

184. If that one-third of the whole of the cars in New Zealand killed and injured as many people as the rest of the systems in the country during the same period, would that prove that the Auckland City Council is looking after the safety of the public?—No. I have my own opinion about the accidents in Auckland, and think that some of the trouble arises from the width of the streets causing the people to be, if anything, a little more negligent.

185. Do you think there is overcrowding going on?—There has been overcrowding, but only what the conductor would allow. The Council does not allow it.

186. Have you any control over the conductors?—Yes, and we have had the conductors up for it.

187. Do you penalize them in any way?—Yes. I want to make it perfectly clear: we license a car to carry a certain number, and when the passengers carried on the car are over that number, then it is overcrowding.

188. What about the Appeal Board provided for in this Bill—do you approve of that?—We look upon it that that is likely to lead to trouble in other sections of municipal work, because if one section of municipal employees get it, the other sections must inevitably claim it.

189. What do you call "other sections"?—Take Wellington. If the tramway employees get the Board of Appeal, why not the electric-light employees? And then it follows on into the other sections. We know from our own experience that the good man is not penalized, it is the bad man who makes the appeal.

190. You, as the Town Clerk of Auckland, oppose this Appeal Board as provided for in this Bill, do you?—Yes.

191. And you do admit that there has been overcrowding on your cars?—Yes.

192. In answer to Mr Rosser, you stated that one of the Councillors, the present Mayor, was fined for refusing to leave an overcrowded car?—Yes.

193. He is a member of your Tramways Appeal Board?—We do not employ the men, and the men do not appeal to us.

194. Supposing that happened in Wellington, and the Mayor was a member of the Tramways Committee, which is also the Appeal Board?—Yes.

195. What chance do you think the conductor who ordered him out of the car and got him fined would have at the Appeal Board?—He is only one, and there are four or five others.

196. He would have one vote on that Appeal Board?—Yes.

197. Supposing two of the others were against the man, would the Mayor not decide the appeal?—Yes, if given properly.

198. And he would have the casting-vote?—You are speaking of a case when a man is going to act improperly, but surely the Mayor of a city is above suspicion.

199. If a man refuses to leave a car when ordered to do so, is he above suspicion?—I hold that if the case had come before our committee he would not have given the casting-vote. He did not object simply to the conductor, but on principle.

200. Applying this as a general rule, do you think that is a fair Board of Appeal?—So far as I have had to do with appeals on municipal bodies it would be a fair appeal.

201. If this had general application, do you think that would be an impartial Appeal Board?—I say from my knowledge of similar matters I think it would.

202. Do you know whether any other members of the public were ordered off the same car at the same time?—I am not aware, but I believe they were.

203. Do you know whether they went off or not?—I believe they did.

204. Supposing some of the public were ordered off, and had to go off, and one of your City Councillors refused to go off, do you think that would be an inducement to overcrowd your cars? If I remember rightly, Mr Bagnall was ordered off the car and refused to go, but a passenger got up and gave him his seat, and then the car was allowed to proceed.

205. Do you think it would be a good example for a Councillor to set?—No, I do not; but men acting under such circumstances are not acting as City Councillors—they are acting in their private capacity. I heard of other Councillors being ordered off, and they got off.

206. I think you said in reply to Mr M. Myers that you considered an Order in Council should not be altered?—No, I did not say that.

207. You said that if the Order in Council was set aside the deed of delegation should be set aside?—That is so.

208. Do you think an Order in Council, once it is issued, should be amended?—The present Act provides that it should be amended. What we are looking at is this. We have entered into a solemn deed, and it would be wrong to set aside the provisions of a deed like that.

209. You refer to your deed of delegation?—That is based on an Order in Council.

210. Can you see anything in this Bill that asks you to alter anything in a deed of delegation? We do not alter it.

211. Do the Government do it?—When the company pay us £200 for licensing their cars to run on our streets, you take that way.

212. Will you show us anything in the Bill where that is stated?—Section 12 says, "(1) The power of licensing carriages used on tramways conferred by clause 36 of the Second Schedule to the principal Act on local authorities shall hereafter not be exercised by them, but shall be exercised by the Minister in accordance with regulations made under the authority of this Act."

213. Does that prevent you collecting the charge for licensing each car as stated in the deed of delegation? There is nothing in this Bill to say that we are making any charge for licensing?—The deed of delegation is founded on the Order in Council, and if you remove the foundation the superstructure cannot exist—it would fall.

214. Mr Fraser ] In your answer to Mr Rosser did you mean to say or imply, or allow it to be implied, that a man who did not hold a certificate would necessarily be inefficient?—No. A