

the Court would, therefore, be that the defendant be enjoined perpetually from the use of the system of electric railway propulsion as now operated by them, or any other which will occasion similar disturbances to those now caused by defendant's single-trolley system." Since that there are these other important decisions. A great deal of expert evidence was given in the case of the National Telephone Company against the Leeds Tramway Company.

57. *Mr. Lake.*] Supposing the Tramway Company's wish was granted, would it not be a fact that, owing to the higher tension of electricity they would use, they would practically have a monopoly over the streets so far as any further application for electricity with a lower tension was concerned?—Only in the case of a company using delicate instruments. Where the whole action of the instrument depends on the vibration of a ferrotype diaphragm, any current whatever discharged to the earth would be likely to affect it. But the fact of an electric light or power company supplying power to domestic motors discharging the current to the earth would not affect a tramway.

58. *Mr. Moore.*] Would it affect the electric light?—Not if the Electric Light Company had a proper insulated system, as it should have.

59. *Mr. Lake.*] The point I want to know is simply this: If you have a low tension of electricity, would it not affect a high tension of electricity?—If two wires are running parallel to one another, and the currents are running in opposite directions, then you are likely to get an induced effect.

60. Would any future application of electricity with a return-wire be affected injuriously by the Tramway Company if the electricity used was of a lower tension?—I do not know what effect it would have. There was a peculiar effect I might cite of the London Electric Supply Company, between London and Deptford. The company put 10,000 volts into their mains at Deptford, and they found that they got several hundred more volts at the London end, seven miles away, than they had at Deptford. The cable acted as a condenser.

61. Supposing you had another company running wires parallel to yours; if the tension was very much higher in yours, would that not induce a current in the other line which would be injurious to it? Take the case of two wires, a lead and a return, running out from one station with a current in both of them, and two wires running out from another station running side by side?—I do not think there would be any effect if the systems were insulated, because the fact of the return-wires running close together would probably cancel any effect.

62. If a tramway company was existing in a street and some other application of electricity was wanted, you would have no claim whatever?—No.

63. I see two of these cases have been decided against the tramway companies; and the express reason given is that there is another system which is in practical use and can be applied, and the Judges ruled in favour of the telephone company?—Is that lately?

64. One is the Cincinnati case and the other is at Albury.—The Cincinnati Railway Company I know lost their case in the first instance, and I believe the decision was reversed afterwards in their favour. I think you will find that in later cases, where expert evidence has been taken, that judgments have been in favour of the tramway companies.

65. Of course, the case is contemplated in New Zealand, where the Government have the rights under the Electric Lines Act?—Yes, I know the powers given by the Electric Lines Act are very great. It is quite possible for the Government—although the Bill in favour of the single-trolley system might pass through Parliament—for the Government to obtain an Order in Council and make the Act useless. But it is just the principle, whether the Government should monopolise the earth or not. Of course, the Government have the whip hand, and are not like a private company.

66. In giving evidence, you cited the case of the Halle Company against the German Government: Can you give the date of that?—I will get the date for you.

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FRIDAY, 4TH AUGUST, 1893.

STATEMENT put in by Mr. J. H. HOSKING.

I have acted throughout as the solicitor in connection with the negotiations which have taken place; first, for the purpose of obtaining the consent of the city and town suburban boroughs interested, and next for the purpose of obtaining an Order in Council sanctioning the use of electricity as a motive-power for the trams. The immediate cause of my request to be heard by the Petitions Committee was that I had heard Dr. Lemon had cited before the Committee some American decisions, the purport of which, in his view, gave telephone companies who had occupied the streets before the electric trams paramount consideration in determining whether the trams should bear the cost of doing what might be necessary to save the telephones from prejudicial disturbance. I intend to deal with that aspect of the subject presently, but before doing so desire to point out how matters stand with regard to the Dunedin trams.

The Tramways Act of 1872 is the governing statute. That statute authorises trams to be constructed either by the local authorities themselves, or by companies who have obtained permission to do so from the local authorities. But in order that the body promoting the tramway may be able to exercise the compulsory powers given them—in other words, in order that the tramway may be a lawful establishment to all intents and purposes, an Order in Council must be obtained from the Governor. Before the Abolition Act it was the Superintendent of the Province who issued the order. (See section 9 of Tramways Act.) That Act then provides (section 9) that the order shall contain such provisions as, subject to the requirements of the Act, the Superintendent (now the Governor) according to the nature of the application [for the order], and the facts and circumstances of each case, thinks fit. The Act then enacts a number of provisions, contained in Parts II. and III. of the Act, which are of an enabling character, as for example to break up streets, &c., which are to be implied in every order unless provided to contrary. To this end the Act enacts that all or any