

Now, two years ago complaints were first made by the men, and in consequence of those complaints a Commission was set up by the Governor in Council; and Mr. Holmes, Engineer-in-Chief, and Mr. Richardson, Engineer of Tramways, were appointed Commissioners. They took a mass of evidence, consisting almost entirely of the evidence of the motormen and conductors, who were making the complaints, and they duly made a report to the Governor. It is common ground that at the present time, and ever since that report was made, the brakes which are now installed, and have been installed on the Auckland cars, have been kept in good order and condition, and they are efficient, as far as such brakes can be efficient. We say that they are absolutely efficient and safe, but, as I have indicated more than once, because I do not want any misunderstanding on this matter, we are prepared to alter the braking system.

I will refer a little later to the terms of the report of that Commission. After the Commission reported, the company was in communication with the Public Works Department with regard to the different system that was to be installed on the Auckland cars, and, after a certain amount of communication and conversation between the representatives of the company and the representative of the Public Works Department, it was arranged that two sets of air brakes should be installed upon two of the Auckland cars for experimental purposes. I may say that for over a year these two air brakes have been in use on the cars on which they were originally installed, and this Commission will have an opportunity of seeing those brakes working in Auckland upon the hills here. In conjunction with that air-brake there has been in use on those two cars the same Spencer track brake as before. Now, towards the end of last year, after these two air brakes had been installed, Mr. Walklate, the manager of the Tramway Company, had a conversation in Auckland with Mr. Holmes, the Chief Engineer of the Public Works Department. At that time the company had actually on order a sufficient number of sets of air brakes to install the whole of the cars here. Mr. Holmes, however, told Mr. Walklate that, so far as he was concerned, and considering himself bound by the report of the Commission, of which he was a member, he would not agree to the air brakes being installed on all the cars. A serious difficulty then arose. The company's point of view was that the very best system of brakes that it could install on the Auckland cars was the system of air brake operating on the wheels, in conjunction with the track brake. The company has considered, and still considers, that it is the best and the most efficient, the safest and most convenient braking appliance that is installed here in Auckland under the existing conditions, and I understand from the evidence that was given before a Select Committee of the House last year, the motormen are satisfied with the brakes that the company propose to install. However, I have said that Mr. Holmes, assuming that he was bound by that report, was not prepared to agree to the installation of the air brakes, and there was something of a deadlock.

Then there was introduced into Parliament a somewhat drastic form of Bill, which was calculated to effect not only the Auckland trams, but all the tramways throughout New Zealand. That Bill was referred by Parliament to a Select Committee. Evidence was taken by that Committee, and the Committee was addressed by representatives of the different bodies concerned, and I think that the Commission has before it copies of the proceedings before that Committee. It will be noticed that while that Committee was sitting the Minister of Public Works expressed a view that the company ought not to have accepted the Chief Engineer's dictum on the matter, and ought to have communicated with the head of the Public Works Department, presumably the Minister himself. Immediately after that Select Committee reported, the company wrote to the Minister saying that they were prepared to install the air brake, and to order a sufficient number of sets at once, but they wanted the approval of the Department, and then would go ahead.

The Minister, in view of the position taken up by the Chief Engineer, considered it advisable and proper then to set up this Royal Commission, in order to go further into the difficulty that had arisen; and that is briefly the history of this brake question.

There is just one thing that at this stage I want to emphasize—that is, that this Commission is not really reviewing the report of the previous Commission; and I will tell you why. It is true that the previous Commission had before it pretty much the same questions as are before this Commission, but when the previous Commission sat the company was not represented by counsel, and no independent testimony was called by either the men, who were complainants, or the company, which was in the position of respondent, as to what really was the best system of brakes that could be applied under the Auckland conditions. If you read the evidence, as I have no doubt you will, that was taken before that Commission (I am sorry to say it is very voluminous), you will find that nearly the whole of that evidence was addressed not to the subject of what was the best brake to be used on the Auckland tramways, but the evidence was given for the purpose of condemning the system of brakes then in operation. No independent testimony was called, no outside expert evidence was called, and the consequence was that these two gentlemen that formed the Commission had to make their report not really upon the evidence, because there was little or none. I am referring to the question of what was the best braking system, but they had to express their opinion practically upon their own experience. I want to say one word about the Commissioners, and I do not want to be misunderstood on that point. Mr. Holmes and Mr. Richardson are both gentlemen for whom I have the highest regard.

*The Chairman.*—Is it desirable to discuss the previous Commission?

*Mr. Myers.*—I think we must, sir, because I am bound to show this is not a review of the report made then.

*The Chairman.*—We do not take up that position.

*Mr. Myers.*—I am quite satisfied then. All I want to emphasize is that, assuming that the present Commission comes to a different conclusion on this point from the report of the previous Commission, that cannot be taken as in any sense a reflection on the previous Commission. That is really what I was coming to, and it is important that that should be so. I do not mean to say because the present Commissioners may take exactly the same view, but because it is a matter of considerable public interest and importance, and it ought not to go forth to the public, as it