trams in their own hands, and if the Committee will postpone the matter till next session I will make it my business as Chairman of the Municipal Association of New Zealand to send round circulars calling the members together earlier than the next session of Parliament to consider this matter. I might say that all those cities that have trams unitedly protest against being brought under such arbitrary clauses as those contained in this Bill, and I submit that such a large phalanx of opinion ought to have sway with this Committee. Therefore I do trust that this Committee will postpone this measure, or, at all events, that it should not apply at present to cities which have hitherto managed their affairs in a proper manner.

1. *The Chairman*] How many passengers do you say you carry?—Between twenty-one and twenty-two millions a year.

2. And how many cars have you?—Eighty.

3. How many employees?—Between 450 and 500.

4. Can you tell me how many accidents there have been to the general public during the last two years?—The Engineer informs me that since the beginning of 1906, including the general public and the employees, there have been in the four years fifty-six accidents through people jumping off cars or getting knocked down and suffering slight concussion, the breaking of a limb, or severe cuts, and there have been six fatal accidents. Only one fatal accident was attributable to the fault of the Corporation or its servants, the others being brought about by the people themselves. The Engineer will be able to give a detailed statement of the accidents and their causes.

5. *Mr. Brown*.] Have any of those accidents been attributable to your brakes going wrong?—If I might explain to the Committee, the question of brakes has been before us a good deal, and the Engineer will explain the details in that connection; but whenever an accident does occur the motorman (and our motormen are a very excellent lot of men) naturally always puts it down to the brakes—it is never the motorman's fault, but always the brakes. The position is this: that our brakes on the whole work exceedingly well. As the Minister said yesterday, our brakes were practically the best in New Zealand, but we have evidence and we know that now and then the magnetic or electric brake does not always work perfectly; but I would point out that if the magnetic brake does not work immediately we have the hand-brake, so that really there cannot possibly be a failure of brakes altogether. It is not possible for a car to run away. If the magnetic brake does not act, then the motorman can turn round and use the hand-brake straight away. As a matter of fact, a large number of our motormen use the hand-brake nearly all the time, and the hand-brake is always ready if the magnetic brake fails.

6. *Mr. Herdman*.] Can you tell the Committee what powers the Government at the present time possess regarding the inspection of tramways, such as the cars and the system generally?—I understand that if we neglect to do what we are supposed to do they can interfere according to the clause in the Act, but not otherwise. Practically, I think they have very little power at the present time, but if this Bill is passed it gives them entire power.

7. What is the length of your tram mileage?—About thirty-three miles of single track. We run about 1,800,000 miles a year.

8. *Mr. Poole*.] Have you had any trouble with the Public Works Department up to the present time respecting the car-service?—Practically nothing. We have a very tortuous line at Brooklyn, where we had one accident, and the Government gave us advice in regard to that; but that is the only time. We were going to make various changes there, and at the time of the accident it was practically a new line.

9. Apart from accidents, have you had any complaints from the motormen about the brakes?—The complaints have been these: that whenever there has been an accident it is always put down to the failure of the brakes.

10. But, apart from accidents, have you had any complaints lodged in the office respecting the weakness or failure of the brakes?—At times there have been. For instance, when a car has gone out in the morning perhaps the magnetic brake has failed to act, and the car has been taken back to the shed immediately. The orders are very strict in that connection: the car has to be taken back immediately and have it put right.

11. The men have expressed no general dissatisfaction with the brakes on the system?—No, not at any time.

12. *Mr. Luke.*] As a matter of fact, your opinion is this: that if there was Government inspection, that could only be a periodical inspection, and there would still be the danger of the men not exercising the power necessary?—It seems to me, as in the case of locomotives, there is always the one irreducible element of failure, and that is whether the man is always ready and in a proper frame to do his duty. It must always be so.

13. What is your opinion about the licensing of cars?—My opinion is that at the present time we have plenty of cars to carry off the traffic, but now and then they are congested. It happens that there are unexpected rushes of people at certain times, and if we were to be very strict in regard to the question of overcrowding it would mean that a lot of people would have to wait sometimes in the rain, and it would be very inconvenient; but I must say that our people in Wellington seem thoroughly satisfied with the way our cars are handled.

14. Would it not tend to an increase in the fares if you had to limit the number of passengers?—We have made the fares so low, in order to make our trams useful to the public, that if we had any interference, and were put to a large expense, my dread and the dread of the Tramway Committee is that we should have to charge the public for it.

15. And that if they were cut out in the rush hours, the trams would not be the success they are now?—Yes, that is so.

16. *Hon. Mr. R. McKenzie.*] There is a limit to the fares you can charge according to the Order in Council?—Yes, but many of our fares are below that.

17. But you cannot raise them above what is provided for?—No.

18. What is there in this Bill that you particularly object to?—There is the first part of clause 3, which gives the Minister, by Order in Council, the power to make regulations; and then there is power to interfere in the matters contained in subclauses (a), (b), (c), (d), and (e); and then, in subclause (f), the draughtsman, thinking he may not have provided for everything, makes a big scoop by saying, "Providing for such other matters as he thinks fit in order to secure the safe and convenient working of the tramway."

19. That is the saving clause?—I would point out to you, sir, that this means that after the passing of this Bill, the Minister—I do not say you will do it—but any Minister has the power to come and interfere with every regulation and everything connected with our tramways, and to dictate to us in everything. Let me put the position in a nutshell, that after the passing of this Bill the Wellington City Tramways will be as much in the hands of the Minister as this Bill is.

20. Is it not a fact that before you can run a car at all to carry passengers you have to get a license from the Government?—Unfortunately it is so.

21. The position is that you cannot run a single car without a license?—That is so.

22. And if the Government thinks it necessary that license can be cancelled at any time?—Yes.

23. Then really there is no more power in this Bill than we have already?—Subclause (f) is the vital clause, because it extends the powers to such an enormous extent.

24. Is subclause (f) the only clause that you have any strong objection to? You say that the draughtsman evidently thought he was overlooking something and put that clause in in addition to the general provisions?—No; I object to the whole of clause 2 and the whole of clause 3. I object to all those clauses.

25. You object to the whole Bill in a general way?—I object to clauses 2 and 3.

26. Why do you object to clause 2?—Because it gives the Minister the power to come in and interfere; and that is what we want to prevent. On behalf of my Corporation we want to manage the trams ourselves, and we think we have managed them very well.

27. Is it not a fact that if I like to revoke your Order in Council and refuse to give you power to carry passengers I may do so at any time?—I agree that Ministers have power to do certain things which they do not always do.

28. But if the Government found it necessary, they have power to revoke the Order in Council giving you power to carry passengers?—I submit you will never do so, and never find it necessary.

29. But we have power to do so if we found it necessary, although I do not say it would be expedient?—I have not sufficient legal knowledge to go into that matter, but before you did so I am sure I would take the very best legal advice and fight the matter on behalf of the Corporation.

30. That would be an extreme step?—Yes.

31. But still we have the power to revoke the Order in Council if it became necessary?—That may be.

32. Now, what is your objection to clause 2?—It gives you extended powers.

33. Where are the extended powers?—If it were not giving you extended powers you would not have put it there.

34. That is mere assumption. Is it not a fact that the Government Engineer has to inspect your trams and your rolling-stock before you can run them at all?—Yes, but not afterwards.

35. Well, there is no other power contained in clause 2?—This Bill gives you power to interfere not only when the tramway is in course of construction, but when it is open for traffic, and I maintain that gives you more power than you have at present.

36. There is that power under "The Public Works Act, 1908," and the word "railway" is interpreted to include "tramway." Clause 213 of the Act says, "The Minister may from time to time . . . . . ten pounds." So that we already have the power under that clause?—I would submit, sir, that the Minister has his legal opinion and I have mine, and mine is very strongly expressed to the Committee in this way: that the Minister is taking extended powers under this Bill to interfere with the tramways after they are constructed.

37. But do you admit that you cannot run a single car under your system until it is passed by the Public Works Department Engineer?—Yes; but you are going to take powers under this Bill to inspect everything before and everything after. Just the other day Mr. Holmes passed the tramway to Lyell Bay, and once he passes it it is out of his control.

G. STUART RICHARDSON examined. (No. 2.)

1. *The Chairman.*] What are you?—Electrical Engineer for the City Corporation Tramways.
2. And you have read the Bill which is now before this Committee?—I have.
3. You have received instructions from your Council to appear here and give evidence?—Yes.
4. And you know the views of the Council on the subject?—Well, I cannot say that I have ever heard them expressed.
5. But you know what they wish?—Yes, I think so.
6. I presume the Council wish you to give evidence in connection with the electrical part of your system so far as the trams are concerned?—Yes, and any other part that you may desire.
7. Do you wish to make a statement as to your view of the position, or would you prefer to answer questions?—I should prefer to answer questions, I think.
8. *Hon. Mr. R. McKenzie.*] What is the steepest grade in your tram system?—One in twelve; but I am not sure whether there is not a small piece a little bit stiffer than that on the Brooklyn grade.
9. Are your cars under complete brake control in all weather-conditions on that grade?—Yes.
10. You have had no runaways reported to you from the men in charge of the cars anywhere?—We have had one runaway on the Brooklyn section.
11. I am not referring to the Brooklyn accident; but under the worst weather-conditions, when you have a greasy rail, when the brakes are down what length would your cars travel?—Running at the regulation speed?
12. I mean, after the brakes are down what length would they go with the momentum?—Running down-hill at the regulation speed, after the brakes are down they can be pulled up in two car-lengths.
13. That would be about 25 yards?—The cars are 36 ft. long.
14. And you have never had any case reported where they ran considerably over that distance with the brakes down?—I could not tell you from memory, but there is no occasion that I can remember.
15. Have you ever had anything that you would call unreasonable or unnecessary obstruction from the officers of the Public Works Department in connection with your trams? Have they ever objected unreasonably or unnecessarily to anything you proposed to do?—No, I think we have always worked very well together. They have always been pleased at any time to help us or give us advice in any way.
16. You have no fault to find with the way they administer the power they have under the Public Works Act?—No. The only point perhaps is that we asked to be allowed to run cars up the Brooklyn hill with people standing on the cars.
17. The officers are not responsible for that—you can put that blame on to me. That is the only instance?—Yes, absolutely.
18. Is there anything in this Bill that you think will hamper you in administering the tramway system?—There might be.
19. But under the existing conditions as to the running of your trams, is there anything in this Bill that will hamper or harass you in any way?—It depends on the Minister.
20. It does not depend on the Minister, because the Minister does not do the inspection himself. Of course, you know that the Engineer-in-Chief always does the inspection in Wellington, and in Christchurch and Dunedin the Resident Engineer does it?—Yes, but we may not always have the same Engineer-in-Chief.
21. And the conditions may not be the same in twenty or fifty years' time that they are now?—But are we not providing for better conditions?
22. Well, I am trying to provide for them in this Bill. Taking into consideration the existing conditions, is there any power taken by this Bill which will hamper or harass you unnecessarily in running the trams under your system?—There is that clause to which His Worship the Mayor has referred. You do not know how far-reaching that may be.
23. But if I agree to strike that out will the Bill be satisfactory to you then?—I have pointed out to you, sir, as His Worship the Mayor has done, that clause 3 provides, "The Governor may from time to time, by Order in Council gazetted, make regulations; and subclause (f) provides, "Providing for such other matters as he thinks fit in order to secure the safe and convenient working of the tramway." That might apply to anything.
24. Is that all?—Well, with regard to the other matters I think you should question the City Solicitor.
25. *Mr. Herdman.*] How long have you been in charge of the tramways in Wellington?—Since 1905.
26. And have you had experience elsewhere?—No, not elsewhere.
27. Nowhere else in connection with tramways?—No.
28. You have carefully and closely watched the working of the tramway system here since 1905?—Yes.
29. Can you suggest any better system of supervision than that which obtains at the present time under your management or under the management of the Corporation?—No. I might say that with regard to the upkeep of the system all moneys that are required are allowed by the Committee. In fact, they give me a perfectly free hand to spend whatever money is necessary for the upkeep of the system, and in no case whatever has the Committee raised any objection to any money so spent.
30. From the point of view of public interest and public safety, do you think that everything is done to conserve the interests of the public and to protect them?—Yes.
31. Can you suggest anything to the Committee that could be done which would better safeguard the interests of the public?—No, I cannot.

32. You have read this Bill, have you not?—Yes.

33. And you fully understand its provisions?—Yes, I think so.

34. Well, having read the Bill fully and understood its provisions, do you think that the extra powers which the Government propose to take are necessary in the way for the more efficient management of the service or protection of the public?—No, I do not.

35. You mean, of course, so far as the City of Wellington tramway system is concerned?—Yes.

36. Can you tell me whether there is any system of inspection by the Public Works Department at the present time?—Only for new cars.

37. And new roadway?—Yes, new roadway.

38. After you have started there is no inspection?—Well, we have had inspections after accidents, or inquiries.

39. Then, I understand the Public Works Department at the present time has some power of inspection?—Yes. There was an inquiry after the Brooklyn accident, and also an inquiry by the Government after the accident in Cuba Street, where a car ran away, and I asked Mr. Holmes and Mr. Buckley if they would look into the matter and see if there was anything wrong with the brakes.

40. Or in the management of the service?—Not the management of the service. It was the management of the brakes in this particular accident.

41. Did they express any particular dissatisfaction with the management of the service by the Corporation?—No.

42. *Mr. Lang.*] Do you think the present law is sufficient to safeguard the interests of the public?—Yes, I think the law is sufficient.

43. And do you think this proposed law would hamper or embarrass the working of the trams?—I do not see that it is necessary in any way at all.

44. Do you think it would interfere with the working?—It might interfere with the working.

45. *Mr. Colvin.*] Do you think the present law is sufficient for the City of Wellington trams, which you manage?—Yes.

46. You do not know how it would affect such places as Auckland and Dunedin?—I can hardly answer for that.

47. It may be necessary to pass a law like this to affect the Dominion where tramways are necessary or wherever the Corporations may elect to have trams running?—I do not think it is necessary. I do not know of the Dunedin Tramways, but I have seen the Christchurch Tramways, and I do not think there is much fault with the Christchurch trams.

48. Take the cities of Auckland and Dunedin?—I have not been in Dunedin.

49. And Wanganui?—I have not been in Wanganui.

50. At the present time whatever power the Public Works Department have they use in a very moderate and judicious way?—Yes.

51. During the time that you have been running the tramway system you have never found the Public Works Department harass you in any way or the Corporation?—I have always found the Public Works Department most courteous and obliging.

52. And, naturally, what they have done in the past you may expect them to do in the future?—I trust so.

53. And therefore it is not necessary for the Corporation to object to the Public Works Department having power which they do not use unnecessarily?—I do not say that.

54. *Mr. Poole.*] Were you on the Auckland Brake Commission?—Yes.

55. Do you consider the Auckland Tramway system an improvement on the Wellington system? That is rather a wide question.

56. I should like you to answer this question if you can: Are the Auckland cars equal to the Wellington cars?—They are bigger cars.

57. In mechanical appliances?—No, I do not think they are.

58. As one of the Commissioners there you were responsible for the recommendation respecting the introduction of the new brake and the attachment of the glass fronts?—Yes.

59. What induced you to join in making those recommendations?—The glass fronts are undoubtedly a good thing for the motormen, because a motorman should at all times be perfectly ready for any emergency. In the case of Wellington and also in Auckland we get heavy rain-storms and heavy dust-storms, and the motorman who is behind the glass shield is not hampered by having the rain beating in his face or the dust blowing in his eyes. He can see better and work better behind the shield than without it. With regard to the brakes in Auckland, at the time I was up there the brakes were not kept in good repair. The whole upkeep of the cars was not very good, and there were several different kinds of controllers on the cars, and it might be a hard thing for the motorman in the case of emergency to instinctively use the right brake. The track brake that they had in use up there was a brake which was to be applied at the top of the hill. After it was applied not to its full extent the car would be moved on by power and the track brake then applied as fully as required for the purpose of steadying the car going down-hill, and any other adjustment of the speed of the car would be made on the hand-brake. The track brake is a brake which could not be well used if the car got away down the hill: it takes a long time to apply, and, once the car got a fair speed on, before the track brake could be applied the car would be in some cases going at a dangerous speed.

60. From the impressions that you received at that time, do you consider that some sort of special supervision is necessary regarding the Auckland tramway system?—Undoubtedly the brakes should have been better looked after in Auckland.

61. Do you consider that the recommendations of the Commission have been properly respected, seeing that some sixteen months have gone by since the recommendations were made in regard to the alterations?—Something should have been done before this, but I understand that

the company say they are not satisfied that any particular brake in use at the present time is the best brake to employ, and they are making experiments to see which is the best and most suitable brake for the service.

62. Do you think it takes sixteen months to put about forty glass fronts on the cars?—I think they ought to be able to do about four cars every three weeks without disturbing the service. It takes rather a long time to get them fitted, as you have to retire a certain number of cars from the service during the time required for the alterations.

63. Do you think the motorman of an Auckland car has the same control over his car as a Wellington motorman has over a Wellington car?—No, I am absolutely sure he has not.

64. Were you at any of the tests that took place not long ago in Auckland?—Do you mean when the Commission was sitting?

65. Yes?—I was at every one of them.

66. Did you consider the tests satisfactory?—No.

67. And not calculated to increase the safety of passengers?—No.

68. *Mr. G. M. Thomson.*] Is it not a fact that the Inspector of Machinery has power to examine your machinery?—The Inspector of Machinery inspects the machinery in the power-house and the car-shed with a view to seeing that the machinery and all the moving parts of the machinery are safeguarded.

69. Have you a rule in Wellington as to the maximum number of passengers that may be carried?—Only on the Brooklyn line.

70. The passengers on the cars here cannot in any way interfere with the motorman—they are quite separate?—Yes, they are quite separate from the motorman in the whole of our cars. There is a door between the motorman and the people in the compartment on some cars, but on the later type of cars the motorman is entirely shut off. The passengers could not get round to the motorman unless they got on to the running-board.

71. Then I take it that the number of passengers can have no effect on the motorman—they cannot in any way crowd him?—No, not on our cars here.

72. Can you tell us why you did not consider the brakes satisfactory in the Auckland tests?—Principally due to the very bad upkeep of the brakes.

73. *Mr. Luke.*] How many systems of brakes have you got on your trams now—means of braking cars?—We have four means of braking cars.

74. Will you shortly describe them?—The first brake is the hand-brake, which works brake-blocks on the wheels; the second is the magnetic brake—this is composed of a track brake, which clings magnetically to the rails while the car is going along, while the action of the magnet being held back by this grip forces the brake-shoes on to the wheels. It is undoubtedly the most powerful brake that you can have. The next brake is formed by reversing the motors of the car and putting the controller around one notch. The real effect of that is that if the car was stationary it would tend to send the car back slowly. That is a brake that cannot be used when the car is going at any speed. The next and fourth brake is the electric brake, which is formed by making one of the motors into a dynamo and generating current which is forced round the other motor. This current reverses the other motor and tries to make it go the opposite way.

75. Then, as a matter of fact, you depend more particularly in the running on two brakes?—We depend in the ordinary running on two brakes—the hand-brake and the magnetic brake.

76. This magnetic brake puts a slipper on to the rail simultaneously with putting the shoes on to the wheel?—Yes.

77. Are the motormen instructed in the working of all these brakes?—Yes.

78. Do they get periodical reminders of their duties in regard to the brakes?—If we consider it necessary.

79. And is it your special practice to examine the brakes every time the cars come in?—The brakes are inspected every night.

80. And do you think that having the work controlled or inspected under this Bill will tend towards greater safety to the public?—I think we are sufficiently safeguarded at the present time.

81. In regard to the Inspector of Machinery, he only inspects the engines and boilers, and examines the machines in the car-sheds, and dynamos, to see that they are properly protected for the people getting round them?—Yes, that is so.

82. They do not pretend to examine the dynamos or generators?—Only as a fly-wheel.

83. Do you think, if the Government exercised larger powers of inspection, that it would instil into the minds of your motormen a greater sense of security than obtains at the present time?—I do not know.

84. If the Government inspected the cars, say, once a year or once in six months, do you think the motormen would rely any more on that inspection than upon the night inspection that you have at the present time?—Well, they are two different things altogether. The night inspection is for the purpose of seeing that everything is right with the brakes and for taking up any wear that there may be—adjusting the brakes, and fitting them for the next day.

85. And the motorman is cognisant of all that inspection?—The motorman knows it goes on although he is not present.

86. You are also the Tramways Manager as well as the Engineer?—Yes.

87. You have a mission to see that the interests of the Council and the interests of the public generally are safeguarded, and to look to the proper carrying-out of the undertaking?—Yes.

88. You have already said that the officials of the Department have been very reasonable men to deal with; but, in your opinion, do you think the position may be arrived at that we may have a less practical Minister, and officers who may not be so much impressed with helping the service, which might create some considerable drawbacks?—Exactly; I think that might occur.

89. What would be the position of the tramway undertaking if the Minister should insist upon everybody in a car having a seat—what would be the position of the Wellington tramways from a financial point of view?—I think we should have to increase our fares.

90. Have you any idea by how much?—Probably from 30 to 50 per cent.

91. And you think the people of Wellington would rather put up with the disability created during rush hours and have cheaper fares instead of higher fares and more comfort?—I think they would. I would also point out this: that at rush times everybody wants to get on the first car, and if we had fifty more cars running in Wellington at rush hours than we have at present, under the same conditions that they are running under now—that is, allowing overcrowding—we should still, with the double number of cars running, get overcrowded cars, because the people would take the first car that came along.

92. You say the maximum grade is 1 in twelve?—Yes.

93. Do you know Dundee at all?—No.

94. Would you believe that one portion of the tramway there, on a similar system to that of Wellington, is run on 1 in 9?—I think that is the same as at Parnell Rise, in Auckland.

95. As an engineer you can believe that in Frisco and Dundee they are working similar systems on a grade of 1 in 9?—Yes, I believe they do.

96. And you think it is not contrary to the practice of electrical traction to have a tramway undertaking similar to Wellington running on a grade of 1 in 9?—Yes, it is not contrary.

97. *Mr. G. M. Thomson.*] In the case of the Brooklyn cars, supposing the cars were loaded up to carry as many people as they could carry, would it add to the danger of the running?—I do not think there would be any danger in loading up the Brooklyn cars, with the exception of the box cars. I do not believe in loading up the box cars, because the passengers can get from the inside on to the conductor's platform, and if the motorman's door was not fastened they might get on to the motorman's platform.

98. But I mean in regard to the question of weight. Supposing the cars were loaded up with as many passengers as they could carry, would it add to the danger?—I do not think so. I might say that in one of our tests for the Public Works officers we ran one of those big top-deck cars—the largest car we have in Wellington—which was loaded up with about  $7\frac{1}{2}$  tons weight, which was more than equivalent to a full load of passengers. The car would seat 103 people, and it was loaded with pig iron and wheels equal to a load and a sixth. The car was run down Brooklyn at a speed of twelve miles an hour, and I think it was stopped in about 34 ft. by the magnetic brake.

99. *Mr. Hogan.*] In answer to Mr. Thomson's question you said the passengers are quite separate from the motorman; but are there not certain cars running here, for instance, upon which passengers can surround the motorman unless he or the conductor insists on their going inside?—Yes, those would be the combination cars, but they do not run on the Brooklyn line.

100. In answer to Mr. Luke, you said that you considered Wellington sufficiently safeguarded at present, but since that is due to a good Council and good officers there is no guarantee that other places will be equally safe, and do you not think proper supervision should be exercised by some higher authority?—It is to the interests of the municipal bodies themselves that everything should be in the best order and kept up. If any accident happens it is the municipal body that has to pay out.

101. But paying out will not bring life back. It is not a matter of paying out at all—it is a matter of prevention; and if the local bodies or municipal councils are not doing their duty properly—and I think you must in your experience of life recognise that some do their duty in one way and some in another—and if they are not doing their duty properly do you not think that some higher authority ought to keep them up to the mark?—Well, sir, my opinion about it is that if you take away the powers from the municipalities it is more than likely that you will not get them to look after their duties as well as if you gave them full powers.

102. And if you leave them their powers, do you not think some one ought to see that they exercise their powers properly?—No. I think the municipal bodies should have full control of everything within their boundaries.

103. Whether they conduct such an important undertaking properly or not?—I think they are quite as likely to conduct it properly as any other people or as the Government would. It stands to reason they should be.

104. *Mr. Glover.*] With regard to strap-hangers, you know that in Auckland provision has been made for quite a number of strap-hangers to travel on the cars, and in your opinion does that interfere with the service up there?—No, I do not see that it should. In which way?

105. In the overcrowding of the cars. You are aware that on perhaps sixty Auckland cars they have single platforms, and the passengers are absolutely in touch with the motorman all the time. Do you think the efficiency of the motorman is impaired by reason of the crowded car?—The efficiency of the motorman would be impaired if the passengers had any means of access to the motorman.

106. *Mr. Brown.*] You said that in Auckland the state of the brakes was not as efficient as that in Wellington. Could the Auckland company fit the same brakes to their cars as you have in Wellington?—I think they could. They have not fitted them, but I believe they could.

107. And yet they have waited sixteen months, and they say they cannot get a brake that they are satisfied with. Here in Wellington you have a brake which works all right, and yet the Auckland people cannot find one which they say will work all right. That is the position, is it not?—Yes. They express themselves as not being satisfied with the magnetic brake as being the best brake.

108. And yet you are perfectly satisfied?—I am satisfied that it is one of the best if not the best brake.



109. In wet weather there would be more danger, I suppose?—In wet weather the rail is at its best, but in slight rain, fog, or mist the rail becomes greasy, and that would make the brakes still more dangerous in Auckland.

110. *Hon. Mr. R. McKenzie.*] You were a member of the Royal Commission that inquired into the Auckland tramway system?—Yes.

111. And you made a recommendation that the brake system was inefficient?—Yes.

112. And that more powerful brakes should be put on the Auckland tram-cars?—Yes.

113. Do you know whether anything has been done since?—I understand two brakes have been put on for testing purposes.

114. What margin of safety have you on your Brooklyn incline, 6 to 1 or 5 to 1—I mean, the excess power more than you require?—We had four small cars which we ran to Brooklyn with 25-horse-power motors; but we found they got rather warm running up there, and we put in 40-horse-power motors.

115. So that you have 40-horse-power motors where 15's perhaps would do?—No, 25's.

116. But there was no margin of safety allowed in the 25-horse-power?—The 25-horse-power used to get rather warm.

117. What margin of safety have you in your brake-power? You said in answer to a question that it did not matter what weight the car was loaded up with, it did not have any effect on the power, and I want to prove that it would have an effect on the power of the brakes or the power to control the car. If you double the load you reduce the brake-power by one-half?—In the test I quoted to you with the double-deck car—

118. I am not referring to the test; I am referring to the ordinary working of the system. Supposing you are taking up 100 or fifty passengers in the car, you have the brake-power to keep the car under control properly with that load; but if you had 300 passengers you would not have the same control?—We have tried cars for the Public Works Department running up to Brooklyn with a weight in them equal to a load and a half of passengers.

119. No doubt you would think that margin of safety would be sufficient, but supposing your magnetic brake would not act?—All our cars passed for use on the Brooklyn route could be pulled up on the Brooklyn hill certainly with a load equal to a double load.

120. On your Brooklyn section the number of passengers you can carry on the tram is controlled?—Yes.

121. You cannot carry any more without the authority of the Governor in Council?—No.

122. And there is nothing more in this Bill, is there, than there is in the Order in Council limiting the number of passengers you can carry on the Brooklyn section?—No.

123. You know College Hill, Auckland?—Yes.

124. Do you know the grade there?—I think it is about 1 in 12.

125. And Parnell Rise?—That is about 1 in 9.

126. And Kyber Pass Road—that is very steep, is it not?—Yes, but I do not know what the grade is.

127. Do you consider that with a greasy rail the present system of brakes in Auckland shows a sufficient margin of safety on those inclines?—If their brakes were in thorough good order, and the track brake was applied at the top of the hill, and the motorman was careful in running the car down, I think it would be all right.

128. But without all those qualifications, what would be the position then?—If he did not apply his track brake at the top of the hill he would be very seriously handicapped, because the track brake takes a long time to put on, and during that time the car is gaining speed all the time.

129. But the track brake is really an emergency brake, is it not?—Well, their track brake cannot be used as an emergency brake; it takes too long to put on.

130. Take your track brake in Wellington—it is used for emergency purposes—it is not used for ordinary purposes?—Yes. One great point about a brake is that the brake you use for emergency should be used in ordinary service, because if you have a brake suitable for both purposes the motorman in the case of an emergency instinctively does the right thing. For service speed you put your brake on slowly, but in an emergency you would swing the brake round rapidly.

131. In answer to Mr. Hogan you said that you thought the ordinary Corporation could control the tramways as well as anybody else. Is that your opinion?—It is my opinion that every municipal body should be able to deal with their own tramways and their own affairs.

132. In a proper manner?—Yes.

133. Do you know if the Wellington City Council employs an Inspector of Nuisances?—Yes, I think so.

134. And why is it necessary to keep such an Inspector—is it because everybody keeps his back yard clean without inspection?—I do not know.

135. You have stated that if the number of your passengers were controlled or limited you would have to raise the fares from 30 to 50 per cent.?—Yes.

136. Has the Public Works Department in any way interfered with the number of passengers you should carry on the cars?—No, except on the Brooklyn section.

137. Anywhere else you can carry as many as you like?—Yes.

138. And the officers of the Department have never said anything about it?—No.

139. Going back to the Auckland system, would not this be the position: that it is either license or no-license; that the Government must either give them a license or stop them altogether—there is no intermediate course?—I do not know what the powers are.

140. I might explain that since you reported, as one of the Royal Commissioners, we have been perfectly helpless in the matter except to stop them running altogether, and that would be an extreme step to take?—Have you not got powers under the Public Works Act?

141. We have got the power of inspection, but if the system is reported to be faulty our only remedy is to stop it. I could not tell them that they must put proper brakes on their system in six or nine months under the existing law?—Yes.

142. *Mr. Luke.*] You said there were 25-horse-power motors on the Brooklyn cars previous to installing the 40-horse-power motors?—Yes.

143. Were there two 25-horse-power motors on each car?—Yes.

144. And as a matter of fact there are now two 40-horse-power motors in place of the two 25's?—Yes.

145. You said there were  $7\frac{1}{2}$  tons of pig iron put in the car for the test?—Yes.

146. Were you present?—Yes.

147. What did the car weigh?—Eleven tons. The total weight of the car and the iron would be about  $18\frac{1}{2}$  tons.

148. And it was a double-decker you had for the test?—Yes.

149. You had between 19 and 20 tons weight when you applied the brake?—About  $18\frac{1}{2}$  tons.

150. And you pulled up that  $18\frac{1}{2}$  tons, at the velocity it was travelling, in 50 ft.?—It was somewhere about 34 ft.

151. Was there any sign of the car leaving the rails?—No. I wish to correct something which I said previously in regard to the weight of the pig iron. I believe I said it was 12 tons weight, but it should have been  $7\frac{1}{2}$ , the total weight being between 18 and 19 tons.

152. *The Chairman.*] Are the brakes the same on each car right through the service in Wellington?—Yes.

153. So that a motorman being transferred from one car to another does not notice any inconvenience in finding his brakes—they are all exactly in the same position?—All exactly in the same position.

154. *Mr. Myers.*] The question of brakes and the efficiency of brakes, Mr. Richardson, is a very vexed question amongst leading tramwaymen of the world, is it not?—Yes.

155. Is it not a fact that leading tramwaymen differ as to what is the best and most efficient brake?—Yes, I think that may be fairly said.

156. And is it not a fact that what is best for one service and under one set of conditions is not the best for a different service under a different set of conditions?—That is so.

157. Now, your own opinion as to what is the best brake is formed, is it not, as the result of four years' service in this one place, Wellington, and from general reading?—Yes.

158. You have not had practical experience of any other brakes?—No.

159. Now, taking, for instance, the condition of things eight years ago, when the Auckland service was installed, is it not a fact that at that time the brakes which were installed on the Auckland cars were believed generally to be the best and most efficient brakes?—I believe that, at the time you state, those brakes were thought to be about as good as they could get.

160. Now, since then other kinds of brakes have come into vogue, and is it not a fact that now new brakes are being tested—for instance, the Freund brake?—Yes.

161. Do you personally know anything of the Freund brake?—No, I have never seen it.

162. Having regard to that, do you not think that a tramway proprietary, whether company or municipality, which has had brakes in existence for only eight years, which when installed were considered to be the best kind of brakes, ought not to change hurriedly, but ought to consider now what is really the best form of brake before installing it?—Well, I think they ought to have considered that some time ago. The brakes that they have in Auckland would perhaps be suitable for a slower-running service, but I think that at the speed they run in Auckland they are not too safe. The tendency, of course, of late years has been to increase the speed of cars.

163. Now, take the track brake that they have in Auckland—is not that intended to be used from the moment that the car goes down a hill?—Yes.

164. So that the motorman, if he does his duty, had that brake on from the time of starting his tram down the hill?—Yes.

165. And he has also his hand-brake?—Which should be used in conjunction with the track brake.

166. And he has also the electric brake, which is just as you have here?—No, the brake they have up there is a rheostatic brake, but it is an electrical brake.

167. Now, if the motorman does his duty, and uses his hand-brake and his track brake from the time that he starts coming down hill, there ought not to be any difficulty, ought there, assuming that the brakes are kept in order?—But if his car gets away from him he has very little chance of pulling it up with the track brake.

168. Then cannot he use his electric brake?—To do that he would have to release his hand-brake.

169. Are there not also brakes that the conductors can use on the other end of the car?—No. The conductor can put the hand-brake on at the other end of the car, but if the motorman has the brake on already he cannot.

170. Now, with regard to the magnetic brake, your opinion is that it is the best brake; but there are a great many very experienced tramway engineers, are there not, who do not share that opinion with you?—There are some, undoubtedly; but the magnetic brake is the brake, I think you will find, that is generally used in the Old Country.

171. For instance, a good many men prefer the air brake to any other, do they not?—Some prefer the air brake.

172. Now, are you aware that in Auckland the City Council has absolutely the power to see that the cars, and the construction and fittings of the cars, are kept in proper order and subject to the approval of the Council, under the deed of delegation?—No, I do not know what the exact powers are. I know they have powers in a vague way, but I do not know what they are.

173. *Mr. Luke.*] Following up what Mr. Myers put to you, if you put the current on the track brake you get the contact on the four wheels, and they would skid on the rails, would they not?—The track brake does not act on the wheels in Auckland—it goes down and acts on the rail. The magnetic shoe here is held down on the track and forces the brake shoes on the wheels, whereas the track brake in Auckland lifts the car and wheels from the rails. It is different in its action from the magnetic brake.

174. *Mr. Poole.*] Have you had any men damaged here by the handling of brakes apart from collisions?—Yes, we have had one or two minor accidents caused through men releasing the hand wheel brake and letting it fly round, striking their arms.

175. Have you had any cases of rupture amongst the men?—We have had some cases of rupture amongst the men, but not from that cause. We have had some men slightly hurt. I think two men had their arms rather knocked about, and they were off duty for about a week. They got a smack from the handle of the brake as it turned round.

176. Did you hear that a man in Auckland had to have a testicle taken out the other day owing to a blow from a brake-handle?—No, I never heard that.

177. *Hon. Mr. R. McKenzie.*] Do you know whether the motormen on the Auckland cars are separate from the passengers, or are they liable to be interfered with by the passengers?—The motormen on the Auckland cars are not kept as separate from the passengers as they are here.

178. That is, you think they are liable to be occasionally interrupted by the passengers in attending to their business?—I think it is possible they might be.

179. A powerful brake is just as necessary on a flat road as on a grade in case there was anything on the line?—Yes, there should be a powerful quick-acting emergency brake in any case.

WILLIAM HOBARD MORTON examined. (No. 3.)

1. *The Chairman.*] What are you?—City Engineer, Wellington.

2. Do you wish to make a statement in regard to this Bill, or would you prefer to answer questions?—I did not come prepared with any statement, but I will answer any questions that may be put.

3. *Mr. Herdman.*] Have you had any experience of the management of electric tramway systems?—Not in the management, but in the construction of the permanent-way. My duties are limited to the construction and maintenance of the permanent-way.

4. But in a general way, I suppose, without being intimately acquainted with the tramway system here, you have noticed how it is managed?—Yes.

5. Under the control of the Corporation do you think it is satisfactorily managed?—Yes. I cannot discern any reason for this Bill at all.

6. That is as far as Wellington is concerned?—I am speaking as regards Wellington.

7. As far as the safety of the public is concerned, you are quite satisfied that the tramway system is satisfactory?—I am quite satisfied, apart from not having any practical experience of the management, that the City Council recognises its duties and the necessity of looking after the public safety, and that no Government interference will make their supervision any more stringent than what it is at the present time. In fact, I am rather inclined to think it might weaken that, because there would be divided responsibility.

8. Do you mean that in a way there would be two bosses?—Exactly.

9. The Corporation and the Government?—The Government officers might think that something would be sufficient and the Corporation officers might think otherwise. It would be far better that those persons who are responsible should have control.

10. Your view, then, is that if the Government were given the powers they seek under this Bill there is the probability of constant conflict between the Corporation and the Government?—That is my opinion.

11. *Mr. Lang.*] What is the percentage of accidents to the number of passengers carried?—I do not know.

12. *Mr. Poole.*] How old is the magnetic brake?—Well, that is a question you should put to the Electrical Engineer. Being an electrical appliance it is not under my charge.

13. I suppose you cannot tell me if the hand-brake is preferable to the electric brake?—I think you should have the opinion of the Electrical Engineer upon that. I have my own opinion.

14. *Mr. G. M. Thomson.*] What provision is made by the Wellington City Corporation for the upkeep of the track? For instance, I have noticed frequently in Dunedin that a bit of track is sunk?—If there is any defect or anything wrong in connection with the permanent-way we do not wait for any instructions; there is no delay through reporting to the Council, because immediate steps are taken.

15. You are keeping a constant supervision?—Yes, a constant supervision. We have a Permanent-way Inspector, whose duty is to go over the whole track in connection with the system in two days.

16. Once your track is finished and handed over, does the Government exercise any supervision over the track afterwards?—Not that I am aware of. If they do, they do so unknown to us. They never acquaint us with any supervision. There has never been any communication between the Government and the Corporation about any difficulties or defects in the permanent-way.

17. *Mr. Luke.*] You are the City Engineer, and I think you specialise more particularly from the point of view of the City Engineer?—That is so.

18. As an engineer of considerable experience in Melbourne and Wellington, what is your experience of the Wellington City Tramway system from the point of view of management?—I do not see how you can improve upon the system and the supervision that exists. Every officer that is necessary to fill any duties in connection with the continual inspection I think I can truthfully say is provided for the purpose, and I believe those duties are conscientiously carried out.

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

may be invoked. They are, in my opinion, foreign to this matter, and merely provide that the Minister may exercise powers if the Corporation does not exercise them. If the Corporation decides not to exercise powers which it possesses, then the Government may step in and deal with the matter; but this Bill appears to me to be an attempt by the Government to overcome difficulties which they have not provided for in certain Orders in Council. The Government have provided Orders in Council for the control of the Wellington City Tramways. Section 23 of the first two orders provides that a specification of the brakes has to be supplied to the Public Works Department. That has been so supplied, and approved of by the Public Works Department. At the time those Orders in Council were granted, the Government had power to put in all provisions that were necessary to control the tramways, and if any have been omitted and it is necessary now to put in any other provisions the matters may be specifically dealt with in respect of such provisions as were omitted. If you look at the Second Schedule of the Tramways Act, and the section which is here referred to, clause 32, you will see that the Council has certain powers in regard to making by-laws, and I would specially call your attention to this fact: that, subject to any provisions which the Minister may make in the Order in Council, the municipality has the right of control. The Governor in Council gave our Council a charter on which it spent half a million of money, relying on that Order in Council and relying on the fact that the Minister cannot revoke the Order in Council.

3. *Hon. Mr. R. McKenzie.*] I suppose you admit that lawyers have disagreed on that?—No. The franchise is given, and it may be revoked for certain breaches which are mentioned in the Order in Council. If you look at section 9 of the Tramways Act you will see that the Order in Council can be revoked on the application of the local authority. What this Bill does is to take the power to alter the provisions set out in and to vary the Order in Council by regulations. It has been said here that section 213 of the Public Works Act gives ample power to the Minister. If you look at the Public Works Act you will see that the matter of control by the Minister is dealt with under sections 213 and 215. Section 213 gives the Minister power to appoint a person to inspect the tramway. The Inspecting Engineer inspects that tramway before it is open; and the Minister also appoints him to inspect it during its working. The Minister cannot by the Public Works Act authorise the Inspecting Engineer to go upon that tramway and report to the Minister; and then the Minister, absolutely of his own free-will, untrammelled by anything, by any statute or any controlling power, cannot say, "You have got to make certain alterations, and if you do not make them you have to pay £20 per day." That power is not given under the Public Works Act, and, in my opinion, rightly not given. It should not be given to any man to have the power to say that certain alterations are to be made. The Government, in my opinion, has sufficient power in limiting the construction by Orders in Council by saying that you are to put certain brake appliances in. The Order in Council provides for brakes, for electrical construction of the tramway, and practically for the construction of the cars; but this Bill gives the Minister within six months the right to make regulations, and after inspection the Government might say that certain other things are necessary to put the line in order. The question is not what the Minister is going to do or what the present Minister proposes to do, but what powers the Act gives the Minister. As far as we are concerned, section 215 of the Public Works Act states the position under which we are working, and that in my opinion gives the Minister sufficient powers. The only thing that is necessary, in my opinion, and the only thing that can give rise to this Bill or the necessity for anything in the Bill, is the fact that certain appliances may from time to time become out of date—appliances which were approved of under the Order in Council. If the Bill were limited to give the Minister power under proper restrictions—but it should be very carefully restricted—to order the replacement of certain brakes, machinery, or appliances which he considered out of date, then that would be sufficient. In regard to the position in Auckland, the Minister is confined to following certain language. This Bill has done away with the power of the municipality to make by-laws, and given the Minister power to alter the Order in Council by regulation. I am personally of opinion that there is too much done by regulation—too much power given to the Minister; but here is a case where the Minister takes power to himself to abrogate the charter by Order in Council. As to clause 4 of this Bill, I think that follows the existing practice. Under clause 6 the Minister is to license the cars, but at present the Minister gives a permit to run, and I do not see why he asks that they should be licensed by him. If he has once given the permit to run, I think that is sufficient. With regard to section 6, clause (a), that is a matter of small detail—it merely provides that the Minister may require the local authority to give a copy of the Order in Council to any person on payment of 1s., and I do not think that will matter to anybody. As to section 6, clause (b), I agree with that, because I think it takes out a technical difficulty in the Act with regard to the advertising of certain applications which it is not necessary to put before the public. I think the dangers which are sought to be obviated by this Bill would be amply met by giving the Minister power to order the replacement of obsolete material; or, if it could be conclusively proved before an independent tribunal that any tramway, corporation, or company is working under an Order in Council which does not give sufficient control or which is totally at variance with the latest Orders in Council, such Orders in Council might be given up for one in the latest approved form; but there is no necessity for a Bill giving such absolute power to the Minister as the present Bill does. In fact, the inspection carried out on our cars provides for a daily inspection of brakes, as I ascertained from facts which came before me, and I do not see how the Minister is going to have that daily inspection.

4. I suppose you are aware, are you not, that lawyers disagree sometimes?—Yes.

5. Do you know Dr. Fitchett, the Solicitor-General for New Zealand?—Yes.

6. And do you know Dr. Findlay?—Yes.

7. And do you know Professor Salmond?—Yes.

8. Well, supposing those three men advise me that the powers taken in this Bill are necessary, would you consider their opinions equal to your own?—I would say that the powers were not necessary, and I am not going to discuss their opinions with you.

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

settled with the utmost care by the able and numerous officers of the various Departments before whom it went before it passed the Cabinet. Now, sir, I agree with Mr. O'Shea, the Wellington City Solicitor, in saying that this Bill goes very much further than any existing legislation, and I say that without fear of contradiction from any lawyer to whom this matter may be submitted. It has been suggested that there is provision in the Municipal Corporations Act, section 372, which gives the power that is sought to be obtained by the Bill now before the Committee; but it is only necessary to read section 372 to refute that suggestion. Section 372 says, "If in the opinion of the Governor the Council wilfully refuses to act in the performance or exercise of the duties or powers respectively reposed and vested in it by or under this Act, or in the like opinion substantially so refuses to act, the Governor may make such provision as he thinks fit for the due performance and exercise of such duties and powers either by himself or any other person." This Act is the Municipal Corporations Act, and has nothing whatever to do with the Tramways Act. I wished to read that section merely to refute the suggestion that has been made that the power proposed to be conferred on the Minister by the present Bill is already given whether the tramways be owned by the Council or any other person or authority to whom or to which they have been delegated. The Public Works Act gives fairly wide powers, but sections 213 to 218, to which reference was made this afternoon, do not go so far as the present Bill. What may happen under the present Bill? Under section 2 of the Bill "The Minister of Public Works may from time to time authorise any proper person to inspect any tramway, whether in course of construction or open for traffic, and the rolling-stock used or to be used thereon, and the plant, appliances, and machinery used or to be used in connection therewith. 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"—to that extent not very much exception can be taken; but the Bill goes further and says, "*or to meet the reasonable requirements of the traffic*, the Minister may order such alterations, repairs, or additions to be made accordingly." Now, sir, so far as the company is concerned—and I am not concerned at the present stage with the points taken by the Wellington municipality here to-day—I venture to submit that it is going too far to leave it to the delegate of the Minister to say what is required *in order to meet the reasonable requirements of the traffic*, because then section 3—you must read section 3 with section 2—goes on to give the Governor all sorts of powers to make regulations, there again providing not only for the safe but also the *convenient* working of the tramway; and any regulations so made which may conflict with the provisions of the Orders in Council (which Orders in Council, as I say, have been relied upon by the tramway-owner, who has spent large sums of money) are to abrogate the provisions of the Order in Council. Now, sir, to whom in the ordinary course would the discretion of the Minister be delegated? Presumably to the Engineer-in-Chief. I am not going to say a word—because I do not believe a word can be said—against the present Engineer-in-Chief of this Dominion; I cannot say, and would not say a word against his capacity, his honour, his integrity; but what I do say is this, that the Engineer-in-Chief is not, so far as I know, a gentleman who has had experience with regard to electric tramways. In this connection perhaps it is appropriate to say just one word with regard to the *personnel* of the Commission which dealt with the question of brakes some year or fifteen months ago. Mr. Holmes was one of the members of the Commission, and the other member was Mr. Richardson, another upright and honourable man and a capable electrical engineer, but a gentleman who, as he admits himself, has had no experience whatever with regard to electric traction except the experience of four years which he has seen in the service of the Wellington tramways. Is it fair, then, that either the Minister or any one person to whom he might delegate the matter should—because this is what it comes to—have the right to be able to dictate to the owners of tramways, and to dictate to them in such a way as that, if they do not accept the dictation, the whole of their Orders in Council are in jeopardy, and may be revoked by the stroke of a pen? That is what it appears to me this Bill means. Now, sir, I propose just to say a few words in order to show that, so far as the Auckland tramways are concerned, if it is only the brakes question that is in issue, this Bill is not necessary. The position with regard to the question of the brakes in Auckland is this: The Auckland tramways are but about eight years old, and at the time these tramways were constructed Mr. Richardson, who gave evidence to-day, admits that the brakes that were installed were considered to be as good as any brakes which were then in existence. After the short period of eight years it is suggested that those brakes should be altered. Now, sir, the Auckland Tramways Company is prepared to alter its brake system, not because it admits the contention that the brake system is inefficient, because we say it is not inefficient—we say that the brake system up there is perfectly efficient if properly used—but, sir, we admit this: that in order to work the brake system in Auckland more energy and more work is required than is required to work either the air system or the magnetic system. Now, Mr. Richardson has said that in his view the magnetic brakes are the best brakes; but Mr. Richardson has also said with perfect frankness and candour that opinions upon that question differ, and that there are many engineers of standing who hold an opinion quite different from his own. I have no doubt that there are a great many engineers who will tell you, sir, that the air brake is the very best, and I understand that the motormen in Auckland would be quite satisfied with the air brake. Now, the Auckland Electric Tramways Company is prepared to instal the air brake, and has been prepared to instal it. I do assure you, sir, because I know this of my own knowledge, having had an opportunity of conferring upon this very point with the chairman of directors, who was in New Zealand in January last, that the question of brakes has been the subject of the most careful consideration by the directors of this company, and, while they consider that their system is perfectly efficient, they recognise that there is a good deal to be said in favour of the contention of the men that the work ought to be made, having regard to the safety of the public and the convenience of the men, as light as possible for the men, and we are prepared to instal the air brake; but, sir, a matter of this kind cannot be settled in a few

days, and it cannot be settled in a few months—the matter requires the most careful consideration. The expense of putting in a new brake system is going to be some £10,000 or £12,000, and we do not want to put in a system of brakes to-day and have the Minister or any engineer coming along in twelve months hence and telling us we have to spend another £10,000 or £12,000 to put in a different system of brakes. Now, sir, what we did was this: We ordered a couple of sets of air brakes for the purpose of experimenting. They came out to New Zealand and they were tested; and it was also arranged to obtain a couple of sets of Freund brakes, and it was thought they were on their way, but it turned out they were not, because they could not be obtained at the time. The company also later ordered seventeen more sets of air brakes. In the meantime the tests with the two air brakes were being conducted in Auckland, and from some expression of opinion which was given to Mr. Walklate by Mr. Holmes, the Engineer-in-Chief, Mr. Walklate came to the conclusion that these air brakes would not be considered satisfactory, and he cabled Home stopping the other seventeen sets of air brakes. We were prepared to instal these air brakes and get sufficient other sets as soon as we could install them on our cars. Now, sir, have we been contumacious? It is all very well to listen to *ex parte* statements, but both sides have to be heard. I quite admit that there is a certain amount of prejudice in the public mind against the Auckland tramways because they are not owned by the municipality; but this company has spent a large sum of money, and is entitled to the same consideration as any municipality or anybody else, and I hope to be able to show by the evidence of Mr. Walklate that this company has not been contumacious, but that the company has always been prepared to do the right thing, and has tried to work amicably and harmoniously with its men and with the Public Works Department; and I submit with great respect that, if I am able to show that, then I have shown that, so far as the Auckland Tramways Company is concerned, this Bill is not required. This Bill goes a good deal further than dealing merely with the question of brakes. To carry the matter to its logical conclusion, though it may be suggested that I am carrying it to a *reductio ad absurdum*, supposing this Bill passes, what is there to prevent the Minister from coming along and altering the gauge of the tramway? What is there to prevent the Minister from coming along and completely nullifying the whole of the Orders upon which the tramway has been constructed, and making the tramway a valueless concern? I do not suggest for a moment that such a thing would be done by the present Minister—and I am not saying that because he is here—for we recognise that he is a practical and fair-minded man; but, sir, that is not the point to be considered. The possible effect of the Bill is the matter that has to be considered, and I submit that, unless a very cogent case is shown, Parliament should not be asked to pass a Bill which possibly might have such serious effects as I submit it is clear might result from the passing of a Bill such as that which is at present before this Committee. Now, sir, something has been said about the number of accidents on the Auckland tramways, and something has been said about a man being ruptured, and no doubt the member of the Committee who made that statement will question Mr. Walklate upon that point, and he will be able to reply to the question fully. Then something has been said about the number of accidents on the Auckland tramways, and the possibility of a car running away. Now, sir, during the eight years that this system has been at work in Auckland no tram-car has ever run away. There was one disaster—namely, the Kingsland accident; but, sir, that accident was due, it may be said, to the car running away, but running away not because of any deficiency in the brake system, but because the motorman completely lost his head; and I do not care what system of brakes you have, a motorman may lose his head, and even lose his head under the best possible system. The system of brakes in operation in Auckland will be explained to the Committee by Mr. Walklate, and therefore I do not propose to go into detail upon it; but I do say this: that some effect should be given to the opinion of a man like Mr. Walklate on the question of brakes, because I suppose there is no man in New Zealand who has had the experience of electric tramways that Mr. Walklate has had. He is a gentleman of about twenty years' experience in the United Kingdom, and one of the oldest tramway engineers in the British dominions; so that his opinion upon the question of brakes or upon any other question relating to electric tramways is, I submit, entitled to a very great deal of weight and consideration. I do not propose to take up the time of the Committee unnecessarily, but I desire to add this: that, as I am instructed, the Auckland tramways carry throughout the year from thirty to thirty-five million people, and, having regard to the number of people they carry, the number of accidents, although greater in Auckland than elsewhere in New Zealand, is not very great in proportion; and so far as I know it cannot be shown that any accident that has occurred has been caused by any deficiency in the brake system. There is one point to which I wish to refer—namely, the power of revocation of the Orders in Council. As the law stands at present, as far as I know, the only power which the Governor in Council or the Minister has to revoke the Order is the power which is given by the Order in Council itself. There are very wide powers, as I have said, with regard to tramways in the Public Works Act; but the only power to revoke the Order, so far as I know, is in the Order in Council itself, except the power which is given by the schedule to the Tramways Act; but that power is not a power that may be exercised by the Minister except upon the application of the body which obtained the authorising Order. The Minister said something this afternoon about the power to cancel an Order in Council; but I think what the Minister is referring to is the general power that the Governor has to revoke or cancel an ordinary Proclamation. I do not know of any power except the power given by the authorising Order that either the Governor in Council or the Minister has under the present law to cancel an Order in Council granted under the Tramways Act. Now, these authorising Orders, as I said before, are supposed to be settled by the Departments concerned with very great care, and the Departments are concerned to see, and are supposed to see, that the safety of the public is properly protected, and that the Order is hedged round with all sorts of proper conditions. That, sir, is done, and, as I have said before, when I am asking for an authorising Order I do not complain of that, because it is proper that



it should be done. Now, sir, not only is this Auckland company properly hedged round with conditions and restrictions under the Order in Council, but it is also hedged round with additional conditions and restrictions under the agreement or deed of delegation from the local authority to itself. Its cars have to conform to the by-laws, and the local authority—the City Council—has ample power to see, as I read the document, that the equipment of the cars is kept up to date. If this Bill is passed, the Auckland Electric Tramways Company or any delegate will be, if the language is not unparliamentary, between the devil and the deep blue sea. The Minister would have very wide powers under the Bill, but how is that going to affect the company, and how is that going to affect the company's relations with the City Council? I merely mention this because we all desire, I have no doubt, to be fair, and to see that the delegate is not prejudiced by any amendment of the Tramways Act; and I do say, sir, that any legislation for the amendment of the Tramways Act requires a great deal more consideration than has been given to this Bill now before the Committee. The draftsman of this Bill has not had in his consideration any question of the terms of a deed of delegation, and I am quite sure if that matter were mentioned to the draftsman he would see that the matter is one that requires careful consideration. I just want to say this in conclusion: that I desire to renew the application I made when I spoke at the commencement of the proceedings this afternoon. I say, sir, that there has been no reasonable opportunity during the short time at our disposal to bring the evidence before this Committee which ought to be brought in the interests of this company. Mr. Walklate tells me that he would have no difficulty in obtaining evidence of competent men from other parts of New Zealand with regard to some matters which are involved in this inquiry; but, as you know, sir, there has not been time to do anything of the kind since this Bill was introduced or since it was announced that it would be referred to a Select Committee. Who knew it was going to be introduced this session, and so late in the session? It was only announced yesterday that the matter would be referred to a Select Committee, and it was only a few days ago that the Bill was introduced at all, and I do submit with all confidence that there is no time during the few hours at the disposal of Parliament at this stage of the session to properly consider this matter in such a way as will do justice to all parties concerned. Furthermore, Christchurch and Dunedin and the other municipalities have not had an opportunity, and have not had time, to present their views to this Committee; and I do submit, sir, that it is not necessary to hurry this legislation through if the only *raison d'être* is the question of brakes in regard to Auckland, because I say, if it is a question of brakes, the company want to know, will the Department accept the air brakes? If so, those brakes will be obtained with the utmost despatch and installed with the utmost despatch. If it be asked that we should install the magnetic brake, then Mr. Walklate will tell this Committee that he, as a tramways engineer of twenty years' standing, could not see his way to install the magnetic brake upon the Auckland system, because he says it would not suit the Auckland conditions, and he will take the responsibility of telling you, as an engineer of twenty years' standing, that the most serious accidents, so far as cars are concerned, at all events, have been to cars that are fitted with the magnetic brake. If it is a question of the air brake, that will be installed at once; but we want to know whether that brake is approved by the Department. I do not know that I can say more at this stage, but I do beg of this Committee, having regard to all the circumstances, to report that the Bill ought not to be proceeded with this year, especially in view of what I say and of the undertaking that Mr. Walklate will give if he is asked, and because I say, sir, that I am not in a position at this stage to do justice to the case of the Auckland Tramways Company. I have had scarcely twenty minutes' conversation with Mr. Walklate since the Committee rose this afternoon, and that is the only opportunity I have had of seeing him. We have not had an opportunity of arranging for any other witnesses to attend, or of communicating with them, and those things cannot be done in the time. No Court in the kingdom would force an action on under such circumstances as these, and surely the High Court of Parliament ought not to do that which no Court in the kingdom would do: and in face of what I say that the company is prepared to do, I submit, when I also tell you that I cannot do justice to the company's case at this short notice, and neither can the company, that this Committee ought to report that the Bill should not be proceeded with this session. If the company does not take steps within the next six months before Parliament meets again to arrange with the Department to install these brakes, then I say, let the Bill be introduced again. Supposing the Bill passes, the brakes could not be installed in less than six months, and, if that is so, then what harm will be done by postponement, especially when I tell you, and Mr. Walklate will tell you, that we are prepared to proceed with the air brake if it is approved, and, if not, with some other feasible brake which is approved. I do not propose to take up the time of this Committee any further except to say that if there are any questions I can answer I shall, of course, be glad to do so.

1. *Hon. Mr. R. McKenzie.*] Can you inform the Committee what power the Crown has got to enforce the conditions of the Order in Council short of revocation?—The only power is by fines or penalties and revocation.

2. No other power?—No, sir. The only powers are by fines and revocation, and, in certain cases under the Tramways Act, by preventing the cars from running.

3. I think you said the present brake system in Auckland was efficient and perfect?—No, I did not say "perfect." I said that in the opinion of the company it was efficient. No brake system is perfect. In the opinion of the company it is efficient, but the brakes require more energy to apply them than some other systems.

4. Can you tell us why there should be thirty people killed in Auckland as against eight in Dunedin and Wellington?—That is not a question I am prepared to answer, but no doubt Mr. Walklate will be able to answer it.

5. You said there was nothing to prevent the Minister coming along and altering the gauge of your tramways?—I said that was possible if this Bill passes.

6. That is rather far-fetched?—I said so. I said it was carrying the matter to its logical conclusion, and I said it might be urged by any opponents—I am using the word “opponents” not in any offensive sense—that that was a *reductio ad absurdum*.

7. You think there is no one to control it except the owners of the tramway?—No, I do not go so far as that. So far as the company is concerned, it does not object to all the provisions in this Bill.

8. Now, can you tell the Committee what is to prevent a corporation or company, if there is no controlling authority, getting lax in their administration, and letting their rolling-stock get out of repair and killing a few hundred people every year?—First of all, the common-sense of the owners of the tramway, because a disaster of that kind would go very far to ruin the tramway-owners, and in addition to that would probably lay those responsible for the management open to a charge of manslaughter; and, further than that, sir, so far as the Auckland company is concerned, the Auckland City Council has very wide powers under the deed of delegation of insisting upon the cars and their equipment being kept up to a proper standard.

9. I think you heard me referring to the list of accidents that occurred on the tramways in New Zealand. Can you give me any reason why there should be 186 tramway accidents under the Auckland system as against 98 with all the other systems?—I said before that that is a matter I cannot answer, but Mr. Walklate perhaps can.

10. Do you admit it to be a fact?—I do not know. That is a matter which goes to show that this Bill ought not to be hurried on in this way, because I ought to know and be in a position to answer all those things. I have not had an opportunity even of conferring properly with my client.

11. I suppose you want a special license for maiming and slaughtering people for a few months longer?—No. So far as our brake system is concerned, we want to do what the Government is asking.

12. *Mr. Luke.*] In reference to the deed of delegation between the City Council and your clients, you say that that deed would become not altogether inoperative, but it would alter the conditions of the deed if this legislation were given effect to?—No. I do not know what would be the position. I say that this unfortunate company would be in the position of being shot at by the Minister and by the Council from two opposite directions. We covenant under our deed to do all sorts of things and to abide by all sorts of regulations that the Council may make. As this Bill stands, there is nothing to abrogate our covenants with the City Council, and I cannot tell you what the position would be, except this: that the company would be in a most awkward and most unfortunate position.

13. Seeing that your undertaking has been acquired from the city for a period of thirty years, do you not think that with the growth and development of tramway undertakings certain powers need to be delegated over to the City Council or would need to be exercised by the Crown to meet the increasing conditions that may be necessary for the safety of the public?—The City Council, I think, has that power under its deed of delegation; but I am not giving evidence on this point, because I tell you frankly I have not had an opportunity of considering the matter as carefully as I desire. I do not want to mislead the Committee, but I am prepared to show the deed of delegation, and I am prepared to give evidence upon the matter if I have time to consider it carefully, but I will not mislead the Committee by making a positive statement as to the effect of the deed when I say I have not had the opportunity of considering it as carefully as I should like to do.

14. Would you, as counsel for the syndicate or company in Auckland, anticipate that it would be necessary for the City Council to have further powers if they have not got them now, and would you appreciate the City Council having those powers other than the General Government?—Well, that would depend upon the nature of the powers; but I tell you, sir, and I tell you honestly, that I do think the position of the company if that Bill passes will be, or may be, a very serious one.

15. You spoke about the *personnel* of the Commission of Inquiry that sat in Auckland. You appreciate Mr. Richardson's service and the Engineer-in-Chief's?—I do.

16. Who was the other member of the Commission?—I think there were only two.

17. You think Mr. Richardson's experience, in being confined to Wellington, is not sufficiently wide for the purpose of being altogether thoroughly expert?—No, I think not, with all due deference to Mr. Richardson, because his experience is limited to one set of conditions. He has not had the experience of other tramways.

18. When did your company get information that the Department were not in accord, and did not think the air brake was fit to be installed?—I cannot speak definitely, but I think it was four months ago.

19. Was it in writing?—I could not tell you.

20. You spoke about the prejudice in the public mind: is that real, or is it in your mind?—Well, I think that there is an unconscious bias.

21. You think the sentiment for municipalisation is sufficiently strong to prejudice it?—Yes, I think so.

22. *Mr. Poole.*] Have you represented this company before in legal matters?—I have represented them, sir. It was I who acted for them in passing the authorising Orders through the Government Departments, or my firm, as agents for Mr. Coleman, of Auckland.

23. You admit frankly that you are not familiar with the intricacies of the present situation?—Do you mean, sir, from the legal point of view or technically?

24. The technical point of view?—I do not understand all the technical features of the matter.

25. So that, frankly speaking, you are not in a position to make a defence for the company?—Am I not?

26. I mean in detail?—I am not in a position to make a full and complete defence for the company because I have not had that time to go into the matter which, in my opinion, a matter of such importance demands, and no other counsel who might have come upon the scene at the stage when I came upon it would have had time or could have done proper justice to the case.

27. You recognise, according to some evidence that you heard this afternoon, that the cars were out of repair at the time the Commission sat?—I heard that said.

28. Do you believe that?—Well, I know Mr. Richardson well enough to know that he would not consciously say that which was incorrect, but I have no personal knowledge of the matter.

29. You do not think that the Commissioners would make the recommendation if they discovered that things were in complete order?—Well, from what I have heard of the matter I think the Commission was in a very curious position. At that time the company had difficulties with its men, and so on, which I think have since been overcome, and I cannot help thinking that various statements were made and things happened which probably would not have been said and would not have happened if the Commission had been set up a month or a few months afterwards.

30. The men are quite loyal now?—I believe that is so.

31. Do you believe that all the imported cars were new when they arrived eight years ago?—I cannot tell you that.

32. The question is—dealing with the braking appliances of eight years ago?—I cannot say as to that.

33. I am not going to say anything about the runaways, but would you be surprised to know that the men were anxious to have the installation of the air brakes?—No, I would not be surprised, because the position is this: that the air brake is not more efficient—it is really the same action—but it is put into operation with less labour.

34. And it is more quickly applied?—Perhaps so.

35. Will you believe me if I tell you it is?—Yes, that is the reason; I do not dispute it. We all like to get our work done with as little labour as possible.

36. *Mr. G. M. Thomson.*] I should like to know whether the City Council has any power of inspection?—Yes. The Order in Council provides that, after the construction of the tramway, the Council shall at all times keep and maintain the whole tramway and undertaking in good repair and condition to the satisfaction of the Engineer. Now, that Order is delegated, and the company covenants to do all things which the Council had to do under the Order; consequently the company covenants to keep and maintain the whole tramway and undertaking in good repair and condition to the satisfaction of the Engineer of the Council.

37. *Hon. Mr. R. McKenzie.*] Have you ever heard of any charge of manslaughter being made against an Auckland motorman?—I do not recollect having heard of any. I do not recall it to mind, but I seem to have a hazy recollection of some prosecution a little while ago in which Mr. Justice Edwards made some remarks about those who conducted or ran tramways; but it is pure hearsay, or what I saw in the papers.

JOSEPH JOHN WALKLATE examined. (No. 6.)

1. *The Chairman.*] What are you?—General manager and engineer of the Auckland Tramway Company.

2. And you have read and considered the Bill which is before the Committee?—Yes.

3. Are you prepared to make a statement with regard to it as it applies to your firm?—Well, of course, Mr. Myers has covered a good deal of the ground, and I am going to be as concise as I can, and therefore I think I had better take the reason that I gather from the Press as being given for the introduction of the Bill—namely, the Auckland brakes. Upon the finding of the Commission the company ordered two sets of air brakes for trial on the cars in Auckland, and they duly came forward and were tried by the Government engineers. The company were sending out from Home a number of sets of these air brakes to equip a further number of cars, but from a conversation that I had with the engineers of the Department I gathered that they did not consider it necessary or advisable to go on with the tests of the air brake, and I also gathered that they were not prepared to approve of it, so I consequently stopped the shipment of any further air brakes from Home. I might say, as has been said by Mr. Myers, that the company are prepared, and were all along prepared, to install the air brakes—that is, on the understanding that they would be satisfactory to the Department and would be a final solution of the question. Inquiries have been made in London by the company's representative there as to other suitable brakes, and just now a number of sets of what is known as the Freund brake are being manufactured for sending out to try on the cars here. As regards the magnetic brake, it would not be practicable to fit it upon the Auckland cars. It would need an entirely new under-gear on the cars, which, of course, would be out of the question. Again, the magnetic brake is not a reliable brake: a number of serious accidents have happened and are continually happening to cars fitted with the magnetic brake, and the company do not think the magnetic brake would be an efficient and suitable brake for the Auckland system. I do not know that there is anything else on the question of brakes that I want to say. As regards the Bill, seeing that the company, without any persuasion of the Bill, are prepared, as soon as they can satisfy themselves and the Public Works Department as to the best brake, to go on fitting them to the cars, it does not seem, as far as Auckland is concerned, that the Bill is required. In regard to clause 2 of the Bill, the Government did inspect the tramways and the cars before they were opened for use or for traffic, but, excepting on special occasions such as the Brakes Commission, there is apparently no further inspection. I have not got a copy of the deed of delegation with me, but I think there is provision in that deed of delegation for the City Council to inspect and to approve the cars from time to time. At any rate, so far as the

inspection of the cars is concerned, they employ a Traffic Inspector to inspect them periodically—in fact, from day to day. I need not say anything, I think, as to the wording of this clause, because Mr. Myers has already dealt with that from the legal point of view. As regards clause 3, licensing, the carriages and the men are licensed by the Auckland City Council. Subsection (c) provides for the number of passengers, and that is dealt with by the Auckland City Council in the licenses; and I think subsection (d) is also dealt with. Subsections (e) and (f), of course, contain new provisions. As regards subsection (2) of clause 3, there is standing out very clearly the difficulty that Mr. Myers mentioned of the conflicting conditions that might be set up between the conditions called for by the Minister under this Act and the conditions of the deed of delegation between the company and the City Council, which are based upon the Order in Council. I think those are the main points in regard to the Bill, as near as I can understand it.

4. *Mr. Myers.*] What is your experience as a tramway engineer?—From 1887 I have been connected with tramways—steam, cable, and horse tramways—and from 1889 with electric tramways.

5. So that you have had twenty years' electrical-tramway experience?—Yes.

6. Where?—In the United Kingdom, in America, and, in fact, in tramway construction and working in a good many places in Europe, and in Canada, Australia, and New Zealand.

7. And do you feel yourself competent to speak with confidence upon the questions of equipment, including brake-equipment, on cars?—Yes.

8. Now, what do you say about the efficiency of the brakes in Auckland, assuming that they are properly handled by the men?—I consider they are quite an efficient system of brakes.

9. You have got the hand-brake?—Yes, and the slipper track brake and the emergency brake.

10. That is the electric brake?—Yes.

11. Now, when a car is going down-hill, what brakes are used, and when are they first used?—On steep gradients the universal practice and regulation is for the slipper brake to be put on at the top of the hill. That is, the brake upon the track, and it has to remain on going down the hill, the speed being regulated by the hand-brake, and any stops that are required being made by the hand-brake.

12. Once the track brake is let down at the top of the hill, does it require to be kept down by any force, or does it remain down?—It remains down.

13. It does not act instantly?—No; it requires some little time to bring it into operation.

14. Now, with regard to your hand-brake, I think that also requires some energy, does it not?—Yes, some energy, and, in a lesser degree, some time, to bring it into operation.

15. Now, the men have asked for the air brake, have they not?—The majority of the men in giving their evidence before the Commission favoured the air brake.

16. That is, the air brake in place of the hand-brake?—That is so.

17. That would leave the track brake and the electric brake?—Yes.

18. Now, so far as the efficiency goes, is there any difference, and, if so, what, between the present hand-brake and the air brake that is asked for by the majority of the men?—The only difference would be the quicker application.

19. But is there any difference in the principle of the working so far as the action of the brake is concerned?—No; the action of the brake on the mechanism of the car is the same.

20. But it could be worked instantly?—It is worked by air-power instead of by human power.

21. Is it reliable?—Yes.

22. And your company is prepared to install that if the Department approves?—That is so; yes.

23. When was it that you had the conversation with the Government engineers from which you gathered that the air brake would not be approved?—I cannot fix the date, but it was three or four months ago—when Mr. Holmes was last in Auckland.

24. He was the engineer?—Yes.

25. You have not been written to?—No.

26. At that time you had tested two air brakes?—Yes.

27. Were you satisfied with them yourself?—Yes.

28. And at that time had you received intimation from Home of other similar brakes coming out?—Yes.

29. And you stopped them?—Yes.

30. Now, so far as this Freund brake is concerned, do you yourself know whether or not it is a reliable brake or whether you are getting them out simply to test?—No; they have been working for some two or three years on a tramway in Yorkshire. The engineer of that company was out in Auckland a year ago, and he spoke very highly of them, and that is the reason that we are intending to try them, coupled with the fact that they were tested by the Brakes Commission in the United Kingdom.

31. At all events, you do not know whether it is reliable or not until you have tested it?—Personally I do not.

32. The magnetic brake you eliminate from consideration?—Yes.

33. Is there any other brake of which you know except the air brake that you could install in lieu of your present system?—I do not know of any that would be more suitable.

34. I think that in some of your Orders in Council there is provision, is there not, that you have got to submit full details and drawings of all rolling-stock intended to be used, and braking appliances intended to be fitted to such rolling-stock?—Yes, in all of them, and I think it is always done.

35. And about when were the last of your cars approved of?—Within the last few months half a dozen cars were approved.

36. It was known then that you were considering the question of new brakes?—That is so.

37. How many passengers do you carry per annum?—In the neighbourhood of thirty million.

38. *Hon. Mr. K. McKenzie.*] What kind of magnetic brake is generally used on the tramway systems?—There is the Newell brake and the Thomson-Houston brake.

39. The Newell brake is manufactured in Pittsburg?—I think it is manufactured in more than one place.

40. Do you know whether it is a fact that the Pittsburg tramway system was first installed with only magnetic brakes, and afterwards replaced by air brakes?—I do not.

41. Did you ever apply to the Public Works Department for permission to install air brakes on your system in Auckland?—Yes.

42. When?—In a letter the chairman wrote to the Department in January or February, I think. It certainly asked for permission to install the brakes on two cars with a view to the whole of the cars being fitted.

43. That was for experimental purposes?—Yes. Might I refer to my file? On the 21st January, 1909, a letter was sent to the Under-Secretary of the Department by the chairman of the company, who was then in Auckland, asking for permission to substitute on two cars in Auckland the pneumatic brake for the present wheel-brake then in use. The letter reads as follows: "Wellington, 21st January, 1909.—The Under-Secretary, Department of Public Works, Wellington.—SIR,—Referring to the interview which I had with you and Mr. Holmes, the Engineer-in-Chief, at Wellington to-day, I now beg, on behalf of the Auckland Electric Tramways Company (Limited), to apply for permission to substitute on two of the cars now in use in Auckland the pneumatic brake for the wheel-brake now in use. The form of pneumatic brake proposed to be used is shown in detail in the drawings which I left with the Engineer-in-Chief. The company is desirous of meeting the requirements of your Department in every possible and reasonable way, and the company recognises that it is in the interests of the public, which is represented and safeguarded by your Department, and of the company itself, that the best and safest form of brake should be used. What is the best and safest form of brake is a matter upon which there has been a great deal of controversy in all parts of the world where electric tramways are used, and no definite conclusion seems ever to have been arrived at. The company is advised by its technical advisers in England to adopt the pneumatic brake in conjunction with the track brake now in use in Auckland; and it is suggested that the pneumatic brake should be tried upon two of the cars in Auckland—namely, one bogie car and one four-wheeled car—and that the question of the adoption of this or some other form of brake on all the cars should be considered in the light of the result of the trial. The two pneumatic brakes with which it is proposed to equip the two cars in question are now in transit, and are expected to arrive in Auckland shortly. I have now, therefore, to ask for the approval and permission of the Department to the use of the pneumatic brakes upon the two cars as above indicated for a sufficiently long period to ascertain whether such brakes will be satisfactory in Auckland. With regard to the suggestion of Mr. Holmes that a pneumatic track brake should be installed on one or two cars for experimental purposes, I am not able to say at the present time whether this is feasible, but upon my return to London in about two months I will have full inquiries made into the practicableness of the suggestion, with a view to its adoption. You and the Engineer-in-Chief will remember that at the interview referred to reference was made to the five cars now under construction by the company to which your Department has so far withheld its approval, because of the fact that the cars are fitted with the same brakes only as the other cars in use in Auckland; and you and Mr. Holmes were good enough to say that you would consider the company's application to have these cars approved. I may perhaps be permitted to repeat that the trucks and brake equipment for the cars in question were constructed before any question arose about the brakes, that in the company's view the brakes are efficient, and that it is not contemplated to use these five cars for the purpose of increasing the quantity of rolling-stock to be actually run on the tramways at any particular time, but that the cars are required in order to facilitate the repairing of any cars which may from time to time require to be repaired. The company hopes that upon full consideration of the matter your Department will see its way to approve the five cars in question. Of course, when the form of brake to be used has been finally determined these five cars will be fitted with that form of brake, as well as the other cars that are now being used by the company. Will you kindly address your reply to the care of Messrs. Bell, Gully, Bell, and Myers?—I have, &c., C. G. TEGETMEIER, Chairman of Directors of the Auckland Electric Tramways Company (Limited)." The following reply, dated 4th February, was received: "SIR,—I duly received your letter of the 21st ultimo, asking permission to equip two of the company's cars with the pneumatic brake so as to test its efficiency and suitability for adoption on the rolling-stock used on the above tramways, and, in reply, have to state that the Department has no objection to a wheel-brake operated by compressed air being installed, provided that no delay takes place in making the installation. I should be glad to learn the numbers of the two cars, and also to receive periodical reports as to the manner in which the brake is working. . . .—H. J. H. BLOW, Under-Secretary."

44. I understood you to say a while ago that the Department refused to give you permission to install the air brake?—No, I did not say that. May I add that up to a point experiments were made with two sets, and further experiments were arranged to be made, but after my conversation with Mr. Holmes they decided that there would be no good purpose served by continuing the experiments.

45. Why?—I never asked why.

46. Who was there besides Mr. Holmes?—Mr. Holmes and the District Engineer, Mr. Wilson.

47. You never made any written application except the letter you read?—No.

48. You simply acted on the conversation you had with the Engineer-in-Chief?—That is so. I took it that application was made by the letter from the chairman of the company.

49. That was only for two?—But that was with a view to equipping the whole of the cars.

50. I have no doubt that if you had applied to fit the whole lot your application would have been granted; but you only applied for two, and that was granted?—But the matter has not stopped there—the correspondence goes right up to the present time, although we are not doing any more testing owing to the idea that the air brake would not be acceptable to the Department.

51. But why not put the responsibility upon the Department by making the application and giving them the opportunity to refuse?—But we consider that we have put the responsibility upon the Department. The correspondence is continuing with the Department with a view to testing another form of brake.

52. But you have not yet applied for permission to install any other brakes except those you have on?—No, sir; but we have a letter from the Department setting forth certain conditions that a brake to be acceptable for the Auckland cars must fulfil. The tests that were made of the air brakes, I understand, were not considered sufficiently good to meet those requirements of the Department.

53. On the other hand, I think they were very satisfactory?—Unfortunately there is a misunderstanding.

54. I have got reports made of those tests from the engineers, and I would advise you to make application to the Department in writing for permission to use a certain brake, and put the responsibility on the shoulders of the Department of refusing it?—Yes, sir.

55. What power would the motorman have to apply to the hand-brake coming down Parnell Rise on a greasy line?—I am afraid I cannot answer that question, but a greasy rail would not mean that he would have to apply more power than on a dry rail.

56. I am not so sure about that: but take it with any rail?—With an ordinary pull?

57. Five hundred pounds?—No, a man could not pull 500 lb.: somewhere in the neighbourhood of 120 lb.

58. Are you sure it would not be 300. lb?—I do not think so.

59. But supposing your men are prepared to make an affidavit that it is sometimes 300 lb. and over?—I should like to know how they arrived at 300 lb.

60. A man could tell how much he pulled?—It could easily be decided by your officers in Auckland with a dynamometer.

61. Do you often have runaways on the steep gradients in Auckland?—No.

62. Are they reported to the office?—They are reported in the ordinary way to the office. The motormen are instructed to report every accident, whether of a minor or important character.

63. But that would not necessarily cover a runaway?—Yes, the instructions are so wide as to include a runaway.

64. How many runaways have you had?—I cannot say I have seen a report of a single runaway, but I heard evidence before the Brakes Commission that there were runaways.

65. Did you ever get any letters from me as Minister of Public Works, or from the Under-Secretary, telling you that you would have to go on with the work of putting the brakes on your trams in Auckland?—Yes.

66. Would you mind reading it?—On the 24th September, 1909, we received a letter from the Department as follows: "Replying to your further letter of 9th instant on the above subject, I am directed by the Minister of Public Works to inform you that the Department requires a brake to be installed on all cars used on the above-mentioned tramways which will be capable of stopping any car carrying 50 per cent. in excess of the seating accommodation of such car within a distance of 66 ft. when travelling down a grade of 1 in 14 on a good rail at eighteen miles per hour, and within double that distance on a greasy rail. I am to add that the Department considers that the brakes used on the Wellington and Dunedin electric tramways, and all the cable tramways there, and several other brakes now in use in England, including the Freund brake, are more than able to accomplish the above results."

67. That letter had left it entirely to your option to put on any brake you liked?—Yes; and, acting upon that letter, I immediately cabled Home for Freund brakes; and there are seven sets being manufactured now as quickly as possible to be sent out.

68. Did your company get any correspondence from the Department on the same subject previous to that letter?—There has been a continual correspondence with the Department.

69. And what sort of answers were you sending in reply?—I can read any letters that you wish. We replied from time to time stating what steps we had taken to comply with the requirements of the Department.

70. But we have never been able to get you to say that you were going to put the brakes on within a certain time?—Well, sir, we have not arrived, or, at least, I considered we had not arrived, at an understanding as to what would be the brake that would meet the views of the Department.

71. We left it entirely to your option?—Yes; and in regard to the Freund brake the Department says, I think, that they would more than accomplish the purpose.

72. There are three or four different makes of brakes that would be able to do that?—The Dunedin tramway has the magnetic brake. The only other brake that is definitely mentioned, the cable brake, is impracticable. There is no room to put the cable brake on the electric cars. The only other brake is the Freund brake, and we are using the utmost despatch to put that on. That is not like the Newell brake in course of manufacture, and we cannot go and cable for them. That brake is not in course of manufacture. The only sets we have are the experimental sets.

73. Do you ever get any complaints from your men about the heavy work they have in applying the hand-brake?—There were complaints made before the Brakes Commission, but personally I have had no complaints.

74. No correspondence between your secretary and the secretary of the employees' union?—I do not recollect any letter since the letter at the time of the Brakes Commission.

75. Your objection to the magnetic brake is that the construction of your cars would make it costly to install it?—No; but it would be impossible to install it, owing to there not being room on the trucks for it.

76. How many Freund brakes have you ordered?—Seven sets.

77. And how many cars have you?—Ninety-two.

78. And what are you going to do about the rest of them?—We are waiting to see whether the seven sets of Freund brakes are satisfactory, and, if so, to order the remainder.

79. You do not recollect the date on which you had this conversation with Mr. Holmes and Mr. Wilson?—No.

80. What particular objection have you got to anything in this Bill—or have you any?—The only objection, as I have said, is that, if it is the brakes, the Auckland directors, without that Bill, were prepared to do what the Department considers necessary as regards the brakes.

81. Well, if you do what is necessary, then the Bill will not affect you detrimentally in any way, will it?—Well, sir, those clauses are so wide that they might affect us very considerably in other matters in connection with our cars and our working of the tramways generally.

82. Is there anything in the Bill but what the Government can do under the Order in Council?—I am afraid that is a legal question I cannot answer.

83. *Mr. Luke.*] What is the nature of this Freund brake—is it a mechanical appliance or an electrical brake?—It is a mechanical brake. It is a spring storage brake. By the compressing of a spring, which is done by a clutch on the car-axle, energy is compressed into this spring, so that the motorman can loose it down gradually or instantly, the same as the air brake.

84. The velocity of the car increases the power on the wheels?—No, the power for the brake is generated by the motors of the car when going on the level or uphill, or by the car's momentum going down-hill. It does not matter what speed the car is going, it has the same strength.

85. When your car is going down one of your grades at the present time, you put on the track brake?—Yes.

86. What is the nature of the track brake?—Wooden blocks pressed down on to the rails by means of a system of levers and a hand-wheel.

87. That is applied by hand?—Yes.

88. And, of course, the hand-brake acts on the wheels, and applies blocks to the wheels too?—Applies blocks to the wheels.

89. You have not got a brake similar to the magnetic brake, that brings a slipper down on to the rail?—Yes, the slipper brake I spoke about is similar in this respect: that it presses a wooden block down on to the rail while the other presses down a metal block. With the wooden block you have the greater friction, but you have the magnetic pull with the metal block that you do not get with the wooden one.

90. What sort of wood do you use?—Rewarewa; it is a very tough wood.

91. We find in mining that the hard wood glosses, and does not have the adhesion that ordinary soft wood does?—It is a peculiarity of the rewarewa that it does not polish. We find it is the best we have experimented with.

92. You were quite prepared to go on with the installation of the air brakes provided the Department had agreed?—Providing it met with the approval of the Department.

93. Are you prepared to say now which is the best brake, in your opinion, the magnetic brake or the air brake?—The air brake.

94. Do you not think there is a greater liability or likelihood of the air brake not giving the maximum power?—No, there is no trouble. I have used them to a considerable extent.

95. You said just now, in answer to the Minister, that the application of the brake would give something like 300 lb. or 400 lb. pressure?—No; I said that I thought the men would have to exert perhaps 120 lb. pressure on the brake.

96. Do you think it is possible for a man to exert 120 lb. pressure on a wheel of that diameter?—I think so.

97. What we want to get at is the pressure on the wheel?—Yes.

98. You do not mean to say that the men would exert 120 lb. pressure on the wheel?—Yes, I mean to say that.

99. Going back to the Bill, you are exercising the powers conferred on the municipality in carrying out the tramways?—Yes, we are exercising the powers conferred by the Orders on the municipality.

100. And you are supposed to carry out the same conditions?—Yes, practically.

101. Is there any interference with your management in regard to the number of passengers you can carry?—We are restricted to the number of passengers for whom there are seats in a number of our cars, and then on the other cars we are licensed to carry from eight to fourteen standing.

102. Say you had a car with ordinary seating accommodation for, say, ninety passengers, how many would you be able to carry in excess of that number?—Well, in our biggest cars we have fourteen persons standing, and they carry sixty-six, I believe.

103. What would be the outcome of a restriction by the Corporation that you should not carry any more passengers than what there are seats for—what would be the natural result of that?—I do not quite know.

104. Would it necessarily increase the fares to the community?—No, I do not think so. The fares are fixed by the Order in Council.

105. But during the rush hours you carry in excess of the seating accommodation, do you not?—Yes; but the rate of fare is fixed.

106. But that is only fixed by negotiation?—No, that is fixed by the Order in Council.

107. You do not charge the maximum fare now, do you?—Yes, except that we issue reduced bulk tickets.

108. Then, on the ordinary single ticket you charge the maximum fare?—Yes, in most instances.

109. But there is a reduction on the season tickets?—On bulk tickets in books.

110. And at holiday times can you not carry any more strap-hangers than at other times?—No.

111. In your opinion, if it is desirable to get more control, do you think that it could be exercised by the corporate body under contract and in extension of the contract equally as well as by the Government?—So far as my company is concerned, I think we should consider it immaterial who exercised the power, provided we did not clash between the two.

112. You only want one control?—Yes.

113. *Hon. Mr. R. McKenzie.*] I have here a list of the tramway accidents in the four large centres during the last six years, and this list shows that during that period your company had 186 accidents, of which 30 were fatal, as against 8 fatal accidents in Dunedin out of 53 accidents altogether. How do you account for the large number in Auckland?—To give me a fair opportunity of answering that question I should have data upon which the figures are based.

114. You are aware that you have to report to me as Minister of Public Works every accident that occurs in connection with your tramway system?—Yes. I have had a great deal of experience in the reporting of accidents, and I have found that some companies report as an accident what another company would not. I do not suggest that is the case here, but without data I am afraid I cannot make any satisfactory answer.

115. During that period you had thirty fatal accidents?—Yes: we had one serious accident before I arrived here in the Dominion, which I think was responsible for six or eight.

116. You had 12 in 1903, 3 in 1904, 3 in 1905, 3 in 1906, 4 in 1907, and 4 in 1908; and during the same period there were only 8 fatal accidents in Dunedin and 8 in Wellington?—Excepting that we carry a larger number of passengers, I do not know how else it could be accounted for.

117. Is it not a fact that a great many of the accidents that occur in connection with your trams occur to people who are walking about the streets?—Some of them do.

118. Many of them?—No; I think quite the minority of them.

119. Do you think the system of brakes used in Auckland, as compared with the system of brakes used in Christchurch or Wellington, has anything to do with the large number of accidents?—I do not think so.

120. During the period I have mentioned you had 84 more accidents in Auckland than the whole of the accidents on the trams in the rest of the colony—you had 186 out of 270?—Yes.

121. You do not admit that the brakes have anything to do with that?—No, I would not admit that, because I do not think they have.

122. Supposing one of your motormen were giving evidence here, and he put it on record that an accident would not have occurred if he had had a more powerful brake, what would you say?—In an individual accident it might be quite right.

123. You would not dispute the accuracy of a statement like that?—Unless I had details that enabled me to dispute it I should not. It might be quite correct.

124. *Mr. Herdman.*] Was any complaint ever made to you about the inadequacy of the brakes by any man such as the *Hon. Mr. McKenzie* has described?—In connection with an accident?

125. Yes?—No, no complaint at all.

126. Have complaints been made at all by any motorman in connection with the inefficiency of the brakes?—In connection with the tramway system, the system of reporting brakes necessitates that a man shall report when his brakes are out of order. That is the usual procedure. He either reports that they are O.K.—in order—or that something is wrong.

127. And I suppose they are immediately attended to then?—The reports are kept filed, and on the report the details of the repairs executed are entered by the man who does the work.

128. Has the fact ever been brought to your notice that in connection with the Auckland system there seems to be a larger proportion of accidents than in the other cities?—No. I was aware some figures were being got out, but I have not had a copy of them.

129. I suppose it is a fact that your mileage under your system is, at any rate, much greater than the mileage under the Dunedin system?—Yes, I think so.

130. And greater than under the Christchurch system?—I am afraid I am not conversant with the mileage in Christchurch.

131. Do you know what the mileage of the total track is in Auckland?—We have thirty-seven miles of single track.

132. Is it the case in Auckland that you carry more people on your cars in one year than in any other part of the colony?—I think so. We carry the whole population of Auckland in one day—100,000 passengers.

133. Your company is a private corporation, is it not?—Yes.

134. And the Order in Council was granted to the City Council for leave to have this tramway system?—That is so.

135. And have you obtained the concession from the Auckland City Council?—You are taking me into back history that *Mr. Myers* is more conversant with than I am.

136. In regard to inspection, is your system inspected by anybody outside of your employees?—When an extension is made to the system and new cars are constructed, then the Public Works Department inspects.



137. Apart from that altogether, is there any person representing the City Council who inspects?—The City Engineer inspects the track.

138. But the method of running your cars?—The City Engineer inspects those with a view of licensing them, and the City Traffic Inspector also inspects them periodically.

139. We may take it that you really carry on your business under the supervision of the local body?—That is so.

140. And under their supervision?—That is so. Every car and every man is licensed by the City Council.

141. You have had a great deal of experience in tramway management and systems?—Yes.

142. Out of New Zealand?—Yes. In the potteries in Staffordshire I was in charge for a number of years, and in south Staffordshire, and Birmingham, and Brisbane; and I have constructed tramways in a number of places.

143. From the large experience that you have had, can you say with regard to the safety of the public that your tramway system in Auckland is worked with as great care as any of the other systems that you have been connected with?—I think so, undoubtedly.

144. So far as the care of life and limb and the safety of the public is concerned, you think this system is worked as well, at any rate, as any of the other systems?—I think there is no doubt about it. With regard to the number of accidents that have been mentioned, you have a different number of accidents in different places where there are different conditions. For instance, I think a number of our accidents are probably due to people who are not used to tramways, who come in from outside places and meet with accidents through getting on or off the cars; but I have no data as to the basis upon which those figures are compiled, and it is very difficult for me to give any information.

145. But apart from those figures?—But it is peculiar that the class of accidents differ. Of course, the fatal accidents in Auckland are, I think, almost invariably to adults. In the system of which I was manager for seven years in the potteries, which is about the same size as the Auckland system, we had an average of four fatal accidents every year, and they were nearly all, without exception, to little children.

146. Is it not the case that you take every precaution to safeguard the interests of the public?—Yes.

147. Can you think of anything else that you could do which would safeguard the interests of the public better?—No, I am afraid I cannot.

148. *Mr. Brown.*] You said that you do all you can to safeguard the interests of the public, and then you say you are in favour, and always have been, of the pneumatic air brake?—I am speaking simply of the suggestion to equip the Auckland cars.

149. You said you believed in the air brake?—Yes.

150. And have for a considerable time?—I said I would prefer the air brake to the magnetic brake.

151. The letter you read to the Committee from the Public Works Department was on the 4th February, and when did you reply to that?—On the 9th February.

152. You say you had a conversation with the Government Engineer about three months ago?—Yes.

153. And from the conversation you inferred that he was averse to your using the air brake?—I want to be very careful about that. I have already stated that from the conversation with the Engineer I concluded that it was not worth while our getting out any more air brakes.

154. And yet you never referred him to the letter from the Department telling you to hurry on?—The two sets were installed, and have been tested by the Department on several occasions.

155. And found satisfactory?—That is something I cannot answer. I have never had an answer from the Department.

156. Are they satisfactory so far as you are concerned?—Yes, so far as we are concerned.

157. And have you asked the Department to inspect them?—The Department has inspected them.

158. It seems the Commission sat and a report was sent in sixteen months ago, and you promised to get the Freund brakes, and you are only getting seven sets out?—Yes, we were under the impression they would have to test them first.

159. It seems to me that this Bill is really brought about through your company not hurrying on and doing its best to satisfy the Government. They have asked you to do certain things, and you do not seem to have hurried in any way?—We have taken steps from time to time as we saw daylight, and we have gone forward. When we get permission to install the air brakes we will install them.

160. You have certain communications with the Government, and then you are waiting for them to tell you whether they were perfectly satisfied with this system if you went on any further. If you had accidents happening, and this Commission's report was of such a nature as to say that the brakes were defective, should you not have written to the Government and said you were anxious to do something, as you want to protect life and limb?—I do not connect the brakes with the accidents.

161. Did not the Commission bring in some report that the brakes were defective?—Not exactly that.

162. You admit the air brake is better than the one you have at present?—No; I simply compared the air brake with the magnetic brake.

163. You think the air brake could be more effective, and entail less work on the motormen?—Yes.

164. And perhaps more effective?—Perhaps, slightly.

165. *Mr. Lang.*] How many fatal accidents have there been since you have been manager of the company?—I am afraid I have not got that information.

166. I think there were thirty in six years?—Yes.

167. And what was the largest number in one year?—Somewhere about eight. The figures given to me by the Minister were four for 1907 and four during 1908.

168. About four on an average during four years?—Yes, about that.

169. Can you tell me how many accidents were through defective brakes?—I am afraid I could not admit that any were through defective brakes.

170. You do not know of any that were caused through defective brakes?—No.

171. Speaking of the number of accidents in Auckland compared with other cities, have you any idea of the percentage—that is, to the number of passengers that travel?—I have not, because I have not got the figures.

172. You do not know how it would compare with the other cities?—No.

173. Do you know how many travel in the other cities?—Not without looking up the figures.

174. In connection with any fatal accidents you are liable for damages?—Of course, that depends.

175. There was a case lately in which heavy damages were claimed?—Yes.

176. It would be to your interests to avoid damages?—Yes. It is to our interests from a pecuniary point of view to avoid all accidents, because they generally cost money.

177. *Mr. Colvin.*] How long have you had charge of this tramway?—Since about the middle of May, 1907.

178. And you say that you prefer the air brake to the magnetic brake?—Yes.

179. What is the reason?—Because, in the first place, as I have said previously, the magnetic brake is impracticable for our cars; and, secondly, if it was practicable to fit the cars, I think the magnetic brake is not reliable. There have been a number of serious accidents owing to the magnetic brake failing, and, being such a powerful brake, it is liable to give the motorman over-confidence, and when it does fail suddenly he has worse results than at other times.

180. The other experts said that they preferred the magnetic brake, and that it is more suitable?—That may be.

181. Can you say if all the cars were new, and built expressly for the Auckland tramway, when it commenced?—With the exception of four cars, I believe all were new. There were four red cars about which I might explain. When I landed in Auckland there was pretty serious trouble between the company and the City Council owing to the alleged scarcity of cars, and before I came out to Auckland I made inquiries all over the United Kingdom as to where I could get cars; and I could not get any. After I left, the company in London managed to get four cars that had just been put into use on the Metropolitan Tramway-line. They had been in use two or three months, and they shipped them out bodily.

182. You said that you carry 100,000 passengers a day?—Yes.

183. And you said you carry the whole population of Auckland every day?—Yes.

184. *Mr. Poole.*] When you arrived in Auckland did you not find things in a pretty unsatisfactory state in the tramway company?—In some respects.

185. And they are very much better now?—Well, I think so. It depends. There are so many aspects.

186. But they are admittedly better than they were?—Our relations with the employees are very much better than they were.

187. Were all the original cars new when they were put on the lines—the first cars that were imported?—So far as I am aware, they were.

188. I am asking the question because I want to discover the age of the brakes that were attached to them?—Yes.

189. What was the state of the rolling-stock, to your mind, when the Commission sat in Auckland?—I do not think there was much the matter with it. As a matter of fact, the findings of the Commission were rather to the effect that they suggested there had been neglect, but apparently that the neglect had disappeared, and that things were very much better. I do not think they made any statement that anything was defective.

190. Is it not a fact that there were contributory causes in regard to the unsatisfactory state of the cars at the time? For instance, you had not sufficient power at the power-house to carry on your system?—That had no effect on the state of the cars—it affected the running, of course. We did have trouble with the power-house.

191. The four red cars were constantly giving trouble on the Rise?—That was because they were too slow. The motors were not powerful enough. The only trouble was they were slower than the other cars.

192. But not less powerful?—No, not in proportion to their size.

193. Have you had many motormen damaged in handling the hand brake during the year?—No. I have heard of one or two cases where it has been suggested the trouble was due to the hand-brake, but I do not know of any case that is definite. There have been men injured through getting their heads bumped through leaning over the sides of the cars.

194. That would be their own fault?—Yes, through striking one of the poles.

195. But you have been aware of ruptures that have taken place in the service?—Well, I cannot call to mind any case that is definitely proved to have been caused by the brakes. Are you referring to a man named Christmas?

196. I do not know the name?—A man recently?

197. Yes?—There is a man who has within the last week or fortnight put in a claim alleging rupture due to the use of the hand-brake; but our report—of course, these matters are all dealt with by the insurance company—our report from the insurance doctor and the hospital doctor is

to the effect that the man went into the hospital suffering from acute lumbago, and was cured of that after two or three days' treatment, and then it was found he was suffering from a long-standing hernia.

198. Not owing to any accident received on the car?—No.

199. Have you had any runaways lately?—No, I cannot call to mind a runaway. There were some suggestions made, as I said before, at the Brakes Commission, as to runaway cars; but I do not think that in any case could we find they had been reported by the men.

200. Do you remember a case that came before the Police Court in which a young fellow was proceeded against for furious driving in Pitt Street?—Yes, a man named Lowe. He ran into a vehicle of some sort.

201. I think there were some sixteen motormen subpoenaed on that occasion to give evidence in regard to the defective brakes?—That was at the time the brakes trouble was very much in evidence, prior to the Commission.

202. And it was said that their report-book was taken away or sealed down on that occasion, so that they could not refer back to past booking?—No, but the report-book has been done away with for two reasons: one is that in a book that is lying open to be used by a lot of men the leaves all get turned up, and our shedmen could not follow out the complaints and deal with them; and the other reason was that a motorman came in with, say, car No. 61, and he just looked back to see what another motorman had reported about it, and then put down the same thing, and, of course, we did not get any satisfaction. The Brakes Commission commented on that in their report; and now sheets are put there, a sheet for each day, so that a motorman cannot see what has been put down previously. He has to put down what he thinks of that car himself, and that sheet is put away and recorded. That system is now done away with, and each man has a form himself.

203. It has been commonly said that a brass plate was put on that book?—Yes, to keep them from looking back and tearing the sheets out. We found sheets had been torn out, and we had to do that in order to have a record.

204. The car in question had a bad record according to the men. This has not come from the men, but I happened to be in the Police Court the day the proceedings came on?—I cannot say that the car had a bad record.

205. That the brake-rods were defective and had been reported against, and yet the car was in commission?—I cannot admit that at all. The trouble was in that case that the man skidded his wheels, without doubt. He was going at a good speed, and could not stop the car.

206. With reference to the Kingsland runaway or backaway, that was before your time?—Yes.

207. Is it not your opinion that that runaway was due to the incompetence of the motorman?—I do not think I should say that, because I was not here, and I cannot say. I should say it was due to the motorman getting confused.

208. A motorman of about a fortnight's experience had charge of that double-deck car that ran away?—I could not tell you. I was not aware he was a new man like that.

209. You say you have had very few complaints from the men regarding the cars. Do the complaints go direct to you, or are they lodged with other officials?—The complaints as regards the state of the cars are written down. Each man has a form for each day's work, which he fills up if there is anything wrong with the car, and the form has to go in with the complaints on or marked "O.K.," so that there is a complete record on each form for each car each day.

210. Do you believe this Bill originated as a result of the delay in complying with the findings of the Commission, or is it your opinion that it is the result of a later agitation?—No; I think the Bill, or probably something like it, was suggested two years ago.

211. There was a Bill then?—And I think the provisions of this Bill are similar to that.

212. Would you be surprised to hear that the men are unanimously in favour of the adoption of the air brake?—No. I have seen it reported that a statement of that kind was made when a deputation came down to interview the Minister.

213. Would you be prepared to state to the Committee now that, with the consent of the Public Works Department, you will be prepared to install the air brake, given a fair measure of time to do so?—That is, as a solution of the brake difficulty?

214. Yes?—Certainly we are.

215. And you believe that would give general satisfaction to the employees and the general public?—I think so.

216. Have you any doubt about the loyalty of the men in the service?—No. I feel quite satisfied that they are working quite loyally.

217. Well, I wish to state that that is the expressed opinion of the men—they have stated that they are absolutely loyal to the company.

218. *Mr. Glover.*] How many years have you been in Auckland?—I arrived in May, 1907.

219. You have been there two years last May?—Yes.

220. And how many years is it since the electric trams started in Auckland?—About eight years.

221. Are you conscious of the fact that there has been some difference at periodical times between the Corporation and the tramway company so far as carrying out the orders of the deed of delegation are concerned?—I do not understand the question.

222. So far as your own time-tables are concerned?—There has been a difference between the Corporation and the company, is that what you mean?

223. Yes?—Well, I do not quite understand now. There has been a question of what was a suitable time-table from time to time raised by the Corporation; but their views have been complied with, and we are now running what I understand is a satisfactory time-table on the Auckland trams.

224. Not until such times as certain pressure was brought to bear on the company by the Corporation, or until the company was threatened with proceedings?—No, I would not admit that. There is always pressure not only by the Auckland City Council, but by every other Council, to run a greater service than is warranted, and then by a process of negotiations we came to a compromise and ran an agreed service.

225. Of course, it is perhaps impossible to run a perfect system at a particular period of the day—say, between 5 and 6 o'clock—but is it not a fact that the Council had to compel the company to put on additional cars for the convenience of the travelling public of Auckland?—I do not think the Council compelled the company. There was an action commenced by the Council against the company on the question of the service generally, but it was stopped by mutual arrangement.

226. Do you know of any runaway cases down Wellesley Street West, where the car took charge on account of the defective brakes, and ran down nearly to the Art Gallery?—No, I am not aware of a car doing that. There was some mention at the Brakes Commission, as I have stated before, of a car running away down Wellesley Street West, and going across the road, and a car's length up the other way just across the road. The suggestion was that it went a car's length beyond the centre of Queen Street, but we failed to find any reports of that. It was before my time.

227. Is it a fact that at one Christmas a car coming down Pitt Street, driven by a motorman Lowe, ran into a vehicle, and he was prosecuted for furious driving, and he said he was compelled to keep to his time-table, and the cars were run at a furious speed in Auckland?—That is the case Mr. Poole has just mentioned. There was such a case, in which motorman Lowe was travelling along Pitt Street and ran into some vehicle, and some time afterwards proceedings were taken against him by the police. I think the charge was dismissed, but on what grounds it was dismissed I am not sure. Whether any mention of the brakes was made I cannot be quite sure.

228. You have seen the great pressure the men have to put on their brakes coming down the hills, more particularly on Constitution Hill from Parnell, and do you think the brakes are safe enough so far as that particular declivity is concerned?—A great number of cars come down Parnell Rise, and I am not aware of any getting away. I think the one on Constitution Hill ran backwards. The only knowledge I have of that is some statements made at the Brakes Commission. Whether that was due to the man losing control of the brakes, or whether it was due to the brakes or not, I cannot say.

229. Is it not a fact that in the case against Mr. Lowe the Magistrate stated that the motorman did all in his power with the brakes he had at his disposal to avert the accident?—With all due respect to the Magistrate, I do not think he is able to judge what the motorman was doing with his brakes.

230. But from the evidence adduced, do you not think it was sufficient to enable the Magistrate to give a satisfactory judgment?—But the Magistrate would not understand that the fact of the man putting extra pressure on his brakes would put him into the trouble he got into, and that, I think, is what happened in Lowe's case—that he put too much on, and skidded the wheels.

231. Is it not a fact that the motormen are compelled by instructions from the company to keep to the time-table, and that the cars run at a greater speed in Auckland than they do in any other part of the Dominion?—The motormen are not compelled to keep to the time-table, because we have no power to make them keep to it. On many occasions I have told them they have to observe the regulations, no matter what happens to the time-table. Large deputations from the union have been told the same thing.

232. *Mr. Poole.*] You had occasion to dismiss your switchman at one time at the foot of Wellesley Street in order to cut down expenses?—No. It was a question of boys. We originally had a switchman and a switch-boy, and, as is always the case, the boys become men, and there was not enough work for two men, so we transferred the man to another job, and put on assistant boys.

233. But prior to putting on these boys had you not a very representative deputation from the motormen and conductors, who refused to go down Wellesley Street with the points fastened in Queen Street?—No. They made representations, but I do not think the direct question came in. I think it was more a sentimental question, because they thought the boys were being put out of a job. As far as I recollect, the matter ended at that, when they knew the boys were not going to be put off.

234. But they were off the job because the points were fixed at the bottom?—I do not think so.

235. The men said they were not prepared to take the risk of the points being fixed?—Yes.

236. And you put other boys on?—Yes.

237. *Mr. Luke.*] You stated that in your opinion the air brake was preferable to the magnetic brake?—Yes.

238. Well, does the air brake operate on the wheels or on the track?—On the wheels.

239. Is it not a fact that the air-brake would not put on any more power than the hand-brake, but it would be more quickly applied?—It does not necessarily follow that it would not put on any more power. It might put considerably more power on. That is a question I can answer either way.

240. You could not say authoritatively that it would put more power on?—You could make it put any power on. You could block the wheels, and the wheels would skid.

241. And the wheels skidding would not provide the same adhesive power as the slipper brake?—No, but the hand-brake will skid the wheels if put on hard enough.

242. Does it not come back to this: that the slipper brake would be far more effective than the air brake?—I do not think so.

243. *Hon. Mr. R. McKenzie.*] Is it not a fact that in connection with the air brake there is an indicator in front of the motorman showing the pressure he puts on the wheels?—Yes.

244. So that he can put on the necessary pressure according to the grade he is running on?—Yes.

245. In face of having the indicator the motorman could not put on too much pressure—he would know according to the grade the amount of pressure required?—The indicator shows him what pressure he has in his cylinder, and for that particular car he would know what he should have reading on his indicator to work the brakes.

246. *Mr. Luke.*] The maximum power is in the cylinder, and the indicator shows the pressure?—Yes.

247. *Mr. G. M. Thomson.*] Where have your accidents chiefly been—on the steep grades or on the level? Can you tell me that?—I think I can say that they have not been on the steep grades.

ARTHUR ROSSER examined. (No. 7.)

1. *The Chairman.*] What are you?—Secretary of the Electric Tramways Union.

2. How many members have you in your union?—Three hundred and twenty.

3. Has this Bill been considered by the union or the executive?—The former Bill of Mr. McGowan's has been considered, and they were in favour of it; but this Bill has not been circulated as far as Auckland. We have only seen a *précis* of it in the Press.

4. You are acquainted with the views of your union on this matter?—I have seen the Bill since I came to Wellington to-day, and they have made me acquainted with their views of that synopsis given in the papers.

5. And you wish to communicate their views?—By special request. Mr. Chairman, may I point out that there is trouble on account of the brakes in existence at the present time in Auckland. At the time that the union went back to work in 1908 from that last strike there were certain proposals made to the special Commission of which Dr. McArthur was Chairman, and two of those were ruled out of order. One was the installation of the power brakes. It was ruled by the Chairman that that did not come within the scope of the inquiry. The Minister for Public Works—I think it was the Hon. Mr. Hall-Jones at that time—immediately ordered a Royal Commission on the brakes question, so that the men should feel that the point with regard to the brakes which had been disallowed by Dr. McArthur was being dealt with by another Commission. Two of those items were the power brakes to be installed, and the glass fronts on the cars; and therefore it came within the scope of the Royal Commission to inquire into those two things. The Commission sat and took voluminous evidence, and the finding was given in August of last year, practically sixteen months ago, and for some time no effort was made to carry out the finding of that Commission. Sixteen months afterwards two cars are equipped with the air brake. The tests were held in June, and I wrote in my position as secretary to Mr. Walklate, the general manager of the company, asking him whether he had had any results of the tests. That was in July, and I have my letter-book here to substantiate it. The reply I got was that they were waiting for the report of the Public Works Department to see whether the brakes were satisfactory or not. I wrote to the Hon. Mr. McKenzie immediately after getting that letter, and then got word that the company were introducing seven sets of the Freund track brake. I asked Mr. Walklate, the president of the union being with me, if anything was being done, and learned that they had not even been shipped, so that the men are reasonably annoyed at the delay in carrying out the findings of the Royal Commission. I would point out that it has been testified that Auckland has the fastest service in the Dominion, but it has the most obsolete set of brakes, and that was stated by the Royal Commission. The existing brakes are not sufficiently quick or powerful in their action for use in emergency. We have a grade on the Parnell Rise of 1 in 9, College Hill I should say would be 1 in 14, and Wellesley Street 1 in 17, so that at any rate we have a grade there nearly equal to your Brooklyn grade here in Wellington. Certainly it is a straight grade, and has no turns in it; but, whereas your Wellington men have the magnetic brake, which is quick in its action, our men have the hand-brakes. Pressure is required to put on those brakes, and the men cannot, according to the finding of the Royal Commission, devote sufficient attention to their duties in keeping clear of the traffic on the road. I want to say that I have every respect for the general manager of the company personally. I consider that he is the manager of a system worked from headquarters, and I have nothing against Mr. Walklate personally; but I would point out that the system of the company seems to be one of avoidance in carrying out its duties. In the last-but-one award, which was given in June, 1907, motormen's seats were ordered to be provided, and there were eighty cars to be fixed up. We adduced evidence that the men were suffering from varicose through long standing of nine-hour shifts, and the Arbitration Court decreed that motormen's seats should be provided. The seats consist of a hollow piece of cast-iron pipe with a thread on it, which is stuck on the floor, and a wooden disc on top. Twenty-one weeks after that, those seats were not installed, and it was only after threatening the company in writing that I would bring the matter up before the Court, which arrived in October, that there was a hustle got on and the seats were put in. I mention this to show that it is traditional with the company to delay. Now, in this case it is not satisfactory to the men who go with their lives in their hands each day they go on with their work. Might I point out that not only is it dangerous to the men, but it is dangerous to the travelling public. I would point out that in eight days during Fleet Week the Auckland tramways carried 1,014,000 passengers, and on the Monday of Fleet Week alone there were 147,000 carried, and an inspired notice appeared in the *Herald* congratulating Mr. Lysaght, the traffic inspector, for getting through this quantity of passengers without accident. The men should have got the credit considering the means they had at their disposal. Then, with that immense number of passengers carried and American coins being given, the company does not study the men's interest

one iota, because the shortages in giving cents and dollars increased, and were taken off the men, and a refund refused. I point this out in showing the action of the men in going to the Government and asking the Public Works Department to push this matter along. During my term as secretary men have been injured with the brakes. I should like to explain that the brake is fixed on or worked with a handle. There is a pressure sometimes of anything up to 250 lb. required coming down College Hill. At the bottom of the brake-lever on the floor of the car there is a dog, and instead of that dog being sharp so that the point can go into the corresponding cogs, it wears off, and one man, motorman Ward, was hit in the stomach as the wheel or handle flew round on College Hill. He was laid out, and the car took charge, and had it not been for the then traffic inspector, Mr. Lysaght, who rushed through from the inside of the car, there would have been a serious accident. This fact was brought out before the Royal Commission which inquired into the brakes. Another man, motorman Miller, had a severe strain and left work. James Belmont, within the last month or two, had a severe strain, and was off for ten days. I would point out that the action of the brake is gradual, but the release is sudden. In order to release, a sudden jerk has to be given to the brake-handle, and then the hand-brake dog releases the cogs at the bottom. Belmont was off ten days. Motorman Fletcher was laid up for three months with rupture, and there is one man in the hospital at present, whom I visited last Sunday, suffering from rupture, his name being G. F. Christmas. He has undergone one operation, and this week he had to have one of his testicles removed because of a lump on it the size of the top of an ordinary cardboard matchbox. Motorman Jensen was brought to the Brakes Commission in a cab to give his evidence. He was just out of the hospital, and we had a certificate from his doctor to the effect that it was undoubtedly caused by a strain through working the brakes on the cars. Motorman Veart was reduced from motorman to conductor because of a slight bump that he had in turning a corner. That came out at the inquiry, and we found that the man himself had deposed that there was a defect in the car. A trial was given of that car, not that day, but after it had gone to the depot, and therefore it was not a fair trial, because we could not say whether it had been interfered with in the meantime. A motorman named Lowe was prosecuted for furious driving down Pitt Street, the hill which is required to have the track brake down before the car starts to descend. He ran into a cart, and the police prosecuted Lowe for furious driving. The witnesses, who were on the front of the car, testified that Lowe was seen working with both hands on his brakes and doing his utmost, but failed to make any appreciable difference in the speed of the car. The case was dismissed. In the Court I produced extracts from the motormen's report-book in the barn or depot to the effect that the car had been reported defective. I think that assisted the Magistrate in forming the opinion that the motorman had done all in his power, and he dismissed the case. After that case no book was kept in the depot, but isolated sheets were put in each day, so that when a man took a car out, unless a motorman who had handled that car on the day previous reported to him privately, he had no opportunity of gaining a knowledge as to the character of the equipment. The isolated sheets have been used since.

6. *Hon. Mr. R. McKenzie.*] For how long?—They have been used, I should say, for twelve months. I should like to say that what concerns the Auckland men most is that those brakes should be installed. The union was distinctly in favour of a Bill introduced by the Hon. Mr. McGowan in 1907; and, while this Bill of yours, sir, does not provide for many things that Mr. McGowan's Bill provided for, still the one thing that weighs with the Auckland men is the fact that relief shall be granted to them and power brakes installed. We know unofficially from the motorman who drove the car with the air brake on in June last that the tests were very satisfactory from a motorman's standpoint, that without any auxiliary brake or any track brake the cars were brought up on College Hill in a very short distance, and what we are anxious for is that brakes of a like character shall be fitted to the Auckland cars. If the magnetic brake is installed it means a complete rearrangement of the cars and the putting-off of the installation of the cars, but the air brake can be installed without any rearrangement of the present under-gear. With regard to the power of licensing carriages, that is a very important matter with our Auckland men. We feel that the licensing, or, rather, the issuing of licenses to men to drive on the cars, should not be in the hands of the employer who owns the cars.

7. You mean there should be some independent authority?—Yes, that is the principle we are going on. At present a man is put on as a learner in his own time, and when he has learned his duties it is certified to by, I suppose, their officer, who certifies that he has a good knowledge of the running of the car. Then he learns the routes, the stops on the different lines, and eventually, after passing an examination by the company's officer, he goes to the City Council with practically a certificate from the company that he is a fit and proper person to drive. I submit it should not be in the hands of the company or the Tramway Board to license its own motormen: it should be in the hands of the Department, in the same manner as is the issuing of certificates to engine-drivers under the Inspection of Machinery Act.

8. *Mr. Myers.*] The question of licensing motormen is not dealt with in this Bill at all?—Well, take the licensing of carriages, our trouble in Auckland for some time past has been the strap-hangers. In Wellington you carry them on the smallest bolt you have in the car, but in Auckland the Council licenses cars to seat so many persons, and any persons who have not a place to sit down on in the car are ordered off. The City Council are direct participators in the revenue of the company, and they have brought in an amending by-law providing that small cars can take eight or ten passengers standing up, and that the larger cars can take fourteen; and we submit that it is not in the interests of the safety of the public that that should be allowed in cars that are not supplied, as in the case of the Wellington cars, with side entrances, and where the only view the conductor has is through the central aisle. I submit the licensing should be in the hands of a disinterested party; but rather than lose the installation of the air brakes, I am instructed to say that if it were a Bill of only one clause the Auckland men would welcome it as a great relief

to them. They want the brakes, although, of course, they have their own opinion on other matters. One man said to me before I left for Wellington, "The first thing you have to go down for is brakes, the second is brakes, and the third—well, the third is brakes too." I said there was some feeling, and I heard the men talking yesterday in the depot to the effect that if they got no relief they were prepared to take other steps; but I discountenanced such a thing. We get the name of being rather a turbulent crowd in Auckland, and that we have a strike every two years, but I may say that with the exception of this brake business matters have gone on comparatively smoothly since the last strike. We ask that all constitutional means be taken to give relief to the men in their work. The provision of glass fronts was a recommendation from the Commission, but I do not think there are half of the cars equipped with glass fronts, although in that statement I am subject to correction by the manager. In the summer-time it is not so imperative, but even our northern winters are too strenuous for a man to be driving at the pace at which they go without some protection. The Royal Commission finding was that the speed varied, and that it was over fifteen miles an hour, including stops on certain lines. We think the speed should be regulated too. I do not know, Mr. Chairman, that I have any further statement to make.

9. *Hon. Mr. R. McKenzie.*] There are a number of accidents, fatal as well as serious, in connection with the Auckland tramways: do you as secretary of the union attend any of the inquests?—Yes.

10. Do you attend all of them?—I do not attend all, but a good many of them.

11. Has there ever been any evidence given of runaway trams on the Auckland system—runaways through inefficient brakes?—No.

12. Are you sure?—Well, there was one in which a man named Paul was killed, and a conductor named Holden was subpoenaed by the Coroner to attend and give evidence, and he gave it as his opinion as a conductor that he had worked five years for the company, and that the brakes generally were defective. He was discharged the next day for giving evidence—they had no further use for him. A man named Wilson went over an old man in Karangahape Road on practically a level spot one Saturday night. It was a greasy rail but on a level line, and the motorman Wilson could not draw up in time; and he was committed for manslaughter. I am not quite sure, but I think the grand jury threw out the bill, but the Coroner's jury brought in what was equal to a charge of manslaughter, and I think he was prosecuted for it. Motorman Straker killed a man named Graydon on College Hill, which is a steep rise of 1 in 13, and the Coroner's jury brought in a verdict of "Manslaughter" against him, but it did not go to the Court. I think the grand jury threw out the bill. The company found work for him in the barn till the case was finished. But when we have a fatal accident the result is that a compulsory stop is brought in. Above where Graydon was killed all cars must come to a stop at that point, but the time-table is not lengthened to allow for that, and the result is that the time-table allows the same time for the trip, and they have to go faster between the stops to make up for the compulsory stop. There was a compulsory stop on the Eden Terrace line just about where the runaway took place at Kingsland, and at Porter's Avenue there is another compulsory stop; but no more time is given for the complete journey. We have asked the company to agree to an extension of time, but we can get no satisfaction. Where it might take only half a minute to come to a dead stop there may be other delays, and there should be more time allowed for the complete journey.

13. What distance does one of the Auckland cars travel after the brake is applied on a greasy rail?—Down College Hill I think it went ten pole-lengths. I was on the car that morning, but I insured my life before we started.

14. There have been almost as many fatal accidents on the Auckland system as there have been in Wellington, Christchurch, and Dunedin put together. Do you think that many of those fatal accidents are due to inefficient brakes?—It is because we cannot make the quick stops that they can here. I have noticed them here make remarkably quick stops with the magnetic brake. Some of the men in Auckland put on the brakes 200 yards before they require to come to a stop, and they have to keep the brake well in hand so as to put in on just when they want to get the car to stop.

15. When the man Graydon was killed, if the motorman had had sufficient brake-control could he have stopped the car?—Yes, with power brakes he could have brought it up.

16. Have you ever heard what pressure the men have to apply to the brakes on the worst grades?—I have only the sworn evidence of the men themselves.

17. What pressure do they say they apply?—From 200 lb. to 250 lb. or 300 lb. on College Hill, and they have to get the two hands on the brake, with the foot on the dog, to do it.

18. You have a sick and accident fund in connection with the tramways?—That is in connection with the general employees. We have not got preference for employees—that is a distinct affair.

19. How are the amounts drawn then by the employees from that fund as compared with other parts of New Zealand?—I have nothing to do with the management of it—it is out of my hands.

20. How are the air brakes acting that were applied to the two cars?—There are two motormen who worked over the relief—sixteen hours—and I asked motorman Rogers if he found any difference, and he said that at 3 o'clock he had to consider whether he was going off shift or not, which he never had to do with the old "coffee-mills." He said they are working well and very quick stops can be made—quite as quick as with the brakes you have here.

21. Quicker and better than the hand-brakes?—Yes, much quicker.

22. Can you give any idea how far a tram would travel after the brake is applied as compared with the hand-brake?—No, I could not.

23. Are you aware of any runaways on the Auckland system?—Yes, Lowe's is one case. We have had several in Wellesley Street, and the line is conducted right across Queen Street and up over Wellesley Street. We have had cars that have come down Wellesley Street East and have gone up to Fuller's Opera House before they have recovered.

24. What distance would they go up the hill?—This one went up above Elliott Street—I suppose 200 ft. or 300 ft.

25. What would be the grade that it would run up?—About the start of that it is 1 in 17. It is easier there, and we have had them go the opposite way up to the Art Gallery.

26. And the car would have some passengers on, no doubt?—Yes, I spoke to one of the passengers.

27. Do your motormen ever report to you about runaways of that kind—I mean slight ones that the public never know about?—Yes.

28. Do they report them to the management also?—Yes. The switchman would report if they did not. There is a switchman there whose duty is to switch them into the curve.

29. I do not mean Queen Street only—I mean Parnell and Kyber Pass routes as well?—Yes, it is their duty to report them.

30. It is the opinion of the motormen that runaways are fairly common there, is it not?—Not lately. The brakes have been better adjusted lately.

31. There have been a number of employees injured through the hand-brakes?—Yes.

32. Do you know whether the Sydney tram system once had the Newell magnetic brake installed, and afterwards abolished it and replaced it with the air brake?—Yes. I only know from an expert who was in the service. They have withdrawn 150 sets of the magnetic brake and replaced them with air brakes. There is an expert in the Auckland company who was for many years with the Sydney company, and he gave me that information.

33. There are a number of your motormen getting strained in different ways?—Yes. One man named Rookland, who is now an inspector, was struck on the bone of the arm and disabled, and an inspector had to take his car for two trips. His arm was paralysed for a time.

34. Have you got any idea what it would cost the Auckland Tramway Company to install the magnetic brake or air brake?—No, none whatever.

35. You made some reference to the licensing of cars. Are the Auckland cars limited to any number of passengers they can carry now?—Yes.

36. All of them?—Yes. Some of them have seating accommodation for fifty-two, and fourteen standing, and others eight, ten, and twelve standing.

37. That is as many as will fill them comfortably?—Yes.

38. Are the passengers on the cars separate from the motormen in Auckland?—Yes, except on the combination cars. They sit in the front just behind the motorman.

39. You have not got the seats on the cars for all the motormen yet?—Yes, they are all in, but not the glass fronts.

40. Nobody can stand between the seat and the motorman?—No, that platform is kept clear—it is what we call the outer platform.

41. A large percentage of the accidents that occur in connection with the Auckland trams occur to the public on the streets, do they not?—Yes.

42. And do you think that is the result of the brakes not being sufficiently powerful to stop the cars quick enough?—I do not think they can make a quick-enough stop.

43. Do you think those accidents are caused through the brakes not being sufficiently powerful?—Yes; but it may happen that a man may come in on the blind side of the car, and no brake would stop that.

44. It is your opinion that some of the accidents would be prevented by more powerful brakes?—Yes, quicker-action brakes.

45. Something has been said in regard to the switchman in Wellesley Street being done away with?—The switchmen were never done away with, but the points-boys were done away with.

46. What for?—To save wages. The boys were getting £1 5s. a week, and, instead of the points being left open as they were formerly and as they are now, so that a runaway car could dash away and run up alongside the Art Gallery, the company gave orders to fix the points so as to turn the cars round the point. I wrote to the paper, and started a correspondence, showing that if the points were leading into Queen Street a runaway car would go into the shops on the opposite side; and the points were replaced in their former position, and the boys also replaced.

47. Was there any correspondence between you and Mr. Walklate in reference to putting more powerful brakes on the cars?—Yes, we had a correspondence—that was the start of it.

48. Did you have any personal interviews with Mr. Walklate on behalf of the company?—Yes, but I cannot call to mind any specific case except the later ones, and when we asked him when the brakes would be out.

49. And what answer did Mr. Walklate give you?—He told us that, so far as he knew, they were ordered, and that, as far as he knew, they were not on the way out. He had had no advice of their being shipped.

50. How long ago was this?—I think it was in November. I am speaking of the Freund brake.

51. When did you communicate with Mr. Walklate first in regard to the brakes—how long after the Royal Commission reported?—A good while after. I could not give the date of it from memory.

52. Would it be six months ago?—Oh, yes!

53. More than six months ago?—I would not be sure. I think it was done by deputation.

54. You were present with the deputation of motormen who interviewed me from Auckland recently?—Yes.



55. Do you recollect some of those men making a statement to the effect that there were a number of runaways on the Auckland system that were never reported to the public at all?—Yes.
56. As secretary of the union they would be reported to you also?—Yes, I would know. They practically tell me everything that happens.
57. Do you keep any record of that?—No.
58. *Mr. Luke.*] You have gone through the Bill?—Yes, this evening only.
59. I think you said that, in your opinion, so long as you had the brakes you were not so very keen in insisting on the Bill?—No, we want the Bill, but rather than prejudice the brakes we will take the one clause.
60. You think the principal object of the Bill would be to give you the brakes?—No.
61. You do not consider the brakes the principal part of the clause?—No, there are other important parts there.
62. You consider the brakes an important part?—Yes.
63. So far as the licensing is concerned, do you think the drivers should be licensed?—Oh, yes!
64. This Bill provides for the cars being licensed; but do you not think the licensing of the men should be under the authority of the City Council?—No; under the Government, the same as engine-drivers, who are at present under the Inspection of Machinery Act.
65. If the Auckland municipality owned the undertaking, would you then have the same feeling towards the tramway system that you have at the present time?—I might tell you that I fought tooth and nail against this company having the tramways handed over to it, and my opinion is the same now—that all tramways should be owned by the municipality.
66. But if the municipality in Auckland owned the tramway system, similar to Wellington, do you think there would be any necessity for this Bill, as you appreciate local government?—But the Wellington men have grievances under the Council.
67. But from the knowledge you have of the tramway undertaking, and from your views on the matter, if it was owned by the Corporation and controlled by them, would you still think there would be the necessity for this Bill?—Yes, I think so. You would get votes for two years, but we have no votes to contend with.
68. Are you aware that most of the accidents have happened not on the steep grades, but on the minimum grades or level?—No, I am not aware of that.
69. Are you of opinion that most of the fatal accidents happen on the steep grades? It has been said that the fatal accidents, or most of them, have not occurred on the steep grades?—Graydon's was on a steep grade.
70. What grade was that on where a serious accident happened on New Year's Eve?—That was at Kingsland, with a decker. That is a fairly steep grade.
71. Not the steepest grade?—No. The actual accident happened on the level—it took charge then.
72. I suppose you have had no experience of brakes?—No. I have only had an experience of three years and nine months as secretary of the union.
73. And from the knowledge you have acquired as secretary of the union, do you think the desire would be in favour of the magnetic brake or the air brake?—In favour of the air brake, because it could be installed in quicker time, and the air brake will hold a car where the magnetic brake will not.
74. What is the reason of that?—Only from what I gather from the motormen. They had a test at Miller's Point, Sydney, in which the air brake was left on the car for hours, and it had not weakened.
75. Would it not be the same with the electric magnetic brake?—No.
76. Why?—Because I am informed by the Wellington men that the magnetic is a stop brake—it does not hold the car on a declivity.
77. You spoke of a test that was made. How far did the car travel after the air brake was put on?—I think it went the length of a pole and a half, but I would not be sure because I did not measure it. It was on the worst rail you could get in the service—a greasy rail.
78. Was the car loaded?—Yes, the car was loaded with ballasting rather more than a load of people would be.
79. Would it be 50 per cent. more loaded?—Yes.
80. Would you think it was possible on a grade of 1 in 12 that a car loaded with 12½ tons plus the weight of the car—that when the magnetic brake was applied it only went 50 ft.?—Yes, I would believe that. I have been surprised to see the quick stops here.
81. Your opinion is that the magnetic brakes in Wellington could not be surpassed?—No, I would not give that opinion: that is a big thing to say.
82. You still think, from your knowledge of the air brake and what you have seen in Auckland, where a car went a pole and a half, that that is a superior brake to the brake in Wellington which pulled up the car loaded with one and a half times its weight as I have mentioned?—I think you are putting a question to me that I should not be called upon to answer.
83. But you have made an assertion, and I am here to get your evidence. If a poll was taken amongst the motormen in Auckland, would the majority of them vote in favour of the air brake?—They are unanimous in Auckland in favour of the air brake.
84. That is because of their training there?—But we have some Sydney men there.
85. And if you had some Christchurch men it would be the same?—Yes.
86. And also Wellington men?—We have some Wellington men there, and they are of that opinion too, because the air brake would hold a car on a rise.
87. *Mr. Poole.*] Do you think the company is prepared to meet you in connection with the air brake if the Public Works Department approve of same?—Yes, I believe they would.

88. And do you believe that the fitting of the brakes and the completion of the glass fronts will give a measure of permanent satisfaction to the men operating in the Auckland service?—Yes. Last July there was only one glass front fitted, and now there are about forty, I believe.

89. You have given us several instances of men who have been damaged in the service?—Yes.

90. Is it a fact that that man who was laid up in the hospital a short while ago was suffering from an old hernia and not the result of the car trouble?—No, it is not a fact. I wrote to him about that last week, and I had a letter from him to say that it was for varicose veins that he was operated on the previous time—a totally different thing.

91. The evidence you have is an expression of opinion that you took from the patient that this trouble was caused by operating the brakes of the car?—Yes.

92. You have direct evidence of that?—Yes. I have not seen Dr. Gore Gillon; he is in Christchurch, or I would have seen him before I came down.

93. Do you think having the glass fronts impairs the efficiency of the men who have to keep a good lookout?—None whatever.

94. Are you aware of any chest-disease or nasal trouble amongst the men through constant travelling in the dust and rain?—Yes. Dr. Hugh Keith gave evidence before the Court the time before last when we went up for an award, and I think Dr. Hardy Neill is treating several men for the same thing. One man, who is an inspector, had to go away for five weeks to get clear of a cold and obstruction in the nose.

95. Would you be surprised to hear that all the cars were built for the Auckland service with the exception of the four small red cars?—Yes.

96. From the start?—Yes, I should be surprised, because as a City Councillor during my term in the Auckland Council I understood that the first cars were obsolete when sent out.

97. Have you any evidence to prove that?—No, but they are not a patch on the Christchurch and Wellington cars. I have not seen the Dunedin cars.

98. *Mr. Herdman.*] Why do you specially desire this Bill to be passed?—Because it is our only hope of an amelioration of the condition of the men, to say nothing of the safety of the travelling public.

99. But can you point to any special provision in the Bill that would be of advantage?—Yes. I understand that it gives the Minister of Public Works control over the rolling-stock of any tramway company. I understand that at present there is no power to enforce the findings of the Royal Commission, and this Bill will give it.

100. Supposing your system in Auckland were managed by the municipality, would you be satisfied with that?—No, rather not. That is what we have fought for all along, but they have parted with it, and we have no control.

101. But, supposing the control of the system up in Auckland was vested in the city, would you be content?—Without a Bill of this sort?

102. Yes?—No.

103. Then your view is that the whole of the tramway services in the country should be controlled by the Minister of Public Works?—My view is that the persons who own them should not have the power to grant licenses, because they cannot say they are fit and proper persons. It may suit them to say the opposite.

104. You say you would object to the municipality controlling the system, that being your objection; so I take it that the only power you would be satisfied with would be the Minister of Public Works or the Crown?—Yes, I think they should exercise supervision over the licensing.

105. You think that our system here, for instance, and the Christchurch and Dunedin systems should not be controlled by the City Councils at all, but controlled by the Crown?—You mean State control under municipal supervision?

106. Then you will have dual control?—Municipal control under State supervision.

107. What do you mean by that?—That there should be some independent person in the shape of the Department for licensing motormen, the same as under the Inspector of Machinery who licenses engine-drivers. For instance, a motorman has an accident, and it may be that damage is done or life lost. With a company or even with the Corporation the first thing it does is to divest itself of as much responsibility in the matter as it can, and as a rule the man suffers. If it is a case of the equipment and the man, the man goes under every time. That is my experience and the experience of the men also.

108. In effect, you say that a Municipal Corporation is not capable of managing a tramway system?—No, I do not say that. I say that there should be some referee or umpire, or some supervision.

109. You cannot define that supervision?—I have defined it. It is defined in the Bill. If a tramway were giving satisfaction I do not suppose the Department would interfere; it would not be mad enough to interfere.

110. But surely your City Councils are quite able to manage a tramway system just as they manage any other system put in their charge?—I would not risk it with them. Kissing goes by favour as it did in the old days, and it is so in the City Council too.

111. Do you speak from experience?—Yes. I had a term as a City Councillor, and I know the wire-pulling for appointments.

112. I understand your principal complaint is about the brakes and the brakes only?—That is so. It is not a case of the whole Bill or nothing: we want the brakes first, and we must have that.

113. I gathered from what you said before that if you got the brakes plus the glass fronts you would be content?—No; that it would relieve the tension in the Auckland service.

114. It would put the employees in the tramway service on friendly terms with the employers?—Yes. They have spoken of these other matters, but it all pales into insignificance as compared with the brakes.

115. Do you think, if you got your brake system improved, and your glass fronts, that so far as the public are concerned in Auckland they would be satisfactorily protected—we are chiefly interested in the public?—Yes, I think they would.

116. *Mr. Glover.*] You have had some little experience in Municipal Corporation matters?—Yes.

117. Do you think the deed of delegation is complied with in Auckland so far as the tramway is concerned?—No, it has not been. The halfpenny fares in Queen Street is one instance.

118. You and I having so many years in the Municipal Corporation, did you not raise your protest against parting with the tramways in the first instance?—Yes.

119. In reference to the runaway that took place in Wellesley Street, do you think the cause of that car running up to the Art Gallery was through defective brakes?—Because the motorman could not gain control of his car. He tried his best.

120. You say the runaway of that car was due to defective brakes?—Yes. I know the motorman.

121. So far as the strap-hangers are concerned, what is your opinion about them?—It ought never to have been allowed. Any person paying his fare has a right to a comfortable seat.

122. You know there have been some regulations made by the Corporation whereby certain cars are to have strap-hangers?—Yes. The combination cars should not have them at all.

123. You are aware that I strongly opposed them in the Municipal Corporation?—Yes.

124. What is your opinion so far as the strap-hangers are concerned in overcrowding these cars—would not that tend to cause a greater tension on the motorman when coming down the declivities?—The conductor cannot see and cannot reach the motorman. In the event of anything happening to the front motor the motorman cannot rush to the back, and it interferes with the attention of the men.

125. When the car coming down Pitt Street some time last Christmas had an accident and ran into a cart, do you not think that was due to the time-table, the motorman being bound to keep up to his time-table and the cars running quicker in Auckland than elsewhere?—We have put the stop-watch on them, and it is the fastest service in the Dominion. There is only two minutes allowed for a margin on a journey, whereas you have five minutes here; only two minutes to swing the pole and get away again, and you get a "Please explain" if you are longer than that. One man got a "Please explain" for being six minutes late on the Grey Lynn line.

126. If the people of Auckland were cognisant of the fact that in coming down the grades the brakes may be ineffective, do you think the public of Auckland would travel so much in the tram-cars as they do at the present time, if they only knew what risks they were running?—I am sure they would not. It is a case of "where ignorance is bliss."

127. You are thoroughly satisfied upon this question: that where the public of Auckland travel much more than they do in any other portion of the Dominion on the trams—that if they were conscious of the fact that they were running the risks, they would not travel so much?—Yes. There were twenty-two million passengers carried last year.

128. Do you think, if they were to get effective brakes—say, the air brakes—that that would fill the bill so far as the cars are concerned, and would obviate all that difficulty?—It would obviate a good deal of it.

129. Is it not a fact that during the last six months, when that Commission was set up—was it not a fact that the motormen did not require to take upon themselves the responsibility of the position not to jeopardize human lives, and that is the reason the people went on strike?—I do not understand you.

130. The people went out on strike at that time?—Yes.

131. Because of the defective brakes, and one of the reasons being that they thought that they were going to safeguard the public interests by going out on strike?—The primary reason was the discharge of one man, but that has not assisted matters.

132. You consider that if there were proper and effective brakes, in accordance with what the motormen consider to be right, that would relieve a great deal of the tension that exists?—Yes.

133. *Mr. Lang.*] Can you say how many fatal or serious accidents have been proved to have been caused by defective brakes?—No.

134. You do not know how many have been directly caused?—Only in my own mind I am satisfied.

135. Can you give any idea of the proportion?—One was the case of Ben Paul, but I would not say it was absolutely proved to be the fault of the brakes; but there is always a rider to one of those verdicts, and it unmistakably showed that in that case the air-brakes would have prevented it. I am sure the air brake would have prevented Paul being killed. I wired to the tramway unions of Dunedin and Christchurch asking them to support us in this matter. Wellington has a deputation here now and is supporting us, and I received the following telegram from Dunedin: "Union approves Tramways Bill. Have wired local members of Parliament urging them to support same.—HAYMES, Secretary."

136. *Mr. Poole.*] In connection with the removal of the switch-boys at the foot of Wellesley Street, did the restoration of those boys to their positions take place on account of the newspaper correspondence or the deputation to Mr. Walklate making representations in connection with the unreliability of the brakes?—Both, I think—the correspondence as well.

137. Did you mention the unreliable nature of the brakes on that occasion?—Yes. Before that they had a straight run up the hill in case of emergency.

138. *Hon. Mr. R. McKenzie.*] If either the pneumatic or magnetic brakes were installed on the Auckland service, do you think all the motormen would have more confidence in their own lives and the lives of the public than they have at present?—Yes.

139. That is the reason you think they are anxious to get the better system of brakes?—Anything better than we have got.

140. You made some reference to the report-sheets?—Yes, the car-defect book.

141. What was the object in substituting the sheets for the book?—The object, we take it, was to prevent the men from searching up to find the character of a car. Cars are like people, they have good and bad characters. It prevented the searching-up of the character of a car to see what was the condition of the brakes. I had the result of a month's booking-up by two men who ran one car, and I think there were fifteen or sixteen bookings-up by those two men, and sheets were then put in the place of the book. There are now single sheets.

142. Do you think every motorman and every conductor in this Dominion wants this Bill?—Yes, I do.

143. You reckon that every one of them think every tramway system should be run under Government supervision?—Yes, I think so.

144. Do you see any reason to object to the tramways being run under Government supervision?—No. I do not think any Department would be so foolish as to interfere with any system that was well run.

145. The Government have the same supervision in regard to railways and steamers carrying passengers?—Yes, in regard to life-belts and passengers and so forth.

146. *Mr. Glover.*] After the final decision of the Commission sixteen months ago, if the company had acquiesced in the findings of that Commission, do you think there would be any need for this particular Bill being introduced?—We should not have come down and forced matters.

147. *Hon. Mr. R. McKenzie.*] If this Bill had been on the statute-book at the time the Commission reported, do you think the Minister would have allowed the Auckland Tramway Company nine months to put the brakes on the cars?—He would have allowed a reasonable time.

148. He would then have had the necessary power?—Yes. I was surprised there was no power to force them.

149. *Mr. Myers.*] The present brakes require a certain amount of energy to work them, do they not?—Yes, and an uncertain amount—you never know when you are going to get the pressure.

150. Well, I say a considerable amount?—Yes.

151. And may we take it that that is a factor in this question on the part of the men?—Oh, yes! a big factor.

152. The men would like, apart from any other consideration, a brake which does not entail so much labour?—So much labour and so much responsibility—the responsibility goes with it.

153. Supposing the company say that if the Department will approve they will proceed at once—that is, with reasonable despatch—to install the air brake on all their cars, that would get over the principal difficulty, and the men would be satisfied on that question?—They would be satisfied on that question, yes.

154. Now, so far as the glass fronts are concerned, the company, I think, promised that as each car came into the barn the glass fronts would be put on?—But they have not kept it. On several occasions when cars have been put in they have not had the glass fronts put on.

155. On how many occasions?—On two occasions—two that I wrote about.

156. But on forty or more occasions when the cars have gone in the glass fronts have been put on?—Yes, but they ran short of timber in a kauri-timber district, and that is one reason why they were not put on earlier.

157. You said before that there have not been many runaways recently, as the brakes have been better adjusted?—Yes, that is so.

158. I suppose it would be fair to say that things have been much more satisfactory in that particular direction since the Commission sat?—Yes, in the adjusting, but there has been no less hard work.

159. But runaways have not occurred since the Commission sat?—That is so. I cannot call to mind any.

160. You have spoken of the number of men who have been injured: with the exception of Christmas, was not all that evidence given at the Commission?—With the exception of Christmas, Fletcher, Belmont, and Miller. Those are recent cases.

161. Now, with regard to Christmas, whatever you may believe to be the fact as to the cause of the rupture, is it not a fact that Dr. Lindsay and the hospital doctor have expressed the opinion that Mr. Christmas was suffering from a hernia of long standing?—I was not aware of that.

162. I suppose if you were told that Dr. Lindsay and the hospital doctor had given such certificates you would not dispute it?—No.

163. Now, I suppose that a car might run away through the wheels skidding, may it not?—Yes.

164. Well, that would not be through defective brakes. Would not that be through the brake being put on too hard?—Yes, that would be so.

165. So that would it not be very difficult to say that any particular accident happened through a defective brake?—No, because in some cases some of those runaways have been caused by the chain-rods jamming on the under-gear.

166. But I am speaking of a case which you may think is caused by the brakes. What I am suggesting is that it is difficult to say because it might equally be caused by the brake being put on too hard?—It might be so. I do not say it is so.

167. Now, you have spoken of the car-defect sheets. Is it not a fact that a different system is now in vogue—namely, the system of separate sheets being given to each individual motorman?—Yes, but that started after that cart case.

168. How long ago?—When Lowe was prosecuted.

169. What Mr. Walklate tells me is that the system has been altered quite lately—that new sheets are given to each man?—Yes. What I mean by “Lowe’s case” is that at that time the sheets were taken out of the book and then collected at the end of each day, and then put into the book again.

170. In Lowe’s case would you be prepared to say that that car did not get away through the wheels skidding? You have already told us that he was working both brakes hard?—Yes. I was in the Court when the evidence was given, and I do not think the wheels did skid.

171. That is a mere matter of opinion?—Yes, but you are asking for my opinion.

172. But upon the same evidence another man may have come to the conclusion that the accident happened through the wheels skidding?—Yes; but then if the wheels skid, the motorman releases the brakes and applies them again, but in this case he could not get any difference at all—he was completely hung up. We have the Magistrate’s decision to the effect that he did his utmost with the means at his command.

173. It is a fact, is it not, that during Fleet Week over a million people were carried?—Yes, that is so.

174. And that without accident?—Yes, that the people knew of.

175. You do not suggest any?—No, but we know there are many narrow escapes.

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WEDNESDAY, 22ND DECEMBER, 1909.

JOHN CHARLES HAMILTON MOIR examined. (No. 8.)

1. *The Chairman.*] What are you?—A motorman in the employ of the Wellington Corporation Tramways.

2. And a member of the union?—I am president of the Tramways Union and president of the Federated Tramways Union.

3. And you wish to give evidence on behalf of the Wellington Union?—Yes, and the federation.

4. Can you tell me how many members there are in the union?—Three hundred and seventy-five, I think, but I am not sure. You can put it down at 350.

5. And the number of employees?—Somewhere about four hundred.

6. How many are there in the federation?—About a thousand.

7. You have considered this Bill?—Yes, we have considered it.

8. And will you kindly make a statement with regard to it?—We approve of this Bill, and think it is absolutely necessary it should become law so as to enforce the clauses in it in order to bring all the tramways in New Zealand up to a proper standard of efficiency so as to give the motormen a chance of doing their work in a proper manner and also to safeguard the interests of the public. There are one or two other clauses we should like to have seen added to this Bill which were in the old Bill of 1907. Clause 2 of that Bill we should like to see added to this Bill. It provides for the Government examination of motormen. At the present time that power is held by the Councils and municipal bodies of New Zealand; and the Auckland Tramways Company has, I think, the power to employ their own motormen, power to train them and pass them for examinations, and also to issue certificates to them to drive, and we do not think it is a fair and proper thing that they should have that privilege. In giving a privilege of that kind to them it leaves it open to abuse; they could send any man along as a competent motorman although probably he had only had one or two weeks’ training. They could say he was competent and send him up to get a certificate, which would not be the case if he had to pass an examination under a Government Department.

9. Do you suggest the Government should have examiners in each centre?—Yes, so as to examine the motormen, who would then have certificates, and then in the case of accidents arising from brake-failures or other causes, instead of the blame being always thrown on the motormen, the fault would be attached to where it should lie, either to the equipment or to the men, because the Government would be able to step in and hold an inquiry themselves.

10. I suppose there are new motormen almost every week, are there not?—No, not as often as that.

11. How frequent?—Well, occasionally there may be two or three one week and two or three the next, and then it may be three or four months before there would be any more.

12. What is the system now? Do the conductors usually become motormen?—Yes.

13. Who trains them?—The Motor Instructor.

14. And do they then pass an examination?—They then pass an examination either before the Chief Engineer or the Assistant Electrical Engineer.

15. And if it is to his satisfaction?—They are passed through and get a certificate.

16. Is that certificate recognised in any other city in the Dominion?—No, not outside.

17. So that a man passing in Dunedin—?—Would not become a motorman here: he would have to pass another examination here just the same. There are one or two other matters we should like altered. One is so far as the repair-book is concerned at the present time. They now have a loose-leaf repair-book. You go in, say, at night, and book your car up, and the leaf is

taken out the next morning, and when you book your car up you have nothing to refer to to enable you to see what any other man has booked up against that car at any other time. That is the system in Wellington, and I believe the Auckland system is the same.

18. What do you suggest in place of it?—We suggest that the book should be intact, with the leaves there permanently, and that the book should be open for inspection at any time, so that it could be referred to when an accident occurred to see when the car was booked up at any time previous to that.

19. Have you always had the one system?—No, it has only been altered within the last six or eight months.

20. Do you know why?—I am not certain of the reason why, but there was an accident some time ago in Cuba Street, and it was after that the book was altered. Whether it was done as a result of the accident or not I could not say. As far as the brakes in Auckland are concerned, it is absolutely necessary that something should be done to see that proper brakes are provided on the trams for the men to work. It is impossible for the men to work with the hand-brake and work as effectively as if they had some other brake to work upon.

21. Have you only the hand-brake here?—No, we have the magnetic brake as well as the hand-brake.

22. So that your last statement does not apply to Wellington?—No.

23. Are the brakes here satisfactory from a motorman's standpoint?—Yes, they work satisfactorily from a motorman's standpoint. You find with almost every brake throughout the country, even in motor-cars, that the brakes fail occasionally, but we are generally satisfied with them.

24. Do you have many accidents on the cars amongst the employees themselves?—No, not a great many.

25. There is no general complaint from the employees themselves here in Wellington?—No, not in Wellington.

26. *Hon. Mr. R. McKenzie.*] Did the 'Tramway Employees' Union consider this Bill?—We have only had it two or three days, but during that time we have been through it on several occasions.

27. Do you approve or disapprove of it?—We approve of it.

28. Do you see anything in this Bill which would be likely to hamper the Wellington, Christchurch, or Auckland tramway systems?—I do not think so. The only thing is that it would force the company to install proper brakes, so that the men could handle the cars properly, instead of killing the people as they have been doing during the last twelve months.

29. What is the nature of the examination for the motormen?—You learn the theory, tracing the currents of the car, the general equipment, controller, motors, switches, resistances, and the theory, and what they are based on.

30. Is there any examination for sight-testing?—Yes, and you have got to pass an examination in general health.

31. And it is the general desire amongst the motormen, and conductors also, that the examination should be by a Government officer?—Yes, throughout New Zealand—that is, from the Federation.

32. How long have you been connected with the Wellington tramway system?—Since the 18th September, 1904.

33. Do you remember the Tramways Management Bill introduced two years ago?—Yes, I have a copy here.

34. There was provision made in that Bill for examination?—Yes. We wanted the first eight clauses of that Bill incorporated in this Bill.

35. The number of passengers that can be carried on the Brooklyn trams is limited under license, is it not?—Yes, but nowhere else.

36. Are your cars often subject to overcrowding?—Well, at times.

37. Have you got any instructions as to the number the conductor should allow on the cars?—No, none whatever.

38. Just as many as can crowd in?—Just as many as we can put in.

39. And to stand on the platform at the ends?—No, that is against the rules, to stand on the platforms. They can take as many inside the cars or on top as can get there. On the footboard or platforms they are not supposed to stand, but of course at times they do.

40. Are the Wellington cars under complete brake control at all times?—The brakes are very effective taken all through, but at times they do fail. At the present time we have no perfect brake in any part of the world.

41. Are you satisfied that they are as effective as any other magnetic brake?—Yes, as far as I am concerned I am satisfied with it because I have not had anything to do with any other.

42. Have you ever had any runaways?—No, I have not had any.

43. *Mr. Luke.*] How do you make up your motormen now to supplement those retiring—do you draw the motormen from the conductors?—Yes, from the conductors.

44. A motorman must have been a conductor first?—Yes, for twelve months.

45. What examination does he go through?—I have described it.

46. Are there any rejects?—I am not sure, but I think there have been one or two since I have been in the service.

47. Have there not been several conductors who could not qualify as motormen?—Only one or two that I remember.

48. As a matter of fact, the examination is fairly stringent?—It is a fairly stiff examination.

49. Do you think there would be any better examination if the Government appointed an officer to conduct the examinations instead of your own officer?—It would be better for the men,

because, if the Government issued a certificate to the men when they passed the examination, our superior officer would not have power to take that certificate away from them. At the present time, if an accident occurs the fault is always thrown on the men, instead of, probably, on the equipment, to which it may be due. If it is a brake-failure, a brake-failure is never admitted, and the man is always punished for it; no matter what it is, the men have always been punished all through. The Government would have power to step in and hold an inquiry into any accident, and decide whether it was the man or the brakes.

50. There is an inquiry held now into every accident or alleged accident?—Yes.

51. Assuming that the Government had the right of passing the motormen, what safeguard would that be to the public other than they have at the present time?—I do not know that it would make any difference so far as our service is concerned here in Wellington.

52. Is it not more in the interests of the public to have an inspection made by competent officers who are alive to all the requirements of the service and the examination that the motormen have to pass?—It is quite within the power of the Government to get a man to do that as well as the Corporation.

53. You said that a certificate from the Wellington Corporation would not be allowed to be used on the Dunedin tramways?—Yes.

54. But why would the Government be able to do that?—Because it would be a universal examination.

55. But why would a Government examination better qualify you?—If it was an examination for the whole of New Zealand it would enable the men to go to any other system.

56. There are peculiarities in all tramway systems?—There are slight differences.

57. Take the examination of the Wellington tramway motormen as carried on in Wellington: if a motorman works on the trams here for two or three years and then goes to Dunedin, he would still have to go through some examination?—I do not think so. I think he could drive the same cars there.

58. Why could there not be an interchange of recognition with the certificates the same as for plumbers?—At the present time that matter is being considered, and it is coming up at our conference in February.

59. If there was an interchange of those certificates, would not that meet the position?—Well, I really could not say myself. The matter will be fully considered at our next conference.

60. What is the objection to the loose-leaf business?—It means that there is a loose leaf instead of a repair-book. If I go in to-night and book a car up that is wrong, the next morning that leaf is taken away. I might get the same car the following day, and I shall have to book her up the same, and we have nothing to refer back to. There is nothing to prove that that car has been defective for any length of time.

61. But should not each day's work stand for itself?—No, the car might get gradually worse and worse, and then all of a sudden there would be a failure: then the fault is thrown on the man, and you have nothing to refer back to.

62. Are not the cars examined every night so far as the brakes are concerned?—So far as we know, they are.

63. Is it not the intention of the department that the brakes should be examined every night?—I believe so.

64. Are you of opinion that the magnetic brake in Wellington is efficient for the work required?—It is as efficient as any brake that can be obtained at the present time.

65. Assuming that the City Council decided to equip the trams with the air brake in addition to the magnetic brake, do you not think the multiplicity of brakes would be rather against efficiency than otherwise?—No; the air brake works independent of the motors altogether.

66. You remember the car that was tested on the Brooklyn line after the accident—one of the big cars loaded with pig iron?—Yes.

67. And the brake was applied to see how far the car would travel before being pulled up. Do you remember anything about that?—No, I cannot say that I know the particular car. I know that at one time when a new car was built we always tested it over Brooklyn.

68. Well, take the test that was carried out on the Brooklyn grade: the car, together with the load, totalled 20 tons, and that car was pulled up on the Brooklyn grade in 50 ft. Would you not consider that a sufficient brake?—Yes, at the time it acted like that, but there is always the chance of a brake going wrong.

69. But is there not a chance of every brake going wrong?—Yes.

70. *Mr. G. M. Thomson.*] In the case of a motorman coming from Dunedin or Christchurch with a good certificate, would it not be eligible here?—At the present time, no.

71. Why?—Because he has to be a conductor for twelve months before he can be a motorman.

72. That is the rule of the Wellington Corporation?—Yes.

73. The motormen here are cut off altogether from the passengers?—Yes.

74. So that it would not matter to the motorman whether the car was overcrowded or not—they would not interfere with the safe driving of the car?—On some cars. On the combination cars the door opens, and the passengers go out at the motorman's end, and at times of heavy loading it is impossible to keep them off the platform without you throw them off—they will not get off if you ask them. On the palace cars they cannot get near the motorman to interfere at all.

75. On the Brooklyn grade can they get near the motorman at all?—No.

76. *Mr. Poole.*] Is it the desire of your federation to raise the standard of efficiency amongst the motormen generally?—Yes.

77. And, seeing that that is so, do you think that a general certificate covering New Zealand would be preferable to the present state of affairs?—I believe it would be.

78. Now, with regard to the braking appliances, do you think that the magnetic brake has as much holding-power as the air brake after stopping?—No, it has no holding-power at all after stopping. Once the car ceases moving the magnetic brake is useless, and you have to apply the hand-brake.

79. Is it your opinion that the air brake is infinitely better than the magnetic brake for the general service?—For the general service in stopping a car and holding the car after it has stopped.

80. We have heard a good deal about the men being damaged in using their hand-brakes in other systems in the Dominion. Have you in your mind many cases in Wellington where the men have been damaged in handling the braking-appliances in this system?—No, I cannot say that I have in Wellington. We have the magnetic brake to pull the car up with, and then the hand-brake is applied to keep it there in position.

81. There is not the same danger of strain?—No. It would only be on a very rare occasion that a man might strain himself here.

82. *Mr. Brown.*] In regard to those doors on some of the cars which open and allow the passengers to get on the platform with the motorman, could they not be shut?—I do not think it would be convenient to make the people go in.

83. If a motorman in the employ of the Dunedin tramway service had left for no reason, and was not at fault in any way, would he be taken on by another tramway system without any examination?—No.

84. He would have to go through an examination just the same?—Yes.

85. Then, if a universal certificate were granted, would it be of any advantage to you?—It would make the examination of motormen throughout New Zealand of a higher standard than it is at the present time.

86. They would have a certificate, but would have to undergo a partial examination for any difference in the other systems?—Yes, there would be a slight difference.

87. *Mr. G. M. Thomson.*] In the combination cars can the public go on at the motorman's end?—Yes, they can.

88. *Mr. Herdman.*] What kind of brakes do they have in Dunedin?—The magnetic brake, the same as in Wellington.

89. And in Christchurch?—The air brake and the hand-brake.

90. Are the brakes satisfactory in Christchurch and Dunedin?—Yes, but they have brake-failures the same as anywhere else.

91. Do the brakes work satisfactorily here?—Yes, fairly satisfactorily.

92. And you have no complaints?—We have had complaints on one or two occasions about brake-failures.

93. But speaking generally?—Yes, speaking generally we are satisfied.

94. You said there is a difference of opinion about brakes, but you think that so far as the brakes here are concerned they are as satisfactory as any brake system can be?—I do not say as satisfactory as any system can be, but as satisfactory as any system existing at the present time.

95. However, you consider that the interests of the public are properly safeguarded in the city here?—Yes, I think they are.

96. So far as the running of the trams and the general management of the system is concerned, the interests of the public are adequately safeguarded?—I think so.

97. The system is satisfactory here?—Yes, everything works fairly satisfactorily.

98. And when you were giving evidence before did you say that the men here were content and satisfied?—The men are generally satisfied with the brakes here except that when there is a failure of a brake and the man believes it to be a failure the blame is always thrown on to the man and not on to the brake. The department always covers up the fault of the cars by punishing the men.

99. I am speaking of the relations of the employees generally with the city Corporation: are they harmonious at the present time?—Yes, they are very satisfied.

100. The men are contented with their lot?—Yes, fairly contented.

101. You have the right to appeal against any decision, have you not?—Yes.

102. If the relations between the men and the Corporation are satisfactory, if the system is a good system, and if the interests of the public are properly safeguarded under municipal management and under the existing law, can you tell me of the necessity there is for the bringing-in of this new Bill?—The appeal we have at the present time is really no appeal—it is one-sided.

103. But if the relations between the Corporation and the employees are satisfactory and if the interests of the public are safeguarded?—I said, in some things; I did not say, in everything.

104. Do you think this Bill is necessary?—It would be far better for the motormen throughout New Zealand generally, as far as we are concerned, and better for the public, as the whole of the systems in New Zealand would have to put proper equipment on their cars.

105. I gathered from your answers that you consider the system is a good system and that the public are properly protected?—I said they were fairly well satisfied.

106. In regard to the loose leaf, what do you do with that?—We do not do anything with it at all. We put our names on it, and the car is booked up with whatever the defect may be, or whether it is O.K., and next morning or next night that leaf is taken away, and we never see it again.

107. Why do they supply you with a loose leaf—is it to make a report?—We have to make a report whether or no.

108. What do you do with the loose leaf?—We do not see it afterwards.

109. Who takes it away?—The foreman.



110. What complaint have you to make about the loose leaf?—The complaint we have is that you have a car booked up, say, a week previous, and you may have the same car again to-day and have an accident, and that accident is the result of the trouble which has gradually grown up, but we have nothing to refer back to.

111. Who writes the report?—The motorman.

112. But if you have to write a report on a loose leaf, what is there to complain about?—Because we have nothing to refer back to.

113. You are simply asked to report on a loose leaf for that day?—We put in a report-form, and that is in the repair-book for the use of the shed-foreman.

114. *Mr. Davey.*] How long has this loose-leaf system been in use?—I am not sure of the exact time, but about seven or eight months—since there was an accident in Cuba Street.

115. And what was the practice previous to that?—We had a book with every leaf intact, and we ourselves could refer back; but ever since that loose-leaf book has been there we have had no chance of referring back to see if a car was defective before or whether it was O.K.

116. Are the loose leaves filed?—I could not say.

117. Did you ever know of a case where any motorman desired to refer to a loose leaf and asked for it?—No, not a loose leaf. I have never known of any man who asked to refer back to a loose leaf.

118. Have you ever had any experience of the air brake?—No.

119. Regarding the examination of motormen, say, at Dunedin, Christchurch, or Wellington, I understood you to say that a general certificate would not be of much use to motormen, but that a colonial certificate would be useful?—I said I thought it would be more useful for motormen to have it.

120. Say a man comes from the Dunedin service or the Christchurch service—has he to go through another examination?—Yes.

121. But he should be easily able to pass it?—Yes, if he has been a competent motorman in other places.

122. *Mr. Lang.*] You spoke of the number of people killed on the Auckland trams, but can you tell the Committee the percentage of deaths in proportion to the passengers travelling?—No, I could not. I was referring to the gradual killing. I meant to say that the motormen had such an amount of labour to put in through having to use those hand brakes in Auckland.

123. You were speaking of the work the men had to do?—Yes.

124. Not the accidents?—No.

125. Do you know of any cases in which deaths have been caused by defective brakes?—I have not got the names, but Mr. Rosser mentioned the names of those men who have been seriously injured.

126. *The Chairman.*] You spoke of the appeal being one-sided: what do you mean exactly?—If we go down to the Tramways Committee with an appeal against their decision and the Engineer's decision for dismissing a man from the service, we go and give evidence on behalf of the man; they sit there and hear all we have to say, and then we are dismissed; and they send us a reply giving their decision some time after, probably it may be the next day or a week after; but it is really no appeal at all, because we do not hear their side of the case at all.

127. *Hon. Mr. R. McKenzie.*] They are both judge and employer?—Yes.

128. *The Chairman.*] And does your grievance with regard to the loose leaf have any connection with the appeal?—It would have if we wanted to prove that a car had been defective for some time back. If that special car had a brake-failure to-day, and the brakes also failed two or three months previously, we could prove that by referring back to the book, but at present we cannot. It would assist us in helping the man with his defence.

129. You do not know whether the Tramways Committee have a number of those loose leaves before them?—I do not know, but we never have them to refer to.

130. *Mr. Myers.*] You have never worked in Auckland?—No.

131. Then what you have said in regard to the Auckland conditions is necessarily hearsay?—Well, I have not worked there, but I have seen the men at work in Auckland.

132. Just now and again for a day perhaps?—Yes.

133. But I take it that you will not dispute that what you have said about Auckland is based mostly upon hearsay necessarily from the Auckland men?—Yes, what I have seen on one occasion when I have been in Auckland, and the extra amount of work the men have to put in to apply the brakes.

134. That is the objection that the men have—the great amount of work they have got to do to apply the brakes?—Yes.

135. In regard to the loose-leaf system, so long as a file is kept of all those reports, provided that you have an opportunity at any inquiry to refer to them, do you not think that an independent report day by day from the motorman in charge of a car is better than a book in which he can make reference to the back pages or to which he can make reference as he makes his report for a particular day?—No, it has not been the habit of any man to refer back to make his report. You always report your car that night as you find it.

136. But so long as nothing goes wrong and the right is given you of referring to the file for any car, you would be satisfied surely?—No, I do not think we should, because when it is taken away like that leaves can be lost or mislaid. If the book is always there it is intact.

137. You must assume for the purpose of my question that the officers of the Corporation or tramway company are honourable men?—I am not referring to the fact that they are not honourable men. I saw a leaf may be lost or destroyed.

138. I say a file is kept, and I am asking you if the purpose of your men would not be served so long as you had access to any file in the event of anything going wrong?—As the position is

at present we take the first leaf on the board. The leaves are perforated and are flapping about with the wind all day, and it is quite easy for them to be torn off by the wind and destroyed and never to be found at all. They might become lost or mislaid. I did not intend to infer that any of the officers of the department would do away with any of the leaves, but it frequently happens that a number of the leaves are torn in half.

139. I am asking you to assume a proper system of filing and keeping those reports?—Yes.

140. And then to assume whether the object of the men would not be served sufficiently provided that in the event of anything going wrong you had access to the previous reports of any particular car?—It may be all right, but we prefer the old system of the book which we could always refer to at any time we wished to.

141. But you could not have any objection to the other system provided a system were devised by which it would be made certain that all of those reports would be retained?—If they could make certain.

142. Then you would have no objection?—If we could make certain that we should always be allowed to have those at any time and we could rely on those leaves always being complete, then I do not see that we should have any objection; but as they cannot rely on it, we would not have the same system.

143. *Mr. Rosser.*] You are president of the federation?—Yes.

144. And the executive meets regularly?—Yes.

145. Is it in close communication with the other unions, and especially with the Auckland Union, regarding any complaints?—Yes, we have to consider all complaints; they are all referred to the executive.

146. Is it not a fact that you have a copy of every quarterly report sent by me to the members of the union?—Yes.

147. Those quarterly reports are submitted to the men at the meeting?—Yes.

148. Have you had any particulars there as to the brakes being complained of?—Yes, in almost every one of those reports that I have read there is a reference to the complaints from the men about the brakes in Auckland.

149. Then your statements are not really hearsay, but the results of official communication?—Yes, that is so.

150. Now, have the Wellington motormen access to the file of loose leaves after they have been filed away?—It is not in a position where we can get at it.

151. Have you never applied for it?—I have not, and I do not know anybody who has.

152. Are you aware that after motorman Lowe's accident the Auckland book was clamped down so that the men could not turn it up?—Yes.

153. Was your book a bound ledger?—It was something after the style of an ordinary book.

154. You say that the book was withdrawn after the Cuba Street accident?—Yes.

155. Would you regard that as only an incident that it was after the Auckland accident that our book was withdrawn?—It seemed a very peculiar thing to us that it was withdrawn just at the time, because we had to refer back to that book for several things at the time. It looked rather suggestive.

156. *Mr. O'Shea.*] With regard to the brake-failures, do you remember the Brooklyn accident?—Yes.

157. Did not the motorman there say the brake had failed?—Well, I was not at that inquiry. I believe he said the brake had failed, but I am not certain.

158. Do you know what the result of the inquiry was?—No.

159. Do you not know that he had reversed his lever to run back through the loop, and that, having failed to reverse that lever, the brake was put out of operation?—No, I have not heard that.

160. What did the motorman attribute as the cause of the Cuba Street accident?—Failure of the brake.

161. Did the Public Works Department have anything to do with that?—I do not know.

162. You do not know the result of the inquiry?—Well, the man was disgraced, and he is still a conductor. We have appealed against the decision, and the whole of our evidence was given; but there was none from the other side, and the man is still in the same position.

163. The committee of the City Council seems to be satisfied the man was in fault?—But that does not satisfy us; we have a right to protect the man.

164. In regard to the repair-book, have you ever asked at any inquiry that the loose leaves should be produced?—No, not that I am aware of.

165. In regard to the examination, as a matter of fact, when you are driving a car your motions are instinctive—it is a sort of second nature to you?—Yes, to a certain extent it is, but a man must rely not only on second nature but keep his eyes about him.

166. You have got to act without thinking; you have got to know the car and equipment, and really to act without thinking?—No, hardly; if you did that you would get into trouble.

167. You have to be so familiar with your equipment that you act immediately?—You have to be thoroughly acquainted with it.

168. Are the cars throughout the colony similar to such an extent that service on one enables you immediately to deal with another?—The difference is not so great that a man could not drive one of the other cars with a day's practice. A competent man with an hour's practice could drive any of the other cars in New Zealand.

169. How long does a man take to learn to drive a car?—That depends on the man himself. He may be a good driver in five or six days, and it may be five or six weeks before he can drive a car. Some learn in five days.

170. Are there any men who have been appointed by the department that are inefficient?—That is for the department to say.

171. But in your opinion?—That is not a fair question to ask.

172. Have there been any accidents here through overcrowding?—I do not know that there have been any; that may have helped, but I do not think they can refer direct to them. There have been on one or two occasions accidents to conductors through overcrowding, through the people standing half-way out of the doors of the cars. The other day I was going down Vivian Street as a passenger, and a man in the car was standing up and his walking-stick was pointing out. The conductor tripped over the stick, and it threw him out on his head on the blocks.

173. I understand you ask for this Bill because you think the motormen ought to be licensed by the Public Works Department, and because you think new brakes are necessary in Auckland?—We ask for this Bill because we think it is for the general benefit of the tramway services throughout New Zealand.

174. Have you considered the effect of section 2?—If that is applied I believe it will be pretty severe in some places.

175. That is allowing any person to require alterations?—It would not make any difference to any company which kept its rolling-stock in good order.

176. But could not the Minister under that clause make any alteration he requires?—I do not think it is likely the Minister would. No sensible body of men are going to make any alterations that are unnecessary.

177. You do not think the Minister would make any alteration unless he considered it necessary?—Not unless he thought it was absolutely necessary, I do not think he would.

178. *Hon. Mr. R. McKenzie.*] If any one told you that under clause 2 of this Bill the Minister was likely to require an alteration in the gauge of a tramway, what would be your opinion of such a statement as that?—I do not think the Minister would do it unless he thought it was necessary for the safety of the public.

179. Do you think any one who would use an argument of that kind must be hard up for an argument against this Bill?—I think he would be hard up for an argument.

ROBERT FAIRE examined. (No. 9.)

1. *The Chairman.*] What are you?—A motorman.

2. Are you a member of the Tramway Federation?—Yes.

3. Will you make your own statement in regard to this Bill?—Before commencing, Mr. Chairman and gentlemen, I should like to point out the position we are in through the procedure of the Committee. You cannot expect men to give clear straightforward statements with their employers before them. I appeal strongly against the procedure of the Committee in the first place. The real difficulty is this: that we were here last night when this Committee sat, and we were not allowed in the room while the employers gave their side of the question. We were outside in the lobby from half past 7 till 12 o'clock last night, and we consider we should have had the same right of hearing the evidence of the employers as they have of listening to our evidence. That is the main ground of objection. [The Committee discussed the question, and decided not to alter the arrangement of the previous day.] Well, Mr. Chairman and gentlemen, I wish again to lodge my objection against the procedure, but at the same time I have no hesitation whatever in giving what evidence I think best before my officials. I think we shall get treated fairly, and what will be brought forward will not be brought up against us, but I do object strongly to the principle of this Committee hearing the evidence of our employers without allowing us to be present, and then for us to have to give our evidence while our employers are here. It considerably weakens our case, inasmuch as the points that are raised we have no chance of debating, while the points we raise they have every chance of debating.

4. Do you say you cannot give evidence?—I am prepared to give evidence. The first thing I should like to state is that we do not approve of the Bill as it stands at present, because we should like to see the Government take additional powers. In the first place, the time has arisen when all motormen should be examined by the Government. When you take into consideration the position of the local bodies, they protect their own services, select their own men, and have their own form of examination, occupying, as you will see, a dual position. Now, the tramway employees' responsibilities are second to none in the colony or in any other calling. They are called upon to meet emergencies at any time and every minute of the day. What protection have they as far as their legal position goes? They have absolutely none unless their employer gives them a distinct discharge—I mean the sack. They have no legal remedy, because the employer, in order to overcome the difficulty, has means of reducing a motorman to a conductor for a period of six months or for life in some instances, and that reduction does away with the legal right of the man concerned. They cannot go for wrongful dismissal or some such action as that in the Courts of justice. Now, I consider I am speaking on behalf of the federation when I say there is the necessity for Government inspection at frequent intervals, especially after an accident attributable to an inefficient motorman or defective brakes. It is a matter of vital importance to tramwaymen that, after an accident in which blame is attributable to the motorman or to the brakes, the first man to shift that car, examine that car, or do anything with that car should be the Government Inspector. Another point I wish to mention is in regard to the cars themselves. I think it is necessary that the Government should have some hand in the type of the cars used. For instance, where the streets are narrow, as in the City of Wellington, the cars should not be built so wide or of such a design as to endanger the lives of the general public in boarding or riding on the running-board of such cars, or the employees in the discharge of their duties. Now, I wish to point out in this connection that in places in the city if a cart or a dray is hard up against the kerbing there is only a very few inches of room between the running-board and the wheel-box

of that cart. The position as far as the employees are concerned, and particularly the conductors, is that if the motorman does not happen to warn his conductor, which we do by ringing the foot-gong, that a cart is close—if we do not happen to do that and the conductor is taking his fares with his feet on the footboard, he is knocked off. We have already had two deaths due to accidents of that kind, and there have been several minor accidents. There is another matter which is of vital importance so far as tramway motormen are concerned, and that is the repair-book. We have a loose leaf, and we wish it done away with. We require for this purpose a fixed-leaf book with a column for the motorman's name, the car-defect, the examiner's or fitter's initials, and the repairs that have been effected. Now, in some instances it has happened that a car has been booked up with some defect which perhaps might be attributable to some defect in the brakes. It may not be much, but it may lead to a serious accident if neglected. A few weeks afterwards this car has been booked up, and it has not been touched as far as we know, and a few weeks afterwards a similar accident may occur under a different motorman. He does not know that that car has been booked up for a defect in the brakes some three weeks previously, and he is called upon to account for that accident. Had he the right, as we previously had a short time ago, to look up the back records in the repair-book he would be able to see that this car was booked up for defective brakes, and on pointing out this similar accident I have no doubt he would be cleared by the management. That was the position taken up by the management of the Corporation tramways previously; but we had rather a serious accident some time ago in Cuba Street, and since that time the repair-book has been altered, and, instead of having the fixed-leaf book, we have the loose-leaf. At the present time a man fills up a leaf each day, but what becomes of that leaf I do not know. Possibly it goes to the shed-foreman, and possibly it may get lost. If a car is booked up for the brakes failing and the particulars are put upon a single loose leaf, there is nothing to prevent that sheet being accidentally lost. Therefore, when another accident arises due to brake-failure, we naturally want to look up that book to see whether this particular car or some other car has been booked up with a brake-failure. While we had the fixed-leaf book we could look that up, but now that we have the loose leaf it is a simple matter for it to be lost. I would point out that the onus of responsibility is thrown on the men every time without any chance of clearing themselves. Now, in regard to overloading, that is provided for in the Bill, but the question of fast time-tables is a matter that should be taken into consideration. There is another matter of vital importance which it is necessary should be embodied in the Bill, and that is provision for an Appeal Board. The proposal of the federation for an Appeal Board is to have a representative from the employers, one from the employees, and one to be mutually agreed upon, and, failing that, one to be appointed by the Government. We consider that would be a very fair Appeal Board, and we are prepared to abide by its decisions. I would point out that in Wellington we have endeavoured always to get an independent Appeal Board apart from our employers, and it is with the utmost difficulty that we have been able to approach anything like an Appeal Board. At present our Appeal Board consists of the Tramway Committee. In the first place the Tramway Committee decides all dismissals, and it seems rather a peculiar position that you have to take your appeal before the same tribunal that decided the dismissal, and therefore it is necessary that the tramway employees should have an independent Appeal Board. The next very important item, and one which would go a long way to minimise accidents, and one which is of the utmost importance, is the platform contrivances. These we consider should be uniform. The sand-punch, foot-gong or warning-gong, the switches, and the hand-brake dog or pawl should be universal. That is absolutely necessary where a man changes cars four or five different times a day. If the cars are not uniform in their design as regards the sand-punches, brake-pawls, and switches, if an accident or emergency arises in which a man is called upon to use his sand, and on the car he previously used he put his foot to the front position to get the sand and in the next car he puts his foot to the back position, a serious accident might arise. When a man changes his car the involuntary movement would be to put his foot to the front where the sand-punch was on the car he had just been on; but it would not be there. That is the whole of the statement I wish to make.

5. *Mr. G. M. Thomson.*] Are you a motorman?—Yes.

6. In the case of the repair-book, could you not get over that difficulty if you had a carbon duplicate?—Yes, that would overcome the difficulty providing that the copy was placed in the hands of the union, and the department to keep the original. That would be a simple means of overcoming the difficulty.

7. *Mr. Luke.*] You say you prefer the old Bill that was drawn up two years ago in preference to the present one?—I should like to state that we prefer the provisions of the old Bill, but we should like to see the present Bill placed on the statute-book if we cannot get those amendments which I have brought forward. We understand fully the position of the Auckland tramwaymen, and we understand also that if they do not get this Bill through this session they are liable to have cast upon them further hardships for perhaps a further period of six or eight months. I know from the business transacted at the meetings of the federation that several men have been injured through the want of an efficient emergency brake, and on that account we are prepared to waive the proposed amendments, and allow the Bill to go through as it stands.

8. You think the present examination is too exclusive; you prefer a Dominion examination?—Yes.

9. You do not think the local authority is not sufficiently large in its sphere of operations?—No. The position is this: that if we had a Government examination, and were issued certificates, that would give us a legal standing which we do not now possess, and would also give the Government the right to hold an inquiry at any time they thought fit. If the view was taken that a motorman was to blame for an accident, you can understand the position. We have a conductor who is now serving or has just served six months' imprisonment for manslaughter. A charge

of that nature may be sheeted home to any motorman at any time, and I say this: that at the present time the City Councils and the companies, under the present issue of the certificates, can, instead of sacking a man and giving him a legal right for wrongful dismissal, disrate him, and avoid all that sort of thing. The reason is that if they can fasten the blame on to the motorman they can do away with heavy claims for damages.

10. Will the fact of the Government examining a man make it more safe for the public than the present arrangement?—It will mean this: that under the present arrangement any friend of an individual Councillor, manager, or official, or company's official, can if he so desires get a man who is a friend of his in, whether he is an efficient motorman or conductor or not. They prescribe their own examination, they prescribe their own training, and decide their own arrangements. If the Government had this power there would be no such thing as favouritism.

11. Who is the examining authority in Wellington for motormen?—When I was trained and examined Mr. Richardson always examined us exclusively, but now I believe it is relegated to Mr. Cable, the Assistant Electrical Engineer.

12. You say that under the present circumstances it is possible, and you think it is probable, that men are passed as motormen simply by influence?—No, I said it was possible.

13. But not probable?—I would not like to say it is done.

14. You say that the only legal remedy a man has is really when he is discharged?—Yes, that is so.

15. You do not think the Tramway Committee Appeal Board is a satisfactory Appeal Board?—No, there is very much of the Star Chamber proceeding there.

16. You do not think the Board gives justice to the men?—Well, I do not know. We have received some measure of justice, but not in all cases, and our greatest trouble has been the great deal of time lost in getting an appeal brought on. Sometimes we have been absolutely refused it until we have fought for it for five or six months, and then again it is not independent and it is a bit one-sided.

17. Have the men any representative on the Appeal Board?—No.

18. But you can freely express yourselves?—Yes, there has been no bar to our expressing ourselves.

19. Individually and collectively?—Yes.

20. A motorman must be a conductor first?—Yes, now, although I should like to state that that is not necessary. We have some officials, such as clerks and storekeepers, who drive on busy days.

21. But they are trained purposely?—They have received two or three hours' training at night-times.

22. That is at rush times that they are employed?—I believe that is the object. The federation as a whole objects to that, and that is one reason why we want Government supervision.

23. You say the Government ought to limit the width of the cars, but do you know that the Wellington City Council were limited in the width of the cars for the narrow streets?—Yes.

24. And you think the present provisions of the Order in Council satisfied that?—No. I think it is necessary where the streets are so narrow that cars with side steps should not be allowed. Two men have already lost their lives through those cars, and several men have been injured, and I do not think side-step cars are suitable where there are narrow streets.

25. Then what we call the palace car you think should not be in use for narrow streets?—I think they should be avoided if possible.

26. In regard to the repair-book, you object to the loose leaf—you think it does not give you any order of reference for previous faults?—That is so. I think we should have the right of reference.

27. When you take your car out in the morning are you not satisfied that the car is in good condition and all right?—Yes, that is so, but that is not the point. We have no means of testing any car to see whether it is in good condition. You can only try it when it is on the track. You cannot try the hand-brake or magnetic brake on a standing car—you cannot tell till you get your car going. In regard to the repair-book, in the event of a car being booked up repeatedly, perhaps the last motorman to get that car has an accident, and he has now no means of knowing whether that car has been repeatedly booked up; but if we had the old-style repair-book he could see at a glance that his car has been booked up for weeks repeatedly, and we wish to have the old style back.

28. In regard to overloading and fast time-tables, do you mean that it is too quick in the return journey or too quick in the speed?—Too quick in the speed for the overloading. All the runs are all right in the day except at the time of the heavy rushes.

29. Supposing you get a big rush on on a Saturday evening and you get full and are perhaps delayed, then you have to rush in order to overtake your time-table?—That is one of the reasons.

30. Then, in regard to the Appeal Board, you think it would be more satisfactory if it was an independent Board?—Yes.

31. Notwithstanding the fact that the people of Wellington elect their own representatives as a Tramway Committee?—There is a good deal of commercial spirit shown by the representatives of the people, but they are there to represent the people certainly. I do not think that the employers who sack the men should sit on the appeal.

32. But what about the Government?—The Government have no hand directly in the dismissal of the men.

33. It is the same thing with the railway system—you have the right of veto by the Minister?—They have also the right of taking anything before the floor of the House.

34. With regard to the platform contrivances—the bell, gong, and the brake—you think they should be similar in every car?—Yes, it is absolutely necessary. If a man is in the habit

of putting his foot in a certain place to get the sand, and he gets a car with the sand-punch somewhere else, if he does not happen to notice it when he gets on that car the first thing he does when he meets with an emergency is to put his foot on the spot where the previous punch was and not find it there.

35. *Hon. Mr. R. McKenzie.*] I suppose the occupation of a motorman may be classed as dangerous employment?—It is.

36. Something like mining and seafaring?—Yes, more so, and his responsibilities are greater too.

37. Do you know whether such restrictions as are asked for by this Bill apply to mine-owners and shipowners, and whether ship-captains and mine-managers have to keep the necessary books and to provide a proper report of any accident occurring, the same as you are asking the Government to apply to the tramway systems throughout New Zealand?—I do not quite realise the responsibilities of captains in that respect—I am not acquainted with shipping; but I know that engine-drivers and owners of steam-boilers and donkey-engines have to have a certificated engineer.

38. But do you know the captain of a ship has to keep a log-book?—Yes.

39. And in the case of any accident that log-book is always available for any inquiry?—Yes.

40. Your repair-book which you want to be kept so that you can see it is something on the same lines, and should be kept by the same rules?—That is so.

41. I do not know whether you are aware that a mine-manager has to keep a report-book, and any mine-manager has the right to go and examine it at any time?—I did not know that.

42. What you want in regard to this repair-book is something on similar lines?—Yes.

43. You said the Appeal Board was a Star Chamber?—Yes.

44. Whom does it consist of?—The Tramway Committee of the City Council.

45. They are all members of the City Council?—Yes, and they are the Tramway Committee.

46. And they are also your employers?—Yes.

47. And, while no doubt endeavouring to do every justice, there are possibly some suffering from an incurable bias on the side of making the tramways pay?—Not only that, but if the Tramway Committee reverses a decision which they have already given after we appeal, the reversing of that decision to a certain extent goes to show want of confidence.

48. To whom do you have to appeal?—To the Tramway Committee.

49. Still to your employers?—Yes.

50. And who are also parties to the case?—Just so.

51. So that they are both defendants and judges at the same time?—Yes. I should like to state that we have nearly always had a good hearing from the Tramway Committee in the case of an appeal.

52. In the case of the Appeal Board in Wellington which you reckon is a Star Chamber, who would you like to appeal to?—As I have already said, we suggest a representative from the employers, one from the employees, and one to be mutually agreed upon, and, failing an agreement, one to be appointed by the Government—something like the Conciliation Board. That, we take it, would be an independent Appeal Board, and that is what is wanted.

53. Did you read the Bill carefully?—Yes.

54. Do you see anything in it that would be likely to necessarily hamper or in any way interfere with the tramway management in the City of Wellington or anywhere else? Clause 2 says, "If such a person reports that any alterations, repairs, or additions to the said tramway, rolling-stock, plant, appliances, or machinery respectively are necessary." Do you think there is anything in that clause which would necessarily hamper the management of the trams in Wellington or Auckland?—I have always been under the impression that the Government had the power to authorise an inspection whenever they deemed necessary, and, so far as I can see, this clause does not extend the powers in any way.

55. Under the Mining Act at the present time, if the Inspector of Mines reports to the Minister of Mines that the ventilation of a mine is in any way defective, the Minister can force that mine-manager to take proper steps to make an inspection?—Yes.

56. Do you think there is anything in this Bill which gives further power than that?—No. I think it gives the Minister power to inflict a nominal penalty instead of an excessive one as previously.

57. *Mr. O'Shea.*] You say that you consider this Bill is no wider in its scope than the present law?—No, I do not think so.

58. Do you know that section 2 gives the Minister power to make any alteration that he thinks necessary or that the Inspecting Engineer thinks necessary?—If the Bill gives that power it might appear to be a very great power if it was not used judiciously.

59. You would not consent to the control of all your men being left to one man?—Without an appeal, certainly not.

60. And you would expect the Corporation to appeal against an alteration in their Order in Council?—Certainly.

61. You mentioned the question of the uniformity of the equipment of cars?—Yes.

62. You say the cars should be uniform?—Yes.

63. As I understand it, most of the actions of a motorman on a car come to be a sort of second nature—you act immediately?—That is not so. How do you mean?

64. Supposing you get into an emergency, you act immediately?—Yes.

65. And it is necessary in order that you should be able to protect the public that the equipment should be uniform?—Quite so.

66. There is a variation in the equipment of the cars in the colony?—I cannot speak for the whole colony, because I have not been connected with the other systems. I can speak definitely of the Corporation tramways here, and the equipment is not uniform.

67. Is there the extent of the variation that there is in Christchurch between the hand-brakes and air brakes?—I cannot understand that question.

68. What is the difference in the equipment of the cars you use here?—You appear to be on the wrong tack. I stated distinctly that it was necessary that the platform contrivances, such as the foot-gong, the sand-punch, and the brake-pawl, should be in uniform positions on the platforms.

69. And your reason for that is that if you get into an emergency you act almost instinctively?—That is so.

70. You have never driven one of the Auckland cars yourself, have you?—No.

71. Would you be competent to drive an Auckland car?—Yes.

72. At once?—I do not say at once, but I would after about an hour's practice on that car standing idle in the shed.

73. Would it not be necessary for you to satisfy some authority that you were able to drive that car?—Yes.

74. Would a colonial certificate be sufficient to qualify you to drive an Auckland car?—Yes.

75. On an Auckland car you would not have this instinctive habit?—The instinctive habit does not come to you on your car—it is your practice. If I had been employed as a driver in Wellington and was taken as an employee into the tram service, I say that with about an hour's practice in the car-shed I should be able to drive a car in the Auckland or any other service.

76. Do you know who gives the first decision in regard to the dismissal of a man in the Corporation here?—I do not know.

77. If I say it is the Manager, will you deny it?—No, I would not. I have just said I do not know who gives it.

78. I am instructed that it is Mr. Richardson who gives the dismissal first, and that there is an appeal from Mr. Richardson's decision to the Tramway Committee?—I can answer part of it, and that is, we have had two recent dismissals that the Tramway Committee decided.

79. Do you know what the practice is?—No, I do not know how the dismissals are decided.

80. Do you know of any man being reinstated after being heard by the Tramway Committee?—Yes, we had a conductor reinstated last week. He was dismissed for dishonest practices, I believe, and on the appeal he was reinstated.

81. In regard to the repair-book, when a car is reported defective it is supposed to be put right immediately—that night?—Yes.

82. If you get out on the road with a car you can detect whether the brakes are defective, in your opinion, can you not—if an accident happens?—Not at any particular time. I will give you an instance. With electrical equipment the slightest defect that may take place inside the car will give almost undreamt-of possibilities. Now, it is a fact that the electric brake employed here in the city is worked by means of resistances, and if that resistance becomes heated, as it does through constant use, then the power of that brake is decreased on that particular notch or notches.

83. You could at any inquiry call for all previous reports as to cars, could you not?—No.

84. Have you ever done it?—We have tried it.

85. And been refused?—Yes.

86. By whom?—I think, by Mr. Richardson, but I would not be certain on the point. I have never known a case where we have been able to produce reports that have been required. When we have a case arising from an accident we cannot get hold of information except what we have in our heads.

87. Have you ever asked for back reports to be produced to you?—Well, Mr. Chairman, I am almost certain that we have asked for those reports and they have not been produced to us, but I cannot say definitely unless we look up our previous correspondence. You must understand that we are here on memory and that we are not prepared to meet such questions as are being put now, and I cannot deal definitely with the point.

88. In regard to the Brooklyn accident, was there not a suggested brake-failure which was disproved at the inquiry?—I want to protest once more that I cannot carry that in my memory.

89. Well, the Cuba Street accident, was there a brake-failure reported there?—Yes. There was a brake-failure reported there, and it was admitted that the brakes had failed.

90. Was it reported in that instance by the Public Works Department that the brakes had failed?—We do not know. We have never received any report from the Public Works Department, and that has been a bone of contention with us.

JOSEPH JOHN WALKLATE further examined. (No. 10.)

1. *Mr. Davey.*] Regarding the loose-leaf reports that are taken away every day where the book used to exist previously, can you tell the Committee whether any request has been made by the tramway employees for the production of those sheets, and that they have been refused?—No, there has been no request.

2. *Mr. G. M. Thomson.*] Do you know whether you get those reports written up as you receive them, or simply depend upon those loose leaves?—The practice in Auckland at the present time is that each motorman when he takes a car out is given a sheet, and that sheet goes with the car for the day's work, and it is handed into the shed-foreman at night. The sheets for each particular car-number are then bound up in a sort of Shannon file, each file being practically a book of car No. So-and-so. The record of that particular car is absolutely there as a book, and, of course, is ready for production in case of accident.

3. But the men are not allowed to see them?—In the case of a fatal accident the men are able to see them.

4. *Mr. Rosser.*] Is it not a fact that that book had to be subpoenaed into Court to substantiate a case of furious driving?—The book has been produced in Court on several occasions. I think there was a subpoena served in Lowe's case to produce the book.

5. That was after the refusal of the barn-foreman to allow the men to look at the book?—That was perhaps an individual refusal. The book was produced in Court when the case came on, by subpoena.

6. *The Chairman.*] Had you refused to produce the book previous to being served with a subpoena?—No. The first application to me was the application on the subpoena, and the book was then sent to the Court.

HORATIO JOHN HOOPER BLOW examined. (No. 11.)

1. *The Chairman.*] You are the Under-Secretary for Public Works?—Yes.

2. And this Bill has originated from your Department?—Yes.

3. And you are thoroughly familiar with all the provisions in it?—I think so.

4. You have also heard the evidence given here yesterday and to-day?—Yes.

5. Would you mind explaining to the Committee just how it appears to your Department that the Bill is necessary?—The Department thinks that the law should be changed as proposed in this Bill, and at the same time thinks that the changes proposed are not of a specially revolutionary character. Clause 2 of the Bill, which provides for the inspection of tramways, is practically the existing law, but with a more easily applied penalty. The existing law provides that the Minister's remedy is to close the tramway. That remedy has been applied once in New Zealand, but it is a very severe remedy indeed, and it was thought necessary to re-enact the clause in a slightly changed form, and that a different penalty would be an improvement, and the alteration proposed is quite as much in the interests of the owners of the tramways as in the interests of the public. Clause 3 is a change in the law, but it is not a new proposal, because it appeared in the Tramways Amendment Bill of two years ago, and it seemed to the Department that it was required in order to bring the tramway legislation into accord with other similar legislation. For example, no steamer can carry passengers without being examined, and passed, and certified; every steam-boiler has to be examined and passed, and a tramway-car is an appliance at least as important as an ordinary steam-boiler, and if inefficiently equipped is capable of doing more damage. Clause 4, I think Mr. Myers admitted, was in accordance with the existing practice. That is so, and it is desirable to make the law in accordance with the practice. The practice is essential. Clause 5 is the corollary of clause 3. It is no use empowering the Minister to license cars unless the municipal authority ceases to exercise that power. Clause 6 is necessary, first, in the interests of the public, and, secondly, in the interests of the proprietors of the tramway.

6. *Hon. Mr. R. McKenzie.*] Under the existing law every tramway accident has to be reported to the Department?—Yes, all serious accidents.

7. And do you also keep a copy of the evidence and the verdict when an inquest takes place after a fatal accident?—Yes. We take care that is supplied every time a fatal accident occurs. I ask the tramway-proprietors to give a report, but in addition to that I get one from our own officers:

8. As a rule I suppose one of the Department's officers attends the inquests?—Not as a rule, unless the circumstances require him to be present.

9. Have there ever been reports made to the Department about runaway cars in Auckland, and the distance they travelled after the brakes had been applied?—Yes, there have been. I have only had a few minutes to look up the reports, but I have found a few. There was a fatal accident into which there was an inquiry in November, 1907, at which the motorman gave evidence that the car travelled two lengths after striking the deceased. Of course, the motorman tried to pull the car up before striking the man, but the car travelled two car-lengths after striking him. The jury returned a verdict as follows: "That the cause of death was being crushed by a tramway-car; that death was accidental and by misfortune; and the jury are of opinion that no blame whatever is attachable to the motorman, and that the brakes attached to the car in question (No. 31) acted insufficiently." That was reported by the tramway company under date 7th November, 1907.

10. Have you any more similar cases?—Yes. This has reference to the same inquiry. A witness gave evidence that before being knocked down the man was practically from 25 to 30 yards off, and that the car travelled two car-lengths after striking the man. At another inquiry previous to that, on the 12th April, 1907, the electrical engineer of the tramway company was called and gave evidence. He said, "The distance a car would skid after the application of the emergency brake depended upon the condition of the rails and the rate of speed at which the car was travelling. A car travelling at from ten to fifteen miles might, on a bad line, skid from 60 to 75 yards. In the city limits regulations of the company provided a maximum speed of fifteen miles an hour, but this did not refer to Queen Street, where they only travelled about six miles. According to the evidence the motorman, he thought, had used exceptionally good judgment. To a great extent he blamed the salt water for the greasy condition of the rails." The Government Engineer, in reporting on a similar accident in March, 1907, says, "From several observations I have made, and particularly on the steep grade in Parnell which I travel on every day, I am of opinion that it is unsafe to run the cars on the steep grades at more than about eight to nine miles per hour. If the speed is more than this, the momentum is so great that the car skids even if the wheels are locked by the emergency brake; and even with a dry rail the car cannot be stopped in three lengths, whilst if the line is wet and greasy it is hard to say exactly where they will bring up." Then, in another case of a fatal accident, a man named Sheppherd, in giving evidence, said, "The car, which was travelling for most of the distance at a speed of twelve to



fifteen miles an hour, after it had struck the cart proceeded for about 90 ft. before coming to a standstill." Then, another passenger, in giving evidence, said, "He agreed with Sheppherd that the emergency brake did not act as effectively as it ought to have done. The car travelled 60 yards after the brake had been applied." The jury brought in a verdict that death was purely accidental. I see there that the jury, after a brief consultation, returned a verdict of accidental death and also added a rider, "That the brakes failed to act as they should have done; and recommend the tramways company to make a compulsory stopping-place for down cars on the Symonds Street side of the Captain Cook Hotel."

11. And you have had similar reports to those ever since the commencement of the Auckland tramways?—Yes. It is an unfortunate fact that there have been more accidents in Auckland by far than on any other system.

12. Do the officers of the Department both here and in Auckland, as a rule, attribute a great many of those accidents to inefficient brakes?—I think quite a number of the Auckland accidents are attributed to inefficient brakes.

13. After the Royal Commission reported on the brakes on the Auckland cars, what steps did you take as Under-Secretary of the Public Works Department to endeavour to get the Auckland Tramway Company to install more efficient brakes?—We began by forwarding the company a copy of the report, and asking them to be good enough to see that the defects pointed out by the Commissioners were remedied. We have written several times since then, and several of the letters have already been read to the Committee.

14. Was that shortly after the Commission sat?—Yes.

15. And several communications have passed between the Department and the company, and all your communications have been in the direction that they would have to use more efficient brakes?—Yes, we never departed from that attitude at all.

16. Did they ever make any application to the Department to be permitted to use any special kind of brake?—Only the two they proposed to use experimentally, and that application was acceded to.

17. So far as the Department is concerned, every application that has ever been made has been acceded to?—I think so.

18. Now, in regard to the Bill: You consider this Bill necessary in the interests of public safety?—I do, indeed.

19. And certainly in the interests of motormen?—I agree with the evidence given by Mr. Faire that, in the interests of motormen and also in the interests of the community at large, motormen should pass an examination and be certificated.

20. And you also think they ought to be certificated and examined by a competent Board of Government examiners?—Yes, I do. That is already the case with engine-drivers, and the position of a motorman is equally responsible.

21. Is there anything in this Bill which would harass the local authorities in New Zealand?—Not unreasonably embarrass them; but all Government inspection is embarrassing, of course, to a certain extent.

22. The Bill provides that the powers are only to be brought into existence when necessary?—But that power the Minister of Public Works possesses now.

23. Have we got power now to compel the Auckland Tramways Company to put efficient brakes on their trams?—Not directly. You would have to appoint an officer to inspect the tramways, and, if he reported that they were inefficient with their present appliances, then you could tell the company that unless they provided appliances to your satisfaction you would move the Governor to close the tramway. That would be an extreme step to take, and it has only been taken once in New Zealand. I think any Minister would hesitate before he would apply that remedy.

24. If we stopped the Auckland trams we should be punishing the people equally as much as the company?—Yes.

25. There is no middle course so far as the Department is concerned—it is either, provide proper brakes or a complete stop?—The Act is peculiar. Every tramway has to be very carefully inspected before a license to run is given, and the same with a tram-car; but the day after the car is passed it may be subjected to a very bad accident and the car may be practically smashed to pieces, but that car could be put into service again without any Government officers having to inspect it at all.

26. If this Bill were passed there would be a middle course?—Yes, and every tram-car would have to be licensed. Our Inspector would see every car periodically. If it was not in very good order it would not get a license for twelve months, but only for a shorter period.

27. You have had long experience in the Public Works Department?—Yes, thirty-six years.

28. Such powers as are asked for under clause 2 of this Bill are already on the statute-book?—Much stronger clauses.

29. Have you ever known a company to be used harshly or detrimentally in any such case?—No. I have no knowledge of anything of the kind.

30. For instance, the Wellington and Manawatu Railway Company would be working as a private company?—The same clauses that apply to every tramway company applied to the Manawatu Railway Company.

31. Did they ever raise any objection to the treatment they received?—Not that I know of.

32. Or any other company?—Only the company whose tramway was closed down. They protested for a time; but the case was an extreme one, and that course had to be adopted.

33. Before that clause would be finally applied it would be a Cabinet question—it would not be left to the opinion of one Minister?—That is the ordinary practice.

34. So that at least eight or nine men who are supposed to be reasonable at all events, would have to agree with it, or a majority, before it could be put into operation?—Yes; and, of course, the whole thing is contingent on some official-reporting that remedial measures were necessary.

35. Do you consider that the licensing of carriages is necessary in the public interest?—I think it is absolutely necessary. You cannot have a two-wheel cart about town without a license, and certainly a tram-car should be licensed.

36. I suppose cabs are licensed by the local authority?—Yes. The object of the licensing is to see that they are in an efficient condition.

37. And motor-cars?—The question does not refer to drivers, but they also should be licensed.

38. *Mr. Luke.*] You say that under the present law the Government examine men for engineering purposes and mining engineers?—Yes, and also examine steamers.

39. But just in regard to the examination of the individual. They only examine on the principle; they do not examine on the application and ability of the man to apply that knowledge he has to the undertaking, do they?—I cannot say, because I have not sat for one of the examinations, but I should say they do.

40. With your general knowledge as Under-Secretary for many years you would know that when a man is being examined for a certificate either as an engineer on a boat or land, mining or otherwise, there is simply an examination of questions oral and written. Questions have got to be written and demonstrated to the examiners, but the man is not taken to the work to prove to the examiners whether he is competent to carry out the work?—That may be so, but in the case of motormen the examination proposed was to have been of a practical nature, and the Bill contained a clause that the company had to place its appliances at the disposal of the Government to give them an opportunity of carrying out the practical part of the examinations.

41. With your knowledge of the affairs of the Dominion, do you think the fact of having an examination for motormen would be sufficient to safeguard the public interest without practical demonstration on a car?—Certainly not. I think the practical examination in the case of motormen would be of the first importance.

42. Then, from the very fact of steamer engineers and other engineers being examined, it is necessary that the tramway undertaking authorities should be examined also—that is, the motormen. Now, these undertakings are carried on by the local authorities with the exception of Auckland; is that not so?—Yes, for the most part. Of course, there are some private companies such as the Roslyn company.

43. Do you think it is in the interests of the good government of this Dominion that a local authority should be subservient to the principle that has to be enacted to reach those private undertakings?—I do not think you put the matter quite fairly. If the city Corporation wishes to employ an engine-driver you have to get a certificated man, and why not the same if you employ a motorman?

44. I am not questioning that, but do you not think that the local authority, with the machinery that they have for examining, with special officers for carrying those examinations out—that those men are equally able to examine the men, and demonstrate to the community that those men are capable of the work?—Then why not apply the same to steamship-owners. Do you not think the Union Company, with all their competent officers, are just as capable of examining a captain as a Government official is?

45. You are striking now at the root of self-government, and your Department is now building up a system that is going to take control out of the hands of local authorities simply to get at private undertakings. The Union Company is not in the same position as a local authority?—You are overstating the case. Take another parallel: The Corporation employs a steam-boiler, and you have to get that examined by the Inspector of Machinery. Why is that necessary when you have competent men in your own employ?

46. Do you mean to say that the City Council, employing very superior executive officers, should not examine that boiler, and decide that it is in a fit condition to be worked, quite apart from the Government Inspector?—That is what I say. I think they should not do so, and this is on all-fours with that.

47. Why does the Government exempt the Railways in connection with the Inspection of Machinery Department—the Railways examine their own boilers?—Only Government boilers.

48. They are exempt because the Government recognise that Railway people are competent enough to examine their own boilers?—That is one ground, but the Government makes regulations for the control of the public at large rather than for its own control.

49. Do you think it is in the interests of this city that the cars should be licensed and have all the limitations put upon them in regard to the number of passengers and other disabilities?—I know how reasonably the Department would act, and therefore I think it is very desirable.

50. Cannot you assume that the Department would not act reasonably?—No, I cannot assume such a thing for a moment.

51. Could we assume that the Wellington City Council and other people perhaps allow overcrowding to the extent of 10 or 15 per cent.?—Say 100 per cent.

52. That is at holiday time. Do you not think that a limitation may be put on the local authority in that way which would increase the charge considerably to the community in the way of fares?—I do not think so at all.

53. Would you be surprised to know that, as far as the Wellington City Council is concerned, if it had not been for the rush hours, and without any limitations that may be proposed providing this Bill becomes law—that that is the biggest earning-power of the undertaking?—No doubt overcrowding increases the receipts, but you do not take into consideration the damage it does to the cars. I am astounded that the Corporation allows it to go on.

54. Do you think the overcrowding does damage?—Yes, and the extra liability to accident is also very great.

55. If the passengers are kept away from the motorman is there any liability to accident?—Oh, yes! a greatly increased liability due to overcrowding.

56. But they are not allowed on the steps?—I have seen people riding on the steps.

57. You mean a double-decker?—And on the platform cars too.

58. You think that in the general interest of the city it would not necessitate an increase in the charges to make the concern a financial success if overcrowding was not allowed?—I do not think it would be necessary.

59. Would it not require more cars to do the work?—Yes.

60. And not require more men?—You have a system already of keeping a number of men in reserve—men who have other employments, but who are also qualified to take out cars when required.

61. Would not that impose a greater charge upon the undertaking?—It might, but not appreciably, I think.

62. Would it not impose a considerable charge?—I do not think so.

63. Where you have to have additional cars equal to 30 per cent., and if you are to increase the number of men to stand by, that would increase the charges?—But if you run additional cars you would carry more passengers. I have often myself refused to ride because of the crowd, and have walked instead.

64. *Mr. G. M. Thomson.*] I should like to know whether the object of this Tramways Amendment Bill is not really to get at the Auckland company?—Oh! I do not think the Bill is simply to get at the Auckland company. The necessity for this Bill has been before the Department for years, but the action of the Auckland company has made it more urgent.

65. Do you think the Department could improve upon the running of the tramway systems in the three other large centres?—The Department does not propose in any way to interfere with the running of the tramway systems. We only propose to interfere to insure public safety, just as is done in the case of certifying steamers and steam-boilers.

66. Can you give me any idea how the proportion of accidents on the tramways in the three other centres compares with the railways?—No, I have not looked into that.

67. You said you thought motormen should be examined by the Government. Can you suggest why no provision is made in this Bill for that?

*Hon. Mr. R. McKenzie.* It was because there are only a few days of the session left, and I only wanted to put in this Bill what was urgently required. The provisions of the present Bill have been copied from the Bill introduced two years ago, which provided for the examination of motormen; but, as I was afraid there would be opposition to it, I postponed that part for the present.

68. *Mr. G. M. Thomson.*] The object of the Bill is mostly to coerce the Auckland Tramway Company?—The attitude of the Auckland company has made it more necessary.

69. *Mr. Davey.*] Have you ever received any complaints as to the running, or working, or equipment of the Christchurch trams?—I do not think we have.

70. Do you know that they are being run efficiently?—I think they are, but I travel on them so little that I really cannot say. I do not think I have been in Christchurch half a dozen times since the electric tramway has been running.

71. Do you think the fact of a Government Inspector looking over the trams would result in more efficient working than obtains at present?—I think it could not possibly lessen the efficiency, and I think the public would be better satisfied if they knew there was Government inspection.

72. Do you think it would increase the efficient working as compared with to-day?—I do not think I can give any other answer than I have already given. It certainly would not lessen the efficiency, and in the event of there being any dereliction in the management the Government inspection would get over it.

73. There has been no dereliction in the management—they have been run properly?—I think they have, but I think the motormen in Christchurch should be certificated in common with motormen all over the Dominion, and it is certainly desirable that the tramway-cars should be licensed. The Christchurch tramway system, like most of the other systems in the Dominion, is new at present, and everything is in fairly good order; but the day will come when some one will have to decide that a certain car shall be scrapped. If that is left entirely to the person who owns the cars there may be an inclination to run the car a little beyond the day of safety. I believe the tramway officials would be very glad to have a Government Inspector to say "This car must now be repaired or retired."

74. Do you not think that in all municipal undertakings, seeing they have been run for the benefit of the people, and being run too by people who are elected by the people, they can be thoroughly trusted to manage their own trams?—In the general business affairs, yes, but not in expert matters.

75. Do you think it is fair to gentlemen representing municipalities, or a Tramway Board, to relegate them to the position of deciding how much the fares should be?—I said, all business management.

76. What would be left for the Christchurch Tramway Board to do if this Bill became law?—Everything that they do now.

77. Then why introduce it?—Simply for the reason that it seems desirable that the Government should have a right to step in where necessary.

78. The whole cross-examination by the Minister was practically in regard to the Auckland trams; nothing has been touched on in regard to Christchurch or Dunedin; not one word has been elicited in regard to the tram systems in the other three cities: and is it necessary to bring in such a Bill to govern the operations of the trams in the other cities?—I think it is necessary. The Bill is not brought in in consequence of any complaint about Christchurch.

79. You say you think it is desirable that all motormen should be licensed?—I think that is desirable.

80. What increased efficiency would that give compared with the examination they have to go through with the local authority? I think you will agree that each city has a competent engineer and staff to conduct the trams?—While I think that is so, I hardly think it is a fair question to put to me.

81. Would a Government official examining motormen be more competent than a man examining on the Christchurch Board?—I do not know who has to examine them there. I do not know whether he is competent or not, but if the Government undertook it the official would certainly be competent.

82. Do you think the driver of a powerful motor-car ought not to be more competent than the driver of a tram-car?—The driver of a tram-car has more lives at stake.

83. Who ought to be the more competent, the man who has a pair of metals to run on or a motor-car driver?—The driver of a tram-car certainly, because, although he is tied to his road, he can smash everything in the road, because he has the more powerful vehicle.

84. Do you think it is right to allow children to drive motor-cars?—I think motor-cars and their drivers ought to be licensed.

85. *Mr. Myers.*] Is it your view that, under section 2 of this Bill, if there was a prosecution under subsection (3) the Court could review the decision of the Minister as to whether or not he had prescribed a reasonable time?—That is entirely a question of law.

86. I should like your departmental view, if you do not mind giving it to me?—I should think the Court could not review the decision of the Minister.

87. Then the question of time is an arbitrary question, to be decided by the Minister alone in that case?—I think so.

88. And if that view is right—and I entirely concur with it from a legal point of view—the tramway-owner would have absolutely no appeal?—No, I do not think he has got any appeal.

89. Is there a specially qualified tramway engineer in the Public Works service?—There is no Engineer in the Public Works service who has been manager of a tramway system.

90. Or had special experience of electric tramways?—Yes, the Government Engineers have had practical experience of the whole of the tramways in New Zealand.

91. But, apart from the construction of tramways in New Zealand, is there any Engineer in the Government service specially qualified in the matter of electrical tramways?—The Government engineering staff has had to do with the whole of the electric tramways from their initiation, and naturally has obtained an accumulated store of knowledge.

92. But, apart from that, is there any specially qualified Electrical Tramways Engineer in the service?—Not apart from that.

93. Do you think, then, that section 2 of the Bill is reasonable, when it leaves a very important question of the kind I have indicated entirely to the Minister, without any right of appeal to any legal or other tribunal?—I think it is reasonable. I think it is quite of the nature of enactments that are customarily passed dealing with matters of this kind.

94. Now, in connection with this Bill, can you tell me whether any consideration whatever has been given to the rights or liabilities of a delegate under its deed of delegation from a local authority to whom the authorising order has been granted?—I do not think the position of a delegate has been considered apart from the authority who delegated. The delegate has to take the position of the authority that delegated.

95. But do you not know that, as a matter of practice, a person in the position of a delegate has to enter into all sorts of covenants and liabilities outside the Order in Council, which may be affected by this Bill?—I have no official knowledge of that whatever.

96. Do you think it is fair that a Bill should be presented without reference to the rights and liabilities of a delegate which has spent three-quarters of a million of money, and which is liable under all sorts of agreements and covenants with a local authority that may be affected by this Bill?—The tramway Order was given originally to the local authority of the district, and the local authority has delegated it to some company or corporation, and the terms of that delegation the Crown knows nothing of, and I do not think the Crown is concerned with them.

97. You miss the point. When I tell you that the delegate is bound to do all sorts of things at the request of the local authority or upon the demand of the local authority, do you not think, seeing that this Bill interferes with those conditions and that the delegate might become liable to both the Government and the local authority, that its position under the deed of delegation should be considered when the fact of the delegation is known to your Department?—I think if the delegate has anything to complain of he ought to be given an opportunity, such as this Committee affords, of stating his case, and I am sure he would receive every consideration.

98. But do you think that reasonable time has been given the company to submit its case fully to this tribunal?—Yes, I think so. The manager for the delegates is here, and he is thoroughly versed in all the details of the case.

99. When I tell you that up to the time when the manager gave evidence I had only had an opportunity of seeing him for twenty minutes after his arrival from Auckland, do you think, seeing the magnitude of the issues involved, that that is fair to this company?—But the managing director of the company was here before, and was in conference with you.

100. That is not the point: I am speaking about this Bill?—The managing director was here, and was in conference with you in regard to this Bill.

101. In regard to the question of brakes that may be, but not in regard to the Bill?—Yes.

102. Do you suggest that of your own knowledge he was in conference with me in regard to this Bill?—I do not know anything of the matters that he was in conference with you about, but I know he was here and in conference with you. Mr. Hansen I am referring to.

103. He is merely the local director in Auckland?—Then I have made a mistake. I mean Mr. Hansen.

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.

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

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."

159. Have you any objection to those words being struck out?—I think the Bill is right as it is. I say that clause 2 is a re-enactment of the existing law, but I prefer the way in which it is arranged in the Bill.

160. *Hon. Mr. R. McKenzie.*] You were asked by Mr. Davey if the Department had received any complaints about the control and management of the trams by the Tramway Board in Christchurch?—Yes.

161. Have you got any records of that kind?—I understood Mr. Davey's question to refer to the working of the tramway, and I replied that I was not aware of any complaint being made; but if he referred to the construction of the tramway, then a number of complaints have been made.

162. Is it not a fact that in some cases in Christchurch or the suburbs the Christchurch Board are laying down trams in streets where there is not sufficient room for a trap to stand or pass between the kerbing and the cars?—They are only laying down trams on streets that the Public Works Department has approved.

163. But in regard to sidings?—You mean there is not sufficient room between the tram and kerbing for a trap to pass?

164. Not sufficient room for a trap to pass or stand either?—That refers to all cities where there are sidings.

165. Do you think that should be allowed?—The only way to prevent it would be to prohibit the construction of tramways in narrow streets.

166. Or widen the streets?—That has been done in some cases. We did that in Dunedin, and got into trouble. Afterwards, however, they acknowledged the wisdom of our decision very handsomely.

167. Where will the vehicular traffic go?—It will have to go on the opposite side of the street. That applies to the Opera House in Manners Street, and there are other instances. I wish to correct that: it is not so in Manners Street, but there are instances in Wellington where the lines have been laid sufficiently near the kerb to prevent vehicles going in between.

168. You know the road leading out to the Riccarton Racecourse?—Yes, that is a very wide road.

169. In places; but supposing you had a tram-line laid down there without sufficient space between the kerb and the tram-cars, where would the traffic go on race days?—It would necessarily have to go on the other side of the street.

170. Then they would be travelling on the wrong side, and would get themselves into trouble there again?—I do not see that there is any alternative.

171. You know the rule of the road for vehicles, and on a busy day, going on the wrong side, you are likely to have a serious accident?—But when a tram-car is going along, claiming the right of the road, the other traffic must give way.

172. Do you think the Crown ought to prevent the laying of tram-lines where there is not sufficient space between the tram-line and the kerb?—I think it is advisable to prevent the construction of tramways in streets that are very narrow, and where there is not sufficient room.

173. In dealing with engineers' certificates Mr. Luke said the Corporations could find out whether a man was qualified or not as well as the Government. Is it not a fact that engineers must prove previous experience and also that their certificates are in three grades?—I am not aware of the regulations relating to the issue of engineers' certificates.

174. Do you think it is a wise thing to put men in the position of having no appeal from their employers' decision in a case where a Corporation runs the trams?—The tendency of the present-day legislation is certainly to grant appeals. We have done it in the case of the Government Railways.

175. I mean, take the City of Wellington, where they have an Appeal Board for the men, and the members of the Board are the members of the City Council, who are at the same time their employers?—You can hardly call that an Appeal Board at all.

176. It is not a fair and impartial appeal?—Not at all—that is not a fair appeal at all.

177. *Mr. Luke.*] Is there any place in Wellington where the siding or line is thrown over near the kerb, where traffic could not pass between it and the kerb?—I cannot bring a place to my mind at the present moment, but there are plenty of street-corners in that position.

178. But are you aware there is a regulation, so far as the tramways here are concerned, that the motormen must negotiate the corners at two miles per hour?—I do not think, two miles.

179. That is in the regulations for sharp corners?—Well, I have not seen the regulation.

180. That has been the means of safeguarding absolutely the wheel traffic. Following up what the Minister said, is not that another reason why the municipalities should hold the privileges which they have, because the danger may be that the Government, if they are the controlling authority, will call upon the local authority to spend a considerable amount of money in widening the corners to give effect to what the Government desire, whereas the local authority and the people living within that area may be satisfied with the present condition?—An answer is difficult. I think we require first to see whether the Government would take up that position. I scarcely think they would.

181. *Mr. Myers.*] With regard to the question raised by Mr. O'Shea, you pointed to section 215, which you say gives power to the Government or some officer of the Government, or the Governor in Council, to order alterations and repairs in order to meet the requirements of the traffic. Would you mind pointing out to me where you say the existing law is the same as those words which I have referred to?—I say that clause 2 of the Bill is practically a re-enactment of

the existing law, and I refer the Committee to section 215 of the Public Works Act, which gives powers which are practically the same as those sought under the Bill, although the remedy is different.

182. If you read section 215 you will see you are wrong. The section 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"—Where is there a word there which gives power to any one except the local authority itself to make an order for anything to be done in regard to the requirements of the traffic, apart from any question of public danger?—I do not know. I did not go that length. I say that under this clause the Minister has power to appoint an official to inspect the tramway; and if he reports that any necessary repairs are required, or that there is any insufficiency in the establishment for working the tramway, then the Minister has power to apply the remedy.

183. Where?—Under section 215.

184. That is only if there is danger to the public?—That is so.

185. But my point is this: that that does not give anybody except the local authority the power to govern the question of reasonable requirements of the traffic. Do you see what I mean?—Yes; but insufficient establishment may itself be a source of danger.

186. I am speaking altogether apart from any question of public danger?—If you mean that this clause does not give the Minister power to prevent any number of people travelling in a car, I am with you.

187. No, I do not mean that. Under the Bill there is power given to the Minister to make an order to make repairs and alterations quite apart from the public danger, but to meet what the Minister may think is the requirements of the traffic. Is not that so?—In redrawing this clause we have undoubtedly improved it, and that is one of the improvements that have been made.

188. Is not that something which obviously goes beyond the existing law?—I do not say it is an exact copy of the existing law.

189. Does not that go obviously beyond the existing law?—I think it does go beyond the existing law.

190. Then why do you say it is merely a re-enactment of the existing law?—I did not say it is "merely"—I say it is practically a re-enactment of the existing law.

ROBERT WEST HOLMES examined. (No. 12.)

1. *The Chairman.*] What are you?—Engineer-in-Chief to the Public Works Department.

2. You know the Bill that is now being considered by this Committee?—Yes.

3. *Hon. Mr. R. McKenzie.*] You were one of the members of the Royal Commission which inquired into the working of the Auckland tramway system about fifteen months ago?—Yes.

4. What was the Commission's report regarding the brake-power on the Auckland trams?—That it was insufficient to handle the cars safely. That was the finding.

5. Was there evidence brought before the Commission as to the inefficiency of the brakes being responsible for several accidents, both fatal and otherwise, before that time?—I do not remember. There was considerable evidence brought before us to the effect that the brakes were not sufficiently powerful.

6. And the members of the Commission were satisfied that they were not sufficiently powerful?—Yes.

7. Do you know whether the Public Works Department has endeavoured to induce the management of the Auckland Tramway Company to install more powerful brakes?—Yes, they have been requested to do so.

8. Have they made any attempts, outside putting on two experimental brakes, to comply with the requests of the Government?—The only knowledge I have of any attempt has been the information supplied by the general manager of the company that they have placed an order in London for some experimental sets of Freund brakes.

9. How long would it take to get those Freund brakes out here, and fit them and experiment, do you think?—It should not take more than about three months from the date of shipment in London for them to arrive in New Zealand, and to be fixed, and experiments to be made.

10. And after that experiment was made it would mean that the rest of the cars would be going with the present brakes for some time longer?—Yes.

11. And in your opinion the public would have to run the extra risk while the cars were running with the present brakes?—Yes, also the motormen, and every one in the car, and the people in the streets.

12. Do you think it would be a proper thing for the Government to do to bring pressure to bear on this company to insist on their putting proper brakes on the cars?—Yes.

13. That is, after giving them a reasonable time to do it of their own free-will?—Yes, certainly.

14. There was a statement made here last night that you gave the engineer or manager of the Auckland Tramway Company to understand that you disapproved of the air brake?—I disapproved of the air brake as a substitute for the track brake.

15. But you do not disapprove of it if they are combined?—I do not disapprove of the air as an additional means for working the wheel-brake.

16. Do you know whether a letter was sent from the Department to the company giving them an option of three kinds of brakes, which included the magnetic brake and the air brake?—No,



I do not think so. The Department would not give them the option of using the air brake acting on the wheels only, instead of such a brake as the magnetic brake.

17. Do you know if they have applied to the Department to institute a system of brakes?—The only application we have had was to apply two sets of the Christenson brake as an experiment.

18. But not to apply other sets of brakes to their cars?—No.

19. Do you know if the motormen in New Zealand prefer the air brake to the magnetic brake?—They are two totally different brakes—they are not comparable with one another.

20. But in Auckland there are a large number of motormen who have been working on the air brake in Sydney and Melbourne, and have you ever had anything to do with the union or with the men themselves on the subject?—No, I have not.

21. Supposing I were to appoint an engineer to examine those brakes—say, an engineer in Auckland—do you think any of our engineers would be likely to refuse to recommend it if the Department wanted to give the company the option of putting proper air brakes in?—I do not know the views of my subordinates, but of course they would report to me, and I should be the final judge, and I should most decidedly object.

22. And supposing I came in and appointed an engineer to decide altogether, he would have the power to approve, would he not?—I presume so.

23. You are only nominated by the Minister to carry out what the Minister thinks proper?—Yes, if within the provisions of the Tramways and Public Works Acts.

24. And if the Minister thinks the air brake is as good a system as any other brake, he could ask another engineer to decide?—Yes, he has that power.

25. You had no power to give the management of the Auckland Tramway Company to understand in any shape or form that the Department objected to the air brake being installed?—Not from that point of view.

26. Mr. Walklate told the Committee that that occurred in conversation in Auckland. The business of the Department is not conducted by way of conversation, is it?—No, but points are often discussed before being put into writing.

27. *Mr. Luke.*] You are an engineer of long standing, and are you of opinion that the air brake is equally as efficient as the magnetic brake?—Well, I consider that you cannot compare one with the other.

28. You think the magnetic brake is better than the air brake?—It is different—it is more powerful.

29. Is it preferable to the air brake for pulling up cars?—Most decidedly.

30. Would you consider that, with the other brakes they have in the city—the magnetic brake, the hand-brake, and the provision for reversing the motors—the Wellington trams are sufficiently provided with brakes to make the service as secure as we can possibly make it?—I am of opinion that the Wellington brakes are sufficient for the service. I would not go so far as to say that it was as secure as you could make it.

31. If the Wellington City Council or any other authority that is running a tramway service have brakes similar to what they have in Wellington at the present time, and they put on the air brake in addition, do you think that would tend to greater efficiency?—I would prefer the Wellington system as it is.

32. In regard to the curves, I cannot think of any curve that has a siding that would throw the traffic on to the kerbing?—Yes, there is one in front of my residence.

33. But the speed is reduced considerably at that portion of the line?—The speed must be reduced—it is imperative; otherwise you could not get the cars round the curves.

34. As far as examining motormen is concerned, do you not think it is absolutely necessary that, quite apart from the technical examination that might take place in the engineer's office that the Minister may set up, it is imperative there should be a practical demonstration on the car?—If I were examining motormen I should place more stress on the practical examination on the road than anything else. The office examination would be quite secondary.

35. With the system that they have in this city—and I believe it is similar in some of the other cities—the management having provided a system of examination, and the men having to pass a certain time on the cars qualifying for the position of motorman, do you not think the public are safeguarded in that respect as much as you could possibly safeguard them?—I am of opinion, in connection with the electric tramways in the four cities, that the authorities are taking sufficient precaution to insure that their employees are properly trained.

36. Quite apart from the brakes, no matter what kind, assume a car on top of a declivity of 1 in 10, and assuming that the car got away at the commencement of the declivity, do you not think it would be impossible to pull that car up with any brake without leaving the line?—Oh, yes!

37. You would assume that, once it got charge, any brake would have the tendency to pull the car off the line?—You could pull it up, but of course there would be a limit. I might explain what my practice is in testing cars. Take, for instance, the Kelburne trams. My practice is to take the whole of the brakes off the car, let go the ropes, let the car run down the line, and then pull it up. I have done that at Kelburne, and also at Roslyn, in Dunedin, which is 1 in 4.

38. If you started a Kelburne car suddenly, disengaged the rope, and let it go down, you can pull it up with the lever brake?—You can pull it up with the Fell brake.

39. You are cognisant of the test that took place on the Brooklyn incline, of one of the large trams loaded with pig iron and wheels up to a total gross weight of 20 tons?—Yes, I was present.

40. After the car was started it was pulled up, I believe, when the brakes were applied, in a distance of 50 ft.?—In one test I think it was under 40 ft.

41. That is to say, a moving load of about 20 tons was pulled up in a distance of 40 ft.?—Yes.

42. You consider that is a very satisfactory test?—Yes.
43. *Mr. Poole.*] Would you say that the braking appliances on the Auckland service, when in good repair, were obsolete?—Well, for braking fast traffic on the steep grades in Auckland I am of opinion that they are obsolete. I would not say the whole of the brakes, because the hand-brake is good enough; but the track brake is not a sufficient brake for the work.
44. With the installation of the air brake, properly in order, with the other brake attachments, do you think those cars would be safe then, and satisfactory, running subject to the time-table they had?—No.
45. You do not think the air brake would fill the bill?—It would not. The air brake is really a more convenient means of applying the ordinary wheel-brake, and the wheel-brake is not a sufficient brake on a steep hill or if you wish to pull a car up suddenly.
46. Would it not mean a tremendous cost, making structural alterations for the installation of the magnetic system for cars that had been constructed for other appliances?—The principal item of cost would be the purchase of the brake itself; but they would require to renew the whole of their controllers. The present controllers are not adapted for the magnetic brake.
47. *Mr. Herdman.*] Regarding the management of the tramways in Wellington, Christchurch, and Dunedin, so far as the public are concerned, are you satisfied, from your knowledge of the management of those systems, that the safety of the public is properly guarded?—I am of opinion that it is—that the authorities are doing their best to safeguard the public interest.
48. I suppose it would be difficult for you to suggest anything else they could do to more adequately safeguard the public interest?—I cannot think of anything just at present.
49. Then we may take it that those systems, managed by those municipalities, are working satisfactorily?—Yes.
50. You are familiar with the Order in Council that is issued?—Yes.
51. May I ask if the same form of Order in Council is issued in the case of each of those cities?—Well, in its general principles it is, but there are considerable differences in detail. The Auckland City Order was the first one that was issued in the Dominion for electric tramways on a large scale, and there were a great many deficiencies in it. Those have been added to from time to time in subsequent Orders as they were found to be advisable.
52. From your knowledge of the provisions of the Order in Council you no doubt remember that the local authority is liable to punishment if it does not work its system so as to safeguard the interest of the public and the convenience of the public?—Yes, there is that provision in the Order.
53. Regarding the Auckland system, the Order in Council was issued to the Auckland City Council, and they delegated their powers to the company?—Yes.
54. The principal dispute, so far as we have been able to learn from the evidence, is in regard to the brakes. Am I to understand from the evidence you have given that you do not believe in the air brake?—The Christenson air brake, which is the one in use in Christchurch and also largely in Sydney, is a method of applying the brake to the wheels only. There is another form of air brake which applies the brake to the rail. That is also a pneumatic brake. They are for two different purposes.
55. I understand you believe in the pneumatic brake?—No, the magnetic brake as a track brake; but it requires supplementing by a wheel-brake.
56. You mean that if you had a wheel-brake plus a magnetic brake, then the system of braking would be perfect, or adequate?—It would be quite sufficient.
57. The evidence as given before us by the servants of the company seems to indicate that the men employed by the company in Auckland are in favour of the air brake with the present track brake?—They are in favour of the air brake because it is so much easier to apply it than the ordinary hand-brake, but it makes little improvement on the rapidity with which you can stop a car.
58. There have been negotiations between the Public Works Department and the company as to what is the most suitable brake to put on the cars?—We have merely asked the company to submit brakes for approval.
59. And has the Department approved of any yet?—No. They submitted the air brake.
60. And has the Public Works Department advised the company that it does not approve of the air brake?—Yes.
61. When?—I think the District Engineer in Auckland informed the company that the brake was not approved of.
62. When?—Within the last two months, I think.
63. *Mr. Myers.*] And since then the company has ordered the Freund brake?—I have been informed so by the manager.
64. The question of what is the best brake is a very vexed question, is it not?—Yes.
65. And different engineers hold different views on that question?—Well, I do not know about different engineers, but I think the patentees or owners hold different views more than engineers.
66. But do not tramway engineers also hold different views upon the question?—I suppose I must answer that in the affirmative.
67. I know you are an engineer of old standing, but have you gone in specially for tramway engineering?—Not specially. I have gone in principally for railway engineering.
68. And, except for the experience of the New Zealand electrical tramways, you have not had any outside experience?—No.
69. Well, if Mr. Walklate, who is a gentleman of twenty years' experience in tramway engineering, and all the motormen, say that they think the air brake in lieu of the hand-brake, plus the track brake, would be sufficient, you dispute that?—I should most decidedly dispute that.

70. Well, Mr. Walklate is saying what is quite correct when he told the Committee that you told him in conversation that the Department would not approve of the air brake?—Yes.

71. And that you did not think it worth while continuing the experiments?—Yes.

72. So that Mr. Walklate was quite correct in giving not the words but the effect of his conversation with you?—Yes.

73. And, although that was not in writing, do you not think that justified him in assuming that the Department would not approve of the air brake?—Yes, I suppose so.

74. Do you know anything about the Freund brake?—Only by description.

75. So that you do not know whether you personally would approve of that or not until it has been tested?—Oh, no!

76. So that it would not be reasonable to ask this company to bring out 100 sets of Freund brakes and fix them at very great cost until they had experimented?—No, the Government would not do such a thing.

77. The magnetic brake, we have been told by Mr. Walklate and other witnesses and motormen, is in their opinion not so good as the air brake. That you dispute?—Certainly.

78. Now, would not the installation of the magnetic brake require not only the renewal of the controllers, but would it not also require new trucks?—No, I do not think so.

79. Well, if Mr. Walklate says that it would, are you in a position to dispute that?—I would not dispute it offhand.

80. And you have not gone into the question so carefully as to be able to say definitely?—No.

81. You have spoken of the deficiencies in the Auckland original Order: have not those deficiencies been made up in the extending Orders?—Yes.

82. So that Auckland is practically in the same position as the other centres?—As regards the extensions, but they are not having quite the practical effect.

83. But the tendency is in that direction, because they can only run cars upon the extensions which are in accordance with all the later Orders in Council, and they cannot afford to buy cars especially for extensions?—That question cropped up between Mr. Walklate and myself when I was last in Auckland. He asked us to pass two cars which we had refused, because it was so foolish their being prohibited to run on the extensions and they could run in the city.

84. Did you pass them?—I think we are negotiating about them. Mr. Walklate agreed to make one or two minor alterations.

85. You have seen all the cars that Mr. Walklate put the brakes on?—Yes.

86. And some have been approved quite recently?—Yes.

87. Considering the difficulties in regard to the magnetic brakes, and considering the trouble in regard to the air brake, and considering, after you told them what you did in Auckland, that they ordered Freund brakes, do you say they have been contumaciously delaying?—I would not like to say that.

88. Have they not shown a disposition to meet your requirements?—Yes.

89. And are they not still showing a disposition to meet your requirements?—We think so, although we have no evidence of it.

90. The question of brakes is rather a difficult one?—I do not think so.

91. There appears to be a great deal of difference of opinion?—There has been no difficulty in Wellington, Christchurch, or Dunedin.

92. At all events, your view is that you personally would not approve the air brake in lieu of the hand-brake plus the present track brake and the electric brake, and you practically told Mr. Walklate so?—That is so.

93. *Mr. O'Shea.*] Objection has been taken to the magnetic brake for the reason that it is merely a stop brake, and does not hold the car at a standstill; but the hand-brake holds the car, does it not?—Yes.

94. And the motormen can readily apply it?—Yes.

95. In reference to the Brooklyn accident and the Cuba Street trouble, is it not a fact that in both of those cases the motormen alleged failure of the brakes?—Yes.

96. What was the opinion you formed from the inquiries you made?—My opinion was that it was a failure on the part of the motorman, particularly in the case of the Brooklyn accident.

97. There has been a question raised as to the repair-book and reports on cars. The practice used to be for the reports to be written and left in a book which the motorman could look over; but the practice now is that a single sheet should be made out every day. Which do you think is the best system, the system of having a single sheet, or a book which may be looked over by the motormen?—If I were the manager I think I would adopt the single sheets.

98. *Mr. Rosser.*] Was it the company or the Department that suggested the Freund track brake?—The company.

99. Would you be surprised to know that Mr. Walklate has not received, or had not up till a fortnight ago received, any word that the seven sets of brakes had been shipped?—When I saw Mr. Walklate in Auckland a few weeks ago he had not received any information.

100. About when was this suggestion made of getting the Freund track brake? Would that be about July that the tests were made?—I could not say now, but I think the question first cropped up when Mr. Tegetmeier, the attorney for the company, and Mr. Walklate had an interview with Mr. Blow and myself on the matter.

101. That would be in January or February last?—Twelve months ago, yes. I think the Freund brake cropped up then in discussion. It was Mr. Tegetmeier's desire to test the air brake first.

102. And the tests took place in June?—Yes.

103. Do you think that is a reasonable time before the brakes are shipped to comply with recommendation of the Royal Commission?—I understood that the Freund brake was in an

experimental stage, that it had not been perfected by the patentee, and he was asking for further time before installing it.

104. In the meantime do you not think an effective brake should be put on the cars while we are waiting for the patentee to perfect that brake?—I think effective brakes should be on all the time, but it would be hardly fair to the company to ask them to install new brakes on the cars which were not tested. The tests were made principally for finding out the behaviour of the air brake. The test was favourable for the air brake.

105. Were you present at those tests?—No.

106. It was on a wet morning on College Hill, and that is about the worst possible test a brake could have on a greasy rail?—A greasy rail is the worst test you can have.

107. With reference to the evidence given before the Brakes Commission, do you remember a man coming in a cab—a man named Lowe?—Yes.

108. The union brought him in a cab and sent him home in a cab?—Yes.

109. The Commissioners were rather considerate with him in his weak state?—Yes.

110. That was one instance where a man gave evidence of an accident he received from the brakes. Do you remember another man named Jansen, where his wife came down with a doctor's certificate to say that he was too ill to come down? You recollect that?—Yes.

111. Is it within your knowledge that 150 sets of the magnetic brake have been withdrawn from the Sydney service, and the air brake substituted?—I have not heard of that.

112. Part of the finding of the Commission dealt with glass fronts, did it not?—Yes.

113. At present there are forty cars out of ninety-two which are fitted with glass fronts?—Yes.

114. That is in nineteen months. You were the engineer who had supervision over the construction of such works as the Mangaweka Viaduct and the Makatote Viaduct?—Yes.

115. Do you think it is showing superhuman diligence to get sixteen glass fronts installed or fitted in sixteen months?—No, not if the financial side of the position was adequate.

116. I suppose you are aware that the profits of the Auckland Tramway Company have not been the least in New Zealand public ventures?—Only from what I have gathered from the newspapers.

117. Outside the brakes, there has not been very excessive diligence shown in putting on the glass fronts if they have only put on forty in sixteen months?—It would not appear to be so.

118. The reason given to us was that they were short of timber. Can you imagine that in a timber district like Auckland?—Not for such a long period as that.

119. *The Chairman.*] What would you consider a reasonable time?—I think, if I were asked, I should give the company about twelve months to fit the whole of their cars. It is a work that cannot be rushed, because they can only draw one or two cars from traffic at one time to install the fronts, and to do it at a greater speed than that they would have to disorganize the traffic to a great extent.

120. What brakes do they have on the trams in Dunedin?—The same as in Wellington—the magnetic brake, the hand-brake, and the electric brake.

121. And Christchurch has the air brake in addition?—No; the Christchurch brakes consist of the hand wheel-brake, the air wheel-brake, and the electric brakes in connection with the motors.

122. *Hon. Mr. R. McKenzie.*] You stated just now that the local authorities, and I presume the Auckland Tramway Company also, take sufficient precaution to train their motormen before they take charge of the cars. What are the precautions?—A man is taken on, and he has to travel with an experienced motorman for some time—for several weeks.

123. Are you sure it is not a fortnight?—I am not sure.

124. Would you consider a fortnight sufficient?—On an easy road. I would not put a man on a difficult road after a fortnight's training. In addition they receive a training in regard to the construction of the cars in the sheds.

125. But you do not say a fortnight would be sufficient, especially if the training is limited to two hours a day or night?—That would not be sufficient.

126. Did you conduct the test made with the air brakes on the two cars in Auckland?—No.

127. Did you see the results of the tests?—Yes.

128. Were they considered satisfactory?—Satisfactory for that class of brake.

129. And satisfactory where they were tried?—Yes.

130. That was the report that came to the Department?—Yes.

131. There were seven sets of Freund brakes supposed to be ordered some time ago?—Yes.

132. Do you think it is right that the Government should allow this company to run the trams as they are doing while the tests are going on, and while a number of people are being killed and others maimed?—No; I think some definite action should have been taken before this.

133. We have had tests already with two air brakes, and they were reported satisfactory, and now we are to have tests made with the Freund brake?—As regards that particular brake.

134. The conclusion come to on the report was that the test was satisfactory with the air brake, and now we are to have the same test with the Freund brake for some indefinite period, and if that proved unsatisfactory we should have to wait another year before we got another test. Will that be the position?—Yes, practically.

135. What system have they got in Dunedin?—The same as in Wellington.

136. And in Christchurch?—The hand wheel-brake and Christenson's air brake.

137. Supposing the Government were to appoint a Royal Commission of Mr. Stuart Richardson and others, Mr. Richardson having been connected with tramway brakes for several years, and they were to say that the air brake was sufficient, do you not think the Government would be justified in demanding that those air brakes be installed within the next twelve months?—Yes.

138. Even if those gentlemen considered those brakes would be efficient for the system, as against your own opinion?—I would not say that—I should still hold to my opinion.

139. At the same time you would not go to the extent of saying that that would not be a fit system of brakes?—I should still say that the air wheel-brake was not sufficient for the cars in Auckland.

140. Then, in the event of our waiting until the Freund brakes are tried and experimented with, and then ordering the magnetic brake, how long do you think it would be before they could get them to work?—I should think the magnetic brake could be installed on the cars inside of twelve months, providing the trucks did not require radical alterations.

141. Did you ever examine the carriages to see if they would require radical alteration?—No.

142. Mr. Walklate tells us they would practically have to be rebuilt?—In that case it would take longer.

143. Have you read the Bill?—I have just glanced through it.

144. Do you see any power in it that is likely to be used by you or by the Minister of Public Works in a manner that would be likely to hamper any private company or municipality in the running of trams?—As far as I am concerned I would not recommend anything to be done under the powers of the Act that would harass any company or system. The last words in subclause (f) of clause 3, "convenient working of the traffic"—if the word "convenient" was taken out I do not think there is anything in the rest of the Bill that could be taken exception to.

145. Well, supposing the whole of the subclause (f) were taken out, the Bill would be fairly harmless, would it not?—I do not think there would be any harm in deleting the whole of it. I think any points on which it is desired action should be taken might be enumerated.

146. Do you think the Government should have some control over tramways where there is such liability to accident?—I think it is right that the General Government should have some control over tramway systems in the same way as the Board of Trade in England controls them.

147. Do you think a periodical inspection should be made?—In some cases. With smaller installations particularly I think it is desirable, and I might say that two engineers connected with the cable tramways in Dunedin have often asked me why we do not examine their outfit and equipment.

148. Of course, you are aware that there is such a thing at the present time as the examination of boilers and ships, and inspection of mines?—Yes.

149. And no embarrassment is inflicted on any one?—No.

150. Are electric works just as liable to severe pressure as a boiler working up to 150 lb. to the square inch?—Yes.

151. And there is just as much necessity for it being inspected?—Yes.

152. And you think the Government ought to have that power?—Yes.

153. *Mr. G. M. Thomson.*] Do you think it is advisable to allow shed hands and clerks to run cars during times of pressure or during rushes?—If they are properly trained there is no harm in it.

154. But they are not regular motormen?—If they have been properly trained and worked a sufficient time as motormen there would be no harm.

155. Do you know of any case of the magnetic brake failing?—There have been alleged failures, but in the several instances I have inquired into I have not been able to prove it is the fault of the equipment directly. It has always been found to be in perfect order.

156. *Mr. Luke.*] Does not the Board of Trade at Home only exercise powers in giving certificates for the strength and material and safety of the machine—they have nothing to do with making regulations?—They make regulations for the tramway systems.

157. And their regulations have to take precedence of tramway authorities?—Yes.

158. Is it not a fact that Lloyd's people at Home take the place of the Board of Trade in regard to certificates for ships and engines throughout?—Yes. Of course, the Board of Trade does not inspect boilers as they do in New Zealand.

159. At Home the Board of Trade carries out certain functions that are exercisable in connection with certain things, but firms can avail themselves of Lloyd's people for supervising or for passing their work instead of the Board of Trade?—Yes.

160. Steamers are built and boilers are surveyed under Lloyd's?—Yes.

161. And engineers are examined by the Board of Trade at Home?—Yes.

162. The Board of Trade does not exercise any further power except to grant certificates?—That is all.

163. Do you think it would make for greater safety for the public if we had this dual control? Seeing that the corporate body stands to the community as the Government does to the community, do you not think the dual control would tend towards a less efficient service to the public than we have at the present time?—I do not think there is any intention for there to be dual control. The Bill is more to insure that the local authority carries out its proper duties.

164. The Bill says that the local authority's rules and regulations shall be superseded by the regulations set up by the Department; and does not that take the control out of the hands of the municipality?—It does seem like it.

[Return showing number of accidents on Wellington Corporation Tramways for year 1909 put in. *Vide* Appendix B.]

## APPENDICES.

## APPENDIX A.

RETURN of ELECTRIC TRAMWAY ACCIDENTS reported to the Minister of Public Works as required by "The Public Works Act, 1908," and corresponding Acts thereby repealed.

Year ending 31st December	Auckland.			Wellington.			Christchurch.			Dunedin.		
	Fatal.	Serious.	Slight.	Fatal.	Serious.	Slight.	Fatal.	Serious.	Slight.	Fatal.	Serious.	Slight.
1902	1	0	0	...	...	...	...	...	...	...	...	...
1903	12	7	61	...	...	...	3	1	6	1	1	1
1904	3	1	16	0	1	10	3	1	2	1	4	9
1905	3	5	8	2	1	10	1	5	12	2	1	7
1906	3	5	13	2	5	9	4	1	4	1	3	6
1907	4	2	14	2	3	4	3	3	10	1	0	5
1908	4	6	18	2	3	11	3	2	5	2	1	7
1909	4	4	23	3	0	0	2	2	15	0	2	4
Total ...	34	30	153	11	13	44	19	15	54	8	12	39

## APPENDIX B.

## WELLINGTON CORPORATION TRAMWAYS.

Return of Serious Accidents to Persons other than Employees, for the Year ended 31st March, 1909.

Date.	Place of Accident.	Description of Accident.	Name of Person and Nature of Injury.	Remarks.
1908. April 20	Lambton Quay ..	Stepped from moving car and fell on wood blocking	Mr. T. L. Joll. Scalp wound, fractured skull—fatal	Verdict of Coroner's jury— "No blame attachable to any one."
Aug. 9	Kilbirnie terminus ..	Stepped from moving car and fell	Mrs. M. Cohen. Body bruised, and shook to system	No blame to motorman.
Aug. 8	Lambton Quay, opposite Commercial Hotel	Knocked down by car when crossing street	Mr. Todd. Arm dislocated	Walked across road in front of moving car; did not heed warning gong. Brakes were applied and car had almost stopped when Mr. Todd was knocked down. Car stopped within 4 yards after brakes applied. No blame to motorman.
Nov. 28	Lambton Quay, opposite Kirkcaldie and Stains	Stepped from moving car and fell—struck head on wood blocks	Mr. Moriarty. Slight concussion of the brain	No blame to motorman.
Feb. 24	Customhouse Quay, opposite Government Life Buildings	Stepped from moving car and fell—struck head on wood blocks	Mr. J. Wakelin, Taihape. Fractured skull—fatal	Verdict of Coroner's jury— "Death was due to concussion of the brain, caused by a fall on the wood blocks through stepping backwards off a moving car; no blame attachable to any one."
Mar. 27	Duppa Street ..	Trap driven by Mr. Rist across in front of car whilst in motion	Horse injured, necessitating its destruction	Reckless driving. Cart collided with car, which had just stopped.
<i>Return of Serious Accidents to Employees, for Year ended 31st March, 1909.</i>				
Nov. 23	Lambton Quay, near Mee's steps	Leaning over side of car, and struck head against centre pole	Conductor Williams. Concussion of brain and severe scalp wound	Conductor's neglect of instructions. Has since recovered and resumed duty.
Nov. 23	Car-sheds ..	Leg crushed between cars whilst shunting operations were going on	Conductor W. N. Lever. Left leg amputated	Lever has since recovered, and is employed at clerical work at the head office.

Passengers carried during year ended 31st March, 1909, 21,679,902.  
Percentage of serious accidents to passengers carried, '000018 per cent.  
Percentage of fatal accidents to passengers carried, '000009 per cent.

Approximate Cost of Paper.—Preparation, not given; printing (1,300 copies) £39 5s. 6d.

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