1910.

NEW ZEALAND

LABOUR BILLS COMMITTEE

TRAMWAYS AMENDMENT BILL

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

(MR. ARNOLD, CHAIRMAN.)

Report brought up Wednesday, 9th November, 1910, and ordered to be printed.

ORDERS OF REFERENCE.

Extracts from the Journals of the House of Representatives.

THURSDAY THE 7TH DAY OF JULY 1910.

Ordered, "That a Committee be appointed, consisting of ten members, to whom shall be referred Bills more particularly referring to labour; three to be a quorum: the Committee to consist of Mr. Arnold, Mr. Bollard, Mr. Fraser, Mr. Glover, Mr. Hardy, Mr. Luke, Mr. McLaren, Mr. Poole, Right Hon. Sir J. G. Ward, and the mover."—(Hon. Mr. MILLAR.)

THURSDAY, THE 11TH DAY OF AUGUST, 1910.

Ordered, "That the following members be added to the Labour Bills Committee during the consideration of the Tramways Bill—viz., Mr. Nosworthy and Mr. T. E. Taylor."—(Hon. Mr. MILLAR.)

WEDNESDAY, THE 17TH DAY OF AUGUST, 1910.

Ordered, "That the Tramways Amendment Bill be referred to the Labour Bills Committee."—(Hon. Mr. R. MCKENZIE.)

REPORT.

I AM directed to report that the Labour Bills Committee, to whom was referred the above-mentioned Bill, have the honour to report that they have taken voluminous evidence thereon, and have carefully considered the same, and recommend that it be allowed to proceed with the amendments as shown on the copy attached hereto.

The Committee sat altogether on eighteen days, holding twenty-four meetings, and examined thirty-six witnesses during the sixty hours they sat.

J F ARNOLD,
Chairman.

9th November, 1910.

MINUTES OF EVIDENCE

AUCKLAND EVIDENCE

WEDNESDAY, 31ST AUGUST, 1910.

PETER MITCHELL MACKAY examined. (No. 1)

1 *The Chairman.*] What are you?—Member of the Auckland City Council.

2 You wish to give evidence with regard to the Tramways Bill this Committee is now considering?—Yes.

3. Have you been authorized to do so by your Council?—Yes.

4. By resolution?—By resolution.

5. Has your Council considered the Bill?—It has.

6. Have you read it yourself?—I have read it.

7 Would you care to make a statement to the Committee as to what views your Council hold with regard to it?—Yes.

8. I understand the Auckland City Council have no municipal trams?—No, we have no municipal trams there. I wish to say that in appearing to oppose the Tramways Bill now under consideration the Auckland City Council stands in a different position from that of any other local body controlling tramways in the Dominion, insomuch as in Auckland the right to construct the tramways was granted by deed of delegation to a public company, over which the Council exercises a stringent supervising control; whereas in the other cases the local bodies are directly interested as owners in the tramways in their districts. The Auckland City Council takes strong objection to two important principles incorporated in the Bill—viz., first, the encroachment upon the power of local bodies by the centralizing of matters of local importance in the Minister, second, the insecurity given to municipal contracts when the provisions of deeds can so simply be overridden by regulations made by the Governor With regard to the first, reference to one or two clauses of the Bill will be necessary to show why a local body objects to powers hitherto exercised by it being taken from it and transferred to the Minister Clause 2 enacts that on and after the 1st January, 1912, every motorman shall hold an electric-tram driver's certificate issued by the Board of Examiners appointed under the Inspection of Machinery Act, 1908. The power of the local authority to license motormen is not taken away, but the Auckland City Council fears that in course of time this must inevitably come to pass, as it will be anomalous for the Board to certify to a man's fitness, and for the local authority to have power to refuse a license, or, having granted one, to subsequently suspend or cancel it. At the same time the Council would not object to certificates of competency being issued as proposed for use throughout the Dominion, showing the capabilities of the motorman, but they do object to the underlying principle tending to remove from the local bodies the power to issue, suspend, or cancel, as the case may require, a local license, in the same manner as is done with drivers of all other vehicles. In addition to this there is also the probability of a slight loss of revenue, while we should have the anomaly of the motorman at one end of the car being outside the jurisdiction of the local body, while the conductor at the other end is under their control by being licensed by them Clause 3 empowers the Minister to authorize any proper person to inspect any tramway, its rolling-stock, plant, appliances, and machinery, and on the report of such person that any alterations, repairs, or additions are required to insure the safety of the public or employees, or to meet the reasonable requirements of the traffic, the Minister may order those alterations, repairs, or additions to be made accordingly All this power is already held by the Council under its deed of delegation, and has been constantly exercised by it ever since the initiation of the electric tramway, in requiring the Auckland Electric Tramways Company (Limited) to increase its rolling-stock, plant, appliances, and machinery to meet the reasonable requirements of the traffic; and on two occasions during the last four years the Council has taken the company into Court and received penalties for delay in fulfilling such requirements. The clause is therefore a distinct encroachment on the power of the local body, and practically cancels the provisions of the deed of delegation between the Council and the company dealing with these matters. These matters are distinctly of such a local nature as to be best dealt with by the local body, having a full knowledge of all the circumstances. In exercising this power in the past the Council has found itself hampered in securing an increase in rolling-stock as quickly as was desired, by the delay which has taken place in Wellington in approving of the plans of the proposed cars, and naturally dreads greater delays if more local matters are to be centralized in Wellington. Clause 5 provides that the Governor may by Order in Council make regulations for (*a*) inspection of tram-cars; (*b*) licensing of tram-cars, (*c*) fixing maximum number of passengers for each car on any particular route or grade; (*d*) fixing limit of speed; (*e*) providing for use of proper appliances and furnishings on tram-cars to insure the safety and convenience of passengers, tramway employees, and general public. Subclause (2) is clear in stating that if any regulation is inconsistent with the provisions of any Order in Council, then the regulation will prevail, and the inconsistent provision in the Order shall be deemed to be revoked. Putting it another way, this simply means that, instead of the businesslike method of amending an Order in Council (granted to a local authority) by another similar Order, the Government may, by regulation on any of the subjects mentioned, revoke any of the provisions in such an order and thus render of no effect the similar provisions which have been incorporated in the deed of delegation from the

local authority to any person or company This is a method of revising, amending, or revoking contracts which is revolutionary in its character, and if carried much further might easily lead to greater inconsistency than it is designed to avert. Under subclause (3) the power of the Council to make by-laws to (*a*) regulate the number of passengers to be carried on any car, (*b*) regulate the speed of tram-cars, is entirely taken away Words almost fail one in expressing surprise at the proposals contained in this clause 5 to take away from the local body practically the whole control of the local tramway traffic, leaving it only the approval of the time-tables, which, after all, will be subject to the speed-limit fixed by the regulation, so that the local body is indeed left with the shadow, and not the substance. The Auckland City Council strongly protests against being placed in such a position. In clause 12 the power of the Council to license tram-cars is entirely taken away, and transferred to the Minister Apart from any other consideration, this will mean a loss in revenue of £200 per annum, and the agreement between the company and the Council in the deed of delegation referring to this matter is set aside; so that, so far as the Council is concerned, the right of the company to use the public streets is eased to the extent of £200 per annum. It is true the company will not benefit, as the license fees will probably be paid to the Government, and in such a case it is surely introducing a new principle for the Government to derive revenue from the use of streets which are vested in the local body With regard to the second ground of objection—viz., that insecurity is given to municipal contracts when the provisions of deeds can so simply be overridden and set aside by regulations made by the Governor —this has been referred to in the foregoing statement; but it is a matter of great moment to a local body which has had an honest pride in the security of its contracts and deeds to find proposals brought forward to make the provisions of such contracts and deeds liable to revocation so easily as is proposed; because if carried into law the effect must be to create a suspicion in the minds of persons concerned, to the lowering of the credit of such local body, and possible embarrassment when seeking to enter into important engagements. Any one who has had to do with the placing of local-body loans will know the timidity of the lenders, and the keen scrutiny they give to the security upon which it is proposed to borrow; and anything which tends to disturb the confidence which has been established must react upon the credit of the local body In making this statement for the consideration of the Committee I desire, on behalf of the Auckland City Council, to enter a most respectful but emphatic protest against the underlying principle of the Bill, which deprives the local bodies of their control of what is essentially local traffic, and hence a matter of local government, and also sets aside the provisions of deeds, merely by regulations made by the Governor

9. *Mr A Myers*] You are Chairman of the Auckland Electric Tramways Committee?—I was for twelve months.

10. You have a thorough knowledge of the conditions of the traffic?—I have the knowledge that the experience of twelve months as Chairman of the Tramways Committee gave me.

11 And you are satisfied with the way in which the tramways are conducted so far as they affect the public?—Yes.

12. There is nothing within your knowledge which justifies the inclusion of the clauses you have referred to in the Bill?—No, nothing within my knowledge.

13 *Mr M Myers*] Although the Auckland City Council does not run the tramways, you are aware, of course, that under the present law the Auckland City Council had to apply for the authorizing order which it delegated to the company?—Yes.

14. Can you say whether it is the fact that there is in existence a deed of delegation which strictly guards the rights and privileges of the Auckland City Council and the people of Auckland?—Yes, that is embodied in the deed of delegation.

15. For instance, do you know that in the deed of delegation the company is bound, first of all, to comply with all the provisions of the Order in Council?—Yes.

16. So that if the Order in Council is altered except upon the application of the Auckland City Council—it is under the existing statute—your deed is affected without your consent?—Undoubtedly

17 Then is it not a fact that every time-table made by the company has to be approved by the City Council?—That is so.

18. Is it not a fact that the company is also bound to comply with all by-laws that you may make, or have made in the past, for the efficient working of the tramways?—Yes.

19 Is it not a fact that the company is also bound by covenants to find, provide, and use and maintain to the satisfaction of the Auckland City Council, a sufficient number and quantity of passenger-cars, wagons, plant, and materials, to serve the purpose of the undertaking?—Yes. That has been proved conclusively, because the Council had the company into Court, and got £320 damages for not maintaining the cars.

20. And I think the Council succeeded in obtaining the number of cars it considered necessary for the use of the people?—Yes.

21 So this Committee may take it that the Auckland City Council has from its opening kept the company up to the mark?—Yes.

22. I think I am right in stating that under the deed of delegation all cars have to be licensed by the Auckland City Council before they can be put upon the roads?—Yes.

23. What revenue does your Council derive—I am not speaking of any percentage of profits —but what revenue does it derive from (*a*) the motormen, and (*b*) the cars?—It will be, with the new cars in Auckland, £285 per annum—£200 from the cars and £85 from motormen and conductors.

24. Has your Council officers who supervise the working of the cars?—Yes, they have a Traffic Inspector who supervises and looks after the cars, orders any noisy cars to be taken off, looks after the repairs required, and generally watches to prevent overcrowding, and so on.

25. Are the duties of that officer to solely look after the interests of the people of Auckland—that is, of the Corporation—in supervising the tramway and the tramway traffic?—He is the Traffic Inspector, with an assistant.

26. Then, again, has your City Engineer anything to do with the trams?—The Council, upon his advice, by measurement of space, license the cars. Our Electrical Engineer, if the Committee are in doubt at any time, and ask him to do so, will report on matters.

27 Then you have the Electrical Engineer, City Engineer, Traffic Inspector, and an assistant looking after the interests of the people of Auckland—that is, the tramway traffic—apart from the efforts of the Council itself?—Yes, quite so—the efforts of the Council are combined with those of their servants.

28. *Mr T Young*] You have read clause 6 of the Bill, about the Appeal Board?—Yes, setting up an Appeal Board.

29 What effect do you think that would have upon the discipline of the men?—We have not given that consideration, the cars not being municipally owned.

30. The company manage their own men?—Yes.

31. You have not considered the effect it would have if the Council managed the tramways directly?—No.

32. Do the Council have any difficulty in controlling the traffic and safeguarding the interests of the public in Auckland?—No.

33 You do not require the assistance of Government officials?—No, generally not.

34. *Mr Rosser*] Clause 2 of the Bill, with reference to motormen's licenses: You mentioned that the City Council should not part with its privilege of granting a license to a competent man? Yes.

35 What examination does the City Council institute before it grants a license to the motorman?—Well, the tramway company are not going to put inefficient men in the position, and if the Council has any doubt a man is examined by the Electrical Engineer

36. I may take it as a fact that you get an assurance from the company that a man is a competent man?—Not altogether

37 Then how would Mr Wylie, municipal Electrical Engineer, have any knowledge of the experience of a man apart from what he got from the company?—Well, he has had large experience in tram matters at Home. He was manager of a tram system at Home, and has therefore had very large experience.

38. With his experience how would he know the other man's experience? Would he give him a *viva voce* examination?—Yes. The licensing of motormen is a matter of £50 a year

39. And that outweighs the safety of the public in having capable motormen, in your opinion?—The company, for their own sakes, I think, would not license inexperienced men.

40. Should the matter of pounds, shillings, and pence outweigh the safety of the public?—The Council does not take any exception to a man having a license. In fact, the Council are agitating that plumbers should have a Dominion license—should be able to go anywhere and get employment.

41 Do you think that a good idea for the plumbers?—Yes.

42 You said in answer to Mr Myers that every Order in Council has been approved of by the City Council?—Yes.

43. Do you remember a deputation going to the Council to ask for an extension of time on the different routes, when I acted as spokesman?—I was not present at the meeting I believe the meeting did take place.

44. And I understand that you are of opinion that the time should be lengthened for the service?—In what way?

45. We asked for two minutes on the Kingsland run because of the extra stops put in, and because the cars had to travel quicker on account of the extra stops?—That is a matter that could easily be remedied.

46. Do you consider the company has sufficient cars for the Auckland traffic?—Yes, when the eight cars which will shortly be put on are in commission.

47 At the present time do you think they have sufficient to cope with the 5-o'clock rush or with the traffic on holidays?—No system of tramways would be able to cope with the 5-o'clock rush.

48. Take the holiday traffic: is there any reserve of cars? Has not the Inspector reported that there is no reserve of cars?—Well, the Council had been working up in that direction, to have 100 cars running, and they hope to have them running shortly When that time comes there will be sufficient.

49 Under the deed of delegation, if the Council finds there is an insufficiency of cars, sixty days' notice has to be given?—Yes.

50. Do you not think that is a cumbersome method of getting the desired object?—Well, it gets it.

51 After sixty days?—I think, since Mr Walklate has been manager he has been very ready to meet what the Committee has demanded of him.

52. Has not the company been fined for that in that connection?—Yes, they were fined £320 on one occasion and £100 on another, but not since Mr Walklate's time.

53. Did I understand you rightly to say that the Tramway Inspector is the Traffic Inspector?—Yes, and his assistant.

54. He has the licensing of private vehicles?—Yes.

55. And attends to the dog-licenses?—Yes.

56. Has he not to grant to boys their permits to sell newspapers?—Yes, but they are trivial matters.

57 With regard to the Appeal Board, you say the Council has not considered that?—No.

58. Would you express your own opinion as to whether this clause in the Bill is a reasonable one—that there shall be an Appeal Board, to consist of one representative to be elected from each party, and the third person to be appointed by these two—that is, to hear disputes?—Yes.

59 Do you think that would be an unreasonable thing—I am asking you now as a private citizen?—It depends on the Board. With the Railway Board of Appeal I do not think it has been satisfactory The teachers have a Board of Appeal which has worked fairly satisfactorily

60. Do you consider this Board would act fairly to the men?—I have not thought the matter out sufficiently to give you a decided answer

61 Do you remember the two strikes we had in Auckland?—Yes.

62 Are you aware that if a Board of Appeal had been in existence, in all probability those strikes would not have happened?—I am not prepared to say

63 Do you not think that when the man was dismissed without sufficient cause, if a Board had heard the evidence it would have righted the case?—Personally I have no expression of opinion from the Council which I am representing, and I cannot give a private opinion. If I could I probably should be in favour of the Board.

64. *Hon. Mr R. McKenzie.*] How long were you on the Auckland Tramway Board?—Eighteen months on the committee. The committee was formed in 1907 to deal exclusively with tramway, electric, and water matters. In 1909 I was appointed Chairman of that committee, and have been on the committee since.

65. How long have you been a member of the Auckland City Council?—Over four years.

66. And you stated that you have a Traffic Inspector with an assistant?—Yes.

67 Those gentlemen have various other duties besides attending to the traffic?—Their duties are small, such as issuing licenses to vehicles and so on.

68. Tram-inspection is only part of their duties?—It is the principal part.

69. I think you stated they look after the interests of the Corporation and the people of Auckland satisfactorily?—Yes.

70. Do you know how many men were killed by the Auckland trams during the last eight years?—Speaking from memory, no.

71 How many cars have you got in Auckland?—Ninety-two in commission, and eight are going into commission directly

72. You have about one-third of the cars which are running in the Dominion?—I do not know. If you said so I would accept it.

73. If your City Council and Inspectors had looked after the interests of the public of Auckland satisfactorily, do you think your one-third of the cars in the Dominion would kill more people than all the other cars combined?—Of course the Kingsland accident would raise the average very much, and that was outside the city You must remember that the city has certain confines. Outside of those confines we have no power

74. I am speaking of fatal accidents?—Quite a number of the accidents that you mentioned—in fact, I should say the greater number of them—were outside the confines of the city

75. But if the Auckland system were thoroughly equipped—say, like the other systems of the Dominion—can you give us any reason why there have been so many fatal accidents in Auckland compared with the rest of the Dominion?—That raises a big question. You see, the plans of a car are sent down to the Government, and the car before it can be built must be approved of by the Government. You are referring, I suppose, to the brakes on the cars.

76. Not on this particular occasion?—Well, the Council have been advised that they have no right to interfere with the brakes—that that is a matter for the Government.

77 Do you license the cars?—We license the cars, but the construction of the cars is practically approved of by the Government.

78. But you say your Electrical Engineer advises you before you license them: did he advise you to license those cars?—So long as they are approved of by the Government——

79. Are you aware that the Government can only license cars after they are first built, and that we have no power to deal with them afterwards?—The Council has always been under the impression that the Government has the power, because all the plans have been referred to the Government. The present cars that are now going into commission have been approved by the Government.

80. But afterwards we have no power to deal with them?—I assume that the Government would look after the brakes and appliances, and the Council would expect that the Government did approve of them.

81 Before they were built or before we licensed them?—Those cars were built according to plan.

82 Do you think the cars are always the same as when new, or do you think they should be inspected periodically—the cars and the brakes?—Yes, it would do no harm.

83. What is your objection to the clause in the Bill?—The objection to the clause is the taking power away from the local bodies already vested in them. The Government have that power under the Public Works Act. You have the power vested in you.

84. That is, the power we want to take now under this Tramway Act. Were you in Auckland when the Auckland disaster took place?—Yes.

85. Do you know who the motorman was on that occasion?—No.

86. Do you know whether he was licensed by your Corporation?—I do not know I followed the inquiry, but I could not give any expression of opinion about that.

87 Do you know whether that motorman had a license and had been driving a car only for a week or a fortnight?—I do not know I cannot answer that question.

88. Does the Corporation license every motorman?—Personally I am under the impression that the man was not licensed.

89 I understood you to say in your examination that the Corporation gave the license to every one?—Yes, the Corporation licenses the motorman.

90. Was this man licensed?—I could not give you any opinion. I was not in the Council at the time.

91 If he was licensed by the Corporation and had only been driving a week or a fortnight, do you think that is a proper thing?—I do not know whether he was licensed or not.

92 But if he was licensed and had only had a fortnight's experience, would you consider that sufficient experience for a man to be licensed?—I do not think it is a fair question.

93 I am leading up to the question whether the Government should have the power to license motormen?—You are taking an extraordinary case.

94. I am taking the case of a motorman licensed by the Corporation?—Well, the accident was outside the confines of the city I cannot tell you anything about that case.

95. If the Council can give a license to a motorman with a fortnight's experience, do you think it would be right to give the Government power to stop that?—You are trying to pin me down, and I am not going to be pinned down.

96. You are taking an objection to the Government having this power?—I do not take objection. I said in my evidence "We would not object to certificates of competency being issued as proposed for use throughout the Dominion showing the capabilities of the motorman"—that is, giving the motorman a Dominion license, so that he can travel anywhere with it.

97 Have you any other objection to clause 2 then?—Our objection to it is that it is taking away power from the local bodies to issue, suspend, or cancel, as the case may require, a local license in the same manner as is done with drivers of all other vehicles.

98. Do you mind showing me in clause 2 where that occurs?—It is a fair deduction to assume.

99 The Committee is merely dealing with the Bill, not making any deduction?—I say it is a fair deduction to assume.

100. We look upon the facts here: it is purely a matter of assumption from you?—I think it is a fair deduction, and not a matter of assumption.

101 *The Chairman.*] The question is quite clear: The Minister wants to know where, from clause 2 of the Bill, you get your deduction?—I think it is a plain matter if the Government license a man, the Council cannot cancel that license.

102 *Hon. Mr R McKenzie.*] You have not answered the question as to where you get the deduction from?—In clause 2 you propose to license motormen I have already pointed out that if the Government license a motorman, then the Council cannot cancel that motorman's license.

103. As a matter of fact, we do not license—we simply give a certificate of competency under clause 2?—In that case we do not object to what is called a Dominion license.

104. Then what is your objection to clause 2, if any?—The objection is an implied one. The power of the local bodies to license motormen is not taken away I understand that.

105. It is protected, as a matter of fact?—But in the course of time it must eventually come to pass that the Government will license.

106. We simply give a certificate of competency?—The Council do not object to that.

107 Then, so far as you are concerned, I gather from you that you have no valid objection to clause 2?—Not with regard to the Dominion license or Dominion certificate.

108. Now we will take clause 3, the inspection of tramways, rolling-stock, &c.: do you ever get any overcrowding in Auckland?—The cars are licensed to hold a certain number It is then the conductor's duty to see that he does not carry more.

109 Is it a duty that they perform?—Usually, in Auckland, it is. In fact, they take the matter into their own hands.

110. Have you ever heard complaints about overcrowding when on the Tramways Committee in Auckland?—No.

111. Did you Inspector report overcrowding?—Once, I think, two cars were stuck up It was at 5 o'clock, just when the artisans were knocking off, and one car was found to have a few more passengers than its licensed number

112 Do you know the licensed number of that car?—I cannot remember just at present, but the cars are licensed according to their size.

113. What action did the Council take on that complaint?—The conductor was taken before the committee, and a report was made upon the matter by the Traffic Inspector The Mayor, who was Chairman of Committees, cautioned the man regarding the matter

114. Was the conductor disrated and dismissed?—No.

115. Was that the only case of overcrowding you had?—As far as I remember

116. Would you be surprised if it was proved that you had carried double the number of passengers your cars are licensed for in some cases?—Well, I do not think it would be possible for the cars to carry double the number

117 Would you be surprised if it was proved they had carried 50 per cent. more than they are licensed for?—I do not think the cars would hold that number

118. Are there no means of hanging on outside the cars?—The outside of the cars is not allowed to be overcrowded in any shape or form—that is, the double platforms.

119. Do they stand upon the platforms?—No, I have been put off several times myself The conductor has told me, "You will have to get off; there is no room for you here." I tried to get inside, and asked the conductor if he had any spare room, and he said, "No; you will have to get off."

120. In your opinion, is there any overcrowding on the Auckland trams at any time?—Not so far as I know, and I travel on the cars every day.

121 Are you familiar with the report of the first Royal Commission on Tramway Brakes?—No, I cannot say I am familiar with it.

122. Did you read it?—I did. Personally I believe in the Glasgow magnetic brake.

123. Did you read the report of the second Commission?—Yes, I suppose I did.

124. Do you approve of their report?—I cannot speak from memory as to what the conclusion was.

125. Do you think the report of the last, or first, Commission was justified?—Anything that will bring about the safety of the travelling public is justified.

126. Do you consider the present brakes in use on the Auckland tramway system to be perfectly satisfactory?—The biggest test is going down Constitution Hill, and I have seen a car brought up to a standstill with the slipper brake when the bell was rung The emergency was used, and the car was brought up in the middle of Constitution Hill, and I think that was the best test I have ever seen with the slipper brake.

127 Do you consider the system of brakes in use at present satisfactory?—As far as I have seen and had experience, they are not bad, but they might be bettered.

128. Do you consider the system of brakes in use at present satisfactory?—So far I do not think any accidents have happened owing to the brakes.

129. Will you take the report of the last Royal Commission, and read paragraph (*a*) on page 11?—"That they are of opinion that, having regard to the grades of the Auckland tramways and the conditions under which traffic is there conducted, the brakes already adopted are not suitable, efficient, or sufficient for use on these tramways. Under estimation of the weight of the car has led to their being equipped with brakes of insufficient power and capacity A far larger amount of physical force than was apparently anticipated is required for their application The brake-gear is too light in scantling and too insecure in anchorage to safely and effectively transmit this larger force. That the cars are too heavy, speeds too high, and gradients too severe for hand-power to be alone relied on for actuating the brakes.

130. Do you consider that a fair finding on the part of the Royal Commission?—I take no objection to that.

131 Have you read the paragraphs expressing an opinion that the Government should have power to step in and insist on the efficiency of the brakes to be applied to the Auckland tramways?—The matter had been before the Council on several occasions. The last time Mr Walklate was before the Committee he said that the Tramway Company were prepared to put in the air brake as soon as the Minister would give his sanction.

132 Are you aware of an inquest which was held on a man who was killed on a car in Auckland on the 31st May, 1907?—I cannot say I remember it.

133. Would you be surprised to hear that the Coroner's jury found that the man was killed through the inefficiency of the brakes?—Of course a Coroner's jury has no technical knowledge of such a matter I do not think that their opinion would amount to much. You could not depend much upon the intelligence of a Coroner's jury

134. Do you think they would be capable of understanding the evidence placed before them?—I should want to know something about the men who constituted the jury

135. You are familiar with the case?—No. If I knew the facts of the case, probably I might be able to give you a better answer

136. In the case of deficient equipment or inefficiency of the brakes, do you think the Government have a right to step in and insist on proper brakes?—I understand the Government have that power now.

137 That is, to stop a car running?—Yes.

138. We should have to stop every tram-car in Auckland, in that case?—If you think they are dangerous, that is the logical sequence.

139 How often do your Corporation license cars?—Every twelve months.

140. Is the City Council satisfied that all those cars are safe with the present system of brakes? We have been waiting anxiously, and the Council has been at the general manager a number of times with regard to the brakes, and his plea is that he is waiting for the sanction of the Minister He will tell you that himself

141. You are not satisfied that the present system of brakes is safe?—If we were we should not be at the general manager with regard to the brakes.

142 Then, why do you not refuse to give them the license at the end of the year?—I do not think that is a fair question. I might just as well ask why the Government allow it.

143. The Government have not the power?—The Government have the power to stop every car in Auckland if they choose.

144. You stated that you did not consider the present system of brakes safe?—I do not like this badgering way of putting things. You are simply drawing me round and round in a maze.

145. You stated in your evidence that the power of inspection that the City Council has is really exercised?—Yes.

146. If the City Council, or you as Chairman of the Tramways Committee, found the present system of brakes sufficient, would it not be your duty to see that a car insufficiently braked should have its license cancelled?—That is a question I do not altogether grasp We have been advised that the brakes are part of the Government control, and we do not interfere with the brakes at all.

147 But you license the cars?—We license the cars.

148. You have killed 38 people in eight years, seriously injured 30, and slightly injured 53—that is, 131 people have been killed or injured in Auckland during eight years under your system you state that your system of brakes is unsatisfactory, yet you still license those cars?—I say that the Council has been advised that it is the Government's duty to look after the brakes

149 Do you object to our taking power under this Bill for that purpose?—You have the power

150. If we have not got it, do you object to our getting it?—I say, as I said before, you are perfectly justified in doing everything to conserve the public safety

151 Is that your answer?—Yes.

152 You consider that we are justified in taking power in this Bill to examine the brakes existing on the Auckland trams at present?—You have the power, and can take it again.

153. Do you object to our taking it again?—I cannot object.

154. Then why do you object to our having the power of inspection?—I am not objecting to you having the power of inspection.

155. You have no objection to clause 3 of the Bill, then?—Of course, this power has been held by the Council under its deed of delegation.

156. Have you any objection to clause 3 of the Bill after the evidence you have already given?—No. Of course, there is a possibility of conflict between the Council and the Minister if he insists upon one thing and the Council on another—if he is at variance with or is antagonistic to the opinions of the Council.

157 But that is merely a contingency?—Yes, which is likely to arise.

158. *Mr M Myers*] Will you look at section 217 of the Public Works Act, 1908? Mr McKenzie has put it to you that the only power that the Government have under the present legislation is to stop the whole of the tramway Will you read section 217, and see whether it is not the fact that the Minister has the power to stop the use of the rolling-stock or any part of it without stopping the tramway?—Yes. Section 217, "(1) The Minister may cause an inquiry to be held, in such manner as he thinks fit, as to any accident referred to in the last preceding section, and, for the purpose of preventing the recurrence of any such accident, may direct the proprietors of the railway to make such alterations as he thinks fit in the construction or equipment of the railway, or of the rolling-stock, plant, or machinery employed thereon or in connection therewith, or in the method of working the same, and to discontinue the working of the railway, or the use of such rolling-stock, plant, or machinery, or the method of working the same, as the case may require, until such alteration has been made."

159 And subsection (2), you will find, provides a substantial penalty do you see that?—Yes. "(2) If any such direction is not complied with, the proprietors of the railway shall be liable to a fine not exceeding two hundred pounds for every day during which such non-compliance continues.

160. Do you say, therefore, that the Minister has power to stop any particular car or cars from running without stopping the whole of the tramway?—Evidently, from section 217

161 *Hon. Mr R McKenzie.*] That is after an accident. Not at any other time but immediately after an accident?—I cannot say

162 *Mr O'Shea.*] You stated to Mr McKenzie that you would have no objection to the Government granting certificates?—Dominion certificates.

163 Have you ever considered what would be the effect of the Government granting the certificates in the event of the men striking?—I have not looked at that contingency

164. If I say that the men, if clause 2 were allowed to pass in the Bill, would be able to hold up every tramway service in the Dominion, will you disagree with me?—I cannot disagree with you.

JOSEPH JOHN WALKLATE examined. (No. 2.)

1 *Mr M Myers*] You are general manager and engineer of the Auckland Electric Tramways Company (Limited)?—Yes.

2. I think you have had a great many years' experience in connection with the construction, and working, and management of electric tramways?—I have.

3. About how many?—Twenty years.

4. Your experience, I think, covers practically the whole period from the commencement of electric tramways?—Yes, practically

5. How long have you been general manager of the Auckland system?—Over three years.

6. I want to deal first of all, quite shortly, with the brake question, and to get rid of it: At present you have your cars operated by a wheel brake worked by hand, a track brake, and the ordinary electric brakes?—That is so.

7 These brakes were passed in the ordinary course by the Government officials of this country?—That is so.

8. A question was raised by the men, I think, who complained that the hand-wheel brake took a great deal of energy to work?—That is so.

9. Your company has always taken the view, I think I am right in saying, that the present brake system is safe and sufficient?—Yes.

10. But, notwithstanding that, in order to meet the men's objections and to avoid friction, your company has been prepared to install a different system?—Yes.

11. What different system did it itself propose to install?—The air brake operating on the wheels.

12 That is in addition to your present brakes, is it not?—Yes.

13. In a sense it would take the place of the hand-brake, but you would still have the hand-brake for use if necessary?—Yes.

14. It is very much easier to work?—Naturally so.

15. Would you mind giving me—I do not want you to be accurate to a day—but do you mind telling me over what period your company has been prepared and willing to put on those brakes?—It is nearly two years since it was suggested by the company that we should install the air brakes.

16. That was opposed, I think, by the Engineer-in-Chief?—Yes.

17 Do you remember giving evidence before the Select Committee that was appointed by Parliament last year to consider the Tramways Bill then before the House?—Yes.

18. Did you not then inform the Committee of what your company was and for some time had been prepared to do?—Yes.

19 Did you make it clear then that you had been for some time willing and desirous of installing the air brake?—That is so.

20. And did you explain that you had been prevented from doing so because you could not obtain the approval of the proper officers of the Department?—Yes.

21 And did you then offer again to install the air brake, and give an undertaking that you would do so as soon as you could get the approval?—Yes.

22. Did you, immediately after the sitting of that Select Committee, make an application in writing for the approval of the Department of the installation of the air brake on your system?—Yes, we did.

23. Did you get the approval?—No.

24. Instead of the approval, was not a Royal Commission set up, consisting of Professor Scott and Mr Beattie?—Yes.

25. That Commission took voluminous evidence, and made exhaustive tests?—That is so.

26. And in order to help it in its investigations I think you have gone to the expense of hundreds of pounds?—We have.

27 Now, has not that Commission reported that the proper brakes to install on the Auckland system are the brakes you have been prepared to install upon it for the last two years?—That is so.

28. After the Commission made its report were you called upon by the Under-Secretary of the Department to comply with the recommendations?—We were.

29. In accordance with that requisition did you submit plans to the Department of the brakes you proposed to install?—We did.

30. Have you been informed that, so far as the plans are concerned, the plans are all right, and that the air brake as a brake is thoroughly satisfactory?—I have been informed that the air brake is satisfactory, and that, subject to slight modifications, the plans of the slipper brake are satisfactory

31 And are you prepared to make those modifications?—Yes.

32 Have you got the absolute approval yet of the Department?—No, we have not.

33. Is it not a fact that you have made all arrangements with your head office in England so that you can cable to England so soon as you obtain the departmental approval, and that as soon as you get that approval the order will be placed?—Yes.

34. Do you consider, therefore, that for any time during the last two years your company has been in any way to blame for the delay that has taken place in the installation of those brakes?—They have not.

35. On the contrary, have not your company done everything they possibly could to meet the views of both the motormen and of the Minister?—We have.

36. It has been suggested to a number of different witnesses that your car No. 75 in Auckland weighs 36,736 lb. and is only braked up to 24,080 lb.: now, is that true?—No. The car weighs about 16 tons empty, and the brakes were put on it for that weight, but, owing to taking the manufacturers' weights and an allowance not having been made for additions, the weight was given to the Commission as 12 tons. It was a mistake in the weighing of the car, but not a question of the brakes.

37 You say that the brake is put on for the weight of the car?—The brake was put on for the car, the car weighing 16 tons, and the brake was passed by the Public Works Department as satisfactorily operating the car

38. I think I heard you give this morning rather a good illustration by way of parallel, about the 17-hands horse: would you mind giving it now?—A parallel case is that if one bought a horse and harness, and the horseman said it was 17 hands, and it was found that the horse was only 16 hands, it would be about the same as saying that the harness was not sufficient for the horse as to say that the brakes were not sufficient for the car The mistake in the weight of the car would be the same as the height of the horse.

39 You say that the brakes were made for the car, and are sufficient?—Yes.

40. You do not suggest, although you regard the present Auckland brakes as sufficient, that the installation of the air brake will not be further advantageous?—It will mean less labour for the motorman operating the car, and quicker application of the brake.

41 I will come now to the Bill: You have carefully considered, have you not, the provisions of the present Tramway Amendment Bill?—I have.

42. I think some of the provisions you do not object to very much, while others you strongly object to?—That is so.

43 Before we deal with section 2, which is the first important question, would you mind indicating to the Committee the precautions you took, or that your company takes, and yours and the company's tests, before a man is allowed to work as a motorman on your service?—In the first place, the motormen are selected almost invariably from the ranks of the conductors. When a conductor joins the service he must first undergo a rigorous medical examination by the company's doctor Then he is taught the routes and peculiarities of the grades and stops by going over the road in charge of a regular conductor He has also to run for twenty-four hours with a regular motorman, during which time he is taught to drive a car, so that in case of an emergency, such as the motorman being taken suddenly ill, or an accident, he is able to drive the car to the depot so as not to block the traffic. He then goes on as a conductor, and later if he is likely to make a good motorman, he is trained as a motorman. That training consists of a further two or more weeks, according to his efficiency, of driving with a regular motorman Then he has to pass an examination in the equipment of the car, conducted by the superintendent of

rolling-stock, and also has to get a certificate from the motorman with whom he has been driving, and has to pass a motor inspector, who takes a certain number of trips with him on the road. If he gets a certificate from all these sources he then has to obtain his license from the City Council, and goes on as a motorman

44. Of course, the company has to accept responsibility for its motormen, and we may take it, I suppose, that it is necessary that the company should take very great precautions?—That is so.

45 Will you now make your own observations with regard to clause 2 of the Bill?—The objections that I have to it are that it would institute a dual responsibility in that it would be divided between the Government and the tramway authority It would also place us in a difficulty as regards the conductors who have motormen's licenses, and who are not regular drivers, and in many instances it would place us in a difficulty with men who are not motormen and yet at the present time have licenses to drive as motormen—those who are in the shed, and certain of the officers. Of course, a number of other difficulties may turn up. There is the great difficulty of the local conditions that a Government officer presumably would not be conversant with—that is, if it were a central board of examiners. The local conditions are important—more important probably than the actual proficiency they may have in driving a car As I pointed out, each of our conductors is taught to drive a car, but it does not follow at all that we should allow all those conductors to be actual drivers.

46. Does it follow, for instance, that a man who was competent to drive a car in Christchurch would be competent to drive a car in Auckland?—It does not. As I have just been explaining, owing to the local conditions, if a man from Christchurch or any other centre came to Auckland with excellent references, he would still have to go through just the same routine as one of our motormen He would probably go on as a conductor, and become a motorman if he were generally suitable.

47 If he passed your tests and was found to be satisfactory otherwise?—Yes.

48. I compared Christchurch with Auckland because in Christchurch they have the air brake and in Auckland you may perhaps have it?—That is so.

49 And, notwithstanding the similarity in the braking system, you say it would not follow that a man from Christchurch would be suitable in Auckland?—Yes.

50 Then compare Wellington, where you have the magnetic brake, and Auckland, where you may have the air brake when you get the approval: does it follow that a man suitable in Wellington would be suitable in Auckland?—Certainly not.

51 So far as the mere granting of certificates is concerned, so long as it does not in any way hamper the operations of the tramway authorities, have you any objection?—None whatever A man holding a Government certificate would be subject to the same examination by us.

52 Can you see the probability of difficulty arising if a man has a Government certificate and considers that he is entitled to employment, and he has to go through the tests which you think it is necessary to put a man through before you can allow him to rise to the position of motorman?—I should never anticipate that a Government certificate could entitle him to employment, but only as a certificate of proficiency.

53 Might not that depend upon the attitude taken up by the unions?—Of course it might.

54. And can you see the probability of difficulty with the employees if such a section is passed into law?—I can see the possibility of it.

55. You have during your three years of office in Auckland endeavoured to help the men in every possible way and to meet them in every reasonable manner?—We have.

56. And your relations with them, I think, at the present time are most harmonious?—Yes, I think so.

57 Can you see any advantage in a Government certificate, having regard to the different sets of conditions existing in the different places both as regards levels and brakes, and so on?—I do not see any advantage in the Government certificate, for the reason that tramway authorities employ a large number of men, and must of necessity—Government certificate or not—conduct their own examinations. It is not the same as with engine-drivers and other such instances where the certificates are issued, because there you are dealing with only a small number of men employed by one employer We deal with such a large number of men that we must satisfy ourselves of their fitness for the positions.

58. Do you see how it is possible for a Board of this kind to satisfactorily examine a motorman?—No, I do not, because the examination—if I may use the term—is rather a misnomer it is not an examination so much as a training.

59 Is the examination of a motorman of any use unless it is a practical training extending over a fairly considerable period?—I do not think so.

60. The men pay their own license fees, do they not?—Yes.

61. And under this clause there are also fees to be paid by somebody as a matter of regulation?—Yes, it is not very clear

62. Have you anything further to say before we pass from clause 2?—No.

63. Do you foresee the probability of difficulties from the dual control which would exist under this clause, inasmuch as, first of all, you have the Government examination, and, secondly, you have a separate licensing authority—the Auckland City Council, for example?—But the licensing is done away with, I take it. It is not clear There would certainly be a conflict if the local authorities issued the license and the Government certificate also came into force.

64. So far as this Bill is concerned, any man may be a motorman so long as he holds a Government certificate?—I do not take it that the Bill says that if he holds a certificate he should become a motorman.

65 Do you think that men would be prepared to pay license fees to the City Council in addition to undergoing an examination under this Bill?—I do not suppose they would.

66. Speaking of your own period of management, have you honestly endeavoured to meet the reasonable requirements of the traffic?—We have.

67 And, in addition to that, have you received occasional prods from the Auckland City Council?—We have.

68. And have you complied—I do not mean immediately, but substantially—with anything they have demanded for the purpose, as they stated, of meeting the reasonable requirements of the traffic?—We have at the earliest possible moment.

69 Is the supervision of the Auckland City Council, so far as the reasonable requirements of the traffic is concerned, a real or nominal supervision?—Very real, inasmuch as they employ a man to watch the requirements of the traffic.

70. And, apart from the supervision and the prodding of the Auckland City Council, is it not to your own interests to meet the reasonable requirements of the traffic?—Undoubtedly it is: that is what the service is for

71 So far as the question of public safety is concerned, have you any objection to the Government having full supervision of the tramways?—None whatever, because I assume they have at the present moment, under the Public Works Act.

72. Do you distinguish, under clause 3 of the Bill, between what is required for the public safety and the reasonable requirements of the traffic?—Yes, I consider they are two totally different requirements. The one—the requirements of the traffic—is a requirement that can only be satisfactorily dealt with by the local people, for the reason that they are there, and have the means of ascertaining the requirements.

73. Do you find that whenever the Auckland people require any more cars and so on, they are at all backward in making their views public?—No, they are not.

74. And it is public opinion you have to satisfy—That is so.

75. Do you see any difficulty—I am speaking now only on the question of the reasonable requirements of the traffic—that is likely to arise if this section is passed, from the dual control of Minister and Auckland City Council?—Well, we should be placed in the great difficulty that, whereas under our deeds of delegation we are bound to meet the reasonable requirements of the traffic as set out by the Auckland City Council from time to time, under the Bill we should have another standard to meet.

76. You might therefore have two standards to meet which might be quite different one from the other?—That is so.

77 If this Bill is to become law, do you ask that provision should be made in it so that you would only have to meet the requirements of the Minister, and not the requirements of the Auckland City Council?—Yes, but the requirements of the Auckland City Council are subject to revision by the Courts, while clause 3 of the Bill apparently—as far as I can read it—admits of absolutely no appeal of any kind. It is very wide.

78. Have you ever in the whole of your tramway experience ever heard of any one person having such powers—I am still keeping to the requirements of the traffic—as are sought by the Minister in this Bill?—No.

79 In what countries have you had experience?—Mainly in the United Kingdom, but elsewhere in Australia and other places. I have never come across a tramway where the requirements of the traffic were in the hands of one individual. They are almost invariably subject to public will of some sort.

80. Do you think that the power which is given in this clause is a proper power to give to any one man without any right of appeal whatever?—I do not think so.

81 Have you anything else you desire to say with regard to clause 3 of the Bill?—No, excepting that similar wide power is also held to apply to alterations and additions to plant, and that again is almost unlimited in its scope.

82. Can you say, for instance, that you might be ordered under this clause, without any right of appeal, to provide, say, double the number of cars which you think necessary, or the Auckland City Council think necessary, for the reasonable requirements of the traffic?—Yes, apparently we might be required to do anything It is unlimited.

83 Now, as to clause 4?—There is no objection to that. That is already the practice.

84. As a preliminary matter to clause 5, I just want to get the routine with regard to the inspection and licensing of cars: In the first place, before you have a car made, do you have to submit your plans of that car to the Public Works Department?—We do.

85 To be approved by whom?—By the Department—I think the Engineer-in-Chief

86. Then after you have your car manufactured and before you are allowed to put it on the road, is it inspected?—It is. Before we are allowed to ply for passengers it is inspected by an officer of the Public Works Department.

87 An officer on the engineering staff?—Yes.

88. I suppose that would be the Resident Engineer?—Generally the District Engineer

89 And does he inspect the car merely to see whether it conforms to the design, or does he inspect it generally apart from its design?—He inspects it to see if it conforms with the design submitted, and he tests it also on the road with brakes and otherwise.

90. Then may the Committee take it that every car you have on the road in Auckland has undergone that test?—They have, all of them.

91 In addition to the inspection by an officer of the Public Works Department, is there any inspection by the Auckland City Council or any of its officers?—They are inspected by the Auckland City Council—the City Engineer and Traffic Inspector—before a license is issued.

92 And before you run the car you have to get a license from the City Council pursuant to the terms of your deed of delegation?—That is so.

93. When once your cars are on the road conveying passengers, are they from time to time inspected by the City Council authorities?—Yes, the general inspection that takes place from day to day by the Traffic Inspector, and the inspection prior to the renewal of the license each year

94. You at the present time run about how many cars?—Ninety-two.

95. Can you tell us, approximately, what the cost of a car is?—The later types of car cost very nearly £1,500 each.

96. In addition to the ninety-two cars that are actually running at the present time, have you more on order?—We have eight practically completed.

97 Bringing your total up to 100?—Yes, and another one in addition that we are building ourselves—that is 101

98. What has been the capital expenditure—again approximately will do—by your company upon its plant, lines, rolling-stock, &c., in Auckland, upon the faith of the Orders in Council that have been obtained by the local bodies and delegated to your company?—Nearly three-quarters of a million.

99 Do you perceive in clause 5 any provision, any saving clause, which will make it certain that if the Bill passes, the owners of tramways will be allowed or entitled to continue to run the cars which have been passed—every one of them—by the Public Works Department?—No; but I hardly see how that clause 5 affects that question so much as clause 3.

100. What you say is that there is no saving clause in 5, and that, apart from clause 5, the Minister would have power to condemn all the cars of any tramway at present existing in New Zealand?—That is so.

101 Now, will you please continue with your own observations as to clause 5 of the Bill?—Subclause (*a*), the inspection, that has been dealt with. That is already carried out by the City Council and the Public Works Department.

102 There is no periodical inspection by the Public Works Department, except under the provisions of the Public Works Act after an accident—not necessarily a fatal accident?—That is so, but the cars are inspected after an accident, fatal or otherwise.

103. Do you say that cars are always inspected after an accident by the Public Works Department?—No. After a recent accident the car was inspected by an officer of the Public Works Department. Subclause (*b*) is the licensing That has just been dealt with. Subclause (*e*) is the prescribed number of passengers. That is already dealt with by the Auckland City Council by-laws.

104. As a matter of fact, is there overcrowding to any extent in Auckland?—The carrying-capacity of the cars in Auckland is limited by the licenses issued by the City Council. In the case of some cars only persons occupying seats are allowed to be carried. In other cars up to fourteen are allowed to stand.

105. Do the employees themselves prevent overcrowding?—They do.

106 And has any complaint ever been made by you against them doing so?—No.

107. Then just come to subclause (*d*)?—Well, the speed is limited in some instances by the Orders in Council.

108. And I suppose you will admit that where there is anything like congested traffic there ought to be a limit?—Undoubtedly so.

109 While on the subject of limit of speed, have you considered the question as to whether it would be reasonably practicable to have speed-indicators upon the cars, or whether it would be advisable?—I have considered that from time to time. We had speed-indicators that were tried by the Brakes Commission on the cars, but it was impossible to get an indicator that was reliable. Two different types were used to check each other, and then it was necessary from time to time to take them off the cars to check them. In one case we checked the speed-indicators by a motor-car travelling parallel with the car. Speed-indicators have been in use in the United Kingdom for a great many years—from the days of steam tramways, twenty years ago. The Board of Trade insisted upon all tramway locomotives being fitted with speed-indicators that were arranged to automatically cut off steam so that when the maximum to which the locomotive was set to run was reached, the power was automatically cut off, and the speed was reduced or the machine stopped; but those speed-indicators worked only one day in the 365. That was quite well known to the Board of Trade, and they have since been discontinued.

110. Why were they not working other days?—For the simple reason that the service could not be worked satisfactorily with the limit.

111 I suppose where you have a straight run without any traffic you can go very much faster than when you are travelling in a place which is more congested?—That is so. Speed-indicators on electric tram-cars would be extremely difficult to work, for the reason that, to be of any good the motorman has to watch them, and the motorman should not have anything on the car to watch, because he has enough to watch in the street. If he has to pull up when the indicator indicates the maximum speed he has to run at, he will be in trouble. The speeds are limited on a tram-car—that is to say, on the level a man has only two speeds to run at.

112 Then, again, if you have different speeds for different grades and different routes, and the motorman has to be constantly bearing that in mind and looking at his indicator, do you think that is conducive to his attending properly to his duties and seeing to the safety of the public?—I do not.

113. Put it this way: The speed-indicator is of course suggested, and one must agree that it is a proper suggestion if it can be introduced and used for the safety of the public, but your view is that it would not operate in that way, for the reasons you have given?—Yes. Again referring to the Board of Trade, the last regulation I recollect about speed-indicators was something to the effect that when a reliable indicator could be obtained a certain number were to be fitted

on a certain number of cars in a system. I have never heard it suggested that speed-indicators should be fitted on all cars. In fact, in Auckland we want to get a reliable speed-indicator for the purpose of training our men; but the Brakes Commission brought out the fact that the motormen had a remarkably good idea of the speed at which they were running.

114. When you say ' remarkably,'' do you mean, remarkably accurate idea of the speed?—Yes, remarkably accurate.

115 You say that that was the opinion of the Royal Commission of Professor Scott and Mr Beattie?—Yes. In many instances the motormen on the flat were told to run at the rate of fourteen miles an hour, and they ran the fourteen miles without reference to the indicator In some cases they had no indicator at all on the platform. The Commissioners had it in the body of the car

116. You say that this question has been under the consideration of the Board of Trade and tramway-owners in England, and the result is that speed-indicators are not used in England on tramways?—They are not.

117 With regard to paragraph (*e*) of subclause (1) of clause 5, what do you say?—There is not much objection excepting to the words ''convenience of passengers,'' which, of course, goes again into the demands of the traffic.

118. That is to say, so far as concerns the safety of the public, you think it is quite a reasonable regulation?—Yes.

119 But you object to any regulation being made involving the question of mere convenience?—That is so.

120. Because that is a matter in which you are already looked after by the Corporation? Yes.

121 What have you to say as to subclause (2) of clause 5?—That, in the case of the Auckland Tramway Company would be giving the Governor power by regulation to upset our Orders in Council.

122. Now, a large portion of your capital, or the capital of the company, is held by people in England, is it not?—It is generally held in England.

123. How do you think they would view a provision of this kind, enabling the Minister by regulation to revoke an authorizing order upon the faith of which they have spent three-quarters of a million of money?—I am afraid it would upset their confidence in the company and in the Dominion, and in doing so it would place us in a difficulty if we wanted further capital for any extensions which under this very clause we might be called upon to make.

124. What do you say about subclause (3) of clause 5? I think you require to look into section 32 of the Second Schedule of the Tramways Act?—It simply repeals the power of local bodies in making by-laws with regard to the number of passengers and speeds.

125 That is an objection, apart from what you have already said, that comes more within the province of the local authorities?—Excepting that there is one point about it It leaves the local authority with the power to make by-laws regulating the conduct of the employees, which would rather clash with the Appeal Board—I mean paragraph (*g*). Subclause (3) of clause 5 leaves provision for the local authorities making by-laws to regulate the conduct of employees.

126. You refer then to paragraph *e*) of clause 32 of the Second Schedule of the Tramways Act, 1908, which gives local authorities power to make by-laws for regulating the conduct of any person employed on or upon the tramway You say that clashes with the Appeal Board?—Yes.

127 Come now to the provisions of clause 6 of the Bill, which provides for the setting-up of an Appeal Board: Will you tell the Committee whether any of your company's men who may be dismissed have any right to appeal, and, if so, to whom?—They have a right of appeal to the general manager, of course, and then if they are not satisfied the whole question is gone through again by the local directors. There are two local directors, and the whole matter dealing with the question is gone through with them.

128. And if you differ from their view you are bound by their opinion?—I should be quite satisfied to be bound by them.

129 How do you consider the provisions of clause 6 of the Bill would affect your company and its interests, if at all?—It would undoubtedly take the vital power out of the hands of the company as to whom they should employ

130. Supposing, for instance, you thought that a motorman who had been placed upon a car did not possess the qualifications necessary for a motorman, or had partially lost the qualifications he had possessed, and you dismissed him; then he appealed to the Appeal Board, and that Board overruled you: can you see how you could take responsibility for any accident you might have while you had him there?—It certainly would not be equitable were we called upon to do so.

131 Do you see that such a thing might happen?—Certainly

132. What other observations have you to make with regard to clause 6?—It appears to me to be a clause that clashes with the arbitration law, in that any dismissal or any unjust action we might take against an employee may at present be brought before the Arbitration Court. There is again the uncertainty as to who would form the Board of Appeal. It is, of course, an extremely important matter, and there is the question of who is to pay for the time occupied and the services of the Board, which is not clear Further, as to the powers of the Board, in subclause (2) it goes beyond the question of dismissal, through the whole range of disratings, fines, punishments, or reductions in pay Fines are not permissible, and reductions in pay are, of course, covered by the awards of the Arbitration Court.

133 What do you mean by ''fines''?—They are not legal. Then, of course, the final question of appeals on the ground of promotions being upheld is extremely wide, and takes away from the responsible management of the tramway the most vital right of selecting the most suitable man to perform the various services that are required.

134. Do you think a clause of this kind would be likely to make for discipline?—I am afraid not. I am afraid that it would destroy discipline.

135. You object apparently on principle to the setting-up of an Appeal Board at all?—Certainly

136. Do you see any more reasons for an Appeal Board in the case of a tramway employee than in the case of an employee of a merchant?—No, and it seems to me that if an Appeal Board in the case of, say, the Wellington Corporation Tramway employees is set up, it is only a step to claim that all the Corporations' employees shall immediately have the same right of appeal.

137 Or why the employees of a private individual?—I see no reason why they should not follow it up with the whole range of industries.

138. So far as the question of principle is concerned, if the management had the power of veto, as the Minister has in the case of an appeal in the Railway service, would you consider the matter so serious?—No.

139 Apart from your objection to the principle, supposing an Appeal Board were to be set up at all, what would you think of the Arbitration Court as the Board of Appeal?—It seems to me that the Arbitration Court exists at present as an Appeal Board.

140. Not for the purpose set out in this clause. Supposing there is to be an Appeal Board for the purposes set out in clause 6, what do you think of the Arbitration Court?—The Arbitration Court would be all right, but the range of appeals appears to me to go too far.

141 Apart from that?—I do not think any objection would be raised to the Arbitration Court.

142 There you have a Judge of the Supreme Court as President—you know that, of course?—Yes.

143. Is there anything more that you want to say about clause 6?—I think not.

144. As to clause 7, I presume you have no objection to make to that?—That is practically carried out at the present day

145. Under clause 8 you will observe the powers, functions, and duties of the Engineer-in-Chief under the authorizing orders are to be handed over to the Governor?—Yes.

146. What do you say about that?—That if the recommendations of the Commission as to the appointment of an expert tramway engineer were carried out, I think that would probably be an improvement. Whilst I have the very highest regard and respect for Mr Holmes, the Engineer-in-Chief, I think if there had been a tramway officer such as was suggested by the recent Royal Commission we should have had the necessary permission before now to have the air brakes in Auckland. I think the Minister would have been in a position to have sent us permission before now

147 Is it right to say there is in the service of the Public Works Department at the present time a man expert in tramway matters?—There is not, to my knowledge. Those gentlemen I have come in contact with I do not think have had, at any rate, extensive tramway experience.

148. You then, apparently, do not agree with the views expressed by some witnesses as to the appointment of a special tramway engineer as recommended by the recent Commission?—I do not know what their views are.

149 They rather opposed it?—I do not consider it would be a bad thing

150 Supposing no specially qualified tramway engineer is appointed, does it matter very much to your company whether it is the Governor or the Engineer-in-Chief who performs the powers, functions, and duties at present under the authorizing orders?—I think not.

151 Come now to clause 9, which makes provision for car report-books, and tell the Committee, first of all, what system your company adopts at the present time in regard to its report?

The system adopted and in use in Auckland for some time past has been that of a report form accompanying each car for each day If the car goes out into service the form goes with it, in charge of the man who is driving it. When he takes the car back into the depot he fills in any defects on the form, and hands it in to the superintendent's office. In case he hands the car over to a relief motorman on the road, he first fills in on the form any defects he has noticed on the car, and then hands the form to the relief motorman, who in turn adds anything he has to report about the car, and finally hands the form in to the car superintendent. These forms are collected and bound up in the form of a book.

152 A separate book for each car?—One book for each car, and the books are kept in a case in the superintendent's office. There is a sheet for each car each day, showing whether it has been in service, undergoing repairs, or has been lying in the shed.

153 So that you have a daily report for each car, and not merely a report for defects or accidents?—A daily report for each car whether it is working or not. If the car has been idle in the shed the report simply states "In shed," the shed foreman or repair foreman, as the case may be, being responsible for filling up the forms for every car he has.

154. Do you allow a man, before he makes his report for any particular day, to see the reports regarding the car for preceding days?—To my knowledge the question has not arisen in that form. The men are allowed to see the books at any time they want to do so. We should not, however, allow a man to see the book just for the purpose of making up a report. What we want is a record of what is wrong with a car

155. An independent record?—An independent record We look to the assistance of the motormen in keeping the cars in working order, and we are now getting it by means of this system.

156 What do you think of the suggestion that for your present system there should be substituted a car report-book, as provided for in clause 9?—Clause 9 appears to provide for a car report-book that I took to be one car report-book for each shed. I have since been given to understand that it refers to one report-book for each car, which of course makes the thing somewhat different. The difficulty of one report-book for each car is that there is more than one car depot, and the book would have to be moved about from depot to depot, and in the course of time—particularly in wet weather—the book would be destroyed.

157 Apart from that, do you think it advisable that a book should be kept which would enable the motorman for any day to look back to see what has happened day after day for a month before making his report for the particular day?—That was the difficulty we used to have with the form of report-book we used to use. That difficulty has ceased with the present system.

158. You used to use a report-book for the whole of the cars?—Yes.

159. And you find that with your loose-leaf system you get more reliable, more independent, and presumably more honest reports?—We get quite satisfactory reports ; and, furthermore, the reports are put up in a handy form, and are much more useful if there is any inquiry

160. Then do you think there is any need for clause 9?—I do not. The wording of clause 9 is rather peculiar In subclause (3) I notice that it says it shall be the duty of every motorman to enter any report he thinks fit, which is rather ambiguous. What we want, if such a provision goes in, is that the motorman must enter any defect. There are other difficulties and objections to it, but it is very trivial detail. One is what the men themselves would experience. That is, when they come in towards the finish of the day's work and are ready to go away, they will be called upon to enter their reports We used to have complaints that they could not get at the book. That is to say, a number of men wanted to get there at the same time. The great difficulty about separate books is that they will have to be moved about with the car from depot to depot, and in the course of time would be more or less destroyed.

161 Your chief reason is that you get a more reliable report under the present system?—We get a more satisfactory report under the present system.

162 Will you go on to clause 10 I suppose you have no objection to that?—No.

163. If you substitute "license" instead of "certificate"—"certificate," you say, relates back to clause 2?—That is so.

164. In other words, you do not object to the Minister having power to suspend a motorman if he is satisfied that the accident is attributable to his conduct?—I have no objection to the clause as it stands with regard to holding an inquiry, or the subsequent part of it.

165. We come now to clause 12, which takes away from the Corporation the right and power of licensing cars what do you say about that? Under your deed of delegation you are bound to obtain licenses, are you not?—That is so.

166. So that, in fairness to your company, would it not be necessary if the Bill passes to have some provision cancelling that obligation in the deed of delegation?—Not only in clause 12, but under clause 5, relating to 'convenience." We should be in the same position under both those clauses. We should be under the obligation put upon us by the deeds of delegation, and at the same time be under the obligations of the regulation provided for in these two clauses.

167 So that, unless your obligations under your deeds of delegation are expressly negatived by the Bill, you would have a dual control between the Minister and the local authority, and consequent conflict?—Yes, and I think we should be subject to penalties both ways unless our obligations were negatived.

168. As to clause 13, have you anything to say?—Paragraph (*a*) does not affect us, or (*b*), (*c*), and (*d*) There is no objection to the clause at all.

169 *Mr O'Shea.*] You have considered clause 2 pretty carefully, have you not?—The certificates, yes.

170. You have had some strikes in Auckland, have you not?—We have.

171 Would that increase the power of the men to hold up the system if that clause were passed?—Yes. It depends largely upon the application of it. Presumably it would.

172 Take Wellington Supposing there was a strike in Wellington, you know that there are certain officers trained to drive, and most of the conductors have been trained to drive, while there are men in the sheds who have been trained?—Yes.

173. With these men you could carry on some sort of service, could you not?—Yes.

174. And they would not be licensed under this Bill, I suppose?—Presumably not.

175. How long would it take the men to get a license if you had not men with a certificate?—That is a question I could not answer

176. Do you think it could be done in a hurry?—It is not clear at all.

177 It would take some time, would it not?—Undoubtedly

178. There has been some talk about a tramway engineer you said you considered it would be a good thing to get a first-class man?—Yes.

179 Do you think there is any man who could take up the position to advise the Minister in respect to the various systems?—I think a man who had considerable experience in tramways could be got who would be quite capable of doing that.

180 Do you think he can walk into Auckland and meet the reasonable requirements of the traffic?—I think so, if he were a man of sufficient experience.

181. Supposing he differed from you, who do you think would be right?—I suppose I should think I was right, but I should have to bow the knee.

182 The four centres are different in every way?—Yes.

183 Supposing you could get a man to advise you, and Mr Richardson, Mr Scott, and Mr Symington, and the various other officers, what salary do you think he would require?—A man like that would require something between £1,000 and £1,500 a year I do not suppose a really suitable man could be got under that.

184. *Mr Rosser*] With reference to clause 2 I take it that you oppose that altogether, Mr Walklate? That has reference to the certificate?—I cannot say that I oppose it. I should have no objection to a man having a Government certificate.

185 You oppose the provision that no tram-driver shall drive a tram unless he is possessed of a Government certificate—is that so?—Yes ; I can foresee difficulties.

186 That is the meaning of the clause, is it not?—Yes.

187 The Government certificate is a certificate of proficiency and entitles the holder to employment?—It is not clear in the Bill, but I presume so.

188 With reference to overcrowding May I take it that you are not in favour of overcrowding your cars beyond the limits fixed by the Auckland City Council?—I am not.

189 You are not in favour of indiscriminate overcrowding?—No.

190 Is it not a fact that the equipment suffers when more than a reasonable number of passengers is taken on a car?—Yes.

191 In the matter of overcrowding is it not a fact that the men have taken a sturdy stand, and said they would not take more than a certain number?—Yes.

192 Have you blamed them for it?—No.

193. Where the inspectors have, in their excessive zeal, put over a certain number on the cars, have you checked them for it?—The inspectors have been instructed that they are not to overcrowd the cars or to encourage overcrowding beyond a limit.

194. Have any instructions been issued to the men that they are not to overcrowd?—The men have instructions very plainly before them without my instructions.

195. You mean, from the union?—The union and the Auckland City Council.

196. There are no specific instructions issued that they must not overcrowd?—No, that is unnecessary

197 My principal business is with regard to the Appeal Board, Mr Walklate. How long has that so-called right of appeal to the directors existed in Auckland? Was it prior to Dr McArthur's decision?—No, we only had one local director then It first came up when we were negotiating the last Tramways award.

198. Then Mr Rhodes became a director, did he not, and took part in the deliberations?—That is so.

199 Do the employees have a representative on that board?—They have had a representative before the board.

200. But not on the judicial board itself?—No.

201 It consists of the two local directors?—That is so.

202. Do you give the secretary of the union or the representative of the man the free right of discussion before that appeal board?—Certainly on those occasions when cases have been brought before us. You yourself have appeared, and have had, I think, an unrestricted right.

203 Let me remind you that the first case was that of Inspector Tickell and Williams the motorman?—I forget which was the first.

204. Williams had to conduct his own case—I was not allowed to take it for him: is not that a fact?—I think you are right; he did conduct his own case, but was not that due to the fact that you came in only after it had started?

205. Is it not a fact that practically the appeal board has been set up as a result of the decision as to an appeal board by Dr McArthur?—I think it was set up through being embodied in your requirements when we were discussing the terms of the award. The appeal board was mentioned at the Conciliation Board's proceedings, I think.

206 You mentioned that it clashes with the arbitration law: are you aware that the Arbitration Court carefully decided that it will not interfere only in matters provided for in an award or an agreement?—No, I am not. It may be so, but I am not clear about it.

207 The Arbitration Court only exercises jurisdiction in breaches of an award or an agreement, or breaches of the Act. You were unfortunately pushed into the 1908 strike?—Yes.

208. I suppose you will admit that the men were not prosecuted for any breach of award in striking?—The men were not prosecuted.

209 We were fined for it?—The union as a body was.

210 Will you admit that that strike was not against the award, but against the administration of the company?—Yes.

211 We never struck against the award?—The strike was on the question of the dismissal of Conductor Herdson

212. Therefore the Court would not interfere if the men rebelled against a regulation issued by the company Do you know that the Court would not interfere if the men resented a regulation of the company that was not in their award?—Unless the regulation ran counter to an award.

213 You say that fines are not legal does it ever happen that a man for an offence is ordered to the head office when he should ordinarily be working, and that thereby he loses a day's pay?—That is so, when the man is in fault.

214. When he is alleged to be in fault?—I say advisedly, when he is in fault. After his case is investigated, if it is found that he is not to blame, then it is understood that the money has to be repaid

215 That is only for trivial cases?—Of course, if the union says the case is not trivial the matter has to be investigated and decided

216 Take the case of Motorman Mason, is that trivial?—That is not finished.

217 You say that the Appeal Board would interfere with discipline will you define the meaning of "discipline ?—I am afraid it is difficult to define the word "discipline.

218. Let me put a case to you If a man is accused of a fault, and he takes his case to the Appeal Board, and his appeal is sustained, is that subversive of discipline, or is it discipline to punish a man for no offence at all? What is the meaning of 'discipline' ?—We are endeavouring to the best of our ability not to punish a man unless he is entitled to and deserves punishment; but the reason I say that the Appeal Board would be subversive of discipline is because it would give the men two authorities to look to.

219. Then, as a refuge in time of storm we must look to the company?—We try to be the refuge. We do not want to put the men out in the storm unjustly

220. You said you would agree to it if the manager had the power of veto?—That appears to me to come back to the present day

221 It would nullify it, would it not?—No, except that it would act as a ventilation.

222 With reference to the car report-book: do you remember the case of Lowe, who was prosecuted for furious driving?—Yes.

223. The offence happened a day before Christmas in 1907 You remember being served with a subpœna to produce a car-defect book?—Yes.

224. That book was produced, was it not?—Yes.

225. And was it shown whether the car had been booked up a number of times for being unreliable?—I could not say what the reports were, but there was no necessity for the subpœna, because I was not asked for the book until I received the subpœna.

226. You are aware that I took the report of the car in question from that book?—No, I do not recollect.

227 Do you remember Motorman Veart being called up for a slight bump he had on the corner of Pitt Street?—Yes.

228. Do you remember getting a letter from me, of which this is a press copy, dealing with the circumstances [produced]?—Yes.

229 Turn over two pages and see there a list: do you remember getting a copy of that showing the report of one car?—Yes.

230. That was taken from the car-defect book. You admit getting this letter making an appeal on behalf of Motorman Veart? From this is dated the withdrawal of the bound book?—I remember those letters.

231 This is a copy of the letter of February 17, 1908. Motorman W Bright reported the condition of the brakes. "Condition of brakes on car No. 73, as shown by entries in report-book at Ponsonby Depot:—1908: Feb. 17 (Motorman W Bright), brakes heavy; Feb. 20 (F Clarke), ratchet brake stiff, Feb. 21 (F Clarke), ratchet brake stiff; Feb. 22 (F Clarke), ratchet brake stiff; Feb. 23 (H. Straker), brake-rods catching on motor, cases on curves hard to brake; Feb. 26 (C. Gutry), ratchet brake bad, Nos. 1 and 2 ends; Feb. 26 (F Clarke), ratchet brake stiff, Feb. 28 (R. Meiklejohn), ratchet brakes jamming; Mar. 1 (C. Gutry), ratchet brake bad, No. 1 and 2; Mar 2 (F Clarke), ratchet brake stiff, both ends; Mar 3 (F Clarke), ratchet brake stiff; Mar 4 (C. Gutry), brakes bad on No. 1 and 2 ends; Mar 4 (F Clarke), ratchet brake stiff, both ends; Mar 9 (C. Gutry), ratchet brake bad on No. 1 and 2 ends, and grates on No. 1 and 2 ends; Mar 11 (F Clarke), ratchet brake very bad, both ends; Mar 11 (C. Gutry), ratchet brake on No. 1 end bad; Mar 12 (F Clarke), track brake stiff, No. 2 end." [Press copy put in]?—Might I say that that does not contain the shedman's record of what was done. It is an entirely one-sided report, and does not contain their views.

232 Would you say that the car had been looked after by the car-examiner, and the defects remedied?—Certainly I would.

233 Then, how do you account for the same defect showing day after day for practically three weeks?—That was the time when we were having the difficulty with continual repetition of reports, notwithstanding the shedmen's evidence and statements that the brakes were adjusted and tested and were all right.

234. Is it not a fact that you will get one car that is very much easier kept in order than another?—Yes.

235. Was it shortly after this that the report-book was withdrawn?—I could not fix the date when the book was withdrawn. I would not deny that it was shortly after, but I could not fix it.

236. Is that merely a coincidence, or is it a consequence of those two events I have put on record?—So far as that particular case of Veart's is concerned, a coincidence; but in regard to the repetition of the reports, that was one reason why we did away with the books. We wanted to get, as we have now, an independent report of what happened to the car

237 Would you have any objection to an officer or secretary of the union inspecting the record of a car in the event of a bump such as Veart's was?—It would depend upon the circumstances. We should have no objection to the men inspecting it, but there is always a question as to whether there may be claims in the Court pending.

238. It would depend upon whether it was a "fishing" expedition?—Rather when there is a definite reason why we should not—that is, when a case is pending.

239. Then, you would not say you would give the secretary of the union the same facilities as the Wellington City Council gives to the secretary of the union here?—I do not know what that is.

240. The secretary of the union is allowed to see the record-book if there is an inquiry?—Is he a motorman?

241 No, he is an outsider?—I do not say we should. It would depend upon the circumstances of the particular case.

242. *Mr Poole.*] You have instituted a good many reforms since you took charge of the service?—Yes.

243. Do you believe the introduction of those reforms has brought about the satisfactory state that exists to-day in the Auckland service?—Yes, to some extent.

244. Is it your opinion that the reforms you have introduced during the last three years have anticipated the proposed clauses in this Bill?—I am in the dark; I do not know what reforms you are referring to, and therefore I cannot connect them with the Bill.

245. For instance, the provision made for a car report-book. You are carrying on a system at the present time that is in keeping with the requirements of this proposed clause; therefore

you have anticipated this measure?—Not according to my reading of the clause. I read it to mean a "common" book.

246. Will you admit that there were some unsatisfactory conditions connected with the Auckland tramway service some time ago?—There were, to some extent.

247 Do you think those unsatisfactory conditions inspired in any way the introduction of this Bill to deal with the irregularities?—I cannot say that.

248. Will you admit that the reforms you have instituted do away with the necessity for clauses that are proposed in this measure?—I am afraid I cannot couple the two things. I do not know what you are referring to as reforms.

249 I am not anxious to go into a lot of detail. I thought I would just put these two questions to you, about the inspection and the new appliances?—We have been for two and a half years willing and anxious to install the air brake.

250. Under the present circumstances in Auckland do you think there is any necessity for the provisions of this Bill?—I do not think so.

251 No necessity for any of the clauses?—I do not consider there is.

252. With regard to car 75—that is, one of the latest large cars?—It is not the latest, but one of the large cars.

253 Is that the only one fitted with the air brake?—The only one.

254. And that car had the air brake at the time of the test?—Yes.

255. That would account for the motorman's expression of satisfaction when the brake-tests took place?—Yes.

256. With regard to trouble in connection with your Orders in Council, do you recognize that under an Order in Council you are committed to the consent or refusal of the Engineer-in-Chief?—That is so.

257 Would you be in favour of some power being given to ease that position, so as to secure for you the consent of the Department to your supplying the air brake?—We have the approval of the Engineer-in-Chief for the air brake.

258. Whom do you consider now to be the obstructionist?—The time is so short that I do not consider any one has been an obstruction. It is only within the last few hours that a decision has been arrived at.

259. In the event of an Order in Council holding you up in connection with the brakes, would you be in favour of Parliament giving you a clause in the Bill to relieve you of that position?—Yes.

260. Do you think there is anything in the mind of the Minister to enable you to do that?—I take it that clause 8 was inserted with that object.

261 At the present time under your Order in Council you are at the tender mercies of the Engineer-in-Chief?—Yes, as regards that point.

262. Are you still prepared to order your air brakes immediately after you secure this approval?—I have a cable written ready to send.

263. What length of time do you consider will pass before you can fit the cars with the brakes?—I am not able to answer that now When the question was asked before, I said I was in possession of undertakings to ship the material, but now I have to get fresh undertakings.

264. *Hon. Mr R McKenzie.*] In answer to Mr M. Myers you said you considered the air brakes at present in Auckland were perfectly sufficient?—I do not recollect it. I said, the present brakes.

265. You do not consider there is any necessity for change in the brakes used in Auckland?—I did not say that. I said I considered the present brakes in Auckland are sufficient and safe, but that we have been prepared and are prepared to install the air brake.

266. You stated that nearly two years ago you applied to the Government for permission to put on pneumatic brakes?—Yes.

267 How is approval given for anything you apply for in connection with the tramways?—Approval with regard to the cars is given by letter from the Engineer-in-Chief or the District Engineer As regards the brakes, the correspondence has been conducted by the Under-Secretary

268. If you want any system of brakes, does he not approve of your plans?—As regards the cars he writes the approval on the plans, but as regards other things I think he has approved them on the actual car I think the details of the car, such as the brakes, life-guards, and so on, have been approved on the actual car without the plans. I am not absolutely prepared to say that that has been done.

269. How is the approval recorded in the office?—By letter

270. Are you perfectly sure on that point, that the cars are approved on the plans?—In any case the final approval of the cars is the subject of a letter from the Engineer

271 Do you submit plans for approval?—Yes.

272. And then the Engineer-in-Chief returns them to you as signed and approved?—Yes.

273. When did you supply plans for the pneumatic brakes?—After the last Commission.

274. Not two and a half years ago?—No, we supplied the actual brakes then.

275. You had the brakes in Auckland, and got the Engineer to examine them there?—Yes, on the cars.

276. Did he refuse approval?—He did not refuse, but he did not approve.

277 That is a distinction without a difference?—Hardly, because he did not refuse. He simply withheld his approval. He declined to give his assent.

278. How long ago is that?—It has been going on for nearly two years.

279. Although it may be stated in the Order in Council that the Engineer-in-Chief has the approval, the final approval is given by the Minister?—I take it from the Order in Council that it is, but I say that in this particular instance of the brakes I am waiting for the final approval of the Under-Secretary.

280 But when you have an Order in Council, that shows, does it not, that the duty lies on the approving officer, whoever that is?—I take it that is by the Public Works Department.

281 You stated in reply to Mr Poole that you understood the Engineer had now approved? Yes.

282. Suppose he makes a qualified approval—that he makes a condition that the air brake is not a suitable brake to the Auckland system, what will you do then?—It will depend on the wording of that qualification.

283. Then it is a qualified approval?—Yes. I do not know in what form the approval is coming forward. Whether it is a qualification that will enable us to accept it or not I cannot say

284. I have to consider the public. The question arises, then, whether the Government should allow a brake on the Auckland tramways that is only partially approved?—That is, of course, for you to say.

285. You have considered clause 8 of this Bill?—Under the circumstances, if the approval is qualified in such a way that the powers sought cannot be made use of, it is necessary

286. In the Order in Council, with regard to the approving authority, it is impossible to give you approval without his consent?—Yes, that is so.

287 Now take clause 2 of the Bill: do you mind telling the Committee what are your principal objections to this?—Well, I have already stated my objections to it.

288. You notice there that no one can apply to the Board for a certificate unless he produces satisfactory evidence that he has for at least one year acted as a motorman?—I take that to apply to men who are driving at the time the Bill comes into operation.

289. That is how it reads now, but it is a mistake in the drafting, but if it were amended to state that the man had to have one year's experience as a motorman before he could obtain a license, would that remove your objection?—I have no objection to the certificate as a certificate, and that would make it more valuable to the man. We have in Auckland a number of conductors who are acting as conductors from day to day, but who are, in a case of sickness among the motormen, licensed to drive as motormen

290. Say the clause was amended so as to adopt the system you have in Auckland and Dunedin, where the men are trained up as motormen, and that a man had to show that he had had a satisfactory training before he could apply for a certificate, would that be satisfactory to you?—Yes.

291 There is nothing in this Bill to compel you to employ any person unless he suited you?—I do not read anything in it to show that there is any compulsion, but if there is I should object to it.

292. Apparently there are some fees to be paid by the men for their license at present?—Yes, to the Auckland City Council.

293. Do they pay those license fees once a year?—Yes.

294. If a man wants to get the Government license, do you think he should be charged after his examination, once he gets his license—should not that be sufficient?—I think so. That would be falling in with the practice in connection with engine-drivers. I see no reason why the man should go up every year for his license.

295. The fact of having obtained a license for a year does not prove that they are better qualified?—But the license and the examining certificate are two different things. The certificate is one of proficiency, and the license shows that he is licensed to drive. The license is just like that of a cab-driver, or like the motor-car license in the United Kingdom—you have to renew it from year to year

296. You were asked if you thought the men would be prepared to pay this fee after they had got the certificate, and your answer was that you thought they would, that was the reason why I asked you whether you thought it necessary?—Yes, that is so.

297 *Mr Fraser*] What is the amount of the license fee?—Five shillings a year, I think.

298. *Hon. Mr R. McKenzie.*] In clause 3 you distinguished between the Government supervision and the reasonable requirements of the traffic. Your objection to that, I think, was that the Government might ask you to increase your rolling-stock?—They might, sir

299. Do you think the Government would be likely to do so?—Well, I am not able to prophesy as to that.

300. Have you ever been asked to do anything with your rolling-stock except in connection with your brakes?—Yes, we have.

301 What was it?—There was the question of life-guards, and bells, and suchlike.

302. That was on your cars?—Yes, after they were finished. The most recent instance was to change the electric bells, and substitute a certain mechanical bell.

303. Was that immediately after an accident?—No.

304. Has the Government now the power to order you to do anything unless it is after an accident?—Well, I do not wish to put the matter to the test as to whether the Government has power or not. I find it advisable to comply with Government requirements.

305. If the District Engineer or Engineer-in-Chief went to Auckland, he might say that your system of bells might be improved on, and you acted on his suggestion?—No, it went further than that. It was, in fact, an order in the case of the bells, that we should alter our system, and it was also to the effect that on the last five cars that were approved those bells were to be fitted.

306. Was that before the cars were licensed by the Government?—That was before the cars were passed by the Government.

307. Did you find those alterations an improvement or a disadvantage?—A disadvantage.

308. Did you raise any objection to them?—I did.

309. To whom?—To the Engineer-in-Chief.

310. And he insisted on them being put on, did he?—Up to quite recently that was the position

311 I never heard of it before. You said there was no right of appeal?—That is the way I read it.

312. Have you no appeal to Parliament?—I am afraid you are taking me into the field of law I do not know what form of appeal there would be to Parliament.

313. Supposing the Engineer-in-Chief insisted on your doing something unreasonable, would you not have an appeal to the Government?—Presumably not, because the Engineer-in-Chief is the person appointed by the Orders in Council—or most of them.

314. The Minister has not ordered you to alter your rolling-stock, has he?—No, except as to the brakes. We have been instructed now by the Under-Secretary to alter our brakes in conformity with the finding of the Royal Commission.

315 What Commission?—The second Commission.

316. Were you ordered by the first Commission to do anything?—We were requested to alter them then, and to put on a more effective brake, and it was then we suggested the air brake.

317 You know the law on this point: suppose you refuse to carry out the instructions or orders you got from the Department, what remedy has the Department to compel you to carry out their requests?—I take it that it would lay under the Public Works Act.

318. However, the Government has taken no action to force you to alter your system of brakes?—They have taken no further action than to instruct us to fit on an approved brake.

319 You said that power to order an inspection should not be given to any one man without the right of appeal?—It seems to me that there should be some appeal.

320. Would there not be an appeal?—That is where I fail perhaps to understand the clause.

321 You stated that you got instructions from the Department after the first Commission to improve your brakes?—Yes.

322. I think you did see me about that by way of an appeal, because you thought they were not suitable to your under-carriage?—The first Commission recommended that we should put on a more suitable brake, and the Department forwarded that recommendation to us, and instructed us to carry it out. Then, in pursuance of those instructions the chairman of the company came down to Wellington and saw your predecessor—I think, Mr McGowan—and the Under-Secretary, and he suggested that we should fit the air brake to all the cars. But some objection was raised, and he was informed that sample sets might be tried. These sets were got out, and tried on the cars, and inspected by the Chief Engineer The permission was not given. And then we come to the last Tramways Amendment Bill, when the matter came before you.

323. You saw me before that, and your objection was that the structural style of your carriages would not allow you to apply the pneumatic brake?—That was the magnetic brake. We were never called upon definitely to put in any form of brake, but we were instructed to put on a brake that would conform with the requirements of the Commission.

324. If the Commission considered that the magnetic brake was the best for your system, do you think you would be likely to be called upon to put on the magnetic brake?—The first Commission did not tell us to put on the magnetic brake, but simply said we should put on some effective brake.

325. But after that you told the Engineer-in-Chief you were going to get some other sort of brakes?—The Freund brake was then suggested. We objected to the magnetic brake, because we could not adopt that without altering our cars.

326. Do you think the Engineer-in-Chief would approve of it?—I cannot say whether he would or not.

327 Did he ever give you to understand he would approve of the magnetic brake?—I gather that he would have approved of the magnetic brake.

328. Would it be to your advantage to have a Government electrical engineer to examine your cars and see which was the most suitable brake?—I sincerely hope that the brake question has been finally settled. I think an experienced tramway engineer would be more likely to give satisfaction than a man who had not had an extended tramway experience.

329. Would you prefer a fully qualified electrical tramway engineer in preference to any other man?—Yes.

330. Would you have any real objection to inspection by a thoroughly qualified electrical engineer?—None whatever

331. Do you think it would be an advantage to have such a man to consult with?—Well, yes.

332. Take clause 5: With regard to the question of overcrowding, is it customary for you to have overcrowding in Auckland during holiday-time?—We are restricted by the licenses issued by the City Council.

333 Do you consider that Auckland is freer from overcrowding than any other system in New Zealand on account of those licenses?—I am really not in a position to judge fairly as to other systems, but there is no overcrowding, except to a very small extent, in Auckland.

334. Because you are under restrictions and the others are not?—Yes, not only by the licenses, but the Council Inspector watches the matter very closely

335. Overcrowding may occur occasionally even if your conductors and officers try to prevent it?—To some extent, but I am satisfied that our officers do not permit unlimited overcrowding.

336. Have you known any of your conductors to refuse to move the cars until people leave?—Frequently

337 And I suppose if other conductors adopted the same attitude on the other systems in New Zealand it would prevent overcrowding?—I do not know what happens in other centres, but I know that for several weeks in Auckland the cars simply carried those people who were seated.

338. You are not aware of any action taken by the Government to prevent you carrying as many as you like?—No.

339. Do you think the Government are quite prepared to leave you to deal with the public in that respect?—I have no means of knowing

340. We have power to prevent it in an Order in Council and in case of accidents?—You have power to prevent overcrowding. The question has never been raised as between us and the Government except as regards passengers standing on the platform.

341 If one of your cars met with an accident, the Government could step in and say that the car should not carry any more than it had accommodation for?—I am not aware of any provision by which that can be done.

342 We have the right of inspection, you say?—Under the Public Works Act, yes, but I am not aware of any further provision for restricting us in that way

343. But suppose it was proved to the satisfaction of Government officers that an accident was caused by the overcrowding of a car, could not the Government prevent that car from being run?—I take it they would be able to prevent the car from running

344. Have we ever exercised that power?—No.

345. Are you satisfied that we have dealt with the Auckland Tramway Company in any arbitrary manner?—In connection with the cars?

346. In connection with anything?—No, I do not call anything to mind.

347 You do not remember any case in which the Government has dealt with your company in an arbitrary manner?—No.

348. The question of speed-limit arises in subclause (*d*) of clause 5: have you a speed-limit on your system now?—In some instances we have.

349. And in some instances you can run as fast as you like?—In some instances there is no restriction.

350. Your Orders in Council were about the first that were issued in New Zealand in connection with tramways?—I think so.

351 And the Government officers and local officers were not quite so well up to the requirements of the traffic as they are now—do you think they were?—I am not in a position to say I was not here.

352. Do you think they would give you an Order in Council now authorizing you to run at an unlimited speed?—They do not.

353. Do you think there should be some power to limit your speed?—There is already provision for that in the City Council by-laws.

354. The fact remains that there are no speed-limits in some of your Orders in Council?—That is so.

355. Do you think we have the right to amend those Orders in Council by putting in speed-limits?—I see no necessity, seeing that the City Council has power to limit us by their by-laws.

356. Supposing the City Council limited you, say, to three miles and hour, and you wanted fifteen miles, and you appealed to us, do you think we should have the power to amend the Order in Council in that respect?—The regulations as to by-laws simply state that the by-laws may not appoint a speed in excess of the Order in Council.

357 But there is no speed mentioned in the Order in Council?—That fact would not affect the by-law.

358. Supposing they wanted to limit your speed down Queen Street to the rate of three miles an hour, and we considered that you could go at ten miles, we should have to put "ten miles" into the Order in Council, which would nullify the by-law?—I do not think it would nullify the by-law You are taking me into a legal question.

359. We want the law altered so as to enable people to apply to us in such cases. Clause 6 is the Appeal Board. This Appeal Board has no power to deal with any of your staff unless they are dismissed or disrated. It does not give any power to deal with your men except after they have obtained a certificate and are in your employment?—That is so.

360. If they are dissatisfied with the treatment they receive from your company or the directors, do you think they should have a right of appeal to somebody?—I do not see any necessity for it beyond the Arbitration Court.

361 This does not provide for the Arbitration Court. There may be no reason why it should not be altered to the Arbitration Court, but at present it provides for a separate Board of Appeal?—My objection is that it takes the management out of the hands of the responsible officials.

362. But your management could appoint assessors on the Board?—But I do not think the assessors would be likely to agree to the appointment of a Chairman.

363. Suppose the Arbitration Court appointed a Chairman, would that lessen your objection? Yes, but even then I do not think the matter of promoting suitable men should be taken out of the hands of the company

364. If you could prove that the man wanting promotion was unsuitable, you do not think that the Appeal Board would promote him?—That might be, but I do not think it is a matter that should go beyond the responsible manager

365. Do you think that a case of dismissal should go before an Appeal Board?—There is not so much objection in that.

366. Take the case of the man mentioned by Mr Rosser, Motorman Veart?—He was disrated.

367 Do you think that a man who feels that he is suffering under a grievance by having been disrated should have the right to appeal to an impartial tribunal?—I think the management in that case particularly were the best qualified to deal with it, because he had not only one, but a number of accidents, and that is an instance where it is often necessary and useful to put a man back, because it makes him much more careful.

368. Are you a certificated marine or mechanical engineer?—I am not certificated at all.

369. Take the marine engineers: do you think their employers should have the power to take away their certificates or to dismiss them even?—I certainly think the right of dismissal should lie with the employer

370. Well, say wrongful dismissal?—I should not like to say that.

371 Clause 5, car report-book I think you said you have the loose leaf in your system, and file the leaves, and have a separate book for each car Is that your present system?—Yes.

372 What is the difference between having a separate book for each car and keeping this book?—The difference is a very important one. In the first place, the cars move from depot to depot, and the book would have to be moved about from depot to depot. In wet weather, with the motormen coming in with their wet clothes on to write on it, and also the shedmen, the book would be soiled and the writing become undecipherable. With our system it is just a leaf for the day

373. Could you not provide some receptacle on the car where the book could be kept?—I find it a most unsafe practice to keep things on the car Very frequently they disappear

374. Is there anything to prevent you sending the book out with the car in the morning and getting it back at night?—The book is often wanted as a record in the depot for any transcribing-work that has to be done. The book serves three purposes. In the first place, it is a character sheet of the car for the day, and the man driving it has to put down anything that is the matter with it. Then it is a sheet of instructions for the shedman, showing what he has to do with the car In the third place it is a source of information to the foreman.

375. If the book went out in the morning the shedman could not deal with it until the car came in at night, so he would be at no disadvantage?—He would.

376. Then, what is your objection?—The car-shed staff have to take into consideration what has been done to the car by the night staff during the night, and what was the matter with the car, which may have to go out at 9 or 10 o'clock, before they have time to examine the book. It is serving a triple purpose.

377 Your system is a near approach to what we have in the Bill?—It is a vast improvement on it, because we get from the men first-hand what has happened to the car

378. Have the sheets ever been known to go astray?—Not that I am aware of

379 There were none missed at any inquiry?—Not that I am aware of

380. *Mr M Myers*] The cars are inspected under your system every night?—Yes.

381 Each car?—Yes.

382 As to clause 2 of the Bill: If training is a condition precedent to the issue of a certificate, do you see that that certificate is necessary at all?—I said before that it was not necessary, but I saw no objection to it.

383. In any case, would you accept and place on a car as a motorman a certificated man from any place unless he had gone under the same training in Auckland as well?—No. As a matter of fact, if a motorman fully accredited from another centre comes to Auckland for employment, he has to go through the routine as a conductor, such as I have described previously, in order to arrive at the stage of a motorman.

384. The Hon Mr McKenzie asked you something about the first Commission, consisting of Mr. Holmes and Mr Richardson: as a matter of fact, did that Commission have any evidence before it, from either the men or the company, as to what was the best brake for the Auckland system?—None whatever.

385. The second Commission did?—That is not exactly correct. The first Commission did have some evidence from motormen who had used the air brake.

386. But the question was not fully considered?—No.

387 Then, if a special tramway engineer were appointed to advise the Government, do you think, even with such an officer as that, he should have power to say what are the reasonable requirements of the traffic?—No. As I said clearly in my evidence, not without some form of appeal.

388. I suppose the point arises sometimes when you think you can only study the convenience of the public by increasing the fares?—I take it it would, but we cannot increase them.

389. They are fixed by Order in Council?—Yes.

390. I suppose the public themselves object sometimes to having their fares increased?—I have never tried it.

391. *Hon. Mr R McKenzie.*] Paragraph (*e*) of clause 5 provides for the use of "proper appliances and furnishings on carriages to insure the safety and convenience of passengers, of the tramway employees, and of the general public": if the two words "and convenience" were deleted, would you then have any objection to the clause?—Those are the objectionable words.

392. That would satisfy you, to delete the words "and convenience"?—Yes.

393. You said in reply to Mr M. Myers that if a motorman came from Christchurch or Dunedin with a Government certificate you would not put him on unless you were satisfied with his training?—I said that if a motorman fully accredited came from one of the other centres to Auckland to get employment in our service, he would have to go through the ordinary routine of a conductor before he could become a motorman.

394. Did you not say, if he had a Government certificate?—I did not mention it.

395. Supposing he had a Government certificate, is there anything in this Bill to compel you to employ him?—Not so far as I can see.

396. As far as that is concerned you would be in the same position as you are now?—Yes.

397 *Mr M Myers*] Having regard to the safety and convenience of the public, do you consider that the Auckland tramway system compares favourably with the other tramway systems existing throughout New Zealand?—I think it compares quite well. I would not like to say it is better than any of the others.

FRIDAY, 2ND SEPTEMBER, 1910

HENRY WILLIAM WILSON, Town Clerk of the Auckland City Council, examined. (No. 3.)

1 *Mr A. Myers*] You have been duly authorized by the Auckland City Council to come to Wellington and give evidence before this Committee?—Yes, by resolution passed yesterday week.

2. You have been Town Clerk for a considerable time?—About ten years.

3. Are you intimately acquainted with the transactions between the Auckland City Council and the Auckland Tramway Company?—Yes.

4. You also have a knowledge of the working of the tramway systems run by the municipalities of Dunedin, Christchurch, and Wellington?—A certain amount of knowledge, of course.

5. From the knowledge in your possession how would you consider the Auckland tramways compared with those systems, having regard to the safety and convenience of the general public? —On that point I can say that the tramways in Auckland have always run for the convenience of the general public. The system has worked extremely well. The Council, of course, have kept a strict hand over the company, so as to see that everything necessary coming within their jurisdiction was provided, and, on the whole, taking the different circumstances of the several cities into consideration, I think the Auckland system compares favourably with the others.

6. Do you think your Council at the present time possesses sufficient power to safeguard the interests of the public?—I do.

7 In every respect?—Yes.

8. You have power under the deed of delegation to make demands on the Auckland Tramway Company in any of the matters set forth in the deed of delegation, and which, of course, affect the convenience and safety of the public?—Yes, very full powers.

9. It is within your knowledge that the Auckland City Council has devoted considerable time to tramway matters during the last few years?—Yes. Two and a half years ago these matters became of such importance that the Council set up a special committee to deal with them.

10. And even prior to that the committee that exercised jurisdiction in tramway matters devoted a considerable portion of their time to that end?—Yes, a considerable portion.

11 So that, as a matter of fact, if the tramways had been municipally owned, do you think more time could have been devoted to them than what obtains at present?—Only with this exception, that the Council would have had more detail work in connection with their running; but over the general supervision they give very close attention.

12. What portion of the Traffic Inspector's time do you think is devoted to tramway matters? Well, practically the whole—that is to say, he has to do with the other traffic in the streets, but the bulk of his time is undoubtedly taken up with tramway matters.

13. Do you think the Council's position is satisfactory, so far as that whatever demands they make, providing they are reasonable and in the best interests of the public, are attended to?—Yes, they exercise a considerable amount of freedom in making demands on the company

14. Have they ever made demands in that way?—They have made demands at times which they considered were outside their powers, in order to see that the service was run in the interests of the public.

15. If the company do not comply with those demands, what is the position?—If the company do not comply, action is taken under the deed of delegation.

16. Has action ever been taken?—Twice legal action has been taken, with the result that in both cases the Tramway Company, by payment of fines, admitted that they were not complying with reasonable requirements.

17 Has the Council ever taken upon itself the responsibility of the safety of the brake?—No; the Council has been advised right through that the Government had that matter entirely in its hands, in connection with the passing of the plans for the construction of the cars.

18. So that at the present time the Council take no responsibility at all?—No responsibility with regard to the fitting-up of the brake.

19 There has never been any interference on the Council's part with any action the Government has taken in that connection?—No.

20. The Council are not desirous of accepting that responsibility?—Not so long as the Government take it.

21 You consider that that, in a word, is a legitimate function of the Government?—Yes, seeing that the Government pass all plans with regard to the construction of the cars.

22 Have you seen the statement made by Councillor Mackay?—It was prepared practically in conjunction with myself, and it was based upon the report which I made upon the Bill to the Council, and which was adopted by the Council as its expression of opinion.

23. You consider, in the first instance, that the condition of the brakes comes within the general functions of the Government with regard to the fixing of the limits of speed, where the trams are to stop, and other like matters, do you not consider that those are proper powers to be held by the municipality?—Yes. That, of course, becomes purely a matter of the local traffic.

24. I presume the Council would be more in touch with the desires of the people than any central authority?—Yes. With regard to the question of speed, we have agreements with the company as to the speed they shall run at in Queen Street.

25. So that, while the Council considers the construction of the cars and the fitting of the brakes come within the legitimate functions of the Government, you do not consider the stopping-places and the limits of speed, and so forth, come within their jurisdiction?—No, those become purely local matters.

26. With regard to the licensing of the cars, do you think there would be more expedition, if that matter were placed under the authority of the Government, than exists at the present time? —No; that is again a matter where the local authority has a knowledge of the local circumstances.

27 Generally speaking, do you think the working of the system in Auckland satisfactory?—Generally speaking, it is satisfactory Of course, from time to time there are details that we require improvement in.

28. You are not desirous of obtaining, at any rate, more power to strengthen your position in any demands you may make on the company?—No. Hitherto we have had sufficient power to obtain the requirements we wanted.

29. *Mr O'Shea.*] You have gone through the Bill and read it?—Yes, several times.

30. How do you think it affects local government in New Zealand?—I consider, in the first place, that it absolutely takes away from the local government many matters of purely local concern. In the second place, so far as Auckland is concerned, it absolutely damages our credit by superseding the conditions of existing deeds solemnly entered into with a company domiciled in London. Therefore, if we had to go to the London market for loans, there is always the possibility of our credit being assailed. In the third place, we are very much afraid, if this Bill were carried into law, similar demands might be made which might not be successfully resisted, the precedent being already established.

31 Do you refer now to the Appeal Board?—That is one.

32. And to the certificates?—Yes.

33 Now, what, in your opinion, would be the effect of the certificates in the case of a strike?—If it were limited to a certificate only, the Auckland City Council would have no particular objection; but it goes further than that. We are afraid that in the case of a strike a close union would be established, and the public service would be absolutely hung up.

34. Do you know of any one section in the community of Auckland outside of the tramwaymen who are in favour of this Bill?—I presume the Tramway Union are in favour of particular clauses. I have no knowledge of any one else. The Liberal and Labour Federation in Auckland passed a resolution in opposition to the Bill.

35. You have read clauses 3 and 5: do you think the Auckland City Council or the Government is the best authority to deal with the reasonable requirements of the traffic mentioned in subclause (2) of clause 3?—I think that is essentially the duty of the local governing body

36. Do you think the Government is able to look after the reasonable requirements of the traffic?—Not to the same extent as the local body

37 At present you do it as part of your ordinary every-day business?—Yes.

38. Clause 5 What have you to say about the powers contained in paragraphs (*a*), (*b*), and (*c*), which are taken from you and given to the Government? Do you think that will be of advantage to any one in the Dominion?—As far as Auckland is concerned, it sets them aside, and we lose control of the traffic in the centre of our streets.

39. Later on the Minister proposes to take the licensing of the cars from you and give the power to himself how will that affect you?—Under our deed, in which we gave the company the right to use the streets, we derive certain payments, so that as between the company and the City Council we are eased to the extent of £200 per annum, this being the amount of the licensing fees payable for the cars.

40. What is the license fee for the cars?—Two pounds per car per annum.

41. And the motorman and conductor?—Five shillings per annum per man.

42 In paragraph (*e*) of clause 5 the Minister proposes to take power to insure the safety and convenience of the public: you have no objection, I suppose, to that, providing he does not do it too often?—No one can take exception to the taking of power to insure the public safety by anybody The Council has taken steps in that direction already

43. Do you think the Government or the local body is the best able to look after the interests of the public?—I think the local body is the best.

44. Clause 6, the Appeal Board What would happen to your City Council's administration if you had an Appeal Board on which the chief man was appointed by the Minister?—The ultimate effect, so far as the Council is concerned, would be that the discipline of the staff would almost entirely disappear At the present time the head of a department is responsible for the men employed. If the men had the right to appeal to a Board he would feel absolutely hampered in carrying out his work, and consequently discipline would disappear We are not dealing with the running of the tramways, but we look upon it that, if one municipality is going to have a Board like that, there is no reason why others should not.

45. Have you any Appeal Board yourself?—Practically we have. We give every one the right to appeal.

46. *Mr M Myers*] Your City Council in good faith has delegated its tramway authorizing order to the Auckland Tramways Company?—That is so.

47 And is it correct that that company had to bind itself in that deed by stringent obligations?—That is so.

48. Is your Council prepared to allow those obligations to be discharged in the event of this Bill being passed?—No; that is why we appear here.

49. Do you not see that if this Bill passes, and those obligations are not discharged, there will be two authorities controlling those tramways?—On the face of it that appears to be so. But I go even further, and say that if the Order is set aside the obligations of that Order contained in the deed of delegation are also set aside.

50. You do not suggest that the tramways would then go back to the City Council?—All I suggest is that the control of the trams passes out of the hands of the Council to the Government.

51 You told Mr A. Myers, or Mr O'Shea, that your Council had been active in looking after requirements of the traffic and in keeping the company up to the mark?—That is so.

52. Do you find that the people of Auckland are apt to prod the City Council if they, the people, think that anything is required to meet the reasonable requirements of the traffic?—They do.

53. So that the company has behind, to look after it, first the City Council and City Council authorities, and secondly the people themselves?—Yes; and you might add all the suburban local authorities, who have also delegated authorizing orders.

54. Your Council has twice taken action against the company?—Yes—that is to say, legal action: we have given notices at other times.

55. And those notices were always acted upon?—Yes.

56. I suppose the company discusses the matters with you?—The general manager comes to the committee and discusses the matters; in addition to which there is the correspondence that passes.

57 And on two occasions, when the discussion did not result satisfactorily, you took legal proceedings?—Yes.

58. And I think, in each case settlement was arrived at satisfactorily to the City Council?—That is so.

59 *Mr Rosser*] Mr Wilson, in your opening statement to Mr A. Myers you said that the Council possessed sufficient powers in every respect to protect the public?—Yes.

60. May I ask whether it is part of the function of the Auckland City Council to deal with the time-tables of the company?—Yes.

61 To approve of the time for each journey?—Yes.

62 Do you recollect a deputation of motormen at the beginning of this year going to the open Council to ask for an extension of time on certain runs in the service?—They came to the Tramways Committee, and, as far as I understood their request, it was to have certain stops in Symonds Street amended, in order that they might keep the time-table running

63. Can you call to your remembrance whether I did not, for one, as a mouthpiece, ask for the time-table to be extended above the time for running the trip?—If the stops were not amended, that was the request.

64. It was either to amend the stops or give a longer time for the journey—is that not so?—Yes.

65. Were the stops amended?—They have been amended four or five times since that request was made.

66. Stops have been deleted?—Yes, and then came a public demand for a restoration of a stop, to be placed a little below the former position in substitution, and that has been granted.

67 Then there was a stop deleted and another put in?—Yes.

68. The same number of stops then obtained?—The same number now exists.

69 Did the Council accede to the request to lengthen the time-table?—No.

70. Did they consider that sufficient time was allowed for the journey?—Up to the present time the time-table has been kept.

71 Does not your Inspector of Traffic report so many trips missed?—Not on account of the stops.

72. He has reported that there have been those trips missed?—Yes, on account of disabled cars.

73. Do you get the despatcher's report at the time the cars leave the terminus?—The old Traffic Inspector used to see regularly to that.

74. Is it not a fact that they are rarely up to time in rush times?—No, I cannot say that. I checked it once or twice myself, and I found any delays that occurred took place in the afternoon, not at lunch-time or tea-time.

75 Then, in the afternoon the cars are not always able to run to their time-table?—No, they are two or three minutes out sometimes. That applies to all lines.

76. The speed in Queen Street, you say, is decided by an arrangement between the company and the Council?—Yes.

77 What is the speed?—If I remember rightly, eight miles an hour

78. Is there any limit to speed in other portions of the city?—No limit beyond that controlled by the Order in Council.

79 Mr O'Shea asked you a question whether, in the event of Government certificates being granted, you would not be afraid that in case of a strike a close union would be established and the service hung up?—That is what I said in reply

80. Are you aware that under the law a close union cannot be set up—that it must be open?—This is making a law

81 In what way does it make a law that a close union shall be brought into existence?—Because no one can act without getting a certificate, and if there is a strike the men will prevent cars from running

82 Has the effect of the Machinery Act been to make a close union?—That is confined to certificated men only We are positive that this means ultimately the licensing of the men also.

83 That is an inference—the Bill does not state that?—We have to look ahead.

84. Do you think that in the event of a strike the public safety should be imperilled by the employment of inefficient motormen?—No, not inefficient motormen.

85. A certificated motorman would mean an efficient motorman?—From one point of view it would.

86. Do you think, even in the event of a strike, that the public safety should be imperilled by the employment of an inefficient man without a certificate?—No. The way I look at it is this: that there will be a number of men called efficient who have retired from the tramway service, and who might be called upon in cases of emergency They would not hold certificates, but they would be quite efficient.

87 Do you think a man can pick up his trade where he left it off years before, and be efficient? I do in this case.

88. You stated that the City Council has already taken steps to look after the safety of the public? In what way—by prosecuting, or what?—Take the case of stops: we have made the company make dead stops in one or two cases. That is where we considered the cars were running too fast. That is one instance.

89 Did you lengthen the time to allow for that dead stop?—No, because we considered the men were simply coasting down-hill—I do not want to say for the exhilaration—unnecessarily

90. Do you remember when in 1907 the men decided that they would only carry the licensed number on each car?—Yes; we have been trying to get that for some time.

91 Did you not amend the by-laws in the Council to allow for an increased number to be carried?—We made by-laws then for the first time to meet the circumstances of the case that had arisen.

92 That is to allow over the seating-number?—Yes, in certain cars, not throughout the service.

93. That is the way you improve the position of the men in deciding not to carry more than the proper number?—Not altogether At the same time we took action against the company to provide more cars. The Councillors always held very strongly that they would not allow strap-hangers to override the necessity for having a proper number of cars.

94. What is the number of strap-hangers allowed?—Fourteen is the maximum.

95. Do you think that is a fair number to carry?—It was decided upon an engineer's report. He went into the case of every car, and according to his inspection as to the seating-capacity of the car a decision was arrived at. The number is not provided for in the by-law The Council exercised this power of licensing in each individual case according to the circumstances.

96. Then I will take it that the Auckland City Council is not in favour of indiscriminate overcrowding?—No.

97 Have you noticed the lading of the cars in Wellington?—Not on this occasion.

98. Have you at other times?—At other times I have.

99. Would the Auckland City Council allow such a system of overcrowding on cars as that to be seen in Wellington?—No.

100. During the three months that it requires to pass these amending by-laws with regard to strap-hangers, is it not a fact that one of the City Councillors, who is now the Mayor of Auckland, was fined for refusing to leave a car when called upon to do so?—I do not remember all the circumstances, but I remember the present Mayor of Auckland was fined, or had up before the Court.

101. Do you remember the shilling fine and costs being inflicted?—No, I cannot remember whether he was actually fined. I know he was before the Court.

102 Let me ask you whether there has been an application for an extra stop in Wellesley Street at the intersection of Albert Street?—Yes.

103. Was that granted?—Yes.

104. Do you know the grade of Wellesley Street West?—No.

105 If I suggested that it was a grade of 1 in 16 would you contradict me?—No.

106. Do you consider it is conserving the safety of the public in instituting a stop on a grade of 1 in 16?—It is serving the convenience of the public. With regard to the speed, the Council were of opinion that there was no question of safety being imperilled.

107 Did Inspector Lindsay report either for or against such a stop?—He reported against it.

108. And yet, in the face of the advice of your Inspector, who devotes nearly the whole of his time to the tramway traffic, the Council decided in favour of the stop?—Yes; but you must remember that the Inspector is a new one, and the Tram Committee had been many years—some of them—controlling tramway matters.

109 In connection with the Appeal Board, you say practically the right of appeal is to the Council itself?—Yes, I always advise a man if he has a grievance that he has that right.

110. Has the man representation on that Council?—He goes himself There have been cases—not applying to employees—where the men have been represented by a solicitor

111 Take the case of Conductor Maples, a few weeks ago?—Yes.

112 What was he called down for?—To show cause why his license should not be cancelled for carrying over his number. There was a conflict of opinion as to the number

113 What was the verdict?—I cannot remember the words, but the effect of it was that he was to be a good boy and not do it again.

114. Did not the Mayor say that the case was a trivial one, and should not have been reported?—I cannot remember who stated it, but it was so stated.

115. I think it was Mr Mackay?—Yes.

116. I was present at that meeting?—You certainly entered.

117 I had not right of appearance?—No.

118. But I practically forced my way in?—No. The question of your admittance was put to the committee, and the committee decided that you should be allowed in.

119. But not to put the man's case?—Yes. That is to say, the reason why the committee decided that you should not appear on his behalf was that they had the facts before them and did not want to have the proceedings prolonged.

120. What were the profits of the company last year?—I cannot tell you from memory I only know, of course, what we received.

121 You receive 5 per cent. over a certain amount?—Five per cent. up to £5,000, and 10 per cent. over that on the profits. That is, the net profits, of course.

122. What is the amount the Council received as its share last year?—£3,592 That is on the profits only and is subject to audit.

123. If I stated that that would represent a net profit the company made of £40,000, should I be far wrong?—That would not be far wrong.

124. *Hon. Mr R McKenzie.*] Mr Mackay was chairman of your Tramways Committee?—Yes, for twelve months.

125. Was he a member of the Appeal Board as well?—Each committee has its Appeal Board in each department. We have no tramwaymen in our employ, so that the only matter that would come before the committee would be the licensing

126. The Mayor is an *ex officio* member of each committee?—Yes.

127 Just before I came into this room I believe you stated that you had been associated with Mr Mackay in writing the document which he put in as evidence?—Yes.

128. Did you write it?—I did the actual writing, but Mr Mackay suggested a good deal of the matter

129. Are you aware that that would be manufactured evidence?—No; our intention was simply to save the time of this Committee by putting our statements before it in a clear and concise manner

130. But it was not your evidence?—It was the evidence of the Auckland City Council, inasmuch as when my report on the Bill was drafted it was submitted to the Council, which adopted it, and delegated Mr Mackay and myself to put these opinions before the Committee.

131 Do you know that Mr Mackay put it in here as his own evidence?—I was outside at the time.

132. You will admit that it was concocted evidence between you?—No; we are delegates here representing the opinions of a local body, therefore it cannot be said that it is concocted evidence.

133. Have you any objection to the tramway drivers' certificate proposed to be issued under clause 2 of the Bill?—The objection we have is that we fear it will lead to the certificate being accepted as a license, and that takes from the local body the power to supervise the actions of the men which we possess at the present time.

134. I think your statement was that you would lose control of the men if they went on strike?—That is a matter between the men and the company

135. I think you made the statement that if you continued on with the present system there would be sufficient men to work the tramways in such a case without the certificates?—I said there would be sufficient men who had been in the service who would be available in the case of strike.

136. How do you know?—It is common-sense. It has occurred before.

137 That is purely an assumption?—Purely an assumption, of course.

138. You also stated that if the Bill passed it would affect the credit of local bodies?—As far as the Auckland City Council is concerned, I look upon it most strongly in that way I have been conversant with loans that have been put on the market, and the timidity of the lenders. When I have sent papers Home I have had to be particular to the dotting of an "i" and the putting-in of a comma. If we place a loan on the London market, and it gets about that our deeds are not worth the paper they are written on, where is our credit?

139. Do you think the Auckland City Council are more careful than the Government are in that regard?—I should not like to express an opinion as to the actions of the Government.

140. Do you think the Town Clerk or City Council of Auckland are more careful of the credit of the Dominion than the Government are?—On that point we have been in conflict with the Government ourselves in connection with the sinking funds in trying to preserve our credit.

141 Do you think it would be an advantage to the Auckland City Council if any loans you wanted to float were guaranteed by the Government?—No, we have floated loans on better terms than some of the Government loans.

142. Have you floated loans on worse terms?—Yes.

143. When have you floated loans on better terms?—I cannot tell you the exact year, but quite recently, at the time the Government were getting money at 95 we got 98.

144. Do you know whether the Auckland City Council ever applied to the Government to get a loan for it?—Not in my time.

145. Do you know if other local bodies did?—I know they did.

146. Do you know that they are just as sound in their financial judgment as the Auckland City Council is?—I do not want to go into a criticism of other local bodies, but I know one other local body after approaching the Government shied clear of it.

147 Your City Council looks after the whole of the business of the City of Auckland municipally?—Yes.

148. Are there any other of the City Council's functions in which the Government have restricted control?—There is one in particular which we have been fighting ever since it came into existence, and that is the right to say whether a local street should be widened or not.

149. Are a large number of the City Councillors of Auckland property-holders?—I think on the whole they are. Five of them, I think, live in the suburbs.

150. And hold property in the city?—Mostly, I think.

151 Can you tell me why they should make lanes and slums in Auckland?—We are not doing so. We have spent thousands in widening the streets in the City of Auckland. The other day we refused to take over a road from the Harbour Board.

152. But when the Government refuses to allow you to build within 30 ft. of the fencing, do you think it is in the public interest that you should be allowed to do so?—In one part of the City of Auckland the area is overstreeted according to the best plans of town-planning, so that there is plenty of space.

153. Do you think the Health Department have a right to interfere with your sanitary arrangements?—They have a certain amount of supervision.

154. Do you recommend that that should be taken away?—It is practically *non est*. The Sanitary Department is so content that they do not interfere.

155. They have sometimes?—They have. They let us into a nasty hole at one time.

156. Would you be in favour of that restriction being removed?—On the principle of local government I do hold that many of those functions should be left to the local body

157 Do you know anything of the operations of the London County Council?—Only generally

158. Do you think they have improved the City of London since that Council was brought into existence?—I have heard opinions for and against.

159 Let us revert to your objections to the certificate?—On the certificate question the Council would not raise an objection if it were limited to the certificate only

160. I am dealing with the motorman's certificate: Do you object to your engineer holding a certificate under the Inspection of Machinery Act?—No.

161. If your tramways were run by steam motors instead of electric motors, would not the tram-drivers have to hold certificates?—Yes.

162 What is the distinction?—The distinction is this, as I pointed out that you are taking away from the local bodies the power of licensing the men

163. Is there provision made to prove that he had had previous experience and must be competent before he can go to the Board to apply for his certificate?—Yes, there is provision for that.

164. Take paragraph (*e*) of clause 5: "Providing for the use of proper appliances and furnishings on carriages to insure the safety and convenience of passengers, of the tramway employees, and of the general public.' Would you mind stating what your objection is to that?—The clause is so general, and there is danger in a general clause. If it were to apply only to the construction of the cars, the Government has at present to see that they are properly constructed, because the plans have to be submitted. But once the cars are approved by the Government, then the City Council as the local body sees that they are kept up to that standard. We are daily sending in cars, and we say that we are the best able to look after that business.

165. I think, in reply to Mr O'Shea, you stated that it was not possible for the Government to look after the safety of the public so well as the City Council?—I think so, because we are daily sending in cars.

166. Do you think the Wellington City Council look after the public safety so well as it is possible for the Government to do?—I can only judge by the short visits I have made. I do not know the details of the Wellington City Council's management.

167 Take Wellington, Christchurch, and Dunedin together: do you think those City Councils are looking after the safety of the public so well as the Government could possibly do?—I have sufficient confidence in them to think so. I have had thirty-two years' experience of local bodies, and I have not a bad opinion of them.

168. And you think the Auckland City Council can look after the public safety better than anybody else?—We do, as far as we possibly can

169 Do you know how many people you have killed on the Auckland tramways since they were started?—I do not remember

170. Do you know how many were killed in Wellington, Christchurch, and Dunedin during the same period?—No.

171 Do you know how many were injured in Auckland?—No.

172. Would you be surprised to learn that there were more injuries on the Auckland tramways than in the whole of those cities altogether?—No.

173. And yet you still say that you look after the interests of the public safety in Auckland as well as the Wellington, Christchurch, and Dunedin Councils?—Yes. The causes are not due to negligence on our part.

174. Do you think the Auckland City Council are looking after the safety of the public more carefully than it can be done by the Government or by the other City Councils?—Yes, because, as I said, the circumstances of the accidents have to be taken into consideration. Speaking from memory, the accidents have mostly happened through people in the streets, not on the cars; they have not been due to any defect in the cars.

175. Would it be owing to the defective brakes, through the cars not being able to stop quickly enough?—Not always.

176. Would some of them be because the brakes are inefficient, and cannot stop the cars quickly enough?—Speaking from memory, at the inquest in some cases the motormen have given evidence that they could not pull up the car so quickly as they would have liked.

177 Do you know of any cases in which the Coroner's jury gave a verdict that people have been killed through the brakes being inefficient on the Auckland system?—There might have been one.

178. What action did you take in dealing with that matter?—That car would be inspected by the Inspector and not sent out again until it was in perfect working-order

179 Were you allowed to run that car with the same brakes afterwards?—Yes, because we always look upon it that the Government is looking after the brakes.

180. You do admit their right to come in?—They are in at the beginning They pass the construction of the car, and therefore the brakes are not our fault.

181. How long is it after the Government has passed the car that these accidents have occurred?—I cannot say that.

182 You assume that the equipment of the brakes and so on of a car when first built should run for ever?—No, I have said that we are daily sending in cars.

183 You have about one-third of the cars in New Zealand in use on the Auckland system?—We have ninety-two licensed and there are eight more built, so that in a few days we shall have a hundred on the road.

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

man might be perfectly efficient and yet not ask for a certificate. I had a case before me, and that is why I am so positive.

215 I am talking of the certificate under the Bill. You meant, then, that nobody could be employed if the Bill were passed unless he had a certificate, however efficient he might be?—Yes.

216. *Mr McLaren.*] It is the function of your Council to look after the safety and convenience of the public?—Yes.

217 When you delegated your powers to the Tramway Company to run tramways, did you delegate that service to the Tramway Company with regard to the public safety?—No. We delegated the powers conferred upon us to run the service to the company, but in our deed we restrict the company in many ways. They are made subject to our by-laws, their cars have to be approved of by us, and they have to provide enough cars to our satisfaction.

218. You still regard it that the Council should be charged with the duty of looking after the safety and convenience of the public?—Yes; that is the big part of our committee proceedings every week.

219. Is your Council elected on a broader franchise or a narrower franchise than our members of Parliament?—In theory a narrower franchise, but in practice often broader I have had applications from the hotel servants and the sons and daughters of people, and that is going beyond manhood suffrage. I do not think there is much difference in the franchise.

220. Every one over the age of twenty-one years has the right to vote for a member of your Council?—In practice they get it.

221 In what way is your Council interested in the matter of loans raised by the Auckland Tramway Company?—I was speaking of the loans raised by the Council itself

222. You are in no way interested in the loans raised by the company?—Except to this extent that they cannot get new loans without our consent.

223. You are not directly concerned in the raising of those loans?—No.

224. Your concern is as to what percentage of the profits you can get out of the running of the service?—More than that: we derive money from the rates, rent, license fees, and profits.

225. I suppose the balance-sheets of the company are given to you?—We get the ordinary balance-sheets of the company, but we have two auditors—one in London and one in Auckland—to go over the accounts once a year, for our own purposes.

226. Is it an Auckland company?—It is domiciled in London, but I know there are a good many shares held in Auckland. It is quoted on the Auckland Stock Exchange.

227 Do you know how many of the shares are held outside?—No.

228. Do you know anything of what the transfer of the deed of delegation cost? Have you seen an item in the balance-sheet of £77,000 for organizing and Parliamentary expenses?—I know there is such an item, but I cannot say the amount, because that is one item that we watch very closely to see that they do not apply any of the profit to it. That is buying up the old concern, the old Auckland Tramway Company—the horse-trams. That is included in that item.

229. You admit the fact that the number of accidents in Auckland in connection with the tramway service equals the total number of the other services in the country?—The figures are in the Brakes Commission s evidence. I have no personal knowledge of the exact figures.

230. I understood you to say, in reply to the Minister, that there was a difference between the circumstances of the accidents in the Auckland system and elsewhere?—That is my personal opinion.

231 How do the accidents happen?—They are mostly caused by people getting in the way of a car and being knocked over Some are caused by people getting on and off a car when in motion.

232 Is that the cause in other centres?—I do not know.

233 You hold the position of Town Clerk of the City of Auckland?—Yes.

234. You say that your Council looks after the public safety?—Yes.

235. Should you not, then, have an exact knowledge of these matters that strictly relate to the public safety?—We have a report, and investigate each case in Auckland. We have men to advise us who have a general knowledge of such things elsewhere, but, of course, the Town Clerk does not look after the expert part of the tramway service.

236. The Town Clerk has not a general knowledge?—He has a general knowledge, with his inspectors; more than that, reports come before him.

237 What distinguishes the accidents in Auckland from those in other centres?—In my opinion it is largely due to the difference in the width of the streets. May I illustrate for one moment? When you come to Wellington you find the people walking in two lines; if you go to Auckland, where the streets are so wide, you will see them all over the place.

238. Is it not the general opinion of those having expert knowledge that there is more danger in communities where they have narrow streets than where they have wider streets?—No. There are fewer accidents in Wellington, where you have narrow streets, than we have in our broad streets. People get more careless where the streets are broad.

239. Has the larger number of accidents been due to failure of the brakes?—No, I cannot admit that.

240. Have you a knowledge of the accidents that occurred and the causes of the accidents?—The last accident that I can recall, a man blundered in front of a tram-car and got knocked over In many cases people cross behind a car, and in lots of these cases the best brake in the world would not pull the car up in time.

241 Have you any knowledge that accidents happen under similar circumstances in other centres?—Yes.

242. Do the tram-cars in Dunedin run through streets narrower than those in Auckland?—In Dunedin they do.

243 What is the average width?—The average in Dunedin, barring Princes Street South, is a chain; our average is a chain and a half in the streets in which the cars run You take Symonds Street, Queen Street, Hobson Street, Ponsonby Road, and Customs Street—they are all wide streets. Our narrowest street is the Kyber Road.

244. Take Symonds Street: is it a fact that many people walk across the street?—Yes; it is a busy centre at the top end of the street, and then it is like another busy town there.

245. Do you know of cars being stopped frequently on the hill in Symonds Street for four, five, or six minutes—stuck up for want of power?—No, not of late. It has happened, of course, in the past.

246. Would you contradict me if I said I had been on the car there on several occasions not very long ago and was stuck up for five or six minutes at a time?—I would not contradict you. I do not know the personal circumstances.

247 Do you know that it has frequently happened that cars have been stuck up there?—I do not know There was a time when the power was deficient, but, owing to the action of the City Council, the company has increased it. That is one of the instances where we have exercised our power

248. Do you know of cars running away in Auckland?—No. I only know of one instance of that kind. That is about seven or eight years ago, when the service was quite new

249. You never heard of such instances occurring?—No, neither in the Press nor the Council, to my knowledge.

250. Does your Council at the present time allow its employees any right of appeal?—Yes, we always have. If a man comes to me with any complaint, I always advise him that he has that right. He appeals as a rule to the Council, and the Council refers it to a committee of inquiry That is the inherent right, I hold, in any employee.

251 Is there anything you know in law to prevent a person who is interested financially in a tramway company, such as a shareholder, being a member of your Council at the same time?—If it is a company such as the Auckland Tramway Company, there is nothing to prevent him being a member of the Council, but he cannot vote on any matters in which he is interested.

252. Is it within your knowledge that members of your Council have been interested in the Tramway Company?—Yes.

253. The tramway employees have no right of appeal to your Council in any way?—Not as regards their terms of engagement. The only way in which they come before us is in connection with the license.

254. Not in regard to their treatment as employees?—No.

255. Should not those men, as public servants in a sense, have the same right of appeal as other men in the employ of the Corporation?—No. The Corporation employees have the right of appeal to their employers, and the tramway employees have the same right of appeal to their employers, but not to outsiders.

256. What is the value of an appeal of an employee to his employer? Is that an independent right of appeal?—Yes; I have not such a bad opinion of men as to say they are going to be unjust on either side.

257 If you had a contract or agreement with another party, and you forfeited your rights under that agreement by having it in any way trenched upon, do you think it would be a proper appeal to the individual with whom you contracted?—You are talking of an agreement.

258. Yes?—Then the right of appeal is to the Court under an agreement.

259. Would that be partly of the nature of an appeal, because you had simply to appeal to the other contracting party?—That is the first that is usually taken in business—you go to the other man.

260. Would it be anything in the nature of an independent appeal?—No, because both parties are interested.

261 Would it be less so if one of the contracting parties were the servant of the other?—It would not be a less independent appeal.

262. To make sure of fair treatment towards these employees, do you not think that in any appeal they should be represented on the board or committee that would hear their case? Can there be any proper right of appeal given to employees unless they have a representative on the board or committee to which they are appealing?—Of course, that is the law of the land. When you have an action against a man you do not put a representative on the bench.

263 Can there be any independent right of appeal recognized unless the appellant has a representative on the body which is to hear his case?—Yes, I think so.

264. With regard to clause 2 of the Bill, I understood you to say that your Council has no objection to the granting of the certificate, but to what might arise afterwards?—That is so.

265. Your Council does not grant certificates at the present time?—No; we issue the license. That is quite a different matter

266. *Mr Poole.*] Were you aware of any hostility the Tramway Company received in the City Council at the time application was made for the setting-up of the Commission?—No, I am not aware of any hostility right through. I am speaking of the actions of the Council, not of individual members.

267 Did your Council approve of the findings of the first Commission of the brakes?—We have always held that it was not for us to express an opinion for or against that matter, but that the Government had it in their own hands.

268. Your Council approved of the recommendation of the Commission respecting the construction of glass fronts to the cars?—That did not come before the Council, it was a matter for the Arbitration Court.

269 Did they acknowledge the necessity of glass fronts when the discussion was taking place in Parliament?—They did not express any opinion.

270. No opinion was expressed by the Council as a body?—Not by the Council as a body

271 Do you think the finding of the second Commission was justified?—Again I repeat that we do not express opinion on matters which we hold are distinctly matters for the Government. That is a matter for the company to fight out with the Government. What we should like to see is the question settled.

272. Do you know that a good many reforms have been introduced of late into the Auckland system?—Right along we have been insisting on it.

273. Do you think many of the reforms in this Bill have been anticipated by those reforms?—Again, as we have insisted on these matters we cannot see the necessity for the Bill.

274. Can you tell the Committee what the cost of the Auckland tramway system was?—No, I have not got the balance-sheet with me.

275 Would you say it was somewhere about £700,000?—The figures in my mind are £600,000.

276. In response to overtures from Mr A. Myers, who was then Mayor, what was the same company offered for the concern?—I cannot tell you exactly

277 Would it be a million and a quarter?—It was over a million.

278. Do you consider that was a fair figure for a tramways system operating in the city?—They asked a certain price on business lines, and we were not prepared to give it. It was a case between buyer and seller

279 Would you be in favour of allowing the Minister of Public Works to have intermediate power, in case you found it necessary, to suspend the operations of some cars apart from the accidents?—If I understand aright, that power is in the Order in Council.

280. We have been instructed that there is only power when an accident has taken place?—Do you mean to say that the Minister should have power to send a particular car off because it is unfit to run?

281 Yes?—We exercise that power daily The Government having established the kind of brake on the car, we say we have to keep the car up to that.

282. I understood you to say you did not accept any responsibility for the brake?—If the brake were out of order we would not license the car After the car is constructed according to the Minister's requirements we take up the running.

283. How often are the brakes examined in the Auckland system by your Inspector?—Our Inspector is on it constantly I do not know how often he may test a particular car

284. There is no systematic inspection?—I know he has been in the sheds at 6 o'clock in the morning to see the cars before they came out.

285. Do you think the consent of the Public Works Department to the fitting of the brakes on the Auckland system would meet with the approval of the City Council?—We practically do not care which brake the Government order, so long as it is an efficient brake.

286. You believe your Council would be quite satisfied with the air brake?—I believe they would.

287 *Mr Nosworthy*] Do you believe your present brake is as good as any brake you could have?—That is expert knowledge. I only know of results in my capacity

288. *Mr M Myers*] You told Mr Poole that there have been reforms effected in the Auckland tramway management, and you stated that they had been demanded by the Auckland City Council?—Generally I did not mean to imply that the company have done nothing

289. Your observation only applies to some of the reforms?—Yes.

290. Are there not also reforms which have been instituted by the company?—Undoubtedly

291 In order to satisfy the convenience and safety of the public?—Undoubtedly

292. Well, to speak generally, have you found that the company is honestly endeavouring to maintain its service in Auckland in order to meet the requirements of the public both as regards its safety and convenience?—When the company entered on the service they did so with the knowledge of what were the average requirements of similar systems in other parts. In Auckland we went a little above that, and caught the company napping When the company found they had an extraordinary service to deal with, they started, themselves, without pressure, to improve the service.

293. Is it your opinion that the company has been endeavouring honestly to satisfy the safety and convenience of the public?—Undoubtedly I say that, not only from the local management, but from the directors in London, who have sent out some of the most eminent men in the electrical world.

294. Do you remember Mr Little coming out?—Yes, Mr Little and Mr. Tegetmeier have been out.

295. Do you know that under the Deed of Delegation the Council retains full control for the purpose of keeping up the reasonable requirements of the traffic?—Yes.

296. Your streets in Auckland are wide?—Yes—in which the tramways run.

297 They are not wood-paved, are they?—No.

298. And they are not quite so good, except the centre portions, as the streets are in some of the other cities?—Taking the city and suburbs, the streets are not so good as those in Wellington.

299. For instance, take Symonds Street with the exception of about 19 ft. which is maintained by the Tramway Company, the other parts of the street are not particularly good, are they?—Oh, yes! Symonds Street is fairly good, but it is a macadamized road.

300. Do you find that, be the reason what it may, a lot of the traffic—and particularly the traffic that comes in from the country—will insist upon taking the centre of the street?—A lot of the trouble we experience is that the traffic will insist upon breaking up the channels; but it is true that a great deal of the traffic prefers the centre of the street.

301 You have in Auckland a large amount of traffic from the country, especially on market-days?—Yes.

302. Is it not a somewhat notorious fact that people—especially people who come in from the country—are not so careful to keep out of the way of the tram-cars as they ought to be?—To my own knowledge it is some of the common carriers who are not careful men—men coming from Onehunga, for instance, who insist on driving in front of the cars.

303 Do you think it is fair to suggest that accidents, then, looking at that, are due to those who drive the tram-cars or to the tramway-proprietors?—No

304. *Mr McLaren.*] Who is the man who acts as Inspector for your Council in the examining of cars and looking after the safety of the public?—Our present Traffic Inspector is a new man, who was lately a Government Labour Department Inspector. He has the immediate control, but has at his elbow an Electrical Engineer to advise him on all special matters.

305. Does the Inspector examine the cars, the fittings, and the brakes, to see that they are in proper condition?—That is his duty

306. Is he an electrical expert? Does he know anything about it?—He has a good general knowledge, and if it comes to expert knowledge we have an officer to advise him.

307 Has he a knowledge of the brakes being in a proper condition unless he examines them?—He has not an expert knowledge.

308. If he guesses anything is wrong he has to refer it to the Electrical Engineer?—It is not a matter of guessing, if he has any suspicion.

309 Suppose he has suspicion, but not the knowledge of being sure, is he not likely to let it pass?—If he did pass a thing like that, he has sufficient common-sense to find it out as soon as the car is running

310. May not an accident happen before he finds it out?—An accident may happen after he has passed a car Cars break down when they are out on the road. Humanly speaking, every care is taken by him.

311 You say your Council looks after the safety of the public?—Yes.

312. And you say that is a duty that should be carried out by the body looking after it?—Yes.

313. Now, is this Inspector thoroughly qualified to tell exactly when your brakes and fittings are in proper condition?—He is fully qualified to tell if the brakes act correctly, and has all that knowledge.

314. Where did he get that knowledge from?—By reading and training

315 Has he had any training?—Only what he got himself He obtained great *kudos* in the Government service for his knowledge of machinery

316. What was he in the Government service?—He was in the Labour Department.

317 Did he hold a position as Inspector of Factories?—Yes.

318. That is not the position of an electrical engineer?—No; Mr Wylie is our Electrical Engineer

319 Does Mr Wylie inspect the cars?—He is charged with looking after things, but I would not go so far as to say that he looks regularly after the cars.

320 *Hon. Mr. R. McKenzie*] How long have you been Town Clerk in Auckland?—Ten years and a half

321 You were asked if you had reports of runaway cars?—I cannot remember

322. Were you an officer of the Council at the time of the Kingsland accident?—That was outside the city, and no reports would be made to us to take action.

323. Would that accident be reported to you?—Yes, in general terms.

324. Not a special report?—No, because it was in another district.

325. Do you give licenses to motormen?—Yes.

326. Did the Auckland City Council license that motorman?—Yes.

327 Do you know how long he was driving?—Some two or three months, I believe.

328. Would you be surprised to learn that it was only a fortnight?—No, I should not be surprised. Every one has to commence.

329. Did you ever read of a runaway car going down Queen Street?—I have heard of a case of that kind, now you mention it.

330. Was it reported to the City Council?—No.

331 What precautions did you take to look after the public safety in a case of that kind?—There is a runaway provided there for such cases, just as you have in cases on the Wairarapa line. That is part of our system.

332. That is your safety-valve when it is opened?—Yes. If the car went round the corner there would be loss of life.

333. There is a very big crowd of people generally crossing at the Wellesley Street corner?—It is a main street, and there is generally a crowd of people waiting on the footpath for a car There is a fairly good traffic on it.

334. Is it a car stopping-place?—Yes.

335. Are you satisfied that this car ran away across Queen Street and up Wellesley Street—that it did so?—Yes.

336. And are you taking any precautions to prevent such a thing again?—Yes.

337 What?—We have pointsmen kept at the street in order to provide that the cars shall not round the corner and tip over When at one time the company proposed to do away with the pointsman we insisted that he should be kept there, There are two pointsmen kept there for the purpose.

338. Are those the only two runaways you have heard of since you have been Town Clerk of Auckland?—Yes. I saw a car myself cut rather quickly down College Hill, but, although the motorman held control, he seemed to be going at an extraordinary speed.

339. If a few of the Auckland Tramway motormen interviewed me in Auckland as Minister of Public Works, or anywhere else, and were called to book, and probably stood a chance of being dismissed, do you think that those men should have a Court of Appeal outside of their employers? My own opinion is that—it may appear a strange one, in your opinion—but I always think that men should be loyal to their employers.

340. If the men considered they had a grievance that ought to be remedied by Parliament, and they interviewed one of the Ministers, do you think it is fair to those men to be called before the management, and that the management on the Board of Appeal?—I do not think any board of management would seek to do so.

341 If you had a case of that kind in future, do you think that would be a fair constitution? —No.

TUESDAY, 6TH SEPTEMBER, 1910

PAUL RICHARDSON examined. (No. 4.)

1 *Mr Rosser*] You are a motorman?—Yes, in the employ of the Auckland Electric Tramways Company

2. What experience have you had?—I have had seven and a half years' experience as a motorman, and I am president of the Auckland Electric Tramways Industrial Union of Workers.

3. Generally, all your experience has been in Auckland?—Yes.

4. You have been appointed by your union to appear before the Labour Bills Committee to give evidence on this Bill?—That is so, unanimously, by two large and representative meetings.

5. Have you read and considered the Bill?—I have, and personally I think it a very good Bill.

6. Your employers are on a different footing from the other tramway systems in the colony —they are a private company?—That is so, the other three centres run their car systems municipally

7 Have you a copy of the Bill?—I have.

8. I would just like you to give your opinion on the various clauses Clause 2 is the first that concerns us—the electric-tram-drivers' certificate are you in favour of that?—Yes, I am strongly in favour of that.

9. What is the present position in Auckland—how do they get a license to drive?—At present in Auckland a man has to serve ninety-six hours on the front of a tram-car, and then he goes through an examination before the depot superintendent——

10. I understand that the City Council has the power to give a license to the motorman?—Yes; it also has the power to take one away

11. Do the men pay for that?—Yes, the fee is 5s.

12. Are you satisfied with the position that the Council has the right to take away the license for any reason?—I cannot say I am, because there have been cases—one in particular is fresh in my memory, and that is the case of a motorman named Glen. This particular motorman was driving a car on the Ponsonby line when his conductor at the foot of Wellesley Street West gave him three bells, which was the orthodox signal that the car was full.

13. He was not to stop?—Yes. On rounding the curve just on passing the stop which is on that particular side of Queen Street—that is, on the right-hand side—just as he was leaving that stop he got two bells, which at that time was the proper bell signal to stop. He went on according to the rules and regulations to the next stop—that is, at St. Matthew's Church. A passenger came out and asked him why he had not stopped, and he said, "I stopped at the stop that was rung for" The passenger then said, "I wanted to get off at the foot of Wellesley Street," but he was too late. This particular motorman and the conductor were taken down before the Tramways Committee to show cause why their licenses should not be cancelled for overcarrying the passenger

14. Is there a regulation bearing on the bell signal?—Yes.

15. What distance have you to receive the signal before you stop?

16. *Mr O'Shea.*] Was this man's license taken away?—No, but he was told that if he came down again on a similar charge, in all probability his license would be cancelled.

17 *Mr Rosser*] At what distance have you to receive the signal before you can stop?—At that time it was at least 75 yards, since that time the distance has been amended, and now it is 50 yards.

18. Do you receive it at a sufficient distance to stop?—No.

19. Do you consider that driver should not have been asked to show cause why his license should not be cancelled?—Certainly It caused a lot of comment at the time.

20. Can you give any other reason why you are in favour of this clause?—I think, if the Government licensed the motormen or gave the certificate it would unquestionably raise the status of the motorman. Also, in the event of a man coming from Dunedin, Christchurch, or Wellington to Auckland to take up the duties of a motorman, it would be necessary for him to get a license in Auckland and also a medical certificate, which would cost him at least 5s. for each, and he would have to pay that out of his own pocket.

21. And your point is that a motorman coming from any of those three centres would be duly qualified when he got to Auckland?—That is so.

22 And would he be competent to take up a position in the Auckland service if it were open for him?—Yes.

23. Is the examination of a candidate by the company uniform?—No. There have been candidates who have been put forward and others who have been rejected where the motorman who trained them has said they were qualified. One was a case where a man had served a number of years as a conductor, and whose name is Houghton. Three motormen testified to the fact that he was a very capable man, and a fourth had spoken rather disparagingly of him, but the three were men of long standing That man has been rejected three times.

24. You can conclude from that that he is not wanted as a motorman?—That is so. He was also put through a very severe examination—so severe that probably it would have taken a man, say, of my own standing, at least ten minutes to have located the difficulty, and that eventually prevented him from getting through as a motorman.

25. Then you conclude that the Government examination would be more uniform?—Yes, and I should say fairer

26. Clause 3—inspection of tramways by a Government Inspector at any time: are you in favour of that?—Yes.

27 Will you give a reason?—The reason is this: In the first instance, we know that the Government Inspector passes the car, but in Auckland there is a case where a car was practically rebuilt. That car was No. 49, and there was no second examination before it was allowed to take up its running on the road. I think unquestionably that where a car is remodelled there should be somebody in authority to go and inspect that car

28. You are aware that at present the Department has only the power to inspect a car after an accident: do you understand that that is the only power they have?—Yes.

29. Do you consider it right that the Government should have the liability of inspection at any or at all times?—Yes, from our standpoint as drivers, unquestionably

30. Take clause 5, subclause (*c*), providing for the limtiation of overcrowding: are you in favour of that subclause?—Strongly in favour of it. My reason is this There was a time when I first joined the service when we were not carrying "strap-hangers.' Then we drifted back to carrying as many passengers as we could get on the cars. That led to difficulties, and we decided in the union that we should only carry the licensed number.

31 When was that?—In 1907 We had practically got this into ship-shape, and the general public were apparently satisfied with the order of the union, when the City Council decided to amend that by-law, which they did, and since then we have had ' strap-hanging ' on a gradual scale, from eight on a small car up to fourteen on a big car

32. And none on a combination car?—None on a combination car.

33. A big car is seated for how many?—Fifty-six.

34. And fourteen "strap-hangers"—that would be seventy?—Yes.

35. It took some time to pass that by-law?—Yes, about three months in all.

36. During those three months how was the traffic managed?—I can conscientiously say that during that three months it worked fairly well as far as the traffic was concerned. Unquestionably we could maintain our time-table with simplicity, and the passengers had a very comfortable time. Repeated reports go in from passengers in connection with the conduct of conductors.

37 During that time there were no complaints of jostling?—None whatever I might state that from the motorman's point of view he feels far safer also, because in the event of an emergency and the conductor being required to make speedy application of the rear brakes it is easy to get at them.

38. With all cars except two the motorman use the hand-brake?—Yes, the ratchet brake.

39. Is there any special need with the hand-brake to have a clear passage so that the conductor can get to the rear brake?—Yes. Serious accidents have been avoided by the conductor or a passenger having made a speedy application of the ratchet brake at the back. One man named White got promotion for the good work he put in on a car The motorman had been leaning out of the side gate and his head came into contact with one of the centre poles, and he was knocked off. That occurred in Wellesley Street East.

40. Do you know the grade of that street—is it 1 in 14?—About that. I thought it was 1 in 15 or 16. This conductor, seeing the car gaining speed, looked through the car to see what had happened to the motorman, and he immediately applied the ratchet brake and brought the car up. If that car had gone careering down Wellesley Street East the consequences would have been serious.

41. Do you think he could have done that with an overcrowded car?—No, he would not have noticed that the motorman had gone.

42. This was in 1907: have you had any trouble with overcrowding since?—Yes. Now, in the event of a conductor leaving a terminus or proceeding on his journey with one under his licensed number, you have the tramway officials to penalize him and give him a "Please explain" —that is, a report he is called upon to answer why it occurred, and too many of these would mean dismissal.

43 And suppose he has one over his number?—Then he has the City Traffic Inspector, who would bring him before the Tramways Committee of the City Council to show cause why he carried too many That is, he would have to show cause why his license should not be cancelled.

44. Have the union any case where a conductor has been called down to show cause why his license should not be cancelled for overcrowding?—There was one glaring case—that of Conductor Maples. He got a communication from the Traffic Inspector to attend before the Tramways Committee to show cause why his license should not be cancelled for having either four or five passengers in excess.

45. What was the result?—He was warned by the Mayor The car had left at the bottom of the street with the correct number of passengers. Being a car that was full up, and there being a number of cars ahead of him, it was necessary for him in going up Queen Street to slow up, and then other passengers boarded the car One lowered the chain and others got over the chain. This we have absolute evidence of

46. And he was warned not to let that happen again?—Yes.

47 Do you consider that if the limitation of passengers were in the hands of the Government it would be better than it is at present in the hands of the Council?—Yes, I think so.

48. Take paragraph (*d*) of clause 5, the limitation of speed?—I think there should be Government supervision of the speed.

49. In your seven and a half years' experience as a motorman has there been any increase in the number of cars on the particular lines?—Yes, there has been 100 per cent. at least increase.

50. They run in Auckland mostly on one set of lines up Queen Street or Wellesley Street?—Yes. There are two outlets at the top of Queen Street.

51 Has there been any increase of time allowed for the journey owing to the increase in the number of cars during your seven and a half years' experience?—There have been two slight increases and two reductions. On certain lines there has been no increase.

52. What do you drive on?—On the Kingsland line. As far as Kingsland is concerned we have now a very complicated traffic. Mount Eden and Dominion Road are new sections, and all these cars leave Symonds Street and traverse a portion of Kingsland on the same line.

53 In order to run to your time-table you have to make up time on particular portions of the line?—Yes, that is the custom.

54. Take Symonds Street, for instance: is that a place for making up time?—Yes.

55. At what rate would you say you come down Symonds Street at times?—I have a very fair idea of speed, and I unquestionably think there are times when we come down Symonds Street at thirty miles an hour

56. Do you think that is a safe speed to travel at out of the boundary of the city?—I have really to say Yes and no, because we have to do it to maintain the time-table; and, on the other hand, I think it is excessive within the precincts of the city

57 I suppose it is safe if there is nothing in the road?—That is so.

58. What about the steam-roller? There is a record for New Zealand on that line for knocking over a steam-roller weighing over 20 tons?—Yes. The motorman was driving a combination car down Symonds Street when he had a collision with a steam-roller, and took its wheel off. It took nearly a week to fix up the steam-roller.

59. Did anything happen to the motorman?—Yes, I think he was suspended, and shortly afterwards his dismissal followed.

60. Take subclause (*e*) of clause 5: Do you think that clause is necessary?—My reason is this, that I have been interested in representing the union or employees at a number of Coroner's inquests when there have been repeated requests that lifting-jacks should be carried on the cars; and I think there should be a better system with regard to having easy access to the jacks. Unfortunately a motorman feels his position very keenly when he has any one under his car, and there have been unnecessary delays in obtaining the jacks.

61 Do you think the presence of lifting-jacks would enable a body to be taken out in ten minutes instead of, say, twenty minutes?—Yes, I think it could have been taken out in five minutes by men experienced in the use of jacks. There are times when probably lives could be saved.

62. Take clause 6, the Appeal Board: Do you consider there is an absolute necessity for this clause in the Bill?—I do. I am strongly in favour of an Appeal Board.

63. Do you consider it is more needed with a private company than with a corporation?—Yes, I think so.

64. Are you satisfied with the present system of dealing with dismissals in the Auckland service?—No. At present the general manager probably in the first instance dismisses a man. If that man thinks he has been unfairly dealt with, he lays his case before the Tramway Union. The Tramway Union then makes application to the general manager for a hearing before the two directors, which as a rule is acceded to, but the union is not allowed to take any part at all in the procedure before those two directors—the man has practically to fight his own case; whereas, on the other hand, the general manager invariably assists the officer who has brought the charge against the employee. I might say that the secretary and president of the union are permitted to be there, but not to take any active part at all.

65. Then the Board of Appeal in Auckland consists of the two directors?—Yes and we do not think it is likely the two directors will reverse the decision of the general manager unless actually forced in some way or another

66. Is the general manager present during the deliberations on the case?—Yes, he is present there the whole time.

67 After the motorman has withdrawn?—Yes, and after the union officials have withdrawn.

68. You were in the service when the strike of 1906 took place, were you not?—That is so.

69. And also that of 1908?—That is so. In both those cases, I think, had there been an Appeal Board in Auckland, and had the two conductors who were dismissed got fair treatment, there would have been no strike either in 1906 or 1908. They were both for wrongful dismissal in the eyes of the other men, and in both those cases the decision was upheld.

70. There was a special Board appointed to deal with the latter one?—Yes, under the Arbitration Court.

71. And you remember what the union asked for was the reinstatement of Conductor Herdson, and it was granted by this special Board?—Yes. The special Board was constituted by two repre-

sentatives from the union, two representatives from the employers, and a third party who was selected by the Government—Dr McArthur

72. This clause 6 deals with appeals by tramway employees in the matter of punishments, and even promotions: have we had any number of complaints with regard to promotions?—Yes, both with regard to promotions and disratings. We have had very good grounds for complaint. There were two: one was the case of Veart, who, instead of taking the disrating, which we thought was very unfair, resigned from the service.

73. He was disrated for a slight collision?—Yes, but he did not do twopenceworth of harm. He resigned in preference to taking his disrating, as he knew that other serious accidents had been overlooked.

74. If there had been an Appeal Board do you think that Veart would have got better treatment?—Yes, I am perfectly sure he would not have been disrated. I fancy the disrating was for three months.

75. *The Chairman.*] He was put back as conductor?—Yes. There was another case, that of Motorman Buckley This occurred at Herne Bay He was standing in on a loop which is looked upon as having a very fast time-table. This was the heaviest trip of the day, and he had run out to the last loop and was standing there. He had released the dog of the ratchet brake and was engaged in rolling up the blind on the glass front. The car, being one of the newest and one of the best types, gradually started to move, and coasted 3 ft. out of the loop when one of the other cars was returning, and Buckley's car caught the side of it.

76. *Mr Rosser.*] Was any damage done?—There was some, but it was very slight indeed.

77 Did either car have to go in for repairs?—Yes, there were slight repairs required for both cars. He was disrated.

78. For how long?—About five or six weeks in all. It was supposed to be for a month, but owing to the absence of the general manager it amounted to five or six weeks.

79 Do you think Buckley would have had a good chance of getting off if there had been an Appeal Board?—Yes, because his record had been very good, and to our mind more serious things had been overlooked. The point I wish to bring out is that there are several men in the Auckland service who are unquestionably marked men.

80. Have there been promotions unnecessarily withheld?—Yes; there have been several of recent date that have been taken exception to by the employers. The first was that of Second Officer Bartlett. He had come out from the Old Country, and was taken on the spare list for a matter of two or three months, when he was promoted over the head of senior conductors, and the first, second, and third grade of motormen, to the position of second officer that is, their superior officer The next case was that of Motorman Rockland. When we took exception to his promotion the contention on the part of the general manager was this: that very bad conductors and very bad motormen sometimes made good inspectors.

81 Those are his words as near as you can recollect?—Yes. We contended that Rockland's usual record had been very bad, and that he was not a suitable man to place over other men.

82. Take the case of Inspector Neate?—Neate was a regular conductor of about fourteen or fifteen months' service. He had just gone out as a regular man He was a junior conductor, and was promoted over three grades of conductors, three grades of motormen, and over the third grade of officers to the position of second-class officer or inspector

83 Now, is it necessary for an inspector to be a competent motorman, in your opinion?—Yes, I have always contended that.

84. Was Neate in possession of the motorman's license when he was promoted?—No; he had to acquire his driving experience afterwards.

85. Therefore, do you consider there is plenty of room for an independent Appeal Board in the Auckland service such as is provided for in this Bill?—I unquestionably do. That is the strongest point in the Bill, from my standpoint.

86. This Appeal Board deals with the question of wages, does it not?—Yes.

87 Do you know any cases where wages have been withheld even though there was an Arbitration Court award in existence?—Yes, there have been several instances. The first was brought under my notice as president of the union just after we had signed an agreement which we are working under at present. There was a section in the agreement dealing with linesmen. The linesmen's wage was fixed at 1s. 3d. per hour, but the management after we had signed the agreement contended that there were to be linesmen and linesmen's labourers.

88. They created a new class?—Yes.

89. What did they fix the linesmen's labourers' wage at?—One shilling an hour

90. How many got the 1s. 3d. per hour?—Four got 1s. 3d. and four got 1s. an hour, so far as my memory carries me.

91 Did the union object to that?—Yes, strongly

92. What was the result?—The men, to our way of thinking, had a complaint, seeing that it practically reduced them by 10s. to 15s. a week instead of benefiting them. The ultimate outcome of it was that the company conceded to them another penny per hour—that is, making it 1s. 1d. per hour.

93. You consider that that makes out a very fair case for an Appeal Board?—Yes.

94. Take clause 9, "car report-book": You notice that it provides for a book in the prescribed form—are you in favour of that?—Do I understand that that means a book for each car?

95. Yes?—Yes, I am strongly in favour of that. I think it would be a very good clause indeed.

96. Have you any information to offer to back your opinion up?—Yes. Some considerable time ago we were working under a system of yard-book—one book for all cars. That yard-book was very unsatisfactory A man would finish on a shift, and would come in to sign off; and

'signing off'' means the reporting the condition of the car as the man leaves it. There were delays caused in this way that a motorman might have four or five defects to book up against the car, and as five or six motormen would come in within two or three minutes and all would want to sign off practically at the same time, there would be delays, where a man might only want to sign off "O.K.," meaning that his car was all right. Delays of five or six minutes have been caused through that system.

97 Under the system proposed there would be no delays, because the men would get their book for each car?—Yes, I approve of that. The present way of doing it is a good system, but I should like to see every car-defect sheet numbered, and in the event of a serious accident the motorman concerned or an official or officials of the union should have the right of access to the bookings of the car

98. That is contained in the clause?—At present there is no means of finding or tracing the record of the car

99 You believe that the union officials should have the right to inspect the book?—I think so.

100. Is there anything else you want to say in respect of the Bill?—I do not think so.

101 *Mr. M Myers.*] You think there should be an Appeal Board?—Yes.

102. Is it your opinion that in the case of private employers there should also be an Appeal Board? A merchant has a number of men in his employment, and disrates or discharges one of his men do you think that man should have the right of appeal to an Appeal Board?—I do not think that is really a good comparison. You cannot compare public work with private work.

103. Take a large factory: do you think a person disrated or discharged from his employment in that factory should have the right of appeal to an Appeal Board?—A public servant has more to deal with than a private person, and I do not think the claims are the same.

104. Do you think a person on board ship, be he an officer or one of the men, should have the right of appeal on being disrated or discharged?—As far as my knowledge goes, I think they have some right of appeal.

105. Do you think they should have it?—My knowledge of shipping work is small, and I should not like to give an opinion.

106. Do you know whether the Railway employees are satisfied with their right of appeal to an Appeal Board?—I cannot say

107 Do you not know that they are very dissatisfied?—No. Still, I think they are every bit as much entitled to an Appeal Board, properly constituted, as we are.

108. Without the right of veto? The Minister has the right to refuse to carry out the finding of the Appeal Board?—Yes, I know that, but still I think it is left in pretty good hands.

109 Would you be satisfied if the City Council, in the case of the municipally owned tramways, had the right of veto?—No. I have in my official position as president of the union come in contact with municipally owned tramways, and I think they are little better off than we are as a private concern—that is to say, the promotions are unsatisfactory.

110. You will agree with this, will you not: that the owners of the tramways, whoever they are, have to take responsibility for the men whom they employ?—They take responsibility, that is true, but my opinion is that they evade responsibility as much as possible.

111 If an accident is caused by negligence, the owners of the tramways are responsible?—Yes.

112 Do you not think that the people who have to take the responsibility should be the best judges of the men they should employ?—Having practical knowledge, I say unquestionably No.

113. Supposing there were an Appeal Board set up, would you be satisfied if that Appeal Board should be the Arbitration Court Boards?—No.

114. Why not?—My reason for saying that is this The Arbitration Court consist of an employees' representative and an employers' representative, together with the Supreme Court Judge as Chairman. I think personally that a better Chairman in a case of this description could be obtained by a selection between the two representatives, and, failing that, by the Government, and the Supreme Court Judge on those particular cases in which we make an appeal.

115. Do you not think the Arbitration Court would be a fair tribunal if there is to be a fair tribunal?—My personal opinion is that it would not be so.

116. What objection have you to the Arbitration Court on the ground of unfairness?—My opinion is that the Supreme Court Judge looks too much at the legal aspect and not enough at equity and justice.

117 Would you be satisfied that the Chairman of the Appeal Board—if there is to be one—should be the Stipendiary Magistrate for the district, instead of being a person to be appointed by the Minister?—No, I would rather see the clause as it stands, that there should be an amicable arrangement if possible, and, failing that, that the Government should step in and make the selection of the Chairman.

118. You remember the case of the special Board appointed in 1908, and you say that the conductor's view was upheld by that Board?—Yes.

119 Do you know that the Arbitration Court subsequently stated that the finding of the Chairman on that Board was wrong?—No, I have not heard of it. I should expect it.

120. Why should you expect it?—For the reason that I have given, that a Supreme Court Judge looks too much at the legal aspect, and not enough at equity and justice.

121. But you know the man was a lawyer who gave that decision?—That is so.

122 Can you not see that the findings of an Appeal Board might place the owners of a tramway in a most unfortunate position by forcing upon them a man they thought was incompetent?—No. My opinion is this: that the union, we will say, in making the selection of a representative would unquestionably select a fair-minded man.

123. You might be a fair-minded man, but leaving the personal element out of the matter, can you not see that probably the principal result of an appeal might be to force upon the owners of a tramway a man who, in their opinion, would be incompetent?—No, I think the tramway management would select a good man, and the union would select a good man, and if they did not agree as to their Chairman the Government would also select a good man.

124. Are you speaking of the present *personnel* of the Government or of any Government that might be in power?—I should say any Government that might be in power

125. You say that a man named Veart was disrated, and that, in your opinion, he would not have been disrated if there had been an Appeal Board?—That is my opinion.

126. Do you know that Veart was disrated not for one accident only, but for two or three accidents within a very short time?—Of my own knowledge I do not know, but I would not dispute it.

127 Supposing he had had two or three accidents within a very short time, would that alter your opinion that he should not have been disrated?—No, because all the accidents Veart had must have been of a trivial nature.

128. Do you not see that, at all events, the management of the company thought that for a time, at least, Veart should not be allowed to be a motorman?—Yes.

129. Do you not see, therefore, that if your view is right that an Appeal Board would not have allowed him to be disrated, the man would have been forced upon the company—a man who, in their opinion, should not be allowed to hold a certain position?—My answer to that is this The company, as far as I can see, takes likes and dislikes, and if they take a dislike to a man that man cannot do anything that is right, whereas a man they take to can do anything

130. Supposing Veart had been reinstated by an Appeal Board, and had had an accident, the company would have been responsible if Veart had been negligent?—Yes.

131 Do you think, honestly, that is a fair position in which employers should be placed?—My contention is that there are men with worse records than Veart, and the company would accept their explanations smilingly

132 When it is a matter of responsibility, whatever you may think as to whether the company is right or wrong, they are the people liable, and must be allowed to be the best judges?—No. My reason for saying this is that, as Mr Walklate has taken up an extraordinary position by saying a very bad conductor and a very bad motorman can make a very good inspector, and when you come to think that these inspectors can report men indiscriminately and get them dismissed, then I say they should not have that right.

133. Have you not had cases in Auckland where, after a careful and impartial inquiry, the management has come to the conclusion that the inspector has been wrong and the man reported was right, and the inspector was discharged?—We have. In two cases the directors settled the questions. The general manager unquestionably was very adverse to that decision.

134. And the directors overruled him?—Yes, in those two cases.

135 So you must, on behalf of the union, see that the men get fair play?—Yes; but it was not before there was very strong feeling expressed and very serious remarks were current throughout the whole service, and the men had determined that these two men had to go, and if they did not go there was a likelihood of the same trouble that happened in 1906 and 1908.

136. Take the case of Buckley, of whom you have spoken: you say he was disrated, and would not have been disrated by an Appeal Board?—In my opinion I do not think he would.

137. Taking the facts that you have given in evidence to Mr Rosser: if there had been an accident under those circumstances through which death had resulted, Buckley would have been guilty of manslaughter?—It would have been an utter impossibility for anything more serious to happen than what actually occurred.

138. Supposing somebody had been walking on the road and got jammed between the two cars—that was remotely possible?—Yes.

139. If such a thing had happened Buckley would have been guilty of manslaughter?—Yes.

140. Whatever you may think the accident was, I suppose you will admit this: that Buckley showed gross carelessness?—I would not say "gross carelessness,' and while saying that I think he should have made sure the dog of the brake was in. But there is also the consideration of the time-table in this particular case. The man was pressed for time, and was doing his utmost to get back to town on his correct or schedule running-time.

141 Whether a man shows carelessness or gross carelessness, seeing that the owners are the people responsible, do you not think they should be the judges whether the man who has shown carelessness should be continued in the position he held?—I think there should be the equal representation that is provided in this Bill, and also that the Chairman should be appointed by an amicable arrangement or by the Government. Then I should say all would get fair treatment.

142 Why are you so strong on the appointment of the Chairman by the Government?—I say that in the event of no amicable settlement. I should hope for an amicable selection.

143. But you would not expect it very often?—I should hope, but I could not say what I should expect.

144. With regard to promotions, do you suggest, as I gather from your remarks about Bartlett, Buckley, and Neate, that promotions should be by seniority?—We have a clause in our agreement that seniority, suitability, capability, and record should be taken into account.

145. Do you not think the managers, by having these men under constant supervision, are the best judges?—My practical knowledge teaches me that they are not.

146. You think the unions are the better judges?—No.

147 You say that the employers are not the best judges, and the unions are not the best judges: I want to know who are the best judges?—In promotions the employers, as a rule, do not make the selections at all. The selection in Auckland is practically made by a chief inspector, and eventually the general manager generally gives his consent.

148. Subject to supervision and the approval of the general manager?—Yes, but not subject to the supervision.

149 Can you not go to the general manager and discuss questions of this kind with him, and is he not always prepared to discuss such matters amicably with you?—Yes, but in these particular questions he usually takes the chief inspector's ruling

150. Do you not assume from that that he does it because he considers, rightly or wrongly, that the chief inspector's view is the correct one?—In those three particular cases we assume that the selection was not a wise one.

151. That is the opinion of the union?—That is the opinion of the whole of the employees.

152 You say that the company may have likes and dislikes: do you not think there is the question of popularity sometimes amongst the men?—Yes, but in these cases there has been none. Two of the men probably would not have been heard of in the service had their difficulties not cropped up.

153. You quoted a case where the management made a distinction between linesmen and linesmen's labourers' wages?—Yes.

154. Do you think that under clause 6 as it stands such a dispute would be settled by the Appeal Board as a matter of appeal?—The union would take it there.

155. Is not that a matter of interpretation of an award or industrial agreement?—No, I could not say it was, because it is a new clause they have created outside the agreement.

156. But do you not think it is a matter for the Court which made the award, or, rather, has jurisdiction over an agreement, to decide what is meant by a clause in the award or agreement?—That is so.

157 Then do you not see that it is a matter for the Arbitration Court and not for an Appeal Board?—Our contention is that we should expect to get fair treatment from an Appeal Board in a question like that.

158. Do you not see that the matter is one that would be settled by the Arbitration Court and not by an Appeal Board?—No.

159. Do you not know this: that without any Appeal Board at all, your union had the right to go to the Arbitration Court to ascertain whether or not the company in distinguishing between linesmen and linesmen's labourers were doing the correct thing?—I cannot say that I do.

160. Did the union ever consider that question as to whether it should take the matter to the Arbitration Court?—No, I do not think so.

161 If you had the right of going to the Arbitration Court, as I assure you you have upon a point of that kind, why should you not do that instead of trying to get a separate Board of Appeal to consider a case of that kind?—As I pointed out, we had complaints made to the management that we did not think it was in accordance with the agreement, and they, after mature consideration, conceded to two of the men 1s. 1d. per hour. I have no doubt that if that penny had not been conceded to those men, in all probability, if the Arbitration Court is the right place to take it, it would have been brought up there.

162. What you say is that the matter was settled by agreement between the company and the union?—That is about it.

163. When the question arises as to whether you have a sufficient number of cars, let us say for the requirements of the Auckland traffic, who do you think are the best judges of that—the City Council or the people of Auckland, or the person appointed by the Minister?—Well, if the person appointed by the Minister was in or about Auckland during the rush traffic, or took a keen interest in the traffic conditions of Auckland, I think he would be a very good authority

164. Do you not know that the Auckland City Council are fairly keen about keeping the company up to the mark in regard to the requirements of the traffic?—I am surprised to hear it.

165. The number of your cars, I understand, has been doubled within a few years?—Question—that is, in seven years.

166. Do you think there are enough cars for the requirements of the Auckland people running at the present time?—I do not think so.

167 How many do you think there should be?—Roughly speaking, I think there should be from ten to fifteen more cars.

168. Do you mean, in addition to those under construction—you know there are eight under construction?—Yes, the large type of cars. There should be ten or fifteen more.

169 The people in Auckland are, I suppose, as keen as people in other centres about getting what they consider to be their rights?—As far as my judgment goes the people of Auckland have never had their rights yet.

170. You think the people of Auckland cannot be left to themselves to keep the Auckland Tramways Company up to the mark with regard to the requirements of the traffic?—My opinion is this: that if I was absolutely clear in my mind, and I think if the employees and general public were absolutely sure in their mind, that there were no City Councillors and Mayors interested, then in all probability the people of Auckland would get what is termed "fair treatment."

171 *Mr Fraser.*] You mean personally interested?—Yes

172. *Mr M Myers*] I was not asking you about the City Councillors—I asked you about the people of Auckland?—That is the perception of the people of Auckland when the question of the number of cars and that sort of thing has been discussed. I have heard it said repeatedly, "What can we expect from a City Council that has part of the interest!"

173 Do you know as a matter of fact that on various occasions they have made demands on the Tramway Company with regard to extra cars?—I do.

174. And with regard to other matters?—Yes, but I have not known of those demands being acceded to in any very great hurry

175. If we had it in evidence from the Town Clerk and one of the Councillors that those demands have been acceded to in reasonable cases, would you dispute that?—No, I would not.

176. I suppose the motormen in Auckland, taking them all round, are a pretty good and efficient lot of men?—Yes, I think they are very efficient.

177 All round?—Yes.

178. So that it cannot be suggested that licenses have been issued in Auckland to incompetent men?—No, I would not say that. What I did contend was, that there were several men entitled to licenses who were not permitted to get them.

179 Not permitted by the company or the City Council?—By the company

180. You mean to say that the company were not satisfied, or said they were not satisfied, that a particular man or men were good enough?—That is the point.

181 Do you suggest that the power should be taken out of the hands of the owners of a tramway of saying whether or not a person is efficient or competent to drive as a motorman?—Yes, if they are going to act contrary to the advice given to them by the teacher of a student. I have men repeatedly put on with me to gain knowledge of a tram-car, and I am practically the sole person in charge of that man. Once he has completed his time with me I sign his form to the effect that he has put in the prescribed number of hours with me. Well, I do not see why, when in ninety-nine cases out of a hundred they take my advice, they do not do so the hundredth time, we will say When I give the same advice they will act contrary to it.

182 In other words, you say the motorman who has had the person under his charge is the right person to say that the man is competent?—I say so.

183 Do you mean to suggest, therefore, that the owners of a tramway should not have the right to make their own inquiries and their own investigation, and their own examination in order to test a man before he is put on as a motorman?—I do not think an officer—we will say an officer—who is just practically one grade higher should have the right to trip a man, and deliberately trap him.

184. Would you agree to this: that a man should not be certificated within the meaning of clause 2 unless he first had some sort of a certificate of competency from the owners of a tramway?—I think he should have some sort of certificate of competency—that is, he might have a reference to show he had had twelve months' service as a motorman.

185. So far as future motormen are concerned, would you agree that before a person could be entitled to a certificate he should produce a certificate of competency and training from the owners of a tramway?—I should imagine that would be the natural course.

186. If that is so, what is the use of the Government certificate at all?—The point is this: that he would have to be trained by a motorman, and I should say that a motorman would have to certify that he had been trained.

187 What you want to do, then, is to make the motorman who trained the person the judge, and not the people who employ that man?—No, I do not want to do that. That is the course which is adopted. The motorman is the judge.

188. But there is some other test?—The other test is the driving of a car. A special car is taken out, and the man is given a knowledge of the route, of the automatic switch, and of the emergency brakes. That is the only test the company give after he has left the trainer's hands.

189. Do you think a person who has been a motorman in, say, Christchurch is necessarily a competent man to be a motorman in Auckland?—Yes, I think a man who drove a car in Christchurch could drive one in Auckland.

190. And the same with regard to Wellington—the man could drive in Auckland?—Yes.

191 Do you think a person who had driven a car in Dunedin, where they have the magnetic brake, would be competent as one of your men in Auckland?—Under Auckland's conditions, yes.

192 Do you not think that there, again, the matter is one where the owners of the tramways themselves ought to decide without any supervision or interference? Have they not the right of employment?—They have the right of employment unquestionably.

193 You spoke about the time-tables: do you know that the time-tables have to be approved by the City Council?—I do.

194. Have you ever brought the question of time-tables before the City Council?—Yes. We had a deputation selected by the Tramways Union to go before the management, in the first instance, to see if some particular routes that we considered had a very fast time-table could not have the time extended. We were told by the management to refer the matter to the City Council. We took that explanation given by the management before the union, and I was one of the deputation that was sent by the union to interview the City Council relative to increasing the time on these very fast routes. But neither deputation had any good effect; we did not have any extension at all.

195. That is to say, the City Council, rightly or wrongly, took a different view from the union?—That is so.

196 With regard to the car report-books: in Auckland you have the loose sheets?—Yes.

197 And you have those loose leaves for each car?—Yes.

198. That is satisfactory, is it not?—In a sense it is satisfactory.

199. Now, if the employers have an objection to car report-books, but are prepared to adopt the Auckland system, would you not say that, if only as a matter of compromise, you would be prepared to agree to the Auckland system being adopted?—No, not the present system. While I contend the system is reasonably good, I also contend that a man should have the right, in the event of a serious accident which might involve a charge of manslaughter, to follow up the record of the car for a month before if he thinks fit.

200. Before making his own report of the accident, or after?—I think, before. My reason for that is, in all probability his report in the first instance might be at variance with the one he

would make before the Supreme Court. That is, a man might accept the onus of the accident in ignorance of the previous condition of the car

201 In other words, you think his report as to the facts relating to the accident might be affected by what he might see as the result of his inspection of the car-book?—I think it would be more in his protection.

202. Do you not think that one is more likely to get an independent and reliable report if the person makes his report of the facts of the accident without first of all going back to the history of the car?—He is not more likely to give a reliable report.

203. Well, an independent report?—It would unquestionably be an independent report.

204. I suppose a man who has an accident has no difficulty in getting leave to look back to the history of the car after he has made his report of the accident?—I have heard of him doing so.

205. Have you ever heard of his being refused leave?—I have heard, but I do not know of any particular case.

206. Supposing he makes his report from his own point of view and then looks back to the history of the car, do you not think he is still protected by the history of the car if it has a bad history?—How is he going to get the history?

207 By looking at it after he has made his report?—But suppose he cannot trace the record of that car.

208. But I am asking you to assume that you could get the history after you have made your report for the day Supposing arrangements were made to enable a man who had had an accident to trace the history of the car in the reports after making his own report of the accident, would you be satisfied with that?—No; I would far rather see the man have the right to trace the record of the car prior to his putting in his report of the accident.

209 Do you not think that might influence a man in making an incorrect report, though the incorrect report might be a perfectly honest one? I mean that the man making the report might honestly believe that what he was writing was correct, but it might be perfectly incorrect, because he might be influenced by what he had seen in the history of the car?—No; I should be rather inclined to think you would get a more truthful report from the man through his being able to trace the history of the car

210 *Mr. O'Shea*] You consider that under this Bill, if the certificates are given, the right of the City Council to grant licenses will be taken away from it?—That is what we understand.

211. Do you know the methods of the examination of motormen in the various centres?—No, but I understand they are very similar in the four centres.

212. Do you consider the public safety would be at all helped by a Government certificate being given to a motorman?—Yes, I think it would probably theoretically improve a motorman.

213. Do you know that we have a very strict theoretical examination for our various classes of motormen in Wellington?—I have always been led to believe it is not so strict as that in Auckland.

214. Do you know of any accident that has occurred there through the lack of proper facilities for training and for a proper examination?—Yes, I think a befitting case to mention would be the Kingsland accident, where there was serious loss of life and quite a number seriously injured.

215. How long had your system been in operation then?—I should say about eighteen months or two years.

216. How long would a man have to be on your cars now before he could rise to be a conductor or motorman?—That is wholly and solely in the hands of the company There have been extraordinary promotions. A man three months on the job has been made a second-class officer

217 But take the ordinary man?—I should say he would probably be two years.

218. Do you know it would take five years here?—Well, dealing with the Kingsland accident, that occurred through a motorman not being properly instructed.

219 Was that found to be the case by the jury?—It was found that he had not used a brake which was left to him to use—that is, the third emergency brake—and the car ran away with him. The motorman, whom I know personally, explained that after that he probably lost his head. He had two or three women hanging about his neck, and he got confused, and the car ran away Some of the passengers jumped off, the women appealed to him, and that was the result. If he had been properly instructed, that accident would not have occurred. At that particular time I do not think there were twenty men in the whole service who knew anything about that brake.

220. What is the condition of affairs now?—Well, naturally enough, profiting by experience, every man was immediately trained in the use of that brake.

221 Are the men properly trained now?—I think they are the most thoroughly trained men now of any tramway service I have come in contact with.

222 I think you said in answer to Mr Rosser that you believed in clause 3, because you thought the Government should have the power of inspection: Do you know that the Government have an absolute power of inspection now?—They have, or I am given to understand they have, in the first instance.

223. Do you know that they can go and inspect the rolling-stock at any time?—I am not aware of that fact.

224. As to subclause (*e*) of clause 5, there is power given to make regulations for the use of proper appliances for the convenience of passengers, of the tramway employees, and of the general public. I suppose you know that the Auckland company is limited up to its paid-up capital to provide the cars considered to be necessary by the City Council?—I suppose so.

225. You know that the Auckland tram-cars make a profit?—Yes.

226. You know that for years past the Government have been losing £300,000 on the railways?—I could not say that.

227 Do you know that at all the big centres the people, if they go to the races and other places, have to go in trucks?—I have seen people going to races and so forth in trucks.

228 Do you not think that if political pressure is brought to bear on the Minister this clause may be the means of financially ruining the Auckland Tramways Company?—No, I do not think that for a minute. The Minister is only likely to insist upon a reasonable compliance with the provisions of the clause, as an intelligent man.

229 Do you not think the Minister has power under this clause to ruin the company?—I do not think so.

230. Have you noticed the effect of subclause (2) of clause 5, that the Governor may make regulations overriding an Order in Council?—That is not a matter I am interested in. My union was not asked to discuss that particular clause.

231 Coming to the Appeal Board, you say you want a representative man of the union and a representative of the employers. If an amicable settlement cannot be come to between these two, you want the Chairman to be appointed by the Minister?—Yes.

232 I suppose you know that this amicable selection is not very probable?—I would not say that. I hope it would be probable.

233. Supposing the Minister had the appointment, do you not think it is throwing the whole of the tramways in New Zealand into party politics?—I do not say so.

234. With regard to the car report-book, would you be surprised if I said it had been given in evidence that the principal reason for shifting to the single leaf from the book was in order that the management could get proper reports?—I should be surprised to hear that from the motormen.

235. You spoke about the records of men in your service: are you familiar with them?—Very familiar

236 Would you be astonished to learn that where we have had appeals here before the Tramways Committee the secretary of the union has stated that he was astonished at the records of the men—that it nonplussed him?—Yes, I should be very sorry to hear that. I have heard from the secretary of the Wellington union that he has been astonished at the records that have been put up against men without their knowledge.

237 *Mr Young*] This Appeal Board might override the decisions of the employers, might it not?—Yes, and also the decisions of the employees.

238. Supposing the Appeal Board reinstated a motorman against the wishes of the employers, would you be in favour of a clause in the Bill that the Government should be responsible for all accidents the man might cause?—I do not know that I would pass an opinion on that.

239 Would not that be a fair thing if the Appeal Board reinstated a motorman?—I think that would be most unfair, because the company has a representative and the employees have a representative, and in the event of the Board reinstating a man I think it would be most unfair to suggest that the Government should be held responsible.

240. You think the employers should bear the brunt of it?—I do not think the Appeal Board would force upon the company or any municipality the services of a man who is totally unfitted for the position he was holding

241 Of course the Government would want control for the number of cars put on for the convenience of the public?—Yes.

242 Have you considered what the cost of putting on an extra car is?—No, I have not gone into the question of cost.

243. Nor the sources from which the money is to come to put on extra cars?—No, I have not considered that question.

244. *Hon. Mr R McKenzie.*] I understand you are president of the Auckland Tramways Employees' Union?—Yes.

245. How many men are there in your union?—Roughly speaking, 350.

246. If there was an incompetent motorman dismissed, and your union knew him to be incompetent, do you think they would be likely to use influence with the Government to reinstate that man?—Unquestionably no. There is not the slightest idea of the union wishing to force a bad employee on their employers.

247 You referred to the Kingsland accident: I think you said you knew the motorman intimately?—Very intimately, yes.

248. Do you know how long he had been training before he had the accident?—He was a conductor and a temporary inspector Then he went back to conducting for a very short time, and then trained and qualified for the position of motorman. I think he was about eighteen months or two years in the service.

249 You do not know how long he was working as a motorman ?—Roughly speaking, I think he was a motorman for about six months.

250. It has been put on record before us that he was only on for a fortnight before the accident?—He had a fortnight's training, but I think he was on longer than that.

251 What training do you think a man should have before he gets a certificate?—With previous experience of conducting, I should say about two years. If he could prove he had previous experience I should certainly take that time off.

252. Do you think that a man applying for the Government certificate should be compelled to prove that he had that necessary experience as a conductor and training as a motorman before he should be allowed to apply?—I think so.

253. What is the number of conductors that you think should be trained every year—what percentage?—That would depend upon the service. The services are different. In Auckland I should say 10 per cent. would meet the requirements with the spare list they keep at present.

254. You stated that in ninety-nine cases out of a hundred they granted a certificate to allow men to go on and in the hundredth refuse?—Yes—that is, on the mere recommendation from the trainer or teacher

255 You think that a man might be as competent as the ninety-nine, but would be out of favour with the management?—Yes, and he might happen to be out of favour with the second officer

256. Do you think the man refused ought to have the right of appeal to the Appeal Board proposed in the Bill?—I think he should, in cases like that. If he could bring evidence to prove conclusively that he was a capable man, he should not be debarred from taking up the duties.

257 You admit that you have a fairly good system of car-reporting in Auckland?—It is not entirely satisfactory to the motormen.

258. You have heard of the system at Dunedin and Wellington?—I think the Auckland system is the best of the four centres at present.

259. I think Mr M. Myers asked you a question about an independent report: say that you were put on a car that you were never on before as a motorman, and you met with an accident for which the accumulator might be responsible, do you not think it would be an advantage to you if you knew the history of that car?—Yes, that is my contention.

260. And if you knew the history of the car beforehand you would know how to handle it? Yes.

261 Would it be a disadvantage to the company?—No.

262 Would it be an advantage to the company?—Yes; they would get an accurate and truthful report.

263 If you were a motorman and had a serious accident, if you knew the history of the car beforehand, would you not set up that history as a sound defence?—You could.

264. You stated that eighteen months after the Auckland system started none of the motormen were trained in the third emergency brake?—Yes.

265 If those motormen had to go up before the Board to get a Government certificate, do you think they could have passed in the use of the third emergency brake?—I am sure they could not.

266. Do you think it would be an advantage if they could prove that they had had the necessary training?—I think it would be a great advantage to the safety of the general public.

267 I understand you object to a Supreme Court Judge being appointed as Chairman of the Appeal Board?—My contention was this that a Supreme Court Judge looked too much at the legal aspect, and not enough at justice and equity

268. Supposing you left it to the Minister for the time being, and he had to make an appointment, would you object to him appointing a Magistrate or a Judge?—I do not object to a Magistrate, but a Supreme Court Judge is the person I most object to.

269 Suppose this Bill is amended as suggested by Mr M Myers, and, instead of the matter being left in the hands of the Minister, the clause should say "the Stipendiary Magistrate of the tramway district, would that suit your union?—That question was put to me by Mr M Myers, and the answer I gave was that I would prefer to see the matter settled by an amicable arrangement. I would not like to see any particular person appointed as a permanent Chairman. I would rather leave it to the Government. If the Chairman did not give what was termed a fair hearing to both parties, but gave his decision against one party, there would be a chance at some future time given to that party to get a more suitable person as Chairman. They would not select the same Stipendiary Magistrate for each district every time.

270. Whom would you recommend?—I do not care personally to recommend anybody I should say that any fair and impartial man might be selected for a position of that description.

271 But the first duty of a Magistrate or Judge is to be fair and impartial?—That is so, but I would sooner see a Magistrate than a Judge appointed.

272 With regard to the brakes at present in Auckland, do you think some of the accidents you have known in Auckland could have been prevented if there had been an efficient system of brakes on the Auckland tramways?—There is no question about that. If there had been an efficient system of brakes I think there would have been very few accidents indeed.

273. Do you think they would have been considerably reduced?—Yes. The contention very frequently on the part of the man is that the accident was directly attributable to the state of the brakes.

274. Do you think, if the air brake was installed it would be an improvement on the present brake?—Yes, it is a very good brake, and would meet with our requirements.

275 And tend to public safety?—Yes, absolutely

276. Have you ever known of overcrowding in Auckland?—Yes

277 Is it a common occurrence?—Up to quite recently it was a very common occurrence, but the union decided once more to stop it. They decided some time ago to do so, but the City Council insisted on strap-hangers being carried.

278. Do you know the speed-limit on some of the Auckland sections?—There is only a speed-limit in Queen Street. There are no speed-regulations outside of Queen Street, to my knowledge.

279 The speed-limit is, say, fifteen miles: is that exceeded as a rule?—Yes, fifteen miles is always exceeded to maintain the time-table.

280. Can you maintain the time-table without exceeding fifteen miles?—No, there is no route in the service that could.

281 Supposing the speed was limited to twenty miles, do you think it could be done?—No.

282 Have you ever known any runaways in Auckland, except in the Kingsland accident?—Not through any fault of the motorman.

283 Say, through the fault of the brakes?—Yes, we have had a number of runaways unattended by accidents.

284. How long have you been on the Auckland system?—Seven years and a half

285 Have you ever known of a car running down Wellesley Street corner up Queen Street? Yes.

286. Are these runaways reported to the management?—Yes, when they are as serious as that, they are. A runaway down College Hill, say, would not be reported, but the state of the brakes would be.

287 Supposing a car ran away down Kyber Pass, would that be reported?—Only in regard to the state of the brakes.

288. It would be known to the motorman that the car was not under proper control?—He would know that thoroughly well. He would book up a car of that description as having a defective ratchet brake, or else that he could not hold his car with the brake.

289. But the management would understand that a runaway of that kind was due to the inefficiency of the brakes?—Yes.

290. And the public would know nothing about it?—Yes.

291 *Mr Luke*] Assuming that the Auckland tramways system was in the hands of the municipality, and not owned by a company, do you think there would be any need for this Bill? —I think so, from what I have heard of municipally controlled tramways. I think the men have grievances similar to Auckland. I think Auckland is the worst, but in municipalities there are grievances.

292 Considering that the method of the election and the functions are similar as between the General Government and the municipality, do you not think the municipality is just as fit and as competent to control a tramway undertaking in its locality as the General Government?—That would all depend. I should not think so, on account of the extraordinary attitude taken up by our municipal authorities when we execute a by-law passed by themselves.

293. In your opinion, did your municipality consider the public interest when it farmed out the right of running a tramway undertaking in Auckland?—I think unquestionably they made a mistake.

294. In your opinion, would the same influences that cause the Auckland public to part with their rights guide them in giving effect to conditions that may not be as fair as the conditions in a city where the tramway is municipally owned?—Probably the conditions where the tramways are municipally owned may be a little better than where there is a private company

295 Seeing that the tramways in three centres are controlled by the people and for the people, is it not your opinion that every safeguard that can be brought about should be taken in favour of the employee and the general public?—While we offend in the matter of strap-hangers, I have been in Christchurch and Wellington, and think they are worse than Auckland in this respect. I do not think that is considering the interests of the public.

296. Do you think the public are better served by insisting on seats being provided for every passenger or by giving a reasonable amount of discretion to the management, so that the public may have cheap fares and a little disability in the matter of overcrowding?—I have not been favourably impressed by Wellington either in the number of passengers allowed to be carried or by the cheap fares. If the municipalities are going to carry such excessive loads as they carry in Wellington, I think the public should have a little protection.

297 You agree with the practice, so far as Wellington is concerned, of the motorman being absolutely detached from the passengers?—Yes, but I have seen a conductor giving a signal in an excessively loaded car when a woman was just in the act of stepping off the car; and in one instance a gentleman called out and drew the conductor's attention to the fact that a woman was getting off. In other instances several gentlemen called out and drew a lady back when getting off; otherwise I am of opinion that she would have been thrown very heavily on the roadway, and in all probability have sustained concussion of the brain.

298. How could you obviate that if the Government had the right of interference?—I think the Government would fix upon a reasonable load that cars would be allowed to carry I do not think it would be 50 per cent. overloaded.

299 Have you not seen similar disabilities on trains during race-times?—Yes.

300. Have not the Government to frame regulations to provide for that?—I do not know about that.

301 Have you speed-indicators on the cars in Auckland?—No.

302. Do you think it necessary to have speed-indicators on the ordinary running cars?—No.

303. You think that for educational purposes—to educate motormen up to an appreciation of speed—it is all right?—I think men develop that knowledge themselves. I was on the car during the whole of the time of the brake-test in Auckland, and it quite surprised me to see the extraordinary accuracy of the driver of that car When he was told to pick up a particular speed he picked it up.

304. You think there is something inherent in a motorman which enables him to tell the speed he is running at?—Yes. He is taught at first, but after that it comes as a natural gift.

305 Is it your opinion that this Bill is necessary in the interests of public safety and the protection of the employees?—I think so.

306. And is it in the interest of the municipality?—Yes.

307 Do you think it is necessary in the interests of good government and municipality undertakings?—Yes, I think so.

308. *Mr Glover*] After the Commission sat in Auckland about two years back, if the company had only carried out and acquiesced in the findings of the Commission, do you think there would have been any necessity for this Bill being introduced in this Parliament?—I do not think

there would have been, probably, the same likelihood of the Bill being introduced. It was only the fact of our drivers in Auckland taking action that led to the troubles in Wellington, Christchurch, and Dunedin. That is what we found out at the Conference. But I think unquestionably in Auckland we are the worst off. We have cars running at times when their brakes require adjustment, and they are positively unsafe.

309 Do you think, if we had proper brakes there would be so much contention as there is at the present time? If the public realized their danger do you think they would travel so often? —No.

310. Do you think that accident which took place by the Art Gallery, where a car was coming down Wellesley Street, was due to the car taking control of the motorman through the defective brakes?—That is my opinion. It was due to defective brakes.

311 You are aware of this fact: that the Auckland Municipal Corporation have power to see that the number of cars is sufficient, and that 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?—I am very much surprised to hear it, Mr Glover

312 In the matter of the overcrowding of cars, do you think the efficiency of the motorman is impaired by the overcrowding of the cars? You remember that we have strap-hanging carried on to a certain extent?—Yes.

313. Do you think with this strap-hanging the conductor can carry out all the duties required of him, and that in the event of immediate danger there could be any possible quick communication between him and the motorman?—It would assist in the proper working of the traffic very materially, unquestionably, if we could do away with that danger

314. And it would be conducive to the safety of the travelling community?—It would, unquestionably

315 *Hon. Mr R. McKenzie*] In the case of overcrowding, every car is braked with a certain margin of safety?—Yes.

316. Say a car is braked to carry 100 passengers, and it has 150 passengers, the car would be on the margin of safety?—An excessive load would make it more or less unsafe.

317 But up to a certain point it would be safe?—Yes.

318. But if you went up to 75 per cent. over its proper number, would the car be safe then? Would the brake control it?—Not so well.

319 Supposing you had 100 per cent. over do you think the brake would be safe?—It would have the same control, but not sufficient for the safety of the general public.

320. Supposing you were coming down College Hill, and there was 100 per cent. over what the car was braked for, do you think that brake would hold it?—No, not down College Hill.

321 You do not object to the limitation of overloading?—What I do object to is the setting-up of a hard and fast rule that, say, if a conductor carries under his number he is penalized by his employers, and if he carries over he is penalized by the municipality

322 Supposing you carried over 100 per cent. more than the car was braked for, could you brake the car?—I believe if the driver went into a level the car would skid and run away

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THURSDAY, 8TH SEPTEMBER, 1910.

HENRY CARTER examined. (No. 5)

1 *Mr. Rosser*] Your occupation?—Motorman.

2. In the employ of—?—The Auckland Electric Tramway Company

3 How long have you been in their employ?—Seven years and ten months.

4. And previous to that?—In the Sydney Tramways.

5 You do not at present hold any office in the union?—No, except being a member

6 Are you authorized to appear here on behalf of the union?—Yes, elected by a ballot of the union.

7 You say you previously had Sydney experience?—Yes.

8. What experience did you have there?—Two years' driving, one year and nine months' conducting and driving

9 Practically you have eleven years' total experience as a tramwayman?—Yes.

10 Have you had any other experience with regard to tramway matters—such as special experience?—As a member of the special Conciliation Board, 1908.

11 Presided over by Dr McArthur?—Yes.

12 You represented the union at that sitting?—Yes.

13. And sat during the taking of the whole of the evidence?—Yes.

14. What was your function—to inquire into the grievances that led to the strike?—Yes, the strike of 1908.

15 Have you had any other experience?—I represented the union on both Brake Commissions.

16. Have you had any experience in training students?—Yes, I have been training ever since I have been in the service of the Auckland Tramway Company, and also in Sydney

17 Should I be right in saying that you have put more men through as students than any one in the service?—Yes.

18. Will you take the Bill, and look at clause 2, and give us your opinion of it as concisely as possible?—Yes. The reason I think the Government should pass or grant motormen's certificates is that the present method is unsatisfactory from the men's standpoint and also from the view of public safety There have been instances in our service where unqualified men have driven

cars, and received licenses from the City Council to drive cars. There is an instance of a man whom we considered qualified to drive a car who was refused a certificate or a license by the examiner of the company It would remove a man from the influences of a jealous or an incompetent officer It would give a standard examination for all candidates irrespective of their relations to any member of the City Council or any officer in the company It would raise the standing of the motorman, so that people would feel secure in having a Government inspection, and also in having an independent man to examine them.

19 The training of the motorman at the time of the Kingsland accident has been mentioned here in evidence were you pretty closely connected with that Kingsland accident?—I had charge of the motorman the night of the accident, and took him home, by direction of the managing director

20. What was his name?—Humphreys.

21 In your opinion, was the accident caused through inefficient training or through the motorman losing his head?—Inefficient training, admitted by the motorman.

22. Who was the man who examined the motorman, then?—Mr. Carey, the engineer

23. Did he understand the work himself?—No.

24. How do you account for that?—He was trained to be a driver after he came here.

25. What was the direct omission in training that man?—The principal one was that he was unable to work the emergency brake at the time of the accident.

26. What is that emergency brake?—The emergency is what we use to prevent a car running backward. It used to be designated the 'extreme emergency" We now call that the "third emergency.'

27 Does that prevent a car running backward?—Yes.

28. What was the emergency he tried to use?—He used the emergency that prevents a car from going forward. He described that to me on the car as I took him home.

29. So that you would be safe in saying that the Kingsland accident was due to inefficient training?—Yes.

30. Could you give us any idea of how many men trained in the service at the time of the Kingsland accident were unaware of that third emergency, or of those who knew of it?—That would be a difficult question to answer, but it was generally believed by Mr Carey that our fixed emergency which prevents a car from running forward would also prevent a car from running backward.

31 Would you say there were not twenty in the service at that time who knew the contrary? I will not give figures, but I say, very, very few

32 Do you know of any other case where men have been granted certificates that ought not to have been granted?—Licenses, yes.

33. Can you call any to my mind?—Two men engaged in Sydney came here, and were put out driving without passing any examination.

34. Had they had previous driving-experience?—Neither of them.

35. Can you give the names?—Jackson and Comer. Those men came in December, 1902 There is another case of a man locally trained.

36. Can you trace those men—what about Comer?—Comer ran into a car at Ponsonby Road —a rear collision—and was discharged.

37 What about Anderson?—Yes, he was a locally trained man The traffic manager himself told me that he should not be driving.

38. How long ago was it when Anderson was driving?—It would be in the vicinity of two years.

39 It was in Mr Walklate's time?—Yes. Mr Lysaght was the traffic manager at that time.

40. What about Paget?—Paget was examined on my car by the then motor-inspector

41 How long ago would that be?—Six years, or nearly seven years ago.

42 Did Paget have a collision?—He ran into the back of another car without cutting his power off, and made a big smash. He was dismissed.

43. Coming down to recent times, do you know of any cases where a man in your union could have qualified and was prevented?—Yes, one quite recently.

44. What was that case?—That of a man named Houghton

45. Did you have to do with that man?—Yes. He had been trained by two other men, and failed in his examination.

46 Was his examination a fair one, in your opinion?—No.

47 How long ago was this?—Just about the time the last Brakes Commission sat—this year

48. He failed in his examination, which you say was not a fair one: in what way?—The animus of the motor-inspector prevented the man from passing.

49 What is the name of the motor-inspector?—Rockland.

50. Did he give him a proper test, in your opinion?—The examination was severe enough for an electrical engineer who also had a motorman's experience. Houghton failed, and is still an excellent conductor—a man of excellent character in every way

51 It has been suggested that in the case of a strike this clause would make a close corporation so far as the motormen are concerned do you think it would?—I do not see that the position would be altered—only this that the examination would provide for men who would be capable of driving a car and taking charge of the same.

52 A previous witness—the Town Clerk, Mr Wilson—said it would prevent, in the case of a strike, the drawing upon men who had been motormen and had left the service do you think you could draw on those men without any training with safety to the public?—The Sydney system is that, if a man is off for a month or over at any time, he shall receive instruction again by being placed on a car with a competent motorman for two days, who has to certify that the man is

capable of taking charge of the car I think that system should apply here—that he should be certified by some competent man before being allowed to drive a car again.

53. Are you aware that fourteen days' notice has to be given before any strike comes along?—I could not say

54. In that case it would give sufficient time, and there could be no close corporation?—That is so.

55. Clause 3, inspection of tram-cars: Have you anything to say on that?—I understand that at the present time the Government pass the cars, and that, once they are in the traffic, unless in the case of a serious accident, there is no other inspection than that by the company's officials. I have known of instances where a car has been smashed—very badly smashed—and you could hardly recognize the car again when it came into the traffic—going on to the road, and as far as I know it had no further inspection by anybody except the company's officials.

56. Will you give the number of the car?—No. 49. This car was not smashed, but it was remodelled.

57 It was totally different from any other car in the service?—It was a locally constructed car, and stood alone.

58. That was Mr Carey's own idea?—Yes.

59 No. 49 had a side step?—A footboard on each side, a saloon in the centre, and two seats at either end.

60. Was the equipment effective—were the motors powerful enough?—I think the same motors are on still.

61 That was remodelled altogether?—The woodwork on the car

62 As far as you know, there was no inspection of the car?—No Government inspection.

63 Do you think it right that a car should be remodelled and put on the road without an inspection by an independent person?—No.

64. Have you anything further to say with regard to that clause?—No.

65. Who inspects the rolling-stock now—is it the City Council Inspector?—Yes, the Traffic Inspector

66 What is the Inspector's name?—Lindsay.

67 Employed by whom?—The City Council.

68. Does he inspect the cars?—Yes.

69 Is he a practical man, do you think?—No.

70 How long has he been appointed?—I think about three or four months.

71 Do you know where he was before that?—I think he was in touch with the Labour Department, or had something to do with it.

72 Are you satisfied to have your cars inspected by a man with no practical knowledge in preference to a proper Government official?—No; it is necessary to have expert knowledge.

73. Clause 5, subclause (3) I want to direct your attention to the maximum number of passengers to be allowed. Is it the City Council who now exercises that prerogative?—Yes, they license the cars, and regulate the number of passengers to be carried.

74. Do you think they use their privileges in that respect?—No, they have not.

75. Have you had any trouble about overcrowding in Auckland?—Yes, personally, and collectively as a union.

76. Do you remember the case of an Auckland City Councillor being prosecuted for refusing to leave a car that had its number on it?—Yes, the present Mayor, Mr Bagnall.

77 Were you on that car?—It was my car

78. You gave evidence in that case?—Yes. I reported the matter to both the company and the union, and the secretary of the union took proceedings as a private citizen. Mr Bagnall was fined.

79 You say you reported to the company: did the company take any action?—No. At the time—July or August, in Queen Street—when this gentleman was on the car and refused to leave, the head accountant of the company asked me to go on, as the gentleman was a City Councillor I told him that City Councillors should know the by-laws very well, and I would not move the car until he got off.

80. Therefore you take it that the company have consistently refused to prosecute?—Yes. I have another case where a commercial traveller named Sinclair consistently jumped on the car when it was in motion, and impeded us in our work, and the company refused to do anything In another case where the union prosecuted, a man was fined £2. He was foreman in a boot-factory

81 What about the J P , Jameson?—Yes; he was fined also, and Mr Spedding likewise.

82 Is it not a fact that I had to prosecute in my own name because the company would not take action?—Yes, that is so.

83. Did the Council take proper measures after this to prevent overcrowding?—Very improper measures

84. What did they do?—They licensed cars to allow people to stand in them. Hitherto the cars had been licensed only to carry people sitting

85 Was standing on the platform allowed at that time, previous to the accident to John Rix?—When the cars were licensed to only carry people sitting standing on the platform was not allowed.

86. Do you remember the fatal accident to John Rix?—Yes.

87 What was the rider of the Coroner's jury in that case?—One recommendation was that a permanent stopping-place should be made at Porter's Avenue, where the accident occurred, and I think the other was that people should not be allowed to stand on the platform.

88. Do you approve of that overcrowding, with regard to the conductor's duty, for instance? No, not in any way

89. What about subclause (*d*) of clause 5: do you consider there is any need for the limitation of speed in Auckland at the present time?—Yes, we run too fast.

90. What line are you on?—Herne Bay at present.

91 That has College Hill in it?—Yes.

92. What is the grade of College Hill?—I think 1 in 14 is the steepest part; it might be slightly less.

93. What time do you have for your journey?—Sixteen minutes for three sections, 2·5 miles.

94. How many stops have you got?—I have not counted them. I am not quite sure.

95 Do you consider you run at a proper speed down College Hill in order to maintain your time-table?—No, we are running too fast, and the Brakes Commission in 1908 said as much.

96. Are you a pretty good judge of speed?—Yes.

97 What rate do you think your car would have to go on that run to enable you to maintain your schedule time?—From twenty to forty miles down College Hill. That is admitted by the general manager.

98. Do you remember the first Brakes Commission—being on the car there?—Yes.

99. Do you remember what the speed was then?—Yes, 40·7 miles.

100. Have you seen cars going at that speed in the ordinary traffic?—Yes, plenty of times.

101 Do you consider that the time allowed for the run is not sufficient?—Quite insufficient.

102. Do you know whether the Council has been asked to extend the time?—Yes, asked by the union.

103 Has there been any result?—No, it is still going on.

104. Have the company been asked to do so?—Yes. I was on the deputation myself.

105. What did the manager say?—That he would consider it. That was about two years ago.

106. Is he still considering it?—Yes.

107 You were on the Kingsland line some time ago?—Yes, for about five years.

108. Did you consider that they were running too fast on that service?—Yes.

109. Did you take any action?—I went to the general manager and asked him for an extension of the running-time.

110. What reply did you get?—That he would consider it.

111 Seeing that the company cannot do anything to increase the time, and that the Council has refused to do so, do you take that as a reason why subclause (*d*) should be in the Bill?—Yes, we want independent control there.

112. Take the Appeal Board, clause 6: are you in favour of that?—Absolutely

113. Will you just state your reasons as near as possible?—An Appeal Board should be set up to give a man the right of appeal from the findings of the general manager This Appeal Board should consist of an independent chairman and a representative of the employees and a representative of the employers.

114. Have you had any experience of such a Board?—Yes, we have one in Sydney

115. Is that on the lines indicated?—Yes, similar to that proposed in the Bill.

116. Now, a good deal has been said about the Sydney system here: will you give your experience as an employee, as far as you can, of that Appeal Board, and state whether you consider it was satisfactory to the employees?—Yes. It gives the men a sense of security with regard to their position, and in many cases it has been the means of redressing grievances.

117 Can you tell the Committee how that Board is constituted?—There is equal representation of employers and employees. At the time I was there the employees' representative was Mr Richards, of the Eveleigh Workshops, and I think Mr Harper represented the employers.

118. *Mr O'Shea.*] Who appointed him?—I understand he was appointed by the Government. I am not quite certain.

119 *Mr Rosser*] Do you know of any cases where the Appeal Board reversed the decision of the manager?—Yes, several.

120. Did the manager resign because of that?—No.

121 Do you know whether it destroyed the discipline of the service by the appeals being sustained?—No, they have the best discipline of any service that I have seen.

122 In fact, you consider you would be safe in saying that it compares favourably, if not more so, with any of the Dominion services?—I think so.

123. Do you consider there is a need for it in the Auckland system?—Yes, we require it.

124. Mr Richardson has placed on record what the present system is: are you satisfied with the present system?—No. It leaves us in the power of inefficient officers, and not wise ones very often. Mr Walklate has appointed a man who is a bad motorman to make a good inspector.

125. Mr Richardson said that, and you corroborate his statement?—He promoted a bad motorman to make a good inspector.

126. His opinion was that a bad motorman might make a good inspector?—Yes, he made that statement at the Conciliation Board in 1908.

127. Is that all you have to say with regard to the Appeal Board?—Yes.

128. With regard to clause 9, the car report-book: do you consider that clause is necessary? Yes, we need that particularly, so as to know a car's history.

129 You think it is essential to know a car's previous history?—Yes. That is supported by the authorities in Sydney, who keep a book in which the defects are entered by the motormen, and this is in no wise allowed to be removed. If a man signing off a car at night books defects, the morning man taking that car out sees that the defects have been booked, and examines the car before taking it out of the shed to make sure that it has been repaired.

130. Did that system work well in Sydney?—Yes, satisfactorily

131 Was that system in operation in Auckland?—It was there.

132. Do you remember how long it is since it was superseded?—I cannot give the date, but it is since Mr Walklate came. I might say with regard to that, that when the cars first started to run in Auckland we used to have a separate sheet, something similar to what we have at the present day It was found to be unsatisfactory, and they introduced a bound book, and that has been superseded since the trouble at the Conciliation Board, and we now have the separate-sheet system again.

133. Do you remember the case where Motorman Veart was suspended?—Yes.

134. Do you remember whether it was immediately subsequent to the extracts of that book being produced by me that the alteration was made?—Yes. They first bound the loose leaves—they clamped them down.

135. Was the clamp fixed on the used leaves?—Yes.

136. What did that signify to your mind when the clamp was on?—That we were not to look at the previous record.

137 That was superseded by the present system?—Yes.

138. You are in favour of the bound-book system?—Yes, that is necessary

139 Is there anything else you wish to add? Just to assist you with regard to the Appeal Board, do you consider the promotions have been properly bestowed in Auckland?—No. The last promotion was that of a conductor to the rank of traffic inspector

140. What is the name?—Neate. He is supposed to supervise the motormen, and since his appointment a few months ago he has been trained to drive a car We did not have any confidence in such an appointment, and very little respect for the appointee as an expert in these things.

141 For a time after he was appointed to supervise motormen he was found to be a competent motorman?—No, he learned afterwards.

142 Do you consider that would be a proper case for an Appeal Board to consider?—Yes.

143. About how many men would he have to pass over to get that appointment?—More than half the employees, motormen and conductors.

144. Would you be safe in saying a hundred?—Yes.

145. He passed over a hundred men at least, senior to himself?—Yes.

146. Do you consider that a man should be promoted over the heads of a hundred senior to himself without good reasons?—No, seniority and record should count.

147 Even taking record into consideration as well as seniority, this was not a fair promotion?—No, it was quite unfair

148. Have you been at any cases of appeals to the Board from the general manager's decision?—Yes, I was on the Tickell case.

149 What was the Tickell case?—The case of a uniformed inspector reporting whilst in plain clothes a motorman named Williams for stopping his car on a curve contrary to regulations, and evidence was called to prove that the car was not stopped on a curve, but, though the award states that misstatements mean dismissal for an inspector, the general manager did not exercise his right. An appeal was made before the general manager and two directors. Evidence was called again, with a result that, through a threat of the union that we intended to hold the company to the full text of the award, Inspector Tickell was dismissed as having made an untrue statement.

150. Do you consider it was the effect of the evidence that caused the dismissal, or the fear of the threat being carried out?—It was the conciliation award that was held over their heads.

151 Was Williams told that he would have to conduct his own case?—Yes.

152 Then no official of the union was allowed to appear on his behalf?—No, he had to appear on his own case.

153. Do you consider that a fair position?—No, because a man might be unable to conduct a case before the general manager very often through being nervous.

FRIDAY, 9TH SEPTEMBER, 1910.

HENRY CARTER further examined. (No. 5.)

1 *Mr Rosser*] You have a statement to make with regard to clause 10?—I should like to add to what was stated with regard to clause 9 A reason for the adoption of the bound volume is that it would prevent any alteration of the booking I have one case under my notice where a barn hand altered the booking of a motorman

2 *The Chairman.*] Will you tell us how?—He erased a line of his booking or entry

3. Can you tell us the name of the driver?—No.

4. Can you tell us when?—It was of recent date. I did not take a note of it at the time.

5. Was it reported?—No. I saw it done. The motorman's defect-sheet had a written line on it with others, and the bottom line was erased by the barn hand. I saw it being erased in the loose-leaf system. It was a few weeks ago.

6. *Mr Rosser*] Did you see him erase it, or was it erased afterwards?—I saw it at the time. With regard to clause 12, I think the power of licensing carriages should be in the hands of the Government. The reason for that is that we consider those interested pecuniarily and otherwise—such as the City Council individually and collectively—should not be allowed to license the cars running We have had application made by outside bodies for a minimum-fare car, which was not granted, but they allow the company to run them at their own risk.

7 Will you explain further?—A minimum-fare car is a car that runs two, three, or four sections, and the least fare charged would be 2d. They are running them now, but the company has to do it at its own risk, and occasionally a man will get on and pay his penny and then refuse to leave. This often causes friction between the employees and the public.

8. Is there a notice on the car that the minimum fare is 2d.?—Yes, there is "2d. minimum fare" on the front of it. There is another point I should like to add, that the continued bookings of a car are not always attended to. I will give particulars of this. Car 92 has been systematically booked for a defective brake-staff.

9. Is that the car you drive?—Yes. This has been systematically booked for a considerable time for the same defect.

10. *The Chairman.*] What do you mean by "systematically"?—Continuously booked. It will be run in off the road to be repaired, and will come out with the same defect existing, with a result that it injured me, and I put a month in the hospital, and when I came out of the hospital and went to work again the defect was still existing

11 *Mr. Rosser*] How long have you been out of the hospital?—About three months. I went in about the 19th March, and was there four weeks.

12 What were you in for?—Strain, and I contracted pleurisy

13. Have you any opinion to offer as to how the strain was caused?—By applying that brake. That is all I wish to add.

14. *Mr M Myers*] Mr Carter, you say that you saw a barn hand tampering with a loose-leaf defect-sheet?—Yes.

15. When was that?—A few weeks ago.

16. Can you not be more accurate?—I cannot give you the definite date.

17 Can you give me the month?—No, I could not.

18. Can you tell me whose car-sheet it was?—A motorman's, but I do not know the particular motorman.

19 Did you look at the sheet at the time?—I just saw him rub it out. I did not examine it.

20. Do you mean to say you do not know whose car-sheet it was?—I dare say I could find out.

21 Did you not know the barn hand's name at the time?—No.

22. Did you report it to anybody?—No.

23. Do you think that is fair?—Yes.

24. Why?—It is not my business to report men. I am a motorman.

25 You are a motorman and a member of the union?—Yes.

26. And I suppose it would be honourable on the part of one member of the union to protect another member?—Both may be members of the union, and it would be dishonourable to report either

27 According to you, was he not doing an improper and dishonourable act towards this man?—Most decidedly

28. Then why should you hesitate to report him?—Because it was not my business to do so.

29. Did not the car defect-sheet come under the notice of the barn hand in the ordinary course of business?—Yes.

30. Then, suppose it had been a leaf in a book, could not the same things have happened?—He could have erased the line, but it would have left the motorman an opportunity of seeing it if he happened to look over the book again.

31 You can give me no particulars which would enable the company to verify or disprove the correctness of your statement?—I cannot give you the name of the barn hand, because I do not know his name.

32 Then does it not come to this: that you cannot or will not give me any particulars which will enable the company to verify or disprove the accuracy of your statement?—It is not "Will not," it is "Cannot."

33 Did you think it was at the moment of such importance as to impress it upon your mind so that you would not forget it?—I have not forgotten it. I remember the instance very well.

34. Do you not think it is somewhat curious that you should not have made yourself acquainted with, and remembered, the names and something more of the particulars, such as the date and so on?—I do not think so. There are any amount of occurrences.

35 Did you, yesterday, think of this when you were giving evidence?—I did not think of it until afterwards.

36. Did you consider it was not of sufficient importance to mention it?—I did not think that.

37 You have remembered just enough of the circumstance which is calculated to prejudice your employers, and you cannot give them any details to enable them to disprove your statement?—The position is this· There are hundreds of things that have occurred during my tramway experience that I cannot be expected to remember in every little detail.

38. Can you give me the date when you were in the hospital?—I went in on the 19th March, and was there four weeks. The 10th March was when I was sick and went home, and afterwards I went to the hospital.

39 In your opinion, which is the most competent body to manage a tramway system—the owners of the tramway, the Minister, or the Tramways Union of Employees?—I never considered the tramway employees could manage it.

40. Do you not think that the statements you made yesterday go to show that the tramway employees are desirous practically of taking over the management of these tramways?—I do not view it in that light. I want the Government to step in and rectify things which we do not consider right at the present time.

41 We may take it, then, that in your opinion a person appointed by the Minister, or the Minister himself, is more competent to look after the tramways than the local bodies themselves?—Yes.

42. You do not believe apparently in trusting the people and the representatives of the people?—In connection with tramways I think it requires independent expert knowledge which does not obtain in a body of commercial men.

43. Can you tell me of a single expert in tramway matters in this Dominion outside of those who are at present engaged in the management of the existing tramway system?—That is a hard question for a layman. I know there is one gentleman in New Zealand—Mr Chamberlain—who is a good one.

44. Do you know of any one in the Government service at the present time who is an expert in tramway matters?—I should like you to leave that question until I think it over I have not considered such a thing. I am not sufficiently well acquainted with these things.

45. How long have you been training motormen in Auckland?—Since I came to Auckland, at the inauguration of the system.

46. Who was the driver of the car in the Kingsland accident?—Humphreys.

47 Who trained him?—A man named Barnes.

48. Was he a man who had been a motorman for some time?—Yes. I think he came from Queensland.

49. Was he a competent man?—I do not know Yes, I think he was.

50. This man Humphreys had been driving for six months?—I do not think he had been driving very long.

51 If Mr Richardson said it was about six months, would that be correct?—I could not say

52. You ventured the statement yesterday—not the opinion—that the motorman did not lose his head: how do you know?—I ventured the statement that the cause of the accident was that he had not been competently trained, and that was the cause of the accident.

53. When I asked you whether Barnes was competent to train, you said you did not know?—Yes.

54. And yet, not knowing whether Barnes was competent to train or not, and knowing that he did train this man, you say the man was inefficiently trained?—Yes.

55. How do you know, inasmuch as you make the statement and confine yourself to the mere opinion that Humphreys did not lose his head?—I said the cause of the accident was through his being inefficiently trained.

56. Do you think it possible that he might have lost his head?—I could not say

57 Would you mind telling me whether you think the men who undergo training for motormen in Auckland now?—I think they are at the present time.

58. And I suppose that statement will hold good for some time back?—If you will just allow me to explain here a case An Inspector has recently been appointed from the conductor's rank. He is put through, and has no difficulty whatever with his examinations. As a general rule I think it would apply for some time back.

59. Should I be right in saying, for some years back?—No.

60. For how long, then?—I could not say how long.

61 You have been watching tramway affairs in Auckland?—Yes, right from the commencement.

62. Cannot you tell the Committee for what time back the men have been efficiently trained?—There might be cases right from the commencement, and then there are other cases where the men have not been properly trained.

63. I want you to say for what time back the men as a whole have been efficiently trained?—I could not state the time.

64. Well, if the men are being efficiently trained now, and have been for some time back, although you cannot say how long, what on earth is the use of a Government certificate?—To give a proper standard of examination; to certify to the fact that a man is a competent motorman, and, in addition to what I said yesterday, to prevent the giving of an examination to suit a relation of any of the employers in the company—to make it easy or to make it unduly hard for a man they do not want to go through.

65. Well, your observations apply just as well to a company as to a municipality?—I have not considered municipalities.

66. You said that Mr Rockland had put a man through an examination which was severe enough for an electrical engineer who had a motorman's experience: is Mr Rockland an electrical engineer?—I do not think I said those words. I said yesterday, as far as I can remember, the animus of the motor-inspector prevented Houghton getting a proper test or a proper examination. I do not wish for a moment to infer that he had examined him, but he was on the car when the man was put through his examination by Mr Brennand.

67 Against whom do you make the charge of unfairness—Mr Brennand, or Mr Rockland, or both?—Mr. Brennand conducts it.

68. Do you then make the charge against Mr Brennand as well as Mr Rockland?—I say it was unfair

69. Then I may take it that you charge Mr Brennand also: do you suggest animus on the part of Mr Brennand?—No; he is a fine fellow I worked with him for years.

70. He was the person who conducted the examination?—Exactly

71. Then why do you suggest that he put this man Houghton through the severe test you describe?—My opinion is that the examination should be carried out by the man in charge, not by having three or four others to assist to do things to a car to get defects and to muddle the candidate.

72 Why do you suggest that Mr Brennand, who is a fine fellow, should be under the influence of others?—Under the influence of those on the car.

73. Do you mean Mr Rockland?—Yes.

74. But Mr Brennand is a higher man in the service?—Mr Brennand is head of the rolling-stock department, and Mr. Rockland is in the traffic.

75. Mr Brennand holds a different position?—Yes.

76. He has a much higher position in the service of the company?—Yes, in a different department.

77 And you want the Committee to believe that Mr Brennand, who you say is a fine fellow—and may I say honourable?—Very honourable.

78. Do you want the Committee to believe that Mr Brennand, who is a fair and honourable man, is likely to be influenced by another officer holding an inferior position in the company, to do a man an injustice?—Mr Brennand was putting the man to a test more severe under the influence of Mr Rockland.

79. Were you present at the time?—No.

80. Then, how can you seriously make such a suggestion against such an honourable man as you have just done when you were not present to see what happened?—I have had the full facts given me.

81 By whom?—I have spoken to Mr Rockland and to Mr Brennand too.

82. Do you suggest to the Committee that Rockland told you that he had been unfair, or that Mr Brennand told you that he had been unfair?—Neither of them. I drew my own conclusions.

83. Do you men in Auckland seriously act upon conclusions which you deduce in that way?—I act upon that conclusion.

84. Will you mind telling me whether Jackson or Comer, the men you referred to yesterday, were members of the union?—I could not say I think they were.

85. I should like you to tax your memory, if you can, and let me know definitely I suggest to you that they were not?—To the best of my belief they were. Jackson was one of the founders of the union, so I presume he was a member

86. Was Anderson a member of the union?—Yes.

87 Let me ask you this question: Supposing a motorman held a Government certificate, and he gave up driving a tram-car for three months, do you or do you not think that such a person would require some further certificate before being allowed to drive a car again in the same system?—No, I think he would be able to drive all right again.

88. You do not think he would require a further certificate?—I would suggest the Sydney system—two days under a competent motorman. I came here from Sydney, and drove on a system I had never seen.

89 Do you think that a man who had been driving a car in Christchurch would necessarily be a suitable man to drive a car in Auckland?—He would be competent to do so with that proviso, having two days under a competent motorman.

90. Yes, but would not those two days tell the tale as to whether he was a suitable man to drive a car in Auckland?—He would be able to learn the equipment on the new line. He would have to drive for that.

91 Would a man who had driven with a magnetic brake, say, in Dunedin, be necessarily a suitable man to drive a car in Auckland?—He would be able to do it all right, but he would require two days to learn the stopping-places and the line.

92. Who do you think should be the best judge of what the reasonable requirements of the traffic in Auckland are, the general public, the City Council, the owners of the cars, the union of workers, or a person appointed by the Government?—I think the local bodies should have some say in regard to the number of cars to run, but not the number of passengers that should ride on a car

93. When I speak of the requirements of the traffic I mean the number of cars required, and cognate questions like that?—I think the local body should have a say in the number of cars, but not the number of passengers.

94. Do you not think the requirements of the traffic is a matter that should be left entirely to the local authorities, who have to bear the expense and have to ascertain the public requirements?—That, to my mind, is further interlaced with the number of passengers, and whilst, as I said before, I am in favour of the local bodies recommending the requirements as to the number of cars, they must not decide as to the number of passengers allowed to be carried.

95. That is one thing, at any rate, you would be prepared to leave to the Council?—Only the recommendation.

96. But subject to appeal?—Yes, to the Minister

97 Then the Minister is to be the ultimate authority to say what the people require in the way of their traffic?—I think he should have the power of veto.

98. Supposing the local authority thought 100 cars were enough, and the Minister thought 150 were necessary, and the union thought 120, who should have the control then?—I do not consider that the union should have any say in the number of cars. I say the Minister by expert authority can judge most accurately

99. Better than the people of Auckland and their representatives?—They make terrible mistakes.

100. I suppose the General Government, who are representives of the people, can make mistakes too, sometimes, or are they infallible?—I do not believe in the infallibility of man.

101 Then why do you think that the Minister, and not the local authority, should be the person to say what the people whom that local authority represents, should be the best judge?—Because they have made mistakes right through. They have never been able to adequately deal with the requirements of the people.

102. And supposing the Minister, or person appointed by him, made a mistake which had the effect of casting a very heavy financial burden upon the people of the city, what would you say to that?—I do not consider that.

103. Do you not think that might be a very serious matter to the people of the city who had to shoulder the burden?—I have not considered that question.

104. A very important one, is it not?—Yes, I should require time to think it over

105. Well, in common fairness, supposing the Minister had the power of deciding a matter and the local authorities differed from the Minister, do you not think that the people of this city should have some right of appeal to an impartial tribunal in order to save the rights of the people themselves?—I think the rights of the people would be rightly conserved by the Minister I have full confidence in the Government.

106. Then you still think there should be no right of appeal where the local bodies and the Government are at variance on a matter involving an expenditure of £50,000?—I would leave it to the Minister, with the expert knowledge he would have.

107 That is your idea of trusting the people and the people's representatives?—I trust the Minister and the Government. They had to put a priest in a little while ago to fill up a vacancy in a local body

108. Is it because you think that the men would be able to get more concessions from the Government than from the local authorities—candidly?—I do not think it applies to either We have to deal with our employer in a Court of law That is where we get a concession.

109. Why should you be so anxious that the Government should have this authority, and not the local authority?—Because the local authority has made such a hash of things so far

110. Leaving out this question of requirements and inconvenience, do you not think the requirements of the traffic and the question of the public convenience are best left to the local body, and if they make a hash of it, so much the worse for the people?—Everybody concerned gets into trouble when they make a hash of things—the employees as well.

111 You say you think the Government should look after the time-tables?—Unquestionably

112. At present the time-tables are subject to the approval of the City Council?—Yes.

113. And you have made representations to the City Council from time to time, and in some cases, at all events, the City Council has afterwards differed from you?—In all cases with regard to the extension of the running-time.

114. And I suppose you think that if the Minister had the matter in his hands he would alter the time-table?—Mr Holmes certified to the running-time being too fast, and Mr Richardson, the Manager of the Wellington Tramways, was associated with him in that opinion.

115. Then, as Mr Holmes is Engineer-in-Chief at present, at all events, may I take it that if the matter was in the hands of the Minister you would get an alteration in the time-table?—In the running-time we may get an extension.

116. Supposing the matter was in the hands of the Minister, and you represented the matter to the Minister, and he disagreed with you, what would you have to say?—The same as when the City Council refused to give us any concession.

117 That is that the Minister would be wrong?—We should consider that we had not got what we wanted, and should have to abide by his decision.

118. We come now to the question of the Appeal Board: Do you consider that every worker should have the right of appeal from a dismissal or from a withheld promotion?—Yes.

119. Every employee?—Yes.

120. Whether in the public service or private employment?—Yes.

121 Then, according to your view, section 6 in this Bill, giving you the right of appeal, is but the thin end of the wedge to giving every worker in private employment the same right eventually?—We are distinct from other workers.

122 In your opinion the same right should be extended to every worker whether in public or private employment?—I think they should have the right of appeal to an independent authority or party

123 Do you not think that would rather revolutionize matters as between employers and employees?—I have not considered it in the wider sense. I have not given it much consideration, but I would favour it.

124. Can you not see that the result of that might force upon the employer a man in whom he had no confidence?—I do not think so.

125. Supposing there is to be an Appeal Board, would you be satisfied with the Arbitration Court as that Appeal Board?—No.

126. Are the members of that not independent?—Yes.

127 Then why not be satisfied with them?—Because I should like to have a say in picking the representatives of the men, and I have not had it in regard to the workers' representative in the Arbitration Court.

128. Would you like to have a say in the picking of the men to represent the person discharged, and may I put it that you would like to have a say in telling that representative whom you would like as Chairman of the Appeal Board?—Yes.

129. So that you would not leave it to the independent judgment of the representatives of the men and the company, but you would impress upon your representative the name of the person whom you would like to have, and whom you would like him to ask for as Chairman of the Board?—The union advises him.

130. Do you think that is proper?—Most decidedly

131 Would you be satisfied with the Stipendiary Magistrate of the district as the Chairman of the Board?—I am not acquainted with the gentleman.

132. I am not speaking of the man, but the person who holds the office would you be satisfied with the Appeal Board if it provided that the Chairman should in all cases be the Stipendiary Magistrate for the district?—I am in favour of the proposal that the Chairman should be appointed by either side, or else by the Governor

133. Would you not be satisfied, instead of each side trying to collar the Chairman, as it were, to have the Stipendiary Magistrate of the district the *ex officio* Chairman of this Board?—No, I want it as it is in the Bill. That is what I consider British justice.

134. Do you not think it would be British justice if you had as Chairman of the Board one of the judiciary of the country?—It might be British justice, but I look at it just like this.

135. And I suppose you would sooner have the present position than an Appeal Board with some Chairman of whom you did not approve?—I did not consider that; but it seems to me that it is very likely we should get a Chairman we should not all like.

136. From the Minister?—From anybody It is very difficult to get a man nowadays—some might like him, and some might not.

137 You said yesterday that there was an independent Board of Appeal in Sydney similar to what is provided for in the Bill?—Similar to this.

138. I do not want to trap you at all, but I ask you if you are sure of that?—To the best of my belief it is so.

139. You led the Committee to believe that in Sydney there was what you call "an independent Board of Appeal" similarly constituted to the one proposed under clause 6 of this Bill?—With this exception: that the Government appoint the third man. I thought I said that.

140. Would it surprise you if I told you there is no such provision in the Sydney service—in 1901?—That would surprise me.

141 I will just read what the Sydney Act says: "88 (1.) The Chief Commissioner and the two Assistant Commissioners shall hear, and the majority of such Commissioners shall determine, any appeal made by an officer against the adoption or confirmation of the advice or decision of the officer at the head of his branch with regard to his right to promotion, and may confirm or modify such decision, or make such order as they think fit; and their decision shall be final. (2) Every such appeal shall be heard within thirty days from the date of the appeal being lodged with the Commissioners." Section 89 "(1) Every other appeal which may be made by an officer under this Part of this Act shall be made to a Board, which shall consist of the Secretary to the Chief Commissioner, the Chief Accountant, the Chief Mechanical Engineer, the Engineer-in-Chief for Existing Lines, the Chief Traffic Manager, and one officer to be appointed by the Governor (2.) Such last-mentioned officer shall be elected by ballot of the officers, and his name shall be submitted to the Governor for appointment as aforesaid, and he shall hold office on the said Board for a term of three years." Section 90. "(1.) Three members of the said Board shall form a quorum. (2.) All powers of the Board may be exercised by a majority of the members present at any meeting, and in case of an equality of votes the chairman of the meeting shall have a second or casting vote. (3.) The members present at each meeting of the Board shall appoint one of their number to act as chairman at such meeting" Do you not therefore see there that the system in Sydney is vastly different from the system proposed in clause 6 of the Bill?—The Appeal Board at Sydney, I understood, was very similar to this. We had as the representative of the men Mr Richards, of the Eveleigh Workshops.

142. Do you not see that, inasmuch as the quorum is to be three, there must be at least two members of the Board representing the employers. The Board appoint their own chairman?—There is no provision on their failing?

143. No, three form the quorum. The Board consists of six, only one of whom is the representative of the officers?—Not officers; I say we have a representative of the employees there.

144. "Officers" includes the employees. Do you see that you have a Board in Sydney consisting of six, of whom three are to form a quorum, and only one of whom is the representative of the officers, which includes the men?—I say the union had a representative there named Richards, of the Eveleigh Workshops. He was elected by the employees, not by the officers. And to my mind it does not convey anything, because they may have given better terms than are laid down in the Act.

145. You said yesterday that there was an Appeal Board in Sydney similar to that provided in clause 6 of the Bill, with one man appointed by the Commissioners, one by the employees, and the Chairman by the Government?—Yes, as near as I could remember about the appointment of the Chairman.

146. I have just shown you that the Board consists of six in Sydney?—It does not alter my opinion that the Commissioners may give better conditions.

147 Now, I ask you would you be satisfied with the same right of appeal that they have in Sydney, if what I read to you from the statute is correct?—I want this clause 6 in the Bill.

148. You want clause 6 and nothing but clause 6—no Arbitration Court Chairman, no Stipendiary Magistrate as Chairman, but the provisions of clause 6?—Clause 6 is what I want.

149. With regard to the car report-books, you are not satisfied with the loose leaves apparently?—No.

150. Supposing the management say that it is much more convenient for them and for the working of the trams to have the loose-leaf system, they undertaking to file the leaves and to keep them separately bound for each car, do you still say you object to the loose-leaf system?—Yes.

151 Will you not give way at all to the convenience of the employers?—I do not think it is a convenience. I think they do it for a purpose.

152. If they say it is, do you say they are not honest in what they say?—Yes.

153. Well, I suppose that applies to every tramway, because the officers conducting the trams in all the four cities use the same thing?—They are all tainted.

154. That is not a nice opinion to hold of the employers?—If they gave us the book we should have a better opinion of them.

155. Do you not think your opinion of them is a little bit tainted?—No, I know them.

156. Do you not think you are much more likely to get independent reports from the men if you have separate sheets?—No, for the simple reason that when I worked under the loose-leaf system I booked what I considered to be a defect on the sheet, and when my relief mate sees that he sees what I have put down.

157 And his report is not, therefore, independent?—It is quite independent, but he sees what I put down. A responsible motorman will not book anything according to another man's booking. He is quite honest.

158. Your point is this: that the men are perfectly honest, and the management are dishonest in saying that the loose-leaf system is more convenient?—I think the management have the loose-leaf system to prevent the history of a car being known.

159 Then you think that a man should be entitled at all times to look back and see the history of a car?—Undoubtedly

160. Supposing there is an accident, do you think a man should be entitled to look up the history of the car before he makes his own report of the accident?—Yes.

161 Do you not think that might be calculated to lead him to make—quite honestly—a report that was really not independent?—I do not think so.

162. Can you not conceive the possibility of that happening?—Nothing is impossible.

163. Can you not see the probability of that happening?—No. There would not be one man in fifty who would look back to the record of a car

164. Then, if not one man in fifty would look back to the record of a car, why should you insist upon the car report-book instead of the present system of loose leaves?—The principal reason for the support I give to the Government clause is that a man may know the history of his car—that because of seeing the defect-book he will be able to see if the defect is rectified before he takes the car out of the barn again That is why the book is left in Sydney, and no one is allowed to remove it.

165. Is there anything to prevent a man getting a copy of his loose-leaf of the car every day?—I do it.

166. Then, if not one in fifty looks back over the record of the car, and if it is possible for a man to take a copy of his daily defect-sheet, and you yourself do it, what is the point you make in insisting upon the car report-book when the management tell you that the other system is much more convenient from their point of view?—I said it was possible to take a duplicate account of your bookings, but it may not be lawful.

167. Have you been told it was not lawful?—I have not given them an opportunity to tell me.

168. Have you done it secretly?—No, I have done it openly enough.

169. Then it has been seen and no objection has been taken?—No.

170. Why should you be so suspicious, and why say that it may not be lawful? You seem to be making all sorts of suggestions against the management, and some of them, I suggest to you, are without justification. I just want you to say what is in your mind, so that you can give us an opportunity to answer it. I suppose you were allowed to make copies, if you chose to do so, of the defect-sheets, and if the management said, as they do to-day, that that system is more convenient to them than the car report-book, will you still insist on the car report-book?—When we first started the cars in Auckland they had the loose-leaf system, and it was found to be unsatisfactory Then we had the open volume, which was perfectly satisfactory until the history of a car was looked up. It was then done away with, and the loose-leaf system readopted.

171 That does not answer my question. I will repeat the question, If the men were allowed to take copies of their daily sheets, if they chose to do so, would you still insist on the car report-book?—Yes, for the simple reason that I want to look up defects that may have been booked up overnight, before taking the car out in the morning.

172. Do you think a motorman should make such a report as he thinks fit, or should he be limited to reports on certain matters?—He should not be limited in any way whatever in booking a car up.

173. That is to say, that he should make such report as he thinks fit? Yes, in his own language.

174. Do you not think the management are entitled to direct as to the matters on which they particularly want a report, or do you think it should be left to the men themselves?—They do direct now

175. Do you think that is right, or should the matter of reporting be left to the men as they think fit?—The managers always have solicitors and auditors to make all their reports on any defects that exist, but they do not always rectify them.

176. The Bill provides that it shall be the duty of every motorman to enter any defect in the mechanism or equipment of the car on which he is employed as he thinks fit. I ask you whether that should be left as it is or to the direction of the tramway management as to the particular matters on which they want him to report?—The wording of the clause is quite plain to me.

177 Is that what you prefer?—Employers can say what they like, but we want the open book.

178. Do you agree with this that a man who might be an excellent motorman might not be a competent inspector?—I agree with that.

179. Do you agree then that the matter of promotion is not necessarily a matter of seniority?—That is so; it requires record as well.

180. Supposing the management thought an excellent motorman would not be suitable as an inspector, do you think their opinion should be subject to review by a Board of Appeal?—Yes.

181 Then you think, do you, that the Appeal Board should have the right to promote from the position of motorman to the position of inspector a person who, in the opinion of those responsible for the management of the tramways, would not be a suitable man for the office?—I think they should have the power to review any promotion, to see if it was right or not.

182. They have some right of appeal in Sydney under the statute: are you aware that there was a tramway strike in Sydney recently?—Yes, in 1908

183 A very big strike, was it not?—Yes.

184. The existence of the right of appeal was not sufficient to prevent that?—I was over there after the strike, but I have forgotten the details.

185. *Mr O'Shea.*] I think you said the men were satisfied with the Appeal Board in Sydney?—I cannot say whether I did or not. I may have.

186. You said that owing to that Appeal Board they had the best discipline you had ever seen?—Yes, I remember I said that.

187 Some of the motormen were examined on this Bill last year in regard to these certificates: I suppose there is no suggestion on your part that this is going to make the business of motormen a close corporation?—I do not see that it is more so than in the case of an engineer, a teacher, or a lawyer

188. A gentleman named Faire gave evidence about the certificates before last year's Committee. He was asked, "You do not think the local authority is not sufficiently large in its sphere of operations?" and he replied, "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 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." Do you agree with that statement of Mr Faire's?—It is rather comprehensive. I would rather have it condensed.

189 Do you think that Government certificate would help you at all in a case of manslaughter?—It would give us a standing in the eyes of the public.

190. Would you be any better off personally by having that Government certificate? Do you think your authorities would try to disparage you in a case of manslaughter if they were asked to give evidence about you?—I do not think they would, but perhaps I hold a higher standard than a good many of the motormen.

191 Supposing the Government certificate is given, it will have to be given on a very low standard to allow every man to come in?—We desire it to be a good standard. We want competent men, not incompetent men.

192. Have you competent men under present circumstances?—Yes.

193 Are there incompetent men in your service?—I am not prepared to make that statement.

194. You say that the question of favouritism has arisen in the company?—Yes.

195. Do you think the Government is absolutely without favouritism?—I have no knowledge of that.

196. Have you ever heard of the Marine scandal, and the granting of a certificate to a man named Jones to take a steamboat out of the harbour?—I have not heard of that.

197 There is power in this Bill enabling the Minister to cancel certificates?—Yes.

198. Do you not think you should have power in the Bill to appeal against this decision?—I think we should, but I have confidence in the Minister

199 Supposing my friend Mr Fraser, instead of Mr McKenzie, was Minister of Public Works, would you have the same confidence in the Minister then?—Yes, I am perfectly satisfied in trusting the Minister, whatever side he belongs to. He is generally a competent man to manage his own business, whatever it may involve.

200. You have gone back to 1902, to the cases of Jackson and Comer, and said Comer ran into a car and was discharged: have you ever known a competent man to run into a car and be discharged?—Yes.

201 A man named Veart ran into a tram-car and was discharged?—He had a rear collision, and was disrated.

202 Was he a competent man?—I could not say.

203 What happened to Jackson?—He was discharged.

204. What for?—Drunkenness. I do not think he was dismissed for having an accident.

205. He was put on without training?—He had no training. He was put in the barn to shovel sand.

206. As to clause 3, you have stated that the Government are the best judges of the reasonable requirements of the traffic?—Yes.

207 You have heard of Mr Alexander, of Dunedin, have you not?—Yes.

208. He is a fairly good man, and turned the tramway system from a non-paying to a paying concern?—I do not know

209. If Mr Alexander has given evidence here that you have to watch the tramways and take tallies over long periods of time—to be continually watching and changing the time-tables to suit the convenience of the public—would you contradict him?—No.

210. Do you consider the Minister could, without duplicating the staff of the Auckland tramways, meet the reasonable requirements of the traffic?—The Auckland Tramway Company have had to put on cars under pressure by the City Council.

211 If Mr Alexander says he has to keep tallies over a considerable period of time, and has to carefully scrutinize the traffic all the time, and to continually watch and change the time-tables to suit the requirements of the traffic, would you consider the Minister could in Auckland, without duplicating the staff, pass regulations to meet the reasonable requirements of the traffic?—I think Mr Alexander would be trying to make the tramways pay, and would not regard the requirements of the public.

212. Do you think the ratepayers of that system are going to allow it to be run so as not to conform with the reasonable requirements of the ratepayers?—They overcrowd their cars, I am told.

213. Could the Minister meet the reasonable requirements of the traffic without going there himself or having a fitting officer there with the same experience and with the same assistance as Mr. Alexander has?—I answered Mr. Myers to the effect that the Minister and the local bodies should have the same say, and that the Minister should have the power of veto.

214. Do you think the Minister would be in a position to exercise that without having the same information, he being absorbed every day with other business?—I am unable to answer that.

215. As to overcrowding, do you think the by-laws are reasonable?—No.

216. What are the by-laws?—I am not able to quote the phraseology

217. Strap-hangers are allowed to a certain extent?—As many as fourteen are the highest on one car

218. How many is that car licensed to carry?—I think it is fifty-six, and fourteen standing

219. You consider that fourteen strap-hangers in a car licensed to carry fifty-six constitutes overcrowding?—Yes, taking into consideration the construction of the car.

220. What sort of car does that refer to?—A close car with an exit at each end. They are boxed cars.

221 And you think that with fourteen strap-hangers they are overcrowded?—Yes.

222. Have you seen a box car running in Wellington?—Yes.

223. You have seen them in rush hours?—Yes.

224. There is more overcrowding here than in Auckland?—I cannot say that, but I saw a car the other evening with about fifty people standing.

225 Do you think they ought to be allowed to carry as many in Auckland as they do in Wellington?—No.

226. If I told you that if our conditions of carrying passengers were altered in Wellington we should either have to lower the men's wages, increase the fares, or strike a rate, would you be astonished?—Yes.

227. Do you know whether our fares in Wellington are cheaper than yours in Auckland?—I could not say.

228. You do not go into the financial side except with regard to the men's wages?—Slightly

229. You are not interested in the financial matters?—Very much so. I have a banking account. I read the balance-sheet of the company, and see what they pay

230. Have you ever considered what the position of the City Council would be in the hands of the Minister, having the same views as you have?—He would not be Minister if he were the same as me.

231 Have you considered the financial effect on the tramway authorities and the men?—Yes. I hold that overcrowding does not pay, and Mr Walklate says so.

232 You did not trust Mr Walklate in connection with Neate and others?—Mr Walklate has to trust his subordinates.

233. You mean to say he is not competent to supervise his own tramway?—I did not say he was not competent. I said he agreed with me.

234. You doubt Mr. Walklate's honesty in regard to the running-sheets?—In regard to the book.

235. If it is given in evidence here that with the book there are instances in Wellington where the men frequently copy the observations of others, and mark up "OK," "OK," "OK," can you say if that happened in Auckland, or can you express an opinion?—I could not say definitely, because you would ask me to state a case; but generally they may have done so. As a rule they generally book up the car as they find it.

236. If Mr. Cable has sworn here that men have continually booked up their cars as "OK," and not put in their defects, will you agree with him?—Then I would say he does not train the motormen properly, if he thinks that.

237 If Mr Cable says our system of repairs has been immensely improved since our system of booking was altered to the single-sheet system, would you be astonished?—I would say he has altered the management of his depot.

238. And if all the managers in New Zealand attribute the improvement to the same cause?—I would say that they had talked together and arrived at that conclusion.

239 With regard to the car running to Herne Bay: You said you had sixteen minutes to run two miles and a half—that is, sixty-four minutes to run over ten miles?—That will be right.

240. Is that a fair average time-table for an electric tramway?—No.

241 It is not a fair thing?—No.

242. You say you have to go at the rate of twenty-five to forty miles an hour in order to keep up that speed?—I say from twenty to forty miles, and Mr Walklate has said that he has seen cars going at twenty-five miles an hour down College Hill.

243 Do you wish to be tied to your figures when you say, forty miles?—Yes.

244. When I tell you that in the days of the horse-trams they used to run three miles in half an hour, and stopped where the passengers wanted them to stop, do you still maintain that the electric tramways should not go so fast?—That is less than coaching speed.

245. I put it to you that the horse-tramway car does six miles an hour and stops whenever required, not at set stops. Do you still maintain your position?—Yes. I have considered the matter, and I have the support of Mr. Richardson and Mr. Holmes, and I maintain that the speed should not be faster down-hill than you can drive the car up. But, as to talking about miles to the average motorman, he cannot judge speed so accurately as that. There should be a speed-gauge also.

246. Here is a speed-limit of fifteen miles an hour?—Yes.

247 Should a third of the trip be taken up in stoppages on that line?—I could not say In support of my contention that they are running too fast, there have been four fatal accidents.

248. Will you have the same trouble when the air brakes are put in?—It will help us a little.

249 How many compulsory stops are there on the Herne Bay line?—Four.

250. Is it a thickly populated district all through?—Fairly It is a suburban district.

251. Talking about the interference of Mr Brennand, he is a man of very strong character, is he not?—He is a very nice man.

252. He is a man of strong character?—I should take him to be a man of good character

253. I am asking you whether he is a strong man?—I say Mr Brennand is a man of good character

254. Is he a man that is easily influenced?—It all depends upon who is trying to influence him.

255. Do you think he would be affected by one of his inferior officers?—I think he would.

256. Has he not revolutionized your methods in that portion of the company's service?—Yes.

257 So that the improvement made by him and by Mr. Walklate and the other officials in the last few years was praised by the Brakes Commission Have you read the report of the Brakes Commission? It says, "The standard attained on the Auckland tramways is below that of the other lines, but there is evidence that a great improvement has been effected by the present officials, who appear to be desirous of using all means at their disposal to place their equipment in a more satisfactory condition." Do you agree with that statement?—Yes.

258. Then, again, the Commissioners say, "In this connection it may be stated that a pleasing feature in the work of the Commission has been the capacity, zeal, and interest in all that pertains to tramways shown by the officers of the systems visited." Do you agree with that?—I cannot give an answer to that.

259 You have said you think the Government have power to inspect a car before it is put out, but not afterwards?—Yes, unless in case of an accident.

260. Who told you that?—I was informed so. I do not know who said it. It was either read out or given out.

261 Is it a legal opinion?—No.

262. This is from the first Auckland Order in Council: "After the construction of the tramway the Council shall at all times keep and maintain the whole of the tramway and undertaking in good repair and condition to the satisfaction of the Engineer The tramway shall be deemed to be completed for the purposes of this Order and within the meaning of the Tramways Act when the same shall be certified to be complete and fit for traffic by an engineer, to be appointed in that behalf by the Governor, such engineer to be entitled for the purpose of such certificate to inspect the tramway and undertaking, the cost of such certificate and inspection to be paid by the Council. The Council shall at all times keep, use, and maintain a sufficient supply of cars, wagons, trucks, and plant of all kinds to efficiently subserve the purposes of the undertaking and secure to the public the full benefit of the tramway" Supposing the Minister was administering this Order in Council, would not that give him power to inspect the cars to see if that were carried out?—I do not see it.

263. Then, your opinion on this matter is that without knowing anything about the Order in Council you cannot discuss it?—What I want is the Minister to have the power to inspect, and to use his power to protect the lives of the public and the employees; so that I shall know, when my car is booked up continuously for a defect which is not remedied, I shall have power to report it.

264. *Mr Young.*] Your experience is confined to Sydney and Auckland?—Yes, as to working there.

265 You do not know personally anything about the discipline in Christchurch, Dunedin, or Wellington, as an employee?—No.

266. What you know of Wellington is only from hearsay?—Yes, and I have seen a little here.

267 You have never worked under a Board elected by the people?—No.

268 Your experience has been confined to the Government tramways in Sydney, and to the enterprise of a private company in Auckland?—Yes. The trams are run by Commissioners in Sydney

269 It is a Government concern?—Yes; but it is supervised by gentlemen independent of political control.

270. I understand your main objection is on the matter of policy—as to the control by citizens instead of by the Government?—I think laymen cannot control an electric tramway service. It needs experts.

271 Then, I suppose you would not object to the control by citizens if the citizens were guided by an expert?—Yes, I should, because they are interested pecuniarily, collectively and individually.

272. Every member of Parliament is pecuniarily interested, is he not?—In a very small way

273. You think the citizens cannot be trusted to control the system because they have some interest in it?—That is one reason. Another is that they are incapable of doing so.

274. Do you think that the question of safety of the citizens cannot be left to the citizens themselves? Do you not think they are the best able to safeguard their own safety with regard to life and limb?—They do not know whether a car is properly geared.

275 Would your difficulty be got over if they had experts to guide them? The Government are going to delegate this inspection to some one under the Bill?—Yes.

276. Supposing the Council delegated this duty to some competent men, would your difficulty be got over then?—If they acted on his advice it would be all right, but they always act on their own advice.

277 But the Minister does not always act on his officers' advice?—That is so. He would be guided by the local bodies, I suppose.

278. On the question of the convenience of the public would not the local body be the best judges?—They would be a help.

279. Would they not be in a better position to do so than the Minister?—Taking what has transpired in the past as a criterion, in Auckland they are not the best judges.

280. Of course, the motorman with experience would be a valuable ally to the controlling authority by way of advice and information?—I do not think it would be necessary They are in a department of their own. They do not deal with that at all.

281 Do you not think the controlling authority might consult with the motormen as to the department of which the motormen have control?—They have no control except to drive a car

282. Do you not think that if you were consulted you could give the Auckland Tramway Company a great deal of assistance?—I do so.

283. Your views are open to them whenever they require them?—Yes.

284. They have the benefit of your advice?—Yes, when they require it.

285. Yours must be expert advice?—Yes, in my particular line.

286. And I suppose they have the advantage of the advice of other particular men in every department?—I expect they do, but I cannot say

287 What more expert advice do you think they need?—A motorman has no say as regards matters of an important character, such as the licensing of cars, report-books, appeal boards, or anything of that kind.

288. When they want advice are there not some of the officers of the department who can advise them?—Yes, they are paid by the company

289. Take any question which might be referred to you, would you not have to give the best advice you could?—Yes.

290. Then the company has the benefit in each of its departments of expert advice?—I suppose they have.

291 And your knowledge of your department would be better than the knowledge of a Government inspector in your department?—He may embrace all the knowledge I have. He would have to be expert in the position he occupies.

292. He could not be expert in every department, could he?—I do not know

293 You know that the Wellington City Council give prizes to their men for valuable suggestions?—I have heard that.

294. That shows they are looking for up-to-date ideas?—Yes.

295. And the Christchurch Board does the same?—I did not know the Christchurch Board did so.

296 Have you any reason to suppose that the controlling authorities are not doing the best they can for the public?—They may do the best they can as human beings, and with laymen's experience, in mixing things up.

297 Is the Minister not just as liable to err as the local body?—No.

298. Why?—Because he is not pecuniarily interested, and influenced by votes.

299 *Hon. Mr: R McKenzie.*] Mr O'Shea wanted you to believe that the Government had the power of inspection after construction as it has after an accident: is that so?—I understand the inspection of the Government is confined to the cars when being put into traffic for the first time, and after if an accident occurred. I was told that.

300. Did not Mr O'Shea ask you whether that was a legal opinion?—Yes, and I said "No.'

301 You have a number of lawyers in Auckland?—Yes.

302. And if you go to one he will give you a legal opinion?—Yes.

303. And if you go to another he will give you a precisely opposite one?—Very likely

304. If you go to ten lawyers in Auckland they will not all agree?—There is great diversity in their opinions.

305. Do you attach any importance to legal opinions?—I do sometimes.

306. You said there were four fatal accidents on College Hill?—Two were killed in Victoria Street, two on College Hill, and I helped to take a man out from under the life-guard, but he was not fatally injured.

307 Would you say that was due to a deficiency of the brake?—I would say the braking was not sufficient, and the speed was too high that the cars have to travel at.

308. Did you read the report of the last Brakes Commission?—Not the whole of it, portion of it.

309 Do you think the present brakes in Auckland are satisfactory?—No.

310. Would you mind looking at page 3 of the report of the Commission, and read the paragraph headed "Car weighed"?—"In order that the mass dealt with might be accurately known, the Commissioners had decided not to accept manufacturers' weights, but to accurately weigh all cars experimented on; and on car No. 75 being placed on the scales it was found to weigh no less than 42 per cent. in excess of the previously stated weight."

311 You might read on to the next paragraph?—"Auckland cars underbraked Further, it was found that with the hardest possible application it was not possible to carry more than 26 per cent. of the weight of the loaded car upon the slipper of the trackbrake. The combined errors of the underestimation of the weight of the cars and the overestimation of the mechanical advantage of the brake gear (the efficiency of which, according to the drawing supplied, had been taken at unity), had resulted in the cars upon the Auckland system being distinctly underbraked, and much of the trouble which has arisen in connection with the brakes was immediately accounted for It was decided that before further trials were made the brake-leverage on car No. 75 should, as a temporary expedient, be increased to an extent which would give block-pressures more comparable with the weight of the car This was done, and, although the full benefit which should have been derived therefrom was not, on account of the structural weakness of the gear, obtained, a vastly improved control resulted."

312. Were you a motorman of that car No. 75 when that experiment was made?—No.

313. Do you know who was?—Yes.

314. Was he a competent motorman?—Yes.

315. Coming to the two accidents on College Hill and Victoria Street, do you think those cars were sufficiently braked?—No.

316. Do you think car No. 75 was sufficiently braked when it weighed 42 per cent. more than what it had been braked for?—We find the brake is now satisfactory as it stands.

317 That is after the leverage was extended?—There was an extension of the leverage as well, and since then the car has worked very well.

318. Do you know car No. 31?—Yes.

319. There was a fatal accident with that car, I believe?—I do not remember

320. The Coroner's jury held that the accident occurred through a defective brake?—Yes. That was when Mr Whitehouse was driving.

321 Coming back to the two accidents at Victoria Street and College Hill, do you think those accidents could have been avoided if the car had been sufficiently braked?—I think the one at Nelson Street might have been avoided if the brake had been instantaneously effective. An overloaded car with passengers interferes with the brake-rods working It tends to force the body of the car down so that the rods of the brake gear touch on the motor-case.

322. If you had a car overloaded 42 per cent., such as this car No. 75 was, and the brake provided for was 24,080 lb. when it weighted 36,736 lb., would that brake be able to pull up the car in the same distance as it would if sufficiently braked?—No, if there is 12,000 lb. difference in the braking-gear it must have a direct effect upon the stopping of the car

323 Or even if there was only half of that difference—say, 6,000 lb?—Yes.

324. Suppose you have a car braked to carry fifty-six passengers, and it is loaded up to ninety or a hundred passengers, and you were coming down College Hill with the hand-brakes you have, do you think the brakes would be sufficient for such a load going down College Hill?—No.

325. Would the gear be safe?—No, at the speed.

326. Have you known of any runaways in Auckland?—Yes. Car No. 39, which caused the Kingsland accident, was the first double-decked car that had two motors put in Previous to that all double-decked cars had four motors. I was taken off my ordinary run to test this car on two consecutive evenings, and on each of the evenings the hand-brake failed.

327 *Mr M Myers*] When was that?—I cannot give you the date, but I will fix it for you presently The second evening, on coming down by the Cemetery Bridge I felt a little difficulty with the brake, and came to the top of Wellesley Street very slowly Coming down the hill, the chain fastened to the brake-staff mounted and caught in a bolt that holds the sand-gear, with a result that I could neither put the brake on nor take it off. There was a drizzly rain, and the emergency brake was not effective. The result was that I went right down the hill and over the points across Queen Street. Mr Hansen, who was managing director, was at the bottom, and asked me what was the matter, and I told him the brake had failed.

328. *Hon. Mr R McKenzie.*] Are brake-failures a common occurrence in Auckland?—Yes, they were fairly common.

329. What time of the day would that be?—Half past 5 in the afternoon.

330. Generally speaking, is there a fairly good crowd of people passing there?—Yes, there is heavy traffic there.

331. Can you fix the date of that runaway?—It was the same day as Inspector McIlwain burned the switch out in Wellesley Street.

332. Are there any runaways that the public never hear of?—Plenty that the motormen never report.

333 Would they put it in the car report-book?—They may, and may not. As a rule things like that are reported, because people see them, but if not they are passed over

334. When runaways are common, do you think that has a tendency to public safety?—No, it is perfectly unsafe. I gave evidence before the Brakes Commission that the present brakes are obsolete.

335. What would you consider a reasonable number of strap-hangers for a car licensed to carry fifty-six? Say there was provision made for fourteen?—I think it would be better not to have strap-hangers at all.

336 But, asuming it was necessary in wet weather or during a busy season?—I should say, half a dozen—three at each end.

337 How many seats are there in each compartment?—There are a few less in the smokers than in the others.

338. You say three at each end—that is six altogether?—Not more than that.

339. Do you think you could conveniently take more than that?—I do not think so, to allow the conductor to do his work properly, and for people to have ingress and egress.

340. Do you think it would be right to put in the Order in Council the number of strap-hangers allowed to be carried instead of leaving it to others to decide?—Yes.

341 Would that allow the motorman to see the number he has to brake for?—Yes.

342. Supposing you were going down steep grades like College Hill and Parnell Rise: if you knew the number you were carrying—say you were overloaded by twenty—you would be in a better position to know what brake to apply?—Yes. A man with a heavy overload would not be able to run to his time-table.

343. I am looking at it from the point of view of your preventing an accident. If you saw a woman and child in front of you on the track coming down College Hill, if you knew what your load was you would know how to act?—Yes.

344. You would travel further with a heavy load than with a lighter load?—Yes.

345. So it would be an advantage to the motormen to know the excess load they could carry? Yes.

TUESDAY, 13TH SEPTEMBER, 1910.

HENRY CARTER further examined. (No. 5.)

1 *Hon. Mr R McKenzie*] In Auckland, cars licensed to carry fifty-six passengers are allowed to carry fourteen strap-hangers?—Yes; I consider it is too many

2 You know car No. 75?—Yes.

3 That is a double-decker?—No, the experimental car with an air brake attached.

4. Is it a double-decker?—No, an ordinary bogie car with a double platform.

5 Are there many of the same type in Auckland?—Of that particular type I think there would be about fifteen No. 75 is a very heavy car The others are somewhat lighter There have been some imported and some locally made.

6. Do you consider No. 75 is sufficiently braked now?—Yes, generally speaking.

7 Are you sufficient of an expert to say whether it is or not?—I should say Yes.

8. Would you be surprised if Mr Walklate agrees to reduce the weight of that car to bring it down sufficiently for the brake on the car?—Yes, I should be surprised to hear that.

9. If Mr. Walklate agrees to do that, you would not consider it was sufficiently braked at present?—I have personally used that car, and was taken off my own run to drive it. We have not many men there who understand the air brake, and I understood the brake was sufficient for ordinary traffic purposes.

10. And if I bring evidence from Mr. Walklate himself to show that it is not sufficiently braked, you would be surprised?—Yes. There are only two of the air-braked cars—that is, the bogie car No. 75 and the truck car No. 48.

11 Do you think the Government certificate would reduce the standard of efficiency among the men if they had to undergo the examination proposed in this Bill?—I think it would raise it.

12. What effect do you think the Government certificate would have in the case of a strike?—I do not know, but it would prevent an inrush of incompetent men to take the cars out, because the men driving the cars would have to have a Government certificate.

13. Do you think the force of public opinion would prevent the Auckland Corporation or Tramway Company from employing incompetent or uncertificated men during a strike?—I do not think the Corporation take much notice of any one, although they require notice from the company when the licenses are issued.

14. Supposing the motormen of Wellington went on strike, do you think the public would trust themselves on the cars with incompetent motormen?—I suppose many people would not ride, just as, after the Kingsland accident, people would not ride on the double-deckers.

15 Supposing certificates were issued in Wellington, would they not be in a similar position, if they employed uncertificated men, as they would be in the case of uncertificated engineers or officers on a steamer?—I do not see any difference.

16. Do you consider, if the Government certificates were granted to motormen, it would improve their status and qualifications?—Yes, that is our claim for it.

17 Coming to the car report-book, you gave several good reasons why it should be adopted: would you prefer a general car report-book or a book for each car?—A book for each car would be better

18 Do you know the system adopted in Auckland now?—Yes.

19. Would that meet your views if the loose leaves were bound after the reports were made?—No; I should like the volume to be always accessible to the motormen At the present time we do not have access to the bound volumes.

20. Would you want the report-book for each car, or a general report-book?—Either would do. It would made it more concise if we had one book for each car.

21 Will you look at subclause (3) of clause 9? In the centre of the subclause you will see the words "to enter in the said book any report he thinks fit"?—Yes.

22 What do you understand by the words "any report he thinks fit"?—It says after that "as to any defect in the mechanism or equipment of the car"

23 What do you understand by the words "any report he thinks fit"?—He has to report any defect he sees. That is what I understand by it.

24. Do you think those three words "he thinks fit" imply that the motorman can make any report as to matters as they appear to him?—I think he has to report in the book anything that is not all right in the car

25. To use his own language and judgment?—Yes, I think that is essential, that a man should use his own language.

26. Do you think the men are now making a fair and impartial report on the mechanism and equipment of the cars?—I think so. Of course, there are some motormen who would be careless at any time; but, generally speaking, I think the men make fairly accurate reports. The more experience a man has, the more fully he reports.

27 I think you stated that you reported defective equipment, and it was not attended to?—That is so.

28. Was the car running all the time?—Yes, it was not laid up.

29 What was the number of the car?—No. 92

30. What was the nature of the defect?—A stiff track and ratchet staff.

31 How long would it take for that car to be in the repair-shop and have the necessary repairs effected?—It could be done in two hours.

32 Did the management know that you had an accident through that defect?—I reported it in a full report on an independent sheet to the traffic superintendent.

33. Did he sign your report?—I never saw it again.

34. It was some one's duty to sign it if you made it, was it not?—There were two reports put in over that. On the loose-leaf car-defect sheet I reported the car, and also ran it in on the Tuesday or Wednesday previously, for this defect; but it was brought out half an hour afterwards, and I was informed by the barn hands that they could not do anything with it—it would have to wear easy That was on the Tuesday or Wednesday previous to the 10th March last.

35 Do you consider that car No. 92 was fit to be run with safety to the public while in that state?—No. It was booked unfit for traffic by my relief mate on the Tuesday or Wednesday

36. Did they pay you any compensation while you were off work?—No, I applied for it.

37 Are you entitled to it?—I thought I was.

38. Did you prosecute your claim further than by asking for it?—No. I did not prosecute—it is against my principles.

39 Did they give you any reason for not paying you compensation?—They sent me a note stating that they were not liable.

40. You did not appeal to their appeal board?—I did not say anything more about it.

41 Can you give us any reason for not following it up?—I am a Christian man, and I did not follow it up.

42. Do you not think you have a right as a Christian to do so?—That is my opinion.

43. What do you think of the Auckland appeal board—do you think it is a fair and impartial one?—No, it is a partial appeal board.

44. Can you give the Committee any case in point to justify what you say?—I gave the Tickell case the other day I was on that case, and the chairman, Mr Rhodes, did not want to accede to the request of the union and dismiss this man, though it was proved to be a misstatement he had made in order to secure a conviction against a man he reported, but under a threat from the union the management admitted that he had made a misstatement, and had to dispense with his services.

45. Under the threat from the union?—Yes, that they would put into effect the award under which we worked—the award of 1908 I think it was. There is a clause in that which states that any inspector making a false report or misstatement should be instantly dismissed.

46. And so this man was dismissed?—Yes.

47 Clause 3 of the Bill, "Inspection of tramways": Do you think such an inspection as is provided for there would be an advantage or a disadvantage to the public or to the employees?—It would be a distinct advantage.

48. Do you think it would provide a further margin of safety for the public?—Yes, a very important one, I think.

49. I think you said you were well acquainted with a motorman who was concerned in the Kingsland accident?—Yes.

50. Do you think it was the fault of the motorman or the brake, or a pure accident?—The brakes were a contributive cause, but the inefficiency of the motorman was the principal cause. That was the car where the brakes failed with me in the test on two consecutive days. That is car No. 39

51. Was that previous to the runaway?—Yes.

52. What training did that motorman have?—He had training with a man named Barnes, but I could not say how much. At that time it was usual to give ten or twelve days.

53 Do you think that motorman had had sufficient training?—No.

54. Do you think he would get a Government certificate if he went up under this Bill?—It would be quite impossible, if judged by a competent man.

55. So that if this Bill becomes law an incompetent motorman would not so easily get a certificate as he does now when licensed by the Corporation?—No.

56. Do you think it would be advisable to amend this Bill so as to make the examinations stiffer?—Does your question imply that the holder of a license at the present time should be re-examined?

57. It is this: All the motormen employed for twelve months will be entitled to a certificate in competency or service, and I propose that they must prove to the Board that they have been employed over a certain period: do you think that would make the examinations more satisfactory?—Yes. That is what we need to make the standard high enough.

58. What do you think is the average number of men promoted in the year?—I could not say

59. You stated that you saw a barn hand altering a report after it was put in by a motorman?—Yes.

60. Is there any punishment in the rules or by-laws for that?—No.

61 Would you know him again if you saw him?—Yes.

62 Do you think you could get his name for the Committee?—I think so, if I went back again. There are many there whose names I do not know The man drew my attention to it when he did it.

63. You are perfectly sure of the fact?—Yes, I am perfectly sure of that.

64. And you think you would know the man again?—Yes.

65. Was it one of your own reports?—No.

66. Do you know the man who made the report?—No. I do not remember the details of the case at all.

67 Do you think you could trace or follow it up so as to give us the barn hand's name?—It would be rather a hard thing to do, but I could try I would have to get access to the papers.

68. Is it long ago?—No, it is since I have been out of the hospital.

69. That evidence so far is valueless, and you are really casting a doubt on your own evidence; you know that?—Yes.

70. *Mr Poole.*] How long did you say you had been employed on the Auckland tramways?—Seven years and ten months.

71 Have you had any reports made against you during that time?—Nothing against my workmanship or character

72. Have you ever been offered promotion in the company?—On several occasions.

73. Why did you refuse?—For the same reason that I would not prosecute my claim for compensation.

74. You do not work on Sundays, I believe?—I do not work on Sunday, and the methods adopted by the company would not suit me.

75. How were matters before the strike?—Bad.

76. Have matters improved of late?—They have improved during the last two or three years.

77 Do you consider the agitation of that period has had anything to do with the improvements that have taken place in the company?—Yes, it was the first strike that brought about the first improvement. Mr Carey was dismissed through that.

78 Who were the first people who discovered that the equipment of the cars was inadequate?—The employees and the Coroner's jury

79 Did you as an employee agree with the finding of the first Commission?—No, it was opposed to my evidence. I am a stout supporter of the air brake.

80. Did that Commission recommend a new type of brake, and glass fronts to the cars?—They recommended the institution of the magnetic brake and glass fronts.

81. How long after the recommendation of the Commission was made was it that the first glass front was fitted to an Auckland car?—I could not state definitely, but it was a considerable time.

82. Would it be over a year?—I think so.

83. Were those glass fronts necessary in connection with the cars?—Yes.

84. And have they finished the glass fronts to the cars at present in commission?—No, not yet.

85. How many are left?—I could not say The majority are fitted.

86. Were many of the men suffering as a result of exposure to the rain?—Yes, and there were many cases of illness.

87 What was the chief complaint?—Rupture, and chest, and lung, and throat complaints.

88. Do you get the same amount of suffering to-day?—No, there is a distinct improvement, and it has transformed the work of the motormen.

89. Do you think the glass fronts minimize the efficiency of the motorman?—I think they help the work of the motorman.

90. In wet weather is it a difficult matter to see the road ahead?—No, you can see just as well now It is better to have a glass front than to be without one, particularly in dusty or wet weather

91 What do you think was the chief protest against glass fronts to the cars?—Expense, and ignorance on the part of the management.

92. Did the fitting of the glass fronts necessitate reconstruction of the platforms on all the cars?—Yes, they had to extend them on those that were in the service, but not on the new ones.

93. What is the general state of the brakes to-day?—The upkeep is improving, but the brakes remain the same as in the old days. They are obsolete.

94. In connection with the proposed car-book we have to deal with in this Bill You favour the depot volume, where the men report after their day's work?—Yes.

95. It has been stated that it is necessary to have the loose leaf, so that they can be handed round for the purpose of scrutiny, repairs, and so on: would you be in favour of a duplicate book, where, with a carbon sheet, you could have your original entry and a copy?—If it were essential, but I do not believe that that is correct, to start with. I think any repairs or defects booked against a car can be seen by the man going on. It is not necessary to pass the volume round from one to the other

96. We have it in evidence that it is sometimes necessary to have the volume at different car-depots: Do you think a duplicate under those circumtsances would be desirable?—They could have a duplicate leaf; but what is asked for here is the same as they have in Sydney, and the book there

was never allowed to be removed from the desk, so that a motorman could always know the defects of a car, and what defects are booked against it.

97 Do you consider a continuous car-book is more desirable than broken reports here and there?—It would be better

98. Now, in connection with your run: You have been a long time on the Herne Bay section of the Auckland tramways?—About two years and a half

99. You say the section is two miles and a half, and you get sixteen minutes to run it in?—Yes.

100. There are twenty stopping-places?—Yes.

101 What amount of time do you waste at each stop?—It varies considerably, according to the stop and according to the conductor

102. Do you consider, without going into a detailed calculation, that you have to drive at an undesirable speed sometimes to keep your time?—Yes. I might mention here that at the terminus it will take from two to four minutes to unload and get away again, which of course reduces the time. Then we have to run series rate on certain portions of the line. That has to be made up later on.

103 *Mr O.Shea.*] Is that uphill?—Part of it is.

104. *Mr Poole.*] So that, after all, for an allowance of sixteen minutes to cover all that section there is not much time to spare even when running at a higher rate of speed?—There is no time to spare.

105. *Mr McLaren.*] Is there a large number of men in Auckland at the present time employed and holding motormen's licenses?—Yes.

106. And men on the spare list who hold motormen's licenses?—I think there are about forty of them holding motormen's licenses.

107 Are there any of them holding motormen's licenses who are not regularly employed as motormen?—There used to be. They used to have nearly every man in the service with a motorman's license, whether he could drive a car or not.

108. As a practical man, do you think, under the clause of the Bill, the certificate granted in respect to one service would be of use in another service? Would a certificate in Auckland be of value in Dunedin or Christchurch?—I think so, in an electric service.

109. The brake system is not the same in the different centres?—No.

110. Would the training a man received under one system of brakes be sufficient under another system?—Always, if a man had—what I said in my previous evidence—two days with a regular hand on the run on which he is going to be employed.

111 You think that with a few days in company with a motorman in the service, that would be quite sufficient?—Yes, when he had passed the proper examination in the first place.

112 You are a member of the Tramway Union?—Yes.

113. Are you an officer?—No, and never have been.

114. Have you ever heard it mooted that the men were working up to force a strike in the tramways service at the present time?—No, I never heard of it.

115. *Mr. Luke.*] For the Herne Bay run you had to do two miles and a half in sixteen minutes?—Yes.

116. You say you have twenty stoppages?—Yes.

117 That is at the rate of ten miles an hour: do you think that is excessive?—Yes.

118. On account of the number of stoppages?—And the conditions with regard to the traffic.

119. Is it a hilly road?—Yes, very hilly

120. Are you generally in favour of the Bill?—Yes.

121 Would your opinion alter provided the Auckland tramways were municipally owned and controlled?—No, it would not make any difference.

122 You think the Bill is necessary even if the trams were municipally owned in Auckland? Yes.

123. In reference to your brakes, do you manipulate the car generally with the track brake—I am not speaking of a level?—We do not use it on the level.

124. In reference to the certificate: I suppose you appreciate, if the Government get the Bill through, that the examination would be more one of general knowledge, and that should you go to another system a special application would have to be applied? You could not come down from Auckland and run trams around steep grades on about two days' experience?—I came from Sydney, and drove on the Auckland cars without any local experience whatever

125. Sydney is very similar to Auckland?—The equipment was absolutely different. I had never seen the Auckland equipment before.

126. But do you think the average motorman could come from the Christchurch system to Wellington and Auckland, and acquire the knowledge necessary, if he had a Government certificate, in two days?—I think so.

127 *Mr O'Shea.*] In reference to the Kingsland accident, you swore previously that the motorman did not know how to use the third emergency, and told you that?—Yes.

128. Do you know that at the inquest he swore that he did know the third emergency, and repeated the statement?—I cannot remember that.

129 *Mr Rosser*] You stated that you could not tell the average of men promoted to be motormen in Auckland?—No.

130. Is it not a fact that there is a spare list at each depot?—Yes.

131 Have you any idea of the number on the spare list at Ponsonby?—Twenty-four

132. And the Epsom spare list?—About the same.

133 So you would be right in saying there are about fifty ready to take motormen's places?—Yes.

134. In reference to the glass fronts, are you aware that the recommendation of the first Brakes Commission has not yet been completely carried out?—Yes.

135. How many deckers are there?—Six.

136. Do you know if there are any glass fronts on any deckers?—No, they are open-fronted.

137 Do you see any difficulty in fitting glass fronts on those deckers?—No, no difficulty from a mechanical standpoint.

138. Have you seen that the Wellington deckers are fitted with glass fronts?—Yes.

139 And do they meet with the requirements of the traffic, in your opinion?—Yes.

140. Are you aware that the union asked the management why the glass fronts were not being proceeded with, and that they gave as a reason that they were short of timber?—Yes. The first reason was that it was impossible to do so.

141 Can you realize that in a province like Auckland they would be short of timber for the glass fronts?—No, I do not believe it.

142. With regard to motormen's seats, do you remember, when the award was given, that the motormen were to have seats?—Yes.

143 Do you remember how long it took to fit eighty cars with those seats?—I could not give the exact time, but I know the company had to be threatened with a prosecution for breach of the award before they gave the seats.

144. Was there any great difficulty with regard to those seats?—No, it was downright obstinacy

145 *Hon. Mr R McKenzie*] What is the extreme speed you have to run at in the sixteen minutes allowed for the Herne Bay section to keep your time-table?—The car is allowed to run pretty well as it will on some of the down grades, and we allowed the car in the test with the first Brakes Commission to do what I have seen done repeatedly, and attain a speed of 40·7 miles down College Hill.

146. So, in the ordinary run on this line it is necessary for you to go forty miles an hour on a portion of the run?—I go the maximum. In my evidence I said one is governed by the conditions that prevail. For instance, if a drizzly rain is on, it may take a considerable time to go down a greasy rail if the sand is not working properly Then we should have to make up that time on other portions of the road. We simply drive as fast as we can.

147 If you have a crowded car it will take more time for the passengers to get off and on?—Yes.

148. And you have to make up for it between the stops?—Yes, we have to keep our time-table.

149 What average would it take for each stop—thirty seconds?—It would not average half a minute for each stop. Some stops would be a few seconds. At the principal terminus it would be generally two minutes, and sometimes four minutes.

150. Would you consider twenty seconds a fair average for a stop?—I would hardly venture on that without very mature consideration.

151 *Mr T E Taylor*] Is there any standing-time allowed on that Herne Bay run?—We have no standing-time on any run in the service. We drive from the time we get on to the time we stop.

CHRISTCHURCH EVIDENCE

WEDNESDAY, 7TH SEPTEMBER, 1910.

HERBERT PEARCE examined. (No. 6)

1. *Mr T Young*] You are Chairman of the Christchurch Tramway Board?—Yes.

2 That Tramway Board is elected by the citizens?—By the ratepayers, on the municipal franchise.

3 What district does it represent?—Christchurch and the surrounding districts.

4. The City of Christchurch and various other boroughs?—Yes.

5. And you are constituted under a special Act known as the Christchurch Tramway Act, 1906?—That is so.

6. There are nine members of the Board elected, and I think you hold office for three years?—Yes.

7 And then the ratepayers have another opportunity of electing a Board?—Yes.

8. So that you are directly in touch with the public every three years?—That is so.

9. You are not controlled in any way by the Christchurch City Council?—No.

10. Is the Board a satisfactory one for managing the tramways?—I think so. So far it has given satisfaction to the people of Christchurch and the surrounding districts.

11 I think the report of the Brakes Commission says that there was no fault to find with your management?—Yes.

12. You have seen the Tramways Bill for 1910?—Yes.

13. In the evidence you are about to give I understand you are in agreement with the rest of the Board?—I may say the Board is unanimous.

14. You mean on questions of policy?—Yes.

15 And you have discussed the matter with Mr Booth, who is also here to give evidence, and with Mr Thompson?—Yes.

16 What do you say as to the policy of the Bill generally?—Well, the Board objects to the policy of the Bill.

17 Tell us why?—We consider the Bill is too wide, and divides control. It is a Board elected by the ratepayers,

18. What Board?—The Tramway Board. And a loan of some £500,000 has been borrowed, for which those ratepayers are responsible. My Board contends that if this Bill becomes law it takes the power of management out of the hands of the Board, and places it in an officer whom the Government may appoint. We also think that if the Bill goes through it will have the tendency to centralize control, and I think I can also say that, so far as the Christchurch Board is concerned, if the Bill should go through, then none of the present members, out of common respect to themselves, could retain their position on the Board.

19. You mean, the Board is an independent Board that would not submit to control?—Yes. As regards the powers of the Bill, the Government could have officers appointed that could give instructions to put on rolling-stock and things of that kind—it means, for instance, that if the Government should have a complaint, say from a small meeting of ratepayers, they could—I do not say they would—compel us to put on cars which would run away with our surplus, and turn it into a deficit.

20. You borrowed, I think you said, £500,000?—Yes.

21 And you do as much as you can with the money you have in hand?—Yes, and use it as far as we can with satisfaction throughout our constituencies.

22. Of course, if you had to spend more money in rolling-stock you would not be able to do so?—Our traffic does not warrant it.

23. The Government might have a different opinion from the Board as to the financial position?—Yes. That is, they could compel the Board to put on, say, extra cars which we believe would not be required.

24. Do you think the Board in a better position to judge of the requirements than any Government officer?—Undoubtedly

25. Will you continue with your general remarks. Coming to clause 2—that is, the clause which requires examination—what examination do your motormen go through?—At the present time they have twelve days' student driving under all possible traffic conditions. They are examined by the Motor Inspector on the car and on the road; examined by the Electrical Engineer; and there is also the question of physique, age, and height; also a very stiff medical examination as regards their eyesight.

26. Is there any other certificate required?—No. The Engineer to the Board issues the certificate.

27 Do you consider a motorman who is qualified to drive in Wellington would be qualified to drive in Christchurch or Dunedin?—I am certain that a motorman before being allowed to drive in Wellington or Auckland could not do so without an examination, because the local requirements are so different.

28. I understand you have a lot of emergency men trained in Christchurch?—A certain number, yes, who consist of conductors.

29. Is it necessary for the proper maintenance of the tramway business that there should be emergency men?—Yes.

30. Can you tell me what the practicability of Government inspection of a man is?—I feel sure the Board would not allow any Government-certificated motormen to drive unless they went through the Board's examination.

31 But how many motormen a month are required to be licensed—the average number?—That varies—four or five every month. The General Manager will be able to give you that information.

32 Your case is probably typical of the other chief towns?—Yes, I should take it to be so.

33. I understand you to say with regard to that clause generally that no Government certificate could dispense with your Board's being satisfied with the competence of these men?—No. I should like to point out that if this certificate comes in, the effect will be a close corporation amongst the motormen so far as this: that if any trouble occur, the Board would not be in a position to run the cars. But at present we have conductors that are qualified.

34. Is it important that you have control of the certificates of the men also?—Yes.

35. So as to grant or suspend a certificate?—Yes.

36. As to clause 3, what do you say about that? Under your Order in Council the Government have the power of inspection?—Yes, that is so: under clauses 30, 35, 37, and 39 of our Order in Council the Government already have the right of inspection.

37 As to subsection (2) of clause 3—reports to meet the reasonable requirements of the traffic?—My contention is that the local authorities are in a much better position to judge of the requirements of the traffic.

38. That is to say, the representatives of the citizens of the particular place are the best men to judge of the requirements of the citizens?—Yes.

39. I suppose local districts in your district want particular facilities?—That is so. The different suburbs want different facilities.

40. And you desire to be the judge as to whether they are wanted or not?—I think the Board must be the judge.

41 What is the cost of an extra car?—An additional car on the Christchurch line, running eighteen hours a day at twelve miles an hour, means 216 car-miles. The operating cost is 9d. an hour, which means £8 2s. per day, and it runs into £2,920 per year for one car

42. So that if another car were ordered you would have to find?—£2,920 a year

43. You would have to give credit to the revenue for that amount?—Yes. Outside of that there is interest and sinking funds on the loan

44. That is apart from capital cost?—Yes. Interest and sinking fund amount to about 3d., and the depreciation to about 2d.

45 And that would be a very serious matter to consider when putting the car on?—Yes.

46. That would not distress the Government Inspector very much?—No, but it would the Christchurch ratepayers.

47 Clause 5, subclause (*c*), that enables the Government to make regulations prescribing the maximum number of passengers to be carried: what do you say about that?—As far as the Board is concerned, we always oppose the overcrowding of cars. Of course, there are certain hours—rush times—when it is an impossibility to keep the public off the cars.

48. During those times is it impracticable to carry only your licensed number?—Almost an impossibility

49 Is there any danger to the public in putting on the cars more than the licensed number?—No danger

50. Is there any reason excepting the inconvenience of the passengers for any objection to carrying strap-hangers?—No, the only inconvenience would be collecting the fares.

51 Subclause (*e*) of clause 5, providing for the use of proper appliances, &c., for the safety and convenience of passengers: in reference to that what do you say to that as a Board?—The Board must be the best judge of that.

52. Subclause (2) of clause 5—the regulations are made to prevail over an Order in Council: what have you to say about that?—I think it would be much better to work under the Board than under the Bill.

53. You borrowed money under your Order in Council?—Yes.

54. So that you could not afford to have the Order in Council overridden?—Not very well.

55. And I suppose you spent large sums of money in constructing the tramway under your Order in Council?—The whole of the loan-moneys had been spent under the Order in Council.

56. Now we come to section 6, the Appeal Board: will you tell us what your system is in dealing with your men in the matter of complaints?—At the present time the Board has a merit and demerit system, as set out in the rules produced.

57 Can you tell us in a few words what the system is?—If one of the employees commits an offence he is dealt with by the officer in charge, who inflicts the number of demerit marks. If the man is dissatisfied he appeals to the Staff Committee, which consists of four members of the Board. If still dissatisfied he appeals to the whole Board, and is allowed to have the secretary of his union to conduct his case.

58. And it is the secretary of the union who usually conducts the case for the offenders?—Yes; he has conducted three or four cases before the Board.

59 And do the men get justice?—I think so.

60. Are the appeals sometimes allowed?—Yes. I would also mention that we also give a prize to the motorman and conductor who has the fewest demerit marks, every three months—£2 to the first, and £1 to the second.

61 How would any outside control affect the discipline of the men?—It would mean that the discipline would be very lax. If this Board were set up, the men could go by their employers altogether. I should just like to give a case in point: Some time ago there was a conductor in the employ of the Board, and we had a number of complaints as to his treatment of lady passengers. You will understand that ladies especially refuse to give evidence in connection with these matters. Finally the Board decided to discharge him as unsatisfactory To prove that they were right, in a very little while this man got mixed up in a case of immorality, and was also convicted of wilful perjury in the Supreme Court in Christchurch.

62. You discharged him for general complaints?—For being generally unsatisfactory

63 Complaints made by ladies?—Ladies chiefly

64. If a complaint is made by a lady about a conductor, and you think there is anything in it, I understand you transfer the conductor to another line?—If we are satisfied he is guilty If the parties refuse to come and give evidence we give the conductor the benefit of the doubt and frequently change him to another line.

65 And if there are a number of complaints of the same nature?—Yes, we come to the conclusion that he is guilty of the offence he has been charged with.

66. At any rate, there is something in his conduct to give rise to the complaints?—Yes.

67 Therefore you put him on some other duty or discharge him?—Yes.

68. What would be the position of your Board if the Appeal Board reversed one of the decisions? What would your Board do?—They would resign in a body, I feel sure. I do not think they could, out of respect to themselves, keep in office.

69 As to appeals for want of promotion and disratings?—Those are dealt with under the award between the men and the Board, which I may say was by mutual agreement. In all cases the motormen are taken from the conductors.

70. At any rate, the award lays down rules dealing with this matter?—Yes.

71 Then you have an award of recent date between yourselves and your employees?—I think it has about eight or nine months to run It was made about two years ago.

72. Clause 3, leaving certain matters to the Government instead of to the Engineer-in-Chief: What have you to say to that?—If the Government should decide to appoint an officer, I certainly think he should be an electrical engineer

73. There are certain matters, I understand, in your Order in Council which are left to the Engineer?—Yes.

74. So to appoint an officer of the Government instead of the Engineer would be altering your Order in Council?—That is so.

75. Clause 9, as to the report-book: You say, as to that, this would not be an improvement upon your system as at present in vogue?—We tried it, and found it unsatisfactory Mr Thompson will give you particulars as to that.

76. In subclause 3 of clause 9 the motorman is to enter any report he thinks fit?—Yes.

77 Do you say that the words 'he thinks fit' ought to come out?—There is not the slightest doubt about that. The statute compels the Board to provide a book, and then says the motorman may, if he thinks fit, make an entry

78. Clause 10, "Inquiries as to accidents": You object to that, I understand?—Yes. We object practically, of course, to the Bill, but the Government has great power under its Orders in Council. If an inquiry or inquest is held, we have to report to the Minister

79. Clause 13, subclause (*a*): I understand you object to supplying copies of your Order in Council at 1s. per copy, but you suggest that it might be made available to any one who wanted to look at it?—Yes.

80. I understand it costs more than 1s. per copy to print?—Yes.

81 *Mr O'Shea.*] Have you ever considered what the effect of clause 2 would be in the event of a strike?—It would mean the hanging-up of the whole of the trams.

82 Do you know of any people or association in Christchurch except the Tramways Union that want this Bill at all?—No.

83. *Mr Rosser*] Under clause 2, I understand you to say there is a severe medical examination required of your candidates?—Yes.

84. Do the Board or the motormen have to pay for that?—The Board.

85. Would the fact of a man possessing a Government certificate do away with the need for a medical examination necessarily in your case?—No; I think it is one of the most vital parts in connection with a motorman's qualifications to have a test made of his eyesight.

86. Then you are of opinion that the Government medical examination should not be done away with?—It should not be done away with.

87 You are of opinion that Christchurch motormen could not drive in Auckland, because of the local conditions?—Yes.

88. Have you ever had an Auckland motorman come to Christchurch and drive there?—Not without going through our examination, to the best of my belief Mr Thompson could answer that question better than I.

89 Do you not think it would improve the status of a motorman in the matter of theory if he had a Government examination?—No.

90. Are your present examinations uniform in character?—They are, so far as I know

91 Is there any danger of any candidate with influence getting through the examination easier than a total stranger in Christchurch?—Not the slightest.

92. Clause 5, with regard to overcrowding: Have you municipal by-laws to govern you with regard to overcrowding the cars?—I think not. We are a body set up by special Act.

93. Are there any members of your Board who are also members of the City Council?—No.

94. Then the Christchurch City Council has not thought it necessary to pass any by-laws with regard to overcrowding on your cars?—No.

95. You say the Board always opposed the overcrowding of the cars?—Yes.

96. On what grounds?—On the ground of the convenience of the public and the convenience of the conductor in collecting fares.

97 Is there not also another good reason, that it is too severe on the framework and equipments of the car?—As far as Christchurch is concerned that does not apply We have no grades.

98. Do you remember, in June, 1908, the conductors going to the Board with a protest against overcrowding?—I rather think I was away in Australia in 1908. Yes, I do remember

99 Let me quote from the *Lyttelton Times* of the 9th June, 1908 "Mr. Pearce said the men had held out a rather foolish threat with reference to enforcing the by-law relating to overcrowding, because the Board made its own by-laws and could easily do away with that." Do you remember that?—Yes.

100. That relates to the by-laws of the Board?—Yes.

101 What are the by-laws of the Board?—They are put in for the inspection of this Committee.

102. What did you mean when you said that the Board could easily do away with that?—We could simply repeal the by-law if we considered it necessary.

103. And have no check on overloading at all?—No. The Board, as I said before, opposes overloading, but in certain cases it is impossible to avoid it.

104. Have you kept in close touch with the systems in other parts of the Dominion with regard to overcrowding?—Yes. I think I can safely say the cars in Christchurch are not overcrowded in the same way they are in the other centres.

105. Are you aware that the conductors and motormen in Auckland will not take one passenger over the licensed number if they are aware of it?—I have heard of that.

106. I noticed that you stated that at rush times it is impossible to keep the public off the cars: has it been tried in Christchurch?—Yes. I meant that passengers returning from the racecourse would simply pack the car by standing inside.

107 Have your employees ever tried to check it?—I believe they have.

108. Has the Board ever assisted them to do so?—I said before that the Board has always been opposed to overloading the cars.

109. But has the Board ever assisted the men in regard to that?—Do you mean by instructions?

110. Yes?—That I could not say You will get that from Mr Thompson.

111 Has the Board power to prosecute passengers who overcrowd a car when told to get off?—Under our by-laws I believe we have power to prosecute.

112. Has the Board ever prosecuted passengers for overcrowding?—That I could not say

113. What about the 5-o'clock rush time?—That is not to be compared with what happens in Wellington or Auckland.

114. Are you aware that the cars practically carry only their number in Auckland?—I heard that the conductors and motormen object to the cars being overcrowded in Auckland.

115. Can you say what your cars are seated to take?—We have five four-wheeled combination cars which seat 36, ten combination bogey cars which seat 49, three four-wheeled boxed cars seating 28, three double-deckers seating 76, one baggage-car seating 44, five four-wheeled cars of the pulley type seating 36, sixteen double saloon combination cars seating 44, and twelve cross-seated combination cars seating 52: we have a total of 55 electric cars.

116. Have you ever seen passengers riding on the footboards on the Christchurch cars?—Only at rush time. I have seen them attempt to ride on the footboards and the conductor putting them off.

117 Have you ever seen them ride at race times on the back of the buffer?—No.

118. Would you be surprised to hear that the record for a car to seat thirty-six has been ninety passengers in Christchurch?—I am very dubious. Of course, that would be a race tram.

119. That would be either on a holiday or on a Sunday?—That is wrong.

120. Is it because of municipal ownership that the by-laws are not enforced?—Our by-laws are enforced.

121. You say you have had no prosecutions?—We have had prosecutions, but not for overcrowding.

122. I meant with regard to overcrowding. Will you quote your by-laws?—By-law 21 "No passenger or other person not being a servant of the Board shall travel on any car otherwise than on a seat provided for passengers. 22. No person not being a servant of the Board shall travel or loiter on the steps or platform of any car, or stand on the roof, or sit on any rail on the roof or platform of any car 23. When every seat in the car is occupied, no additional person shall enter, mount, or remain in or upon any such car if requested by the conductor not to do so."

123. I understand from that that every passenger has to have a seat—the onus rests on the conductors?—Yes.

124. At the deputation I referred to, did not the conductors protest against the overcrowding reported on the 9th June, 1908?—Yes, I believe they did, but it was a very slight protest.

125 How did the Board entertain that protest?—The Board always opposed overcrowding. The matter is in the hands of the conductor, and if he does not complain he has not complied with the by-laws.

126. With regard to the Appeal Board: I suppose you have had a good deal of experience in reference to the Appeal Board while you have been Chairman?—No. I have had a good deal of experience in connection with the Appeal Board during my term as Chairman of the Staff Committee.

127 Is that merit-and-demerit system working satisfactorily?—Fairly satisfactorily

128. Have you ever had any abuses of that system?—No, I do not think so.

129. Was that system adopted after it had been in operation on the Auckland tramways?—I could not say

130. Do you remember Inspector Bassett coming from Auckland to administer that system?—No. I have been on the Board since its inception. Mr Bassett came into the employ of the Board as a Ticket Inspector

131 With special reference to that merit-and-demerit system?—I do not think so.

132 Was there any trouble about his appointment?—Yes; there was some trouble with the men, I think, and the Board decided to get rid of him. As regards the details Mr Thompson will give you those.

133. Do you remember the case of J H. Timms?—Yes.

134. He was in the employ of the Board?—Yes.

135. Do you remember his dismissal?—Yes.

136. What was that for?—A head-on collision.

137 Do you remember when that was—was it 1906 or 1907?—About 1907

138. He was a driver on one of your locomotive engines?—On one of the steam-engines.

139 Were you made acquainted with the fact that he had reported on the inefficiency of his brakes for eight or nine days previously?—No; I question that.

140. It was a collision between a steam-car and an electric car, was it not, where they impinged on the traffic?—Yes.

141 Is it not a fact that his car was practically standing and that the other man ran into him?—Not according to the evidence.

142. Was Timms active in union matters at that time?—I could not say That is a matter that we would not take any notice of

143 If he applied for back pay of 11s. 9d., along with others, would the Board be aware of that?—Yes. I think Mr Thompson will give you the reason for that.

144. It was not for the reason of his applying for back pay?—No, it was simply because the Board was working under two awards.

145. Do you say your men are satisfied with the present appeal in Christchurch?—I think the majority are. I have heard nothing to the contrary

146. With regard to the car report-book: How long has your present system been in operation?—It came into use at the beginning of January, 1909.

147 Mr Young asked you whether you agreed with the words "if he thinks fit," in clause 2. Will you read the clause and note the words? Is not the sense of that subclause that it is mandatory —"It shall be" the duty, &c.?—Well, what is wrong with it?

148. Does not that clause make it mandatory that the motorman shall enter his report in the report-book?—No. How can it be with the words "if he thinks fit"? You must read the clause as a whole.

149. That is what Mr Young did not do, and I wish to give you the opportunity of doing so?—After reading the clause carefully I think that if he does not think fit he does not report.

150 You take no notice of the word "shall"?—You must read the clause as a whole.

151 The Bill provides for a book for each car, not for one book for the whole system: you understand that?—It does not say so. I take it from the reading that one book covers the whole.

152 Would you approve of "one car, one book"?—No. In matters of detail the General Manager would, of course, know more than myself.

153 You have the loose-leaf system?—Yes.

154. In your examination in chief you said that if the Appeal Board set up by this Bill were to reverse a decision come to by your Board, your Board would resign in a body?—Yes, I did. I feel that the Board at present—I do not say they can do no wrong—go into matters so carefully that I feel confident that there has been no injustice done to our employees in the past.

155. Have you been to Sydney?—Yes.

156. Have you seen the tramway system there?—Often.

157 I presume you made yourself acquainted with the official details of the management and so forth?—Yes. I should be very sorry to see our trams run as they are there.

158. Do you know that the men there have had an Appeal Board somewhat similar to that provided in this Bill?—I believe they have.

159 Have you heard of a case there where the management resigned in a body because the Appeal Board's decision went against them?—That is quite a different thing. In the one case you have Commissioners, and in the other you have a body elected by the people. In our case, every three years, if the people are dissatisfied with our control they can displace us

160. With regard to speed What are your limitations of speed according to your Order in Council?—I think they vary, to the best of my remembrance.

161. Have you any regulations with regard to speed?—In all cases we try to conform to our Order in Council as far as possible.

162. Have you any limitation of speed within a mile of the Square?—The Order in Council deals with that. I think it is six miles within the belts, and eighteen miles outside.

163. If a man does not keep to his time-table does he get demerit marks for it?—Not unless he deserves them.

164. Have you known cases where a man has got demerit marks for not keeping to his time-table?—Do you mean by not being able to keep time?

165. There is a certain schedule time for your trips?—Yes.

166. Taking the Sumner line from the Square to Woolston, would that be two miles and a half or three miles?—Possibly it might.

167 They have fifteen minutes to do it in, according to your time-table?—Some cars go without a stop

168. If a man does not keep his schedule time between the Square and Woolston is he liable to be booked up with demerit marks?—Not if he can give a satisfactory reason.

169 *Hon. Mr R. McKenzie.*] You are Chairman of the Christchurch Tramway Board?—Yes.

170. What are the qualifications for membership of that Board?—You must be a ratepayer on the roll and be elected by the ratepayers. The franchise is a little wider than that of ratepayers—it is the municipal franchise.

171 Are there any of your conductors or motormen on the municipal roll?—A number of them, I should say

172 How many motormen have you got altogether?—We have sixty-four, and eighty-one conductors.

173. I think you made the statement that if the Bill passed your Board would resign in a body?—No. I said that if this Bill passed in its entirety, and the Appeal Board was set up, I felt sure, out of self-respect, if the Board's decision were upset and an employee was reinstated, the Board would resign.

174. That would be as a protest against the Appeal Board?—No.

175. Do you think a Board elected from the motormen and conductors would manage the Christchurch trams quite as well as business men?—I do not think so, because of the business transactions.

176. Would they not be able to understand business transactions as well as the men on your Board?—Certainly not.

177 Do you think there are citizens in Christchurch who would be able to carry on the business of the Board so well as the present Board?—Very many

178. The Christchurch tramway system, I suppose, would very likely be run even if the present Tramway Board did resign?—I believe it would.

179 How many cars have you got?—Fifty-five electric cars.

180. And forty-nine trailers?—Sixty-five.

181. That is 120?—Yes.

182 I think you said that if you had to put on extra cars under the provisions of clause 5 it would cost you £2,900 for each car?—I said, if the Bill went through, Government officers would compel us to put on an extra car which would run us into that expense.

183. What were your gross earnings?—£105,000. We had a surplus, after providing for everything, of £10,000.

184. After paying interest and depreciation?—Yes.

185. Were not your expenses £59,000 last year?—No. I know we had a surplus of £10,000, approximately

186. Your actual traffic expenses were £32,000?—Yes. Some of the power we run is steam-power

187 I want you to strike a fair average?—You could not do that.

188. Leave the electric cars out?—You will find from the balance-sheet that it cost the Board for operating-expenses 9d. per car-mile—that is about what it runs out to.

189 According to your own balance-sheet your traffic expenses were £32,000?—I could not say

190. Do you admit the correctness of the balance-sheet you presented to the Government?—Yes.

191 If the balance-sheet states it to be £32,000, would that be correct?—Yes.

192. And £28,000 for working-expenses?—Yes.

193. How do you figure it out that the cost of a car to run is £2,900?—It costs 9d. per car-mile for operating.

194. If it costs you £59,000 for running your cars last year——?—I did not say that.

195. Your balance-sheet says that?—You will find steam-cars included in that.

196. Did you run the whole of the 120 cars at an annual cost of £59,000 last year?—Of course, there are a good many other matters outside of the running of the cars. We run dust-abatement cars, and that kind of thing goes on to the expenses.

197 That is all included in the £59,000?—Yes.

198. If your cars cost £3,000 each in round figures, and you run 120 cars, including all your other expenses, how do you make out that your expenditure was £59,000?—The cars are not running all hours of the day

199. Do you think any Government would be likely to compel any local authority to run cars empty?—I should be very sorry to be responsible for what might be done.

200. Coming to overcrowding, you say there is no overcrowding in Christchurch?—No, except sometimes in rush traffic, which we do our best to prevent.

201 You have cars which are licensed to carry forty-nine passengers?—Yes, the car will seat forty-nine.

202. Do you think it would be possible to put 120 passengers in a car seated to carry forty-nine?—I think they would be packed very tight.

203. If they do that in Wellington do you think the Government should have the right to stop it?—I think the controlling authorities should prevent it.

204. Supposing the controlling authority should neglect to do so?—We run under Orders in Council, which I do not think applies to other centres.

205. You have a by-law to prevent overcrowding?—Yes, I read it just now

206. Is it not a dead-letter? Do you enforce it?—The conductors have been told not to allow it, but the onus of seeing to it is thrown on the conductor by the by-law If he considers there are too many on a car he has a perfect right to ask some of them to leave.

207 Supposing his car were licensed to carry forty-nine passengers and it carried 120, if an accident occurred would he not be held responsible for that accident?—No, everything would be considered in connection with the matter If one of our conductors had a car for forty-nine with 120 on it, it would be his duty to report it, and I do not remember any such report coming in I should call that very much overcrowding

208. Would you feel it your duty to prosecute in such a case?—Yes.

209. If that occurred in Wellington, do you think the Wellington City Council ought to prosecute?—I think that in Christchurch we should do so, but I cannot say for Wellington.

210. Do you think the Government should have the right, then, to step in and put a stop to that?—I do not know, but I should like to say that we borrowed the whole of our loan-money under our Orders in Council.

211 Is there anything in this Bill that will interfere with your credit in any way?—Yes; particularly the Appeal Board and the motormen's certificates.

212 Coming back to the question of 150 per cent. overcrowding: do you maintain that the Government should not come in and take action?—In a case like that it should be left to the local authority and they would not countenance it.

213. Supposing you did not enforce your by-laws?—Any policeman or ratepayer can enforce the by-laws.

214. How many prosecutions have you had in Christchurch for overcrowding?—I do not think we have had any I could not say Mr Thompson would be able to give you that. The whole agitation in connection with what Mr Rosser spoke of came up through the trouble in Auckland. I refer to the report in the *Lyttelton Times* The whole thing went to a certain extent right throughout the Dominion.

215. What is the use of having by-laws if you do not enforce them?—I do not think the matter goes so far as to require enforcement.

216. Then there is no overcrowding in Christchurch?—Very little, except at rush times, which it is impossible to stop.

217 Supposing you, as Chairman of the Board, got on an overcrowded car and a conductor ordered you off?—I should get off.

218. Supposing a member of a City Council which had control got on an overcrowded car and refused to get off?—He should be prosecuted.

219 And suppose he was prosecuted and penalized, and afterwards sat on the Appeal Board when the man who had turned him off came before him, would that be a fair and impartial Board?—Well, there are men and men.

220. Do you think the conductor who reported it would consider he would have a fair appeal?—Do you not think a matter like that could be left to public opinion? The City Councillor is only one of a number

221 Do you think that is a fair and impartial situation?—I can only say, as I said before, you might leave a matter like that to public opinion. The public would see that at the next election that man would not have a possible chance of doing so again.

222 *Mr Hardy*] Are the tramways in Christchurch pretty well managed as a whole?—I think so.

223. Are the members of the Tramway Board responsible men?—Yes.

224. Are they capable men?—I think so.

225 Who are they?—The present Board consists of Mr Reese, Mr Beaven, Mr Booth, Mr Walter Hill, Mr. Staples, Mr J A. Flesher, Mr D Sykes, Mr C M. Gray, and myself

226. They are elected by the ratepayers?—That is so.

227 Is there any keen competition for election to that Board?—With the exception of the Riccarton district, I think there always is.

228. So that the ratepayers are alive to the capacity of the men who will manage their affairs on the Board?—Yes.

229. Is Mr Reese a capable man?—Yes.

230. Is Mr Booth a capable man?—Yes. I think that in the case of either Mr Reese or Mr Booth their businesses will speak for themselves.

231. Mr Booth is connected with the firm of Booth, Macdonald, and Co.?—Yes.

232 Who are the others?—Mr Flesher is a solicitor

233 He is a capable man, and brings his knowledge to bear in connection with the tramways?—Yes. Then we have Mr Staples, Chairman of Waimairi County Council; and then there is Mr Sykes, who is also a member of local bodies.

234. Are they capable men?—Yes.

235. And who are the others?—Mr Walter Hill is one of the keenest business men in Christchurch, without a doubt.

236. And Mr Beaven?—He is a member of the firm of Andrews and Beaven.

237 A capable man?—Yes.

238. And altogether you think the citizens are happy in their selection of members of that Board?—Perhaps it should not be for me to say I do not want to praise my Board, but I think we have a very good Board in Christchurch.

239 Do you think the citizens have any reason to complain as to the management of the trams?—We have had no complaints.

240. You were not particularly clear in your answer when the Minister asked you whether your Board could carry on its business as well as other people do you think your foreman of works could carry on the Public Works Department as well as the present Minister?—I do not think so.

241 In the same way, what you have just told me about the members of your Board bears out what I say?—Yes.

242 Now, with regard to this Bill, have you read it?—Yes.

243. You understand it?—Yes.

244. And you are not very well satisfied with it?—No.

245 You think the Bill proposes to hand over the tramways to the employees?—That is really about what it amounts to.

246. *Mr McLaren.*] How many members of your Board are drawn from the employing class of the community?—I think pretty well the whole of them are. Mr Sykes at present is not in business, and I think the same applies to Mr Staples.

247 You say there is no overcrowding in your trams?—Only at rush times. It is not allowed then, but we get it.

248. Are passengers allowed to stand beside the motormen in the cars?—No, we have a very strict rule about that.

249 Do you know if any stiff communications were sent to your Board with reference to passengers standing alongside the motormen while they are working?—I did not know that.

250. Are you Chairman of the Board?—Yes.

251. Would that communication not come before you?—Matters like that would go before the General Manager Was this within the last two years?

252. Yes. Would it not come before you?—No, it would go before the Staff Committee, of which Mr Beaven is Chairman

253. Would you not be likely to see a protest of that nature?—Well, a matter like that is passed on to the Staff Committee, who deals with it. I am a member of that committee *ex officio*

254. You say that you have no knowledge of it?—No.

255. *Mr Poole.*] Have you ever known overcrowding to interfere with the efficiency of your motormen and conductors?—Yes, with regard to the conductor collecting fares at rush time.

256. Have you ever censured any conductors for interfering with passengers who caused the overcrowding on the cars?—No.

257 Have you ever known any conductors in any service to be interfered with because they were anxious to keep the number down to something like normal?—I could not say anything about outside of Christchurch.

258. *Mr. Luke*] Is there a trailer for each one of your cars?—No. We have certain trips in Christchurch on the Sumner line on which we have trailers.

259 Can you give me an idea of how many trailers are out on Saturday?—No. Mr Thompson would be able to give you that.

260. There is a considerable number of trailers out—take Saturday, for instance?—We might have twelve or fifteen trailers out

261 If the Department decided, in building up new regulations, that you should not continue to run trailers, would that not reduce your earning-power considerably?—Yes.

262. You think that, so far as this Bill is concerned, there is considerable danger, if your service comes under Government control, that the whole system would cost a greater amount to run and necessitate an increase in fares, with no greater efficiency so far as the people are concerned?—That is so.

263. *Mr T E Taylor*] Supposing an inspector found that during the rush hours a conductor did not collect his fares properly, would that be reported?—Yes.

264. What is the punishment?—If it were a rush-hour car there would be no punishment.

265. Have you an arrangement to that effect?—No; it is in the hands of the Manager The General Manager uses his discretion after weighing the evidence.

266. If the case has occurred on a rush car there would be no penalty?—No.

267 If the men know there is no penalty for not having collected fares, would that not lead to dishonesty—supposing, for instance, he was passing a friend?—There is a difficulty there, of course. We do not agree with crowding cars.

268. Christchurch is a very difficult district to manage, is it not, on account of the great mileage you have to handle?—That is so. We have route miles on a single track, 48; on a double track, 6: roughly speaking, 54 miles.

269 The Christchurch tramways have a particularly difficult factor from the Manager's standpoint in the bicycle traffic?—Yes.

270. Do you hold that any material interference with your present sources of income would involve the Board in financial difficulties?—I do not think there is the slightest doubt of it.

271 Do you think that any Ministry is likely to be guilty of anything of that kind, knowing what the consequences would be?—It has the power

272 But have you not passed very stringent by-laws that you do not enforce?—No, I think most of them are enforced.

273. Are not a good many of them to meet exceptional cases if they crop up?—Yes.

274. Must there not be a good deal of give-and-take with regard to by-laws and regulations made by the Government?—There is bound to be.

GEORGE THOMAS BOOTH examined. (No. 7)

1 *Mr Young*] You are a member of the Christchurch Tramways Board?—Yes.

2 I understand your Board has considered all the provisions of this Tramways Amendment Bill?—Yes.

3 And Mr Pearce's views generally on the policy of the Bill would be the views of the Board individually?—Yes.

4. What do you say generally about the policy of the Bill?—What I have to say is this: that so far as Christchurch is concerned I regard this Bill as entirely unnecessary in so far as it covers ground already covered by our Orders in Council; and so far as it goes outside the Orders in Council it is objectionable, and in some cases highly objectionable. It strikes me as being a very curious thing that the Legislature, which rather prides itself on being an exponent of advanced democracy, should have introduced to it a Bill on such lines as these, because it appears to me to be an indictment of democratic institutions. There is nothing in the Bill indicating that the Legislature is inclined to trust the people, as democrats are supposed to do. On the contrary, it goes in quite the opposite direction. The Christchurch tramways system is perhaps a little different from some of the other systems in the colony in that respect, but here is a case in which the people of a certain district, desiring trams, pledged their properties as security for the money to be borrowed for the purpose of constructing the trams. It is obviously impossible for the public to manage a tramway service itself, so it appoints managers and gives them authority to install and operate the system. It elects them directly The Board is not appointed by any other Council or any intermediate body, but is elected by the public, who own the tramways system, and who are responsible for the repayment of the loans raised for constructing it. At stated intervals there are elections, and the public has the opportunity, if the policy of the Board has not pleased it, to turn the Board out and put another in. If there is a division of opinion on the Board on any matter of policy, then at stated intervals the public have an opportunity of expressing its wishes, approving or disapproving as the case may be, and dismissing from its service those whose policy does not agree with the public wish, and filling their places with those who would carry out what the public wish. There you get the ideal of the democrat, where the public have the immediate direct control of the whole thing A tramway system cannot be conducted in the dark. It is under public observation every day, and open to the criticism of the people to whom it belongs and for whose service it exists, and it does not seem to me possible that democratic administration can be carried on under more favourable conditions than exist in Christchurch. I am speaking, of course, of the Christchurch system. Now, the introduction of a Bill like this seems to me to be an indictment of democracy If it fails here it is difficult to see how in any circumstances democratic administration can be a success. I resent the Bill as a member of the Christchurch Tramways Board for that reason. We are elected by the people, who know most about their own requirements, presumably they trust us, or they would not have put us where we are. They trust us not only to safeguard their financial interests, but to conduct the business

as they want it conducted. There can be no objection to the Legislature doing what they may towards providing for the public safety All the powers they need for this purpose are embodied in our Orders in Council, but certain of the powers they ask for here are going beyond the Orders in Council, which I regard as highly objectionable. I think that is all I need to say

5. I suppose the management of the Christchurch tramways has proved satisfactory?—I believe so. As far as I am aware, it has.

6. Does the Board employ the men it thinks best for its purpose?—Yes.

7 And does the Board safeguard the interest of the public as well as it can?—Yes. Our Orders in Council are very full in that respect. The Government had very full powers of inspection during the construction and afterwards.

8. And does the Board safeguard the interest of the citizens as well as it can?—Yes.

9 By the appointees of the citizens who control it for them?—Yes, the Board are practically the managers of the system.

10. Can you imagine that any Government officer could do it better?—No.

11 In no one of those respects?—No. Of course, the Government officers are interested at present.

12. That is to inspect the plant?—Yes. I do not complain of them at all, but, so far as the actual running of the tramways is concerned, I am of opinion that the local authority can do that better than any outsider, who does not know the conditions and is not on the spot to watch them.

13. Clause 2, as to certificates What have you to say to that?—So far as the Christchurch Tramways Board is concerned, those certificates would count for nothing We should pay no regard to the Government certificates. We should have to be satisfied with the capability and suitability of a man before we would employ him as a motorman.

14. What you say is that you are answerable for any mistakes he may make, and choose him accordingly?—Yes. Under the Inspection of Machinery Department I know that a great many of the men who pass muster under that Government Department would not pass muster with us. We have to regard some of the things that the Government Machinery Act Inspector would, but we have to inquire into a man's technical knowledge, to consider his character, and have stipulations as to age, which probably the Government Inspector would not take account of We have our own conditions that a motorman would have to fill before we could employ him.

15. I suppose a motorman might be a nervous man, and yet pass the examination and be unqualified?—Yes. I am a little curious, although I do not know whether my curiosity will be satisfied—I do not know who has made the demand that the certificate should be passed by the Government.

16. If a man wanted a certificate, I suppose there would be no objection to the Board granting it?—Not the slightest. A certificate granted in Christchurch or any other place might be misleading as applied to another place. For instance, in Christchurch we have no hills; our roads are all level. A man might be examined in Christchurch by a Government official and passed, and yet might be unable to drive trams in Auckland, so that a Government certificate granting a prior claim to any other man in the colony is apt to be delusive. There are other things the Committee ought to take into account. It is necessary in all services to have a considerable reserve in case of an emergency You would be surprised to know how many men pass out of our service. We have an average of three hundred employees, and in about three years I think we have lost more than that number There is a continual changing round. We must have a considerable reserve of men able to take the position of motorman when called upon, and if we were confined to the Government certificates the Government would have to pass a great many to meet our requirements.

17 As to the second part of clause 3, inspection?—That is already provided for in our Order in Council.

18. As to reports with regard to alterations, repairs, or additions to meet the reasonable requirements of the traffic, what do you say about that?—I think that is an unreasonable extension of the powers the Government already have in the Orders in Council. Our Orders in Council provide for the safety of the public and for their convenience, but the convenience of the public in that sense is not quite the same as is covered by the words in this section, "to meet the reasonable requirements of the traffic." The convenience of the public applies, I take it, to the public who are not using the trams.

19 You say that the convenience of the public is sufficiently provided for in your Order in Council?—Yes; but under this clause, if it becomes law, the Minister or his appointee may order the Board to incur any amount of expense in making alterations in plant, utterly regardless as to how the finance is going to be managed, and without taking any responsibility for that. Of course, I do not want to assume that the Government would be overzealous in that respect, but if they got the power occasion might arise when they would use it.

20. You think the tramways should be governed by those who have to find the finance?—Yes. There is hardly a tramway meeting but what we get a request from some of the burgesses or Ratepayers' Association, or from some private citizens, who feel sore because of their treatment with regard to a particular service, or calling for an increased service, more cars, or additional conveniences of one kind or another These applications are all considered on their merits, but with a view to the general result on all parts of the system. Now it is quite conceivable that an aggrieved citizen, or the Ratepayers' Association, might get the ear of the Government official, and induce him to fall in with their views. That, in the opinion of the Board, as managers of the concern, would not be conducive to the general welfare of the undertaking

21 Under your Order in Council, paragraphs 47, 48, and 49, the Government have power to fine the Board, have they not?—They have penal powers.

22. For breaches of their Orders in Council?—Yes.

22A. Under section 48 a failure to comply with any requirement made would make the Board liable to a fine of £5 a day?—That is in all the Orders in Council.

23 So there is no want of means to enforce the Orders in Council?—No.

24. Coming to clause 5, subsection (*c*), in connection with the number of passengers to be carried, what do you say about that?—I have the same to say about that generally as I have said about the conduct of the business in other respects. We are there to conduct the undertaking to the best advantage of the public, from the point of view of finance and public convenience, and I think the local authority ought to be the one to fix the number of passengers a given car should carry, and to make such regulations as it thinks fit to prevent dangerous overcrowding

25. What about the necessity at rush times is there any necessity to take more passengers during rush hours?—Yes.

26 And is there any danger in overcrowding so long as the passengers are kept off the footboards?—There is not much danger Under the best traffic-conditions you cannot eliminate risks altogether It is not safe for a man to walk across the street, because he might be knocked down. I do not think there is any reason to treat the cars differently from the ordinary risks run by citizens. If there is any accident due to the neglect of the Board, we have to suffer for it. To say that you will not carry people unless you can provide seats for them is only to invite breaches.

27 What about strap-hangers?—I have never seen a service yet without strap-hangers.

28. Have you seen the Brooklyn cars in New York?—That kind of thing would not be tolerated in New Zealand.

29 What is it?—At rush hours at Brooklyn Bridge you cannot get within hundreds of yards of the car without fighting your way—that is, at 5 o'clock in the day That is going on all over the world.

30 Are the complaints about overcrowding from the passengers who are left behind or the passengers inside?—Those who are left behind. Those who are compelled to stand take it as the natural order of things. Generally there is no overcrowding in New Zealand. Relatively the conveniences are greater You see far more overcrowding in New York or Chicago, or in the English towns, than you see in New Zealand.

31 For all the disadvantage, the public prefer to be allowed to stand up in the cars than to be left behind?—Yes. It is impossible to provide sufficient cars when a shower comes on. You cannot create cars out of nothing If you put on relief cars everybody will crowd on to the first car if they possibly can.

32 Subsection (2) of section 5, with regard to the regulations overriding Orders in Council?—In connection with that I want to emphasize this: that the district we represent has made itself responsible for the repayment of considerable loans used for the construction of the tramways; that those loans have been raised on the basis of our Order in Council, and form part of the contract; that when loans are being raised a very searching inquiry is made as to what the Orders in Council are by the people who propose to lend the money It seems to me that to override these Orders in Council by an Act which enlarges the powers of the Government is, to all intents and purposes, a breach of faith with those people with whom contracts have been made, and I do not think the Legislature should put the Board in any such position as that, or the people who have lent the money Supposing we want to negotiate a loan at the present time—as we are doing—if the parties to whom we are applying get hold of this Tramways Amendment Bill and think there is a probability of it becoming law, it will considerably modify their views in regard to finding the money

33. *Mr T E Taylor*] I think you have Road Boards which have to find money?—Yes. They can refer to clause 3 of the Bill, where on the report of an inspector the Minister can order any alteration, repairs, or additions to the tramway Well, he might order extensive additions and alteration to the lines or the plant. The Board would be entirely at his mercy, and the lenders of the money would be subject to that important variation in the basis of the loan contract.

34. *Mr Young*] That brings us down to clause 6, the Appeal Board: what have you to say about that?—I think that is the most objectionable clause in the whole Bill.

35 How would it affect the discipline of your men?—I cannot imagine, if the final control of your men is taken out of your hands and put into the hands of an outside authority, how discipline can be maintained at all. It can only be maintained as a matter of grace, and if there is a failure in discipline you have a failure in efficiency inevitably Disratings, dismissals, and fines are not, as a rule, the result of one particular occurrence, but, generally speaking, are the result of a series of occurrences which, taken individually, are not of very great importance probably You may take a particular class of offences. The Committee is aware that certain of the employees on a tramway system are brought into pretty close contact with the public in the general discharge of their duty with both sexes and men and women of all ages. Complaints have been made in the service where such-and-such a conductor was offensive to a lady or girl. Inquiry is made, of course, and the chances in such cases are that the evidence is not convincing enough to warrant the Board in disrating the man. But we get another complaint, and another, and another, each one giving weight to the first, until there is a number of them sufficient to convince the Board that the man does offend women and girls, and something has to be done. Supposing he was discharged, for instance, and appealed to the Appeal Board for reinstatement, would not the Tramway Board be placed in a very weak position? In such cases we cannot bring evidence, you cannot bring the lady along to say that such-and-such an offence was committed. You could not put them to the indignity of giving evidence of that kind, and if you got them there it would not weigh very much with the Appeal Board, because the offence might consist of a look in the man's eye or a suggestive gesture, and you could not prove anything at all. The Board not being able to bring evidence, what would happen? In a case of that kind the man might be reinstated, and in such a case I think the Board might have to be reinstated as well as the man. Of course, the Committee

might consider it a matter of indifference whether the Board resigns or not, but I think they must regard the position of the men who are put in a position of trust by the ratepayers, and whose confidence must be taken into account.

36. Of course, the employees have an appeal to the public at the election every three years? Yes.

37 With regard to the car report-book, you say generally that your present system is a very satisfactory one?—Yes, we could not use a book so well as a sheet that passes from hand to hand.

38. *Mr O'Shea.*] What do you think would be the effect of clause 3, providing for motormen's certificates, in case of a strike?—I think it is always dangerous to set up a privileged class, and I think that would happen if the motormen were licensed by the Government and had preference of employment. They would have the rules and regulations and the service at their mercy

39. Is it a fair statement to make that it would be placing the control of the trams in the hands of the employees?—I think it is. Section 9 rather lends point to that, where it says the motorman shall enter in the book 'any report he thinks fit.'

40. I gather you think that expresses the whole feeling of the Bill?—Yes, in three words it shows the whole attitude so far as the motormen are concerned. There are duties imposed on the Board in strong mandatory terms, with penal clauses attached, but when it comes to the motorman the Legislature goes to him as though he were a minor deity, and says, "Here's your duty: you can discharge it if you think fit."

41 There has been a suggestion that there might be favouritism in passing men: has there been any favouritism in your service?—Not so far as I am aware.

42. Did you ever hear of a boat called the "Duco"?—Yes.

43. Did you ever hear of the marine scandal?—I have no knowledge of it.

44. Do you know that the Duco" was inspected by a Government Inspector and found to be seaworthy?—Yes.

45. And that she foundered because she was unseaworthy?—Yes.

46. You have been to Sydney?—Yes.

47 Who owns the tramways there?—The Government.

48. Is there overcrowding there?—The overcrowding there is greater than in any city in New Zealand, and you will find that to be so as you get into larger and larger cities.

49 *Mr Rosser*] With regard to the Government certificate provided for in clause 2, you stated that the Board would pay no regard to a Government certificate unless the man came up to the Board's requirements?—Yes.

50. Do you take character into consideration?—Yes.

51 Did I understand you to say you took size into consideration?—Yes.

52 In what way does the size of a man, with your air brakes, require to be taken into consideration?—The man's height has an effect on the way in which he handles the apparatus. He has to handle it high up in the car, and if he is short it is inconvenient to get up to this contrivance. At any rate, the Board concluded in its wisdom that it was of some consideration, and we do not appoint a man as motorman unless he comes up to a certain stature.

53. Do you take height into consideration?—Yes.

54. You do not require weight to be taken into consideration?—I do not think we do, but I suppose that will be taken in connection with stature.

55. Have you any minimum height?—I believe there is, but you will have to ask Mr Thompson that question. I cannot tell you from memory what it is.

56. With regard to age, have you a minimum age?—Yes, I believe we have. I cannot tell you what it is.

57 Did I understand you to say that under the Inspection of Machinery Act you had known of certificates being granted that were not warranted?—I know a considerable number of men holding certificates under the Machinery Act whom I should not consider suitable as motormen.

58. But as engine-drivers?—I presume they are able to drive engines.

59 Are you referring to certificates of service or competency?—Both.

60. You said you must have a considerable reserve of motormen?—We should like to have, but as a matter of fact the difficulty is to maintain a sufficient reserve—they so frequently change and then leave. I do not think we discharge men.

61 I understand it goes up to 20 per cent. in the year?—I think that is right. The number who have left the service during the last five years is about equal to 20 per cent. per year

62. Is it because of dissatisfaction with your working-conditions that these men leave?—Not so far as I am aware. I do not think there is much dissatisfaction with our men.

63. Do you know whether there is any dissatisfaction with the management?—I have heard no complaints at all since the management was changed.

64. Have you heard of any dissatisfaction with the present mode of appealing?—I cannot say that I have. Of course, a man who thinks he is treated unjustly and does not get his appeal through naturally would complain. That is to be expected in the natural order of things.

65. You have by-laws in connection with your Board?—Yes, we have rules and regulations.

66 I suppose you agree with Mr Pearce that there are no municipal by-laws with regard to overcrowding?—The City Council have no control over the tram-cars.

66A. No. 21 of the Board's by-laws—will you just look at that: "No passenger or other person not being a servant of the Board shall travel on any car otherwise than on a seat provided for passengers"?—Yes.

67 Therefore I take it that your cars, by your own by-law, are required to carry the number seated: is that so?—Yes.

68. No. 22: "No person not being a servant of the Board shall travel or loiter on the steps

or platform of any car, or stand on the roof or sit on any rail on the roof or platform of any car"?—Yes.

69. Have you seen any person travelling on the steps or platforms—any passengers?—Not on the steps, but, of course, strap-hangers where they are on the car

70. Have you straps provided in your cars?—Yes. They are not specially provided for people to stand and hang on to, but people have a habit of hanging on to them when standing

71 Are those by-laws and book of rules given to every motorman and conductor?—I do not know Mr Thompson will be able to tell you.

72 Just look at the first page to see if this book is the property of the Board?—Yes. "This book is the property of the Christchurch Tramway Board, and is loaned to ———."

73. Therefore they are issued to each employee?—Yes, that is the general instruction.

74. Do you expect the employees to carry out those by-laws?—I am afraid by-laws in a good many cases are very elastic. It is usual to establish a general rule with the tacit understanding that the circumstances have to be taken into account.

75. Has the Board ever caused demerit marks to be placed against any conductor for not carrying out by-laws 21 and 22?—Not to my knowledge.

76. Have you given instructions that these by-laws should be carried out?—General instructions. I do not know if any specific instructions have been given.

77 The number of people supposed to be carried is posted up in the car: does that obtain in Christchurch? Is there no requirement on the car as to the number to be carried?—I do not think so.

78. How does the conductor know the number his particular type has to carry?—There are only three or four types of cars—not so many that they cannot tell from memory

79. Take By-law No. 23, "When every seat in the car is occupied, no additional person shall enter, mount, or remain in or upon any such car if requested by the conductor not to do so." Has that been carried out?—I cannot say that it has. Conductors endeavour to prevent overcrowding, because they are impeded in their work by having too many people in the car No doubt they try to check it as far as they can.

80. Do you admit the possibility of fares being missed in an overcrowded car?—Yes.

81 Do the men have to make up any shortage?—Not from missed fares. If a missed fare is reported by the inspector the conductor is penalized.

82 When the tickets are issued are the opening numbers taken in the office?—Yes.

83. And when the conductor returns his block the closing number is reported?—Yes.

84. Has he to pay or show the money or exchange tickets?—He is penalized if he is short there. That means that he has given wrong change. That is not missing fares—it is a different thing

85. Supposing he issues two tickets for one, or gives wrong change, is he responsible for that? Yes.

86. Do you know of any prosecution of passengers for infringement of Rule 23—overcrowding?—I cannot say I do.

87. Has the Board ever had any complaints from the union as to overcrowding?—That I cannot answer

88. Were you present at a meeting in June, 1908, at which the Board received a deputation from the union on the question of overcrowding, and at which Mr Pearce was chairman?—If my name is in the minute-book, but I have no recollection of it.

89 Are you aware that the men have it as an instruction from Mr Wood that a conductor taking action in the matter of overcrowding would be dismissed?—No. I do not believe they have any such instructions. It would depend upon what action he took—whether he threw a man off the car neck and crop. In that case he probably would.

90. In your examination in chief you said that "to say that no person shall travel only on a seat is inviting trouble"?—It is quite likely I said something of the kind, but I do not recall the exact words.

91 You admit that you gave that opinion?—Generally speaking, yes.

92 Then why do you invite trouble in by-law 21, "No passenger or other person not being a servant of the Board shall travel on any car otherwise than on a seat provided for passengers"?—Of course, it is the intention of the Board that there shall be no overcrowding, and we provide cars for as many people as we reasonably expect to travel at certain hours of the day We do not encourage people to ride when they cannot find seats, but when they get into cars, although we cannot find seats for them, we do not prevent them being carried and compel them to walk.

93. Then why not amend your by-laws, and set it down that you allow a certain amount of overcrowding?—That might serve the purpose, but I do not see the necessity of it so long as breaches of the by-laws are not going to be visited on the conductor His duty, the same as the Board's, is to carry people to and fro. That is one of the first functions we have.

94. You stated that it was the people who are left behind in rush times who complain about that?—Yes, they are the people who suffer

95. And the person who gets into a car and is allowed to stand is satisfied?—He is better satisfied to be carried standing than to be left behind.

96. What about impeding the conductor in his duties by this overcrowding?—That is why we disparage it.

97 Have you discouraged it by any regulations besides the by-laws?—No, I cannot say we have any other regulations.

98. You say it is impossible to provide cars for rainy days when people cannot ride their bicycles in Christchurch?—Yes.

99 Have you any reserve of cars to provide for that?—Yes, we have considerably more than are ordinarily required in the service, but not enough to cope with the extreme excess of traffic.

100. Supposing a man appeals, brings evidence, and proves his innocence, how would that have a prejudicial effect on the discipline of the service?—I do not think it would. If he does that now he is reinstated.

101 If that were done by an independent Appeal Board, would it affect the discipline?—No. It would depend very largely on the evidence brought forward.

102. Do I understand that you have a clause in your agreement that seniority, record, and suitability shall be taken into consideration in making promotions?—That is in the Arbitration Court awards.

103 Is that always followed out?—Yes. The service is divided into branches, and seniority in the branch in which the promotion is to be made has to be taken into account.

104. Have you any knowledge of men in your service being promoted over others?—No. Men must be taken as A, B, and C: C may be unsuitable, and B may be put over his head.

105 You say that evidence is not always procurable in the matter of complaints against conductors?—Yes.

106. You cannot always get evidence from the passengers, and would not ask them to give evidence?—Yes. Supposing your daughter had been insulted in a tram-car, would you have her go to Court and retail the circumstances?

107 You mentioned such an offence as a significant look in a man's eye or a gesture?—Yes.

108. Would you think it right to have a man's future imperilled by loss of employment through a significant look in his eye or a gesture?—I was careful to say that a first complaint of that kind was scrutinized with some care, and very frequently was not taken account of simply because we could not produce evidence to justify the man's punishment; but that if a second complaint came before the Board, that lent colour to the first, or a third, fourth, fifth, and sixth case, then the Board would act.

109 If a lady were ordered off a crowded car by one of your conductors, would she not have a tendency to report that man for insolence?—It would depend on circumstances. If he were rude to her no doubt she would be inclined to do so. We do not take action on every complaint that comes before us. We have a great many complaints that certainly do not deserve following up.

110. Do you realize that your conductors have to put up with impudent passengers?—Yes, and I sympathize with them. They require a considerable amount of character and a lot of self-restraint.

111 Do you know that an insolent passenger might report a conductor, and his conduct might be an excuse to a certain extent?—The conductor would not be blamed in a case of that sort.

112 Is it your opinion that your Orders in Council already, in effect, provide for what is asked for in the Bill?—Not exactly They are to be open for inspection by anybody at any reasonable time, but to ask us to print a number of copies to furnish every one who wants a copy, I think, is rather ridiculous. The articles of association of every company have to be lodged in a place open to the public, for obvious reasons, but the company cannot be compelled to supply any one with copies.

113 With regard to your cars, some take trailers, do they not?—Yes.

114. What is the number of trailers you allow to each car?—One is the usual thing On some journeys two are employed.

115. Not more than two?—I should not like to say "not more than two." That is all provided for in the Order in Council. It is possible to use trailers in flat country

116. Does the air brake apply right through the two trailers?—Some trailers have air brakes on them, but I am not sure of that. You must not ask me technical questions.

117 *Mr Luke*] Could a motorman trained in Christchurch do the work in Dunedin or Auckland?—I should say not.

118. We had it this morning that an additional car working an eighteen-hours day would cost £2,920 per annum?—Yes.

119 If a paternal Government compelled you to put on more cars it would soon swallow up your revenue?—Yes.

120. Apart from the conductors, are any of your clerks training as motormen?—I do not think so The inspectors, I think, are all capable of handling a car

121 What effect would the granting of Government certificates have on the running of your service?—It would not make any difference.

122. Would it hamper you in any way?—It might hamper us if the supply of motormen were deficient. It would not increase the efficiency of the service, but might work in the opposite direction.

123 Would your earning-power be much restricted if the Government called upon you to desist from using trailers?—Yes, very materially We should have to borrow £50,000 for new cars, but that would not perhaps be enough. It costs much more for fresh cars than for trailers.

124. There is not only the initial cost of the extra car, but the cost of running it all the year? Yes.

125 There would be extra labour associated with it?—Yes.

126. Would the same proportion of trailers used on your system, if applied to the Wellington system, remedy the overcrowding that is so much talked about in Wellington?—I think you ought to ask a tramwayman a technical question like that, but I should say that trailers would not be of so much use to you as to us in Christchurch.

127 Assuming the Government gave the City of Wellington authority to use trailers on the section from the Government Railway-station to Oriental Bay, would you as an engineer agree with that?—Yes.

128. Do you not think that would obviate very largely the question of overcrowding?—It ought to help to do so.

129 Do you think the people who send representatives to Parliament and who build up Governments are competent to erect and manage a tramway undertaking?—Yes, if they are competent for the greater they should be competent for the lesser

130 Seeing that the railways are now being run by the General Government, and noting the present overcrowding on their system, are they a proper authority to insist upon conditions other people cannot carry out and which they cannot carry out themselves?—I do not think they are the people to go down to Christchurch and Dunedin and make regulations about the handling of passengers on the cars. We ought to be allowed to do that ourselves.

131 Which is the greater inconvenience to passengers, being called upon to do without a seat in a tram-car for a few minutes, or being without a seat in a railway-train for a period of three or four hours?—I should think the train journey would be the more unpleasant.

132 *Hon. Mr R McKenzie.*] The overcrowding is not a matter of convenience?—The convenience of the public who use the cars is affected.

133 You know the grades we have in some parts of the Dominion, such as at Brooklyn and College Hill: would not the power asked for in this Bill be a margin of safety?—It is questionable.

134. You have cars in Christchurch licensed to carry forty-nine passengers?—Yes.

135. They have cars in Auckland licensed to carry fifty-eight, and they have jammed 120 passengers into those cars do you think they ought to go down such grades as Brooklyn in Wellington and Wellesley Street in Auckland without power being taken to stop them?—It would depend upon the margin of safety you had, but if the brake-power was only sufficient to hold up a car with fifty-eight passengers——

136. Assuming the margin is 3, and you are going down a grade of 1 in 14 with 120 passengers in a car licensed to carry fifty-eight, do you think that would be dangerous?—Yes.

137 Do you think the Government ought to have power to step in and prevent it?—I think the local authority should have power to prevent that.

138 For the public convenience and public safety, do you not think it would be much better, if a car is licensed for forty-eight or forty-nine, to state at once that they should be allowed to carry an equal number of people standing?—I do not think any cars will carry an equal number of people standing.

139. Say 50 per cent.?—I should say that is probably near their utmost capacity

140. Do you not think it would be best to state that at first?—Perhaps so; but when you make a hard-and-fast rule it is difficult to maintain it.

141 But if in the interests of the public safety, and in the interests of the lives of the men working on these cars, there are places in the country where it is necessary?—It goes without saying that the safety of the public should not be endangered, and it might be in excessive overcrowding such as you suggest, and if the local body does not do it you ought to stir them up, but you should not take the control or responsibility out of their hands.

142. You have Government inspection now?—Our Orders in Council give the necessary power to the Governor in Council to see that the rolling-stock and all sorts of things are in proper order not only before the line is open to traffic, but afterwards at any time.

143 What is the Minister's remedy if the local authority refuse to keep their rolling-stock in order?—There are certain penal clauses 'If the local authority fails or neglects to fulfil any of the requirements of the Order relating to the maintenance of the traffic and the securing to the public the full benefit of this undertaking, it shall be lawful for the Governor by Order in Council to impose upon the local authority a fine of five pounds for every day or part of a day of such default, such fine to be recovered in any Court of competent jurisdiction by any person appointed by the Governor to recover the same."

144. Do you know if that is the only Order in Council in New Zealand containing that penalty?—I think there is a little difference in the wording, but the same ground is covered. The same powers are given in all the Orders in Council, but in slightly different words.

145 Those powers are not in the earlier Order in Council?—You are referring to the other systems?

146 Yes?—I do not know anything about that. I suppose the Government would have power to make other Orders in Council.

147 Has the Government been in any way harassing you, or officious, in connection with your Orders in Council?—No; we have had a little difference, but it never amounted to anything

148. What makes you think they would do anything more than they have done if this Act passed?—Because the powers are much wider in the Amendment Act. It is assumed that they will be used, otherwise why ask for them?

149. You admit that there is overcrowding in Christchurch?—Yes, occasionally The other day I got on to a pretty crowded car in Christchurch during a spell of rain that came on suddenly, and I asked the conductor how many people he had on the car and he gave me an answer that was ridiculous. I said, "This car will not hold that number' I counted the number roughly myself, and found he was 50 per cent. over the mark. At the end of the journey he said he had carried 120, but that referred to the number of tickets he had sold There was never the number on the car he stated at one time. My recollection is that he said there were about a hundred on the car when I asked him, and there would be sixty according to my count. I should think 50 per cent. of strap-hangers would be the very outside of what a car could carry

150 I suppose we can inspect a car after an accident?—Yes.

151: After an accident we can stop that car until it is put into proper order?—Yes.

152 But in some cases we should have to stop the whole system before we could get any result?—Why?

153. Because they would not take any notice of us?—I do not think that applies to Christchurch.

154. Assuming that is the actual position in other places, do you think that should be altered?—If you say that the local body can run a car in defiance of you, you ought to have power to stop them. There, again, you should act through the local authority, who should take that responsibility upon themselves.

155. Coming to the motorman's certificate, you said it would be no advantage?—I do not think it would be of any advantage to the service.

156. Would it be any detriment?—It might be.

157 In what respect?—I tried to explain that it is necessary to keep a considerable reserve of men in the service capable of taking the position of motorman in cases of emergency

158. Supposing provision is made in this Bill to insist on every tramway system instructing 20 per cent. of its conductors every year, and to give them that certificate before they applied to the Board at all, to show that they had the necessary instruction and competency, would there be any objection to the Government certificate then?—Do you mean that the tramway authorities should be compelled to train a certain percentage of their conductors every year, and that they should pass an examination before going up for the examination by the Board?

159 Yes?—What would be the advantage of the examining Board in that case?

160. You have examinations under the Machinery Act?—The further examination would not be of any advantage. Supposing we had twenty men in training in Christchurch, that is all we want. The Government certificate would be of no advantage.

161. You might give a certificate to men that the Government would not pass?—I do not think it is likely

162 You are familiar with the working of the Machinery Act?—Yes.

163 Do you think it is an advantage to have certificates issued under the Machinery Act? Yes.

164. A man before he can go up must be of a certain age, and show certificates?—Yes.

165. Well, suppose the same principle is applied here?—The cases are not exactly identical. In the case of the marine engineer considerable training is required. You have a great deal to learn, and you have five years' apprenticeship before you can go to sea. The trade or profession is one that takes very considerable time to master, while the motorman's work is of a different class. Any man of intelligence, of moderate physique, and of nerve, can learn all that is to be learned in half a day in such a service as we have in Christchurch. It is not a highly skilled trade like that of the marine engineer

166. The training I propose under this Bill is twelve months?—I do not see that that would be of any advantage to any of the services, and unless there is going to be some advantage gained by it, any further restriction or obligation put in the way of a man before he can get a position as motorman seems to be to be undesirable. If it can be shown to be of great advantage to the public, well and good.

167 Supposing it is proved that some of the local authorities have been sending out clerks from their offices to act as motormen, do you think that should be allowed?—I do not see why a clerk should not be able to get the training I do not see why that particular trade should be shut to a clerk.

168. He has not now to satisfy any one?—Oh, yes he has. We insist upon an examination and passing by the engineer Our regulations and examinations are stricter than the Government's would be, if we are to judge by the men who obtain certificates from other departments. What I fail to see is, how that is going to benefit the tramway systems.

169 A man from Christchurch could go to Wanganui and obtain work there?—That is a comparatively flat place.

170. But they have a similar brake?—Yes. It is not only the conditions and grades, but the kind of plant, different kinds of brakes, and that sort of thing The possession of a Government certificate in a test in Christchurch might not warrant a man, supposing he was capable, of handling a car in Wanganui. It is a question whether the additional examination is going to be of any benefit to any one.

171 The Government are of opinion that it would not be a disadvantage?—I think it would. Referring to the idea that a certificate issued in one place would give a man a better chance in another, rightly or wrongly, we have an article in our Arbitration Court award which prescribes that no one shall be taken on from outside so long as we have a man in another grade capable of taking up the work.

172 We have no intention of interfering with those whom you may employ—you can employ whom you like?—No, except that you say we must not employ men after a certain time unless they have Government certificates.

173 A man going up for a mining certificate has to show that he has been so many years engaged in mining?—There is a long period of training involved in that.

174. The point is that the Government certificate is a proof of efficiency?—That is where I join issue with you. It is only proof in certain ways. No doubt if a man has satisfied the examiner, he can drive a tram-car

175. I suppose the Board would not give a man a certificate unless satisfied that he was thoroughly qualified?—No.

176. Do you think it would be of no advantage to the tramway system?—I do not think it would be a disadvantage, but it would not be of any advantage.

177. Take the case of a conductor in his actions with regard to women: you have no power to call evidence?—We cannot be called a Court of justice, but we quite habitually make inquiries of witnesses.

178. You stated that women had an objection to go before the Board?—I meant this Board of Appeal.

179 Supposing the Board had power to call evidence?—I do not think the women would disclose their names.

180 The Board would have the means of giving the man a fair trial?—It seems to narrow itself down to this: if the tramways are to be run for the sake of giving the employees a fair trial and to see that they suffer no injustice, and that the rights, functions, and interests of the owners are to be disregarded, that is a new proposition altogether My idea is that the system is provided for the convenience of the public, and that the employees are a minor consideration. The tramway system does not exist for the benefit of the employees. Circumstances may arise when an employee must suffer, as we all do, from an unfortunate concatenation of circumstances. That may happen to a motorman as well as to you and me, but that the whole basis of a service is to be altered so as to provide for cases of that sort is to make a very serious change in the whole proposition, to my mind.

181. The employees are a necessary portion of the system?—Undoubtedly.

182 Then, do you not think they are entitled to reasonable protection?—I do. I would not treat them unjustly on any account, and I do not think it would be right for the Board to treat them unjustly

183 How can you give your men a fair trial unless they are able to call evidence?—We have that power Where we can get evidence we exercise it. We cannot take the power of a Magistrate and examine the witnesses on oath, but if a person makes a complaint we get a statement from the man and want an explanation, when it may be found that the complainant was the offending party, and in that case there is nothing more said.

184. But if you cannot get the lady there to examine, you cannot take her evidence?—She might be able to refer to another lady who was sitting opposite her There are other ways of getting evidence than on oath. Then the man himself has a right to call evidence.

185. I suppose you know that school-teachers have an Appeal Board?—I was not aware of it, but I am not surprised.

186. If a Magistrate or Judge of the Supreme Court were to be appointed Chairman of the Appeal Board, do you think that would improve the Bill?—No, because the Bill does not specify who would be the Chairman. It is fair to assume that, whoever he is, if the Bill goes through, he will be a qualified man; but it does not alter the principle of the thing, whether the Chairman be a Magistrate, a Supreme Court Judge, or whoever he may be. He would probably be an outside authority living in other districts, and cannot know the circumstances.

187 Look at the provision, and you will see that there is to be a Board in each district?—Even so, the position is exactly as I stated.

188. Do your men work under an agreement made by the Industrial Conciliation and Arbitration Act?—Yes.

189. Have you any objection to your employees going before the Arbitration Court?—They can go before it whenever they like.

190. Is not that an interference with your right of control?—In a sense it is.

191 Just as much as it is under this Bill?—Supposing a man was discharged for any offence, he could not go to the Arbitration Court to cite us. He can only cite us under certain conditions. Generally he has not the right of appeal to the Arbitration Court for such matters as are set out in this Bill.

192. You think, then, that every employee should only have the right of appeal to his employer?—Every employee has the right of appeal to the Courts, as any citizen has.

193. It is rather an expensive business to a poor man?—I do not know that it is: the Courts are fairly cheap. In this case the employers are not in the position of permanent employers. The Christchurch Tramway Board is only in office for a certain period, and if the Board is unjust to its men it is pretty certain that it would not remain in office when its term expired.

194. *Mr Fraser*] That last remark of yours would be applicable to any system of tramways run under municipal control?—Yes; and I would include in that private tramways run under municipal control as in Auckland, because I think the Legislature ought to be careful not to impose too many restrictions upon private enterprise, seeing that in certain cases a private company might undertake a tramway installation to the advantage of the public which a municipality would not care to undertake.

195. Would there be any danger, to your mind, in the event of an Appeal Board being set up which was entirely independent of those who controlled the trams, of any men being forced upon the employers that the employers thought were unfit?—That is the danger I suggested, and I gave an illustration of a certain class of offence which it is impossible to prove before an Appeal Board, but of the existence of which the Tramway Board would be quite satisfied.

196. Would there be any objection to having a representative of the men upon a Board such as is given effect to now?—Our Appeal Board is simply constituted by the Tramways Board.

197 Would there be any objection to two members of the Tramways Board and one man representing the union hearing the appeals?—The procedure at present is this that the man who is penalized—as he thinks, unjustly—first appeals to his superior, the Engineer or Traffic Manager, and sets the facts before him. Then, quite likely—and it happens in a considerable percentage of cases—the officer in question, having both sides of the case before him, reverses the position, and the man is not penalized. But, supposing the officer agrees with the original decision, then the man has the right of appeal to the Staff Committee, which is a committee of the

Board. Supposing they sustain the action of the officers, the man then has a right of appeal to the Board, and of calling evidence and being represented by the secretary of his union, so that it is practically a hearing of what he has to bring forward by way of extenuation and justification.

198. Would you have any objection to an Appeal Board being set up on which there would be, say, two members of the Tramway Board and one of the union?—I think that would be less offensive than the proposition in the Bill—less offensive than the appointment of a really independent Appeal Board. That would be a slight extension of our present system.

199 You do not see that any danger would accrue from that?—I do not think so.

200. *Mr Luke.*] Would it not disarrange the tramway systems very considerably if the engineer of each system was set up as the examining authority, seeing that to get the proper supervision each would have to be put on the different systems to acquire the necessary knowledge?—The Minister suggested such men as those engineers.

201 *Hon. Mr R McKenzie.*] I was referring to the Board of Examiners?—Yes. You would find that they would be sitting continuously. There would be at least two or three hundred men to be examined each year

202 No, perhaps about one hundred?—Even one hundred would take considerable time.

203 *Mr Bollard*] Supposing the Bill became law, and the Government issued certificates to motormen trained in Auckland, I think you will agree with me that Auckland is a more difficult place to drive trams in than Christchurch?—Yes.

204. Then, suppose a motorman went down to Christchurch, would you employ him without any test whatever?—No, we would not. We would satisfy ourselves first.

205. With regard to the Appeal Board, supposing the men appointed one man and the tramway authorities another, and you had a Stipendiary Magistrate or some other independent unbiassed man to act as Chairman, would not that make a good Board?—That is what is proposed in the Bill, except that the Magistrate is not named as the Chairman

206. In the Bill the representatives of each side are allowed to appoint their own Chairman? Yes; that is not acceptable.

FRANK THOMPSON examined. (No. 8.)

1 *Mr T Young*] You are General Manager of the Christchurch Tramways?—Yes.

2. What experience have you had in tramway-management?—In 1903, when the Board was first constituted, I was appointed Secretary, and I have been acting in that capacity until quite recently, and therefore have had good opportunity of knowing details of tramway matters.

3. You have been for eight years employed by the Board?—Yes, and for the last few months as General Manager

4. You know the Bill before the Committee?—Yes.

5. What is your general objection to the Bill?—To save time, I do not want to traverse the same ground as the other Christchurch witnesses, but I should like to say, as some reference has been made to the *personnel* of the Tramway Board, that the Tramway Board in Christchurch is regarded by the ratepayers as one of the finest representative Boards it possesses. The Chairmen and Deputy Chairmen since the Board has been constituted have been men like Mr W. Reece, Mr. H. F Wigram (a present member of the Upper House), the late Mr G. G. Stead, Mr A. W Beaven, Mr H. Pearce, and Mr G. T Booth. Two of the members of the present Board were men whose assistance the Government were very glad to get when it had trouble with the Exhibition in Christchurch. Mr Reece and Mr. Booth were appointed by the Government as Exhibition Commissioners, yet it seems to me that under this Bill their judgment—on trivial as well as important matters—is likely to be set aside, and their powers whittled away, with the result that I should not expect the best men in Christchurch to offer their services to the ratepayers in the future if the Bill became law.

6. Is the Bill likely to increase the efficiency of the Tramways?—I do not think so the effect in some respects will be in the other direction. The Christchurch tramways are managed efficiently I presume reference has already been made to the Brakes Commission report. On page 12 the report states, "The Commissioners have also considered the working of the existing law, and the necessity or expediency of any new legislation in respect thereto. They have found that at Wellington, Christchurch, and Dunedin a high standard of upkeep and efficiency of equipment is maintained." Then, later on the Commissioners say, "In this connection it may be stated that a pleasing feature in the work of the Commission has been the capacity, the zeal, and interest in all that pertains to tramways shown by the officers of the systems visited."

7. And I think Mr. Blow, of the Public Works Department, also made some remarks upon the subject?—Yes. Last year, before the special Committee, as reported on page 51 of the proceedings, in answer to Mr Davey, Mr Blow said no complaints had been received as to the running, working, or equipment of the Christchurch trams; also that there had been no dereliction in the management.

8. What better authority could you have than that?—It is a very good authority, anyway

9. Do you know any respect in which a Government officer is better able to prescribe for the safety of the public and the management of the tramways than the Board?—No, I do not know of any case.

10. Will you tell us what certificates you grant to your motormen?—The method adopted with regard to motormen's certificates is as follows: The men put in ninety-six hours at student driving and pass one or more examinations. They are then examined by the Motor Inspector on the road, and later by the Engineer, and the latter issues the certificate.

11 That is, your own Engineer?—Yes. But before they are sent up to him they first of all have to be passed by the Traffic Superintendent, whose judgment on the man s general capacity is taken. A man might easily pass a technical examination as a motorman, and yet not be fit physically and in other respects to be a good motorman.

12 You thoroughly test their capacity to operate the cars?—Yes. I do not see how the Government provision is going to improve on this one iota.

13. Would you accept the Government certificate?—No, we should still have to have our own method of examination.

14. If a motorman applied for a position as motorman and produced a Government certificate, would that be sufficient for your purpose?—No.

15. You would put him through your own tests?—Yes. Further, we could not put him on under our industrial agreement: we have to give preference to our own conductors.

16. An illustration in favour of the Bill has been taken from the steam-engine drivers' certificate?—The position seems to me to be very different in the case of a steam-engine driver in this respect: that he is put in charge of plants that may be here, there, and everywhere, where the man is away from the repair-shops or any means of getting assistance—he has to act very largely on his own initiative when anything happens to his machinery; whereas a motorman is necessarily always in touch with expert assistance, and cannot go very far wrong

17 Something has been said about certificates issued under the Inspection of Machinery Act: will you distinguish between those certificates and the motorman's certificates?—It seems to me that in many cases in which men are required to work directly under the supervision of an expert engineer the steam certificates perhaps would not be required so much as they are.

18. I mean certificates for the inspection of machinery in private hands?—Of course, in some private plants there is not the same expert control and management.

19 Is there not the distinction that one is in public use and the other is in private use?—There is that distinction: less care might be taken in a private concern.

20. As a matter of discipline you want control of the motorman's certificate?—Yes. There seems to be a misconception about this matter I read the evidence given last year, and found that two of the witnesses seemed to have the impression that by the local authority having power to issue and cancel motormen's certificates it could in cases of accident escape liability and throw the responsibility on the motorman. That was distinctly stated by one of the witnesses and by Mr Rosser himself Our position is that when an accident takes place we have to stand by the motorman, as the Board is liable for damages if the man is to blame.

21 You say that by law you are responsible for the negligence of the motorman?—Yes.

22 And you think the employees hold a different view?—I can come to no other conclusion after reading their evidence.

23. What would be the practical difficulties in the Government holding the examination of motormen?—First of all, the Bill evidently assumes that the present Board of Examiners, under the Machinery Act, is not competent or could not be obtained to take the examinations, and therefore it is proposed to add to that Board. We are wanting motormen at the rate of half a dozen a month. What, then, is going to happen unless the Government is prepared to set up a Board which is going to sit practically continuously in each centre? We are going to be handicapped very much.

24. You mean that you want five or six a month, and these would not be available?—Yes. If there was anything like an epidemic by which a number of men were away from work, or if any considerable number left to join some new tramway system, it would be absolutely necessary to get other motormen as fast as possible, whereas if we had to wait for this Board of Examiners I can see a lot of delay and trouble ahead.

25 Now, about the inspection of tramways there are some provisions about that already, are there not?—Yes. I know what the Government's view is, that the powers given to it are too large, and therefore could not on occasion be exercised; but under our Orders in Council it seems to me that the Government have all the powers it needs and requires.

26. There are powers given in sections 215 and 217 of the Public Works Act?—Yes, and section 7 of the Tramways Act, 1908.

27 And the various clauses in the Orders in Council that we have already had?—Yes.

28. As to the rolling-stock, you object, I understand, to the Governor being sole judge?—Well, he is the sole judge under the Orders in Council, but the Bill seems to make the matter a good deal more specific, and proposes to invest some officer appointed by the Public Works Department with power to inspect the undertaking with a view to seeing if we are running enough cars or not.

29 You are now speaking of clause 5, under which the Governor in Council has power to make regulations?—Yes, and clause 3 also.

30. You mean as to meeting the reasonable requirements of the public?—Yes.

31 Who do you say is best able to know and meet the reasonable requirements of the public?—I think the local body It has not only to consider the convenience of the public, but also the pocket of the public. The public own the trams and pay for their operation It is a very easy thing to ask for an extra car, but people who ask for it have little idea of running-costs.

32 I understand that you have made up the figures from the practical point of view?—Yes.

33. Will you give us the cost of an extra car?—The average operating-expenses work out at over 9d. per car per mile. Now, if a car is operated eighteen hours a day, running at an average speed of twelve miles an hour, it would run up 216 car-miles a day, which at 9·001d. would amount to £8 2s. per day, or nearly £3,000 a year, apart from depreciation, interest, and other things which have to be met.

34. That comes to £2,920 a year?—Yes.

35. And against that you have to take the earning of the car?—Yes.

36. So you say it is important that you should have the control?—Yes, very

37 And that would be limited by the money you have at your disposal?—Yes, and the capacity of the district so far as the traffic is concerned. In this connection I should like to say that the opinion is held by some members of the Legislature that the trams should be run just as the roads are maintained and drainage and other public works are looked after—in other words, should be run free, and that therefore they should be a charge altogether on the rates. If that idea should become more prevalent, and the Government is allowed to have the power proposed under this Bill, it will be seen what the result might be.

38. Take subclause (*c*) of clause 5, with regard to overcrowding: what do you say about the necessity for carrying more passengers than the license of the car is supposed to allow?—It simply means that if we are to provide a seat for every passenger the trams will not pay The fares would have to be raised, and cars would have to be taken off in light traffic, which would be a great inconvenience to the public travelling at those times. In this connection I should like to quote the opinion of Sir Clifton Robinson, Managing Director of the London United Tramways, a man who probably has had more experience in electric traction undertakings than anybody else. He said the ' revenue from strap-hangers was sufficient to make the difference between profit and loss to the London United Tramways." If that is so in London, how much more so is it in smaller places!

39. You say that crowding at rush times is inseparable from any system of tramways?—That is so. The Government even find it unavoidable in connection with many of their race and excursion trains.

40. You say overcrowding is inseparable from race and excursion trains?—Yes.

41 And I suppose the passengers would rather suffer a little inconvenience than be left on a racecourse all night?—Rather!

42 Clause 6: What do you say about the Appeal Board, and its effects on the discipline of the employees?—I think it will have the effect of making the system less efficient from the public point of view than it is at present, because it will interfere, I fear, with discipline considerably What would be the effect in a public school, for instance, if the children knew there was an appeal from any punishment the master might like to inflict? What would be the effect on a steamship, on the army or the navy? It is absolutely necessary to have complete control where you have a large body of men to deal with, and the larger the numbers the more necessity for discipline. We punish a man not merely because of the effect upon himself, but because of the effect upon the others.

43. We have heard of your system of appeals: what has been the result of the appeals from time to time in your service?—During the last twelve months we have had eight appeals.

44. From whom?—From the decisions of the officers. There have been thirty-two cases where the officer has accepted the explanation of the men, and cancelled the demerit notice.

45 The officers themselves have accepted the explanations of the motormen in thirty-two cases last year?—Yes.

46 And in eight cases the employee has appealed further?—Yes.

47 In how many cases has no action been taken?—I do not think any one of the appeals was successful.

48. In how many cases altogether has no action been taken?—Practically two thousand last year—strictly speaking, 1942

49 Is that the number of complaints?—That is the number of demerit notices issued. There were 452 merit notices issued also.

50. I mean the number of complaints?—There have been considerably over two thousand.

51 What was the result of the two thousand complaints?—There were 1,942 demerits issued, and there were eight appeals against those demerits to our Staff Committee.

52. That is, further appeals?—Yes.

53. Were any of those allowed?—Yes, there was one, the marks given were excessive.

54. There were thirty-two in which the penalty was cancelled by the officers without appeal to the Staff Committee?—Yes.

55 Out of eight further appeals there were seven disallowed and one allowed?—That is so.

56. What have you to say about the Railway appeals?—In support of this Bill reference has been made to the fact that the New Zealand Railways have an Appeal Board, but the position to my mind is very different to that which would be created under this Bill. To commence with, the Railway Department has 13,000 men to deal with, while the Christchurch Tramway Board has under three hundred; then the Railway regulations are very complex, for there are divisions, subdivisions, classes, subclasses, grades, &c. Many of their appeals are for delay in promotion, or failure to promote. Further, for fines inflicted upon a railwayman under £2 the appeal can go to the Minister without any reference to the Appeal Board at all. But you notice under this Bill, that for the most trivial punishment possible a man may ignore the local authority completely and go to the Appeal Board. The decision of such members of the Tramway Board as I have mentioned could be practically ignored on trivialities. Then, when a case does go to the Railway Appeal Board and its decision is given, the power of veto still remains with the Minister of Railways, and I know that he has exercised that power, and reversed the decision of the Appeal Board. There is no appeal against the decision of the Appeal Board under this Bill. The decision is final.

57 Do you think the Appeal Board would consider the whole undertaking or the particular case?—I think the natural inclination would be to consider the case wholly and solely from the point of view of the man who was concerned; whereas the effect upon the whole service has to be taken into account just as much as the effect upon the man, and I am afraid the Appeal Board would be likely to lose sight of that. Then there are cases where it would be absolutely impossible to bring evidence.

58. You mean complaints by ladies?—Yes. We have had one or two cases where, if we had had an Appeal Board, the men would still have been in the employ of the Corporation, owing to it being impossible to produce the evidence. There is another view: When you have a rehearing of the facts there is always danger of the second hearing being influenced or prejudiced by what has taken place in the first. Magistrates and Judges, I understand, fight very shy about granting rehearings on questions of fact, because you may get admissions from a man under cross-examination which, added to the other things, is vital to your case, but if he had the chance of stating his case again it would be different—he would take care to cover the weak points in his first examination.

59 Will you explain your system of car reports do you know whether it is the same as that in Auckland?—I do not know exactly, but I understand that in Auckland a report is required for each car. Our system requires that the motorman makes a report each day upon his car If there are troubles he has to state them, and if there are no troubles he has to state that also.

60. The form produced is the form in which he has to make his reports?—Yes. It has to be given to the night foreman or permanent foreman, and these men deal with the car and make their report, and the sheet then goes to the Engineer, and is finally filed. It is absolutely impossible to work that system with a car report-book.

61 Then on every sheet you have the whole history of the car from each person who handles it every day?—That is so, and I do not think you can get a better system, because the object of it is to get reports from different members of the staff.

62 Each sheet provides for a report if there is anything the matter with the car?—Yes. It goes to the night carshed foreman, the day foreman, or the permanent-way foreman, or whichever department is affected.

63 It goes to three persons?—It would go to the night foreman first, then he hands it to the day foreman if he has not completed the work.

64. And then it goes before the Engineer?—Yes, that is so.

65 Then the reports are filed away so that they may be examined afterwards?—Yes. The Brakes Commission examined them, and were very pleased with them.

66. So that if it were necessary to deal with a particular car you could turn up the different reports of it?—Yes. It seems to me almost ridiculous to say that the motorman should report only if he thinks fit.

67 What is your objection to the book?—I am sorry I cannot produce the old book we had before we brought in these sheets. I venture to say that if I could show the Committee that book they would strike the clause out unanimously It used to come in very dirty, and flippant remarks were made in it. It was not a credit to anybody

68. Was it always available every day?—It had to be.

69 Have you found any real dissatisfaction among the men as to the treatment they received in reference to the Appeal Board?—No, I have never heard of any dissatisfaction at all.

70. There was a man named Timms in the Board's employ?—Yes. His history was this: He was a steam-engine driver, and the Traffic Manager reported that he continually had to complain about the way in which he did his work, and the reckless way in which he drove his engine. When the electric cars were put on, this man was given a chance, and he had a collision—practically a head-on or side-on collision—in broad daylight, with a clear track in front of him. The result was that he was dismissed, but the Board took into account his general record prior to the accident which was reported by the Traffic Manager About a year after that I think the Board began to operate a steam line.

71 The man was sacked?—Yes. He applied for re-employment, and the Traffic Manager stated that he could not get a steam-engine driver at the time, and asked the Board if this man could not be given another chance, and he was given another chance on the steam-engine again In less than a month he had a collision in Linwood An inquiry was held, and the Committee was satisfied that the man was to blame, and he was therefore again dismissed. Some of his mates used to call him "Hell-fire Jack" because of the reckless way in which he used to drive.

72 Has he a real cause of complaint?—I do not think he has any cause whatever.

73 Would you mind telling us about a man named Bassett?—Yes. The Board thought it was desirable to have an Inspector absolutely independent of the men, and one who would not be influenced by feelings of friendship, and so on, so they got this man Bassett down from Auckland They thought they had a good man, but it was found he was not so desirable as they thought, and his services were dispensed with

74. This man got a fair chance of defending himself?—Yes.

75 I understand a man is allowed to bring the secretary of the union with him to conduct his case?—He gets two hearings—first before the Staff Committee, and if the appeal is carried to the Board the secretary of the union can appear

76. He always gets a fair hearing, but you cannot guarantee that it will be in his favour?—No, that is the trouble.

77 *Mr O'Shea.*] You referred to the trouble likely to arise from the Government's certificate: what do you think would be the effect in the case of a strike?—I think it might have a very serious effect in that respect. We might want to engage our clerical staff as they did in Sydney, and we should not be able to do so.

78. Supposing the Board of Examination only sat once a year?—We should have to shut down, that is all.

79 *Mr Rosser*] Did I understand you to say that your knowledge consisted of Christchurch experience only?—Yes, that is so.

80. With regard to the *personnel* of your Board, is it an honorary position?—Practically, yes.

81 Are they all members of the employing class?—No, they are not.

82. There are *bona fide* workers on that Board?—Some of them are men who have made the money they have as working-men, and they always look after the interests of the workers. I do not know that they do it more than other members do, but I am satisfied that the workers are well represented.

83 Do you think it likely that a man from the ranks would offer himself as a candidate for a position on the Board, seeing that it is purely an honorary position?—There have been labour candidates offering at every election we have had.

84. You say in reference to clause 2 your officer grants a certificate is that given to the man?—I think it is held by the Traffic Superintendent. The motorman gets it whenever he wants it.

85. If he is dismissed, is it given on dismissal?—I do not know of cases where it has been withheld.

86 With regard to a trained man coming from another centre, do you remember whether a motorman named Barker came from the Auckland service to the Christchurch service three years ago? He was a motorman in Christchurch for some time?—I cannot recollect that case. I believe there was a Barker earlier than that.

87 You could not say whether he took up the motorman's position without going through the position of a conductor?—I believe he did, but the industrial agreement under which promotion can only come from the conductors' hands was made only eighteen months ago.

88 It was possible before that?—Yes.

89. It is not the question of efficiency that prevents a motorman driving in another place, but the agreement?—There is this involved that we have different types of car, and we have the trailer in Christchurch.

90. Can you say why, apart from the question of the agreement, a properly trained motorman from one centre should not be able to drive a car in another centre?—You might have a motorman who had acquired habits of insobriety You might have a properly trained motorman in one centre who, in the opinion of the manager of another system, lacked nerve and capacity

91 How can you tell?—A manager has to form his own judgment.

92 You would not take a certificate showing that he had capacity?—No.

93. With regard to height, do you have your motormen of a certain height?—Yes, 5 ft. 8 in

94. How long has that standard been in operation?—I think, for over two years.

95 With regard to your saying that you had to stand by the motorman, where the blame lies between the equipment and the motorman, is there not a tendency on the part of the management to screen the equipment at the expense of the motorman?—I have not noticed any such tendency.

96. In the case of running each car at a cost of £2,920 a year, have you any idea of what is the earning-power of the car?—It all depends upon circumstances.

97 But assuming it is running eighteen hours a day?—Yes, our average earnings per car-mile are about 1s. 4d., but it does not follow that because you put an extra car on it is going to earn the average.

98. But you have counted eighteen hours a day for a year as the expense of that car, therefore you ought to take the average earning-power?—According to your argument the position would be improved if you ran a five-minutes service through country that could only carry an hourly service.

99 That would interfere with your expense?—Yes.

THURSDAY, 8TH SEPTEMBER, 1910.

FRANK THOMPSON further examined. (No. 8.)

1 *Mr Rosser*] With reference to clause 5, subclause (*c*), you say that if you had to provide a seat for every passenger your system would not pay?—It would not.

2. Then why not alter your by-law, which states that no passenger shall travel on a car unless there is a seat provided?—Because we find it advisable to have that power in case we want to exercise it. For instance, if the passengers crowd a car so that a conductor cannot possibly get through his work, we want to give him power under the by-law to say "Some of you must get off."

3. In your demerit system have you a provision to award so many demerit marks to a conductor for allowing his car to be overcrowded? Look at No. 85?—"Allowing passengers to ride on platforms when there is standing-room inside, 5."

4. Have you ever seen that done?—Yes.

5 Have you ever awarded demerits for that?—I believe there have been cases.

6. Do you know of any?—I could not speak positively.

7 Five demerits are allowed?—That is the maximum. Some of the public prefer to ride on the platform, and we get our men to endeavour to stop this.

8. Do you allow some of your passengers to ride alongside the motorman?—On some of the cars there is a seat at that end.

9 Mr Pearce stated that he did not know of a case where passengers were allowed to sit alongside a motorman?—If he said that he has overlooked one type of car we have.

10. Do you remember that the union approached the Board for a direction on this point, as to whether passengers should be allowed there—I think it was in Mr Winter's time?—I cannot recollect it, but the seat is there, and as long as they are entitled to it I suppose they will use it.

11 In quoting Sir Clifton Robinson's opinion that the carrying of strap-hangers would make the difference between profit and loss, do you rely on your strap-hanger traffic to make your trams pay?—Very largely

12. Your cars take trailers?—Yes.

13. How many do they take?—They will take three, but as a rule we do not run more than two, and sometimes one.

14. When a car is taking trailers how many conductors do you allow?—Two.

15. Always?—I think always, but there may be cases of emergency when a sudden rush has to be met.

16. Would you say that at times you had 250 passengers on a car and two trailers?—It all depends upon the length of the journey.

17. It would not be out of the way to say that at times you have 250?—Coming down from the racecourse, no.

18. And also the trip between Christchurch and Sumner?—Yes, but the conductors have a long time in which to get the fares.

19. Do you think it right that one conductor should be asked to be responsible for that number?—I do not think many are really asked to do so.

20. How are they braked?—They are all braked with the air brake in the regular service.

21. Is it not a fact that you have some with only a hand-brake?—Yes.

22. With one conductor to manipulate that hand-brake if it is required in an emergency?—The circumstance you speak of is most exceptional. I suppose it happens once in a blue moon.

23. Do you think a motorman has as much responsibility as a locomotive-engine driver on the railways?—No so far as machinery is concerned.

24. Take it generally right through—the number of lives concerned and everything?—On the whole, I should not think his responsibility would be as great.

25. You are aware that the locomotive-engine drivers are required to have certificates?—Yes, for the reason I stated yesterday.

26. Are you aware that the locomotive-engine driver has his line straight ahead and fences on both sides, and that he has to look out ahead?—Yes.

27. Your motormen are differently situated in your streets, are they not?—Yes.

28. Then, if a certificate is required to be issued to a locomotive-engine driver, why not to a motorman?—Our motormen get a certificate.

29. The Government certificate?—Our certificate is as good as the Government's.

30. Then you consider the Government certificate is not necessary?—That is so.

31. It has been stated in evidence that three hundred men left your service in five years?—Yes.

32. Or about 20 per cent.?—Yes.

33. How do you account for such a large number of men leaving the service?—I cannot account for it otherwise than that ordinary causes operate.

34. What are they?—They seek other positions. They get a rise in position. Some go away, and some who went away have been glad to get back.

35. Is it not because of dissatisfaction with the management of the Board and the conditions of the service that these men leave?—We should have heard about it if there had been any dissatisfaction, and we have not heard of it.

36. With regard to the Appeal Board, you ask what would be the effect on a public school if a pupil were allowed to appeal from a teacher's punishment: is that not an unfortunate case to cite?—I said, what would be the effect in a school, a steamship, or in an army if a man had the right to appeal to a court which partly consisted of his own friends?

37. The army has the court-martial, has it not?—That is a very different thing.

38. And the teacher's punishment is brought before the Court if it is excessive?—Yes, and a man has the Magistrate's Court if he is wrongly dismissed.

39. In eight appeals you say there was one that was successful: was that on the demerit system?—Yes.

40. Are you aware that the men are dissatisfied with the punishment given by the demerit system?—I am not aware of it.

41. And that they ask for the Appeal Board in order to have some check on that?—I am not aware of it.

42. How is it you only have ten cases for merit marks and 103 offences for which you award demerits?—Because a man is paid his wages to do his duty. We could very easily drop all the merit marks altogether. He is paid to carry out the regulations under which he works.

43. In your demerit list you have (clause 104), "Any failure of duty not referred to above, 20 demerits": do not the men object to that?—I have not heard of any objection.

44. Do you know of any men who have had 100 demerit marks and yet have not been dismissed, through favouritism?—No, I am not aware of that. They are liable to dismissal if they get over 100, but the Staff Committee in its leniency has sometimes overlooked it. Every year the record is made clean and the men start afresh. The old record is only looked up in the case of some serious breach.

45. Take the case of "Hell-fire Jack" mentioned yesterday—Mr. Timms?—Yes.

46. Why was he given that name?—I do not know. It was given by his mates. We assumed that it was because of his reckless driving.

47. In your demerit system you have a punishment for that: "41. Too-fast running, 10 demerits"?—Yes.

48. Do you know if he was awarded demerits for too-fast running?—He might have been.

49. Is it not a fact that when he was dismissed passengers proved that he was stationary, and that another car ran into him?—He was dismissed twice, for two collisions. Which do you refer to?

50. I refer to, I think, the second one?—If my memory is correct, the witnesses did not include any passengers; but the evidence in collision cases often is to the effect that both cars were absolutely stationary at the moment of the collision.

51 Between the first and second dismissal are you aware that he was working as an engine-driver on a ballast-train?—He might have been.

52. Do you think, if he had been such a very reckless man, that he would have had six months' employment before your line was completed?—I think the Tramway Board has been sometimes very lenient.

53. Do you think if he had been such a reckless man he would have remained in his employment until the work was finished?—He might have been given another chance.

54. Who was the contractor that had the ballast-train?—I do not remember The first lines were constructed by contractors, and the second by the Board itself.

55. Had you any complaint to find as to his trustworthiness as a driver?—The Traffic Manager said he was constantly giving him trouble.

56. This is the discharge given him by Mr Wood, who was your Traffic Manager?—Yes.

57 "3rd April.—To whom it may concern,—The bearer, Mr J H. Timms, has worked under my supervision as an engine-driver for a period of two and a half years. During that time he has proved himself a thoroughly competent driver, as well as a man of sober and industrious habits. I can strongly recommend him to any one who requires the services of a first-class engine-driver.—J Wood, Traffic Superintendent"?—Yes.

58. Do you think, if he was a reckless man, and held the soubriquet of "Hell-fire Jack," Mr Wood would have given him a certificate like that?—Mr Wood stated to the committee that he was always giving trouble and was a careless driver In consequence of the issuing of such testimonials we are considering whether it is wise to issue testimonials to any one. A testimonial like that is given out of kindness to the man.

59. Then that is not an honest testimonial?—All I can say is that it does not agree with Mr Wood's opinion of the man expressed to the Staff Committee and to me also.

60. *Mr Blow.*] You said that passengers are allowed to travel on the front of a car?—Yes, where there is a seat.

61 You do not allow them to do so?—We endeavour to keep them off if the seat is full.

62. It would be contrary to the spirit of the Order in Council?—It would.

63. How many conductors would you place on a tram with a trailer attached to the motor car?—Two.

64. I think you said it was not always done?—There might be on very rare occasions—supposing exceptional traffic took place, and the Traffic Manager found he was short of conductors, the tram might be despatched with one conductor

65. Would that be a breach of your Order in Council?—Yes, in some cases.

66. There are some breaches of your Order in Council?—That would be one, but the circumstances would be quite exceptional.

67 What brakes do you use on the trailer cars?—The regular service has the hand-brake and air brake.

68. Have you some not in the regular service?—Yes.

69 What brakes are they?—The hand-brake.

70. Are they ever used?—Yes, on race-days.

71 Is the use of such cars without an air brake a breach of the Order in Council?—I am not aware if it is so.

72. Clause 33 of the Order in Council, No. 3, reads (subclause (*a*)), "The wheels shall be fitted with brake-blocks, which can be applied by hand-power, and also by some other approved means, under the control of the motorman." That is to say, every trailer car used on your tramway is required by Order in Council to be fitted with a brake to be used by the motorman?—Yes.

73. That is not done?—No. In cars in the regular service it is done.

74. How often are those cars not in your usual service run?—Perhaps half a dozen times a year A man, if he knows his business, knows when the motorman is applying the brakes, and immediately assists with the band-brake.

75. Have you a separate brakesman?—We have track-cleaners and men of that stamp who are sent out to assist to brake the trains.

76. Have you a man on every trailer car?—No, we would have one brakesman on each train.

77 A train might consist of half a dozen cars?—If it consisted of half a dozen cars there probably would be three conductors or more.

78. The Order in Council requires that there should be three conductors on each train?—I believe there is some provision of that sort.

79. I understand that the Order in Council requires that every trailer shall be fitted with a brake. You have such cars?—Yes.

80. And they are used when the traffic is at the heaviest?—Yes. You might have heavy traffic from the racecourse with no stops from start to finish. That is very different from a car which is stopping at every stopping-place.

81 Is there any use putting these clauses into an Order in Council if they are not obeyed? The Committee has been told that a provision is made in the Order in Council that is quite sufficient, but apparently the experience in this case negatives that, Mr Thompson. Do you not think so?—I understand that these cars have been passed by your Resident Engineer

82. You are evading my question?—I have no desire to evade your question.

83. Here is the Order in Council: "Every trailer car used on the tramway shall comply with the following requirements: (*a*) The wheels shall be fitted with brake-blocks, which can be applied by hand-power, and also by some other approved means, under the control of the motorman; (*b*) it shall be numbered inside and outside, and the number shall be shown in conspicuous parts thereof; (*c*) it shall be fitted at the leading end with a suitable guard, which will act efficiently as a life-protector, and with a special bell to be sounded as a warning when necessary, (*d*) there shall be

sufficient means of communication between the car-conductors and the motorman, and also between the passengers and the motorman." Is that so?—I have already said that it is not so.

84. Are all your trailer cars provided with means for the passengers communicating with the motorman?—No, they are not.

85. Does not the Order in Council require that they should be, according to 33 (*d*)?—That is so.

86. In your evidence in chief you said something about the requirements of the Board in the matter of motormen, and you seem to have a fear that there would be a shortage of motormen: did I properly understand you?—I think there would. We may want to train half a dozen motormen. If we have to wait for the Board of Examiners, who have to sit in different places, we should be inconvenienced.

87. Do you not think that would be an absurdity? Would there not be plenty of motormen awaiting engagement?—That has not been our experience. We have a matter of difficulty rather with the motormen, because we have to take them from the conductors' ranks.

88. If provision were made that at least 20 per cent. of the conductors throughout the Dominion were to be trained as motormen throughout the year, would not that be sufficient?—That would not be enough for us.

89. Suppose we made it 50?—Yes, if they were able to drive a car.

90. You think it would be necessary to train 50 per cent. of the conductors per annum?—If we were going to wait, yes. Any number of men would be able to pass an examination that we should not care to put on a car.

91. You said you were rather afraid there would not be sufficient motormen in the country?—We would not take certificated motormen necessarily from Auckland or Wellington.

92. Do you think it would be necessary to train 50 per cent. of the conductors per annum to provide motormen for New Zealand?—That would give us a bigger margin than twenty.

93. I think you stated in reply to Mr. Rosser that you grant certificates to motormen who pass your examinations?—Yes.

94. Have you a specimen certificate with you?—No.

95. Can you give the Committee an idea of what it sets out?—It sets out the number of hours in the various kinds of training he has done on the road, and it is signed by the Traffic Superintendent and also by the Engineer.

96. Does it make any mention of the man having passed any examination?—I think the Engineer's certificate infers that, if it is not stated.

97. The certificate is handed to the man immediately if he gets the training?—He gets it after he leaves. It is left on a file in the office, and when the man leaves he gets it.

98. I suppose he does get it on leaving?—I have never heard of a case where it has been refused.

99. I suppose you are opposed to the Appeal Board provided for in the Bill?—I am, very much.

100. Is it to the Appeal Board at all or to the composition of the Board?—It is to the Appeal Board. My objection is not because my decision may be reviewed by somebody else. That is not in my mind at all. But it is going to interfere with the efficiency of the service, and, that being so, the public are going to suffer.

101. Supposing the Legislature decided that there is to be a Board, you do not object to the composition of it?—Yes: it practically means that, as in the case of the Arbitration Court, the award or decision will be given by the Chairman.

102. Supposing the Minister appealed to you for your advice in drawing up this clause for the Appeal Board, what would you advise as to its composition?—Assuming that we were to have an Appeal Board?

103. Yes?—That would require consideration. The Railway service has an Appeal Board with a Magistrate as Chairman, and even that does not give satisfaction to the employees.

104. I should like to have your opinion as to what would be a fair and impartial Appeal Board?—I cannot say, because a Resident Magistrate is the Chairman of the Railway Appeal Board, and his decisions are not always acceptable. I do not know whom you could have, unless you had a Judge of the Supreme Court.

105. Do you think it would be impossible to get such a Board?—I think it would be very difficult to get a Board whose decisions would be acceptable to both sides.

106. Does that not apply to every tribunal?—In a Court a man knows that his case will be fought out by both sides, which might not always be the case on the Appeal Board.

107. Why would it not be fought out fairly?—Yet it seems like getting a steam-hammer to crack a nut with, to get a Supreme Court Judge as Chairman of the Board.

108. Some of the appeals are very important ones?—Yes, and some may be very trivial ones.

109. I would like to get your advice, assuming there is to be an Appeal Board?—I cannot advise you.

110. With regard to the car report-book, you say that you originally tried it and found it a failure?—Yes, we did.

111. Can you give reasons?—First of all, the book got absolutely dirty. The men were not to blame for that, for they come in in a dirty and dusty condition, and cannot help it. The book got perfectly repulsive, and you had to handle it gingerly. Then the reports were not independent. Another objection is that under our sheet system the sheet goes from one officer to another and back to the Engineer, while with the book that could not be done.

112. How many books had you?—One book.

113. The idea is to have a book for ever car: would that not overcome the difficulty?—To a certain extent it would, but these sheets answer the purpose just as well.

114. You say these sheets are filed?—Yes.

115. Are they numbered consecutively?—The car bears a consecutive number, and they are filed for each day, not for each car

116. Supposing there is no sheet for a certain day, are we to assume the car is not out?—If there was no sheet for that particular car inquiries would be made whether the man put in the sheet, or whether the car remained in the shed.

117 Who files the sheet?—The Engineer

118. Are they available for every motorman?—If they ask for them, yes.

119. Can a man see the previous report if he wants to?—Yes, if he asks for it.

120. If on searching it was found that the report of the previous day was missing, what evidence would there be to satisfy a man that it had not been suppressed?—I think it is a very serious suggestion to say that officers are going to suppress important documents like that.

121. I will say "mislaid"?—The man would have the right to ask for the report of that particular matter for that particular day

122. But it might not be forthcoming?—If it were mislaid it would not be.

123. That would not be the case if there was a book?—If there was a book for each car that might be mislaid just the same.

124. The Bill provides that it is an offence to remove the book?—Then we could not hand the book from one officer to another

125. You could make extracts from it?—The Engineer, being able to see the car-reports, is able to check his car-shed men.

126. Some of these reports are a long time in getting filed?—No, they come in every day If a man does not put in his report he is asked for it.

127 It has to go into a number of hands afterwards?—No, only one or two. Supposing a man reports that his brake is defective, that is handed to the car-shed foreman, and he reports. The same with the overhead foreman or the permanent-way superintendent. Each report does not go to all those officers.

128. I suppose the Engineer always reports?—He makes notes if he finds it necessary The reports are to him, not to the Board. He does not report to anybody

129. I suppose it frequently happens that there are no remarks by the Engineer?—If he is satisfied with what has been done, there is no need for him to make a report to any one.

130. *Mr. Hardy*] With regard to the Orders in Council, have you made yourself acquainted with them?—We have about six or eight of them, and they are pretty lengthy We are more or less acquainted with them.

131 Your Order in Council is supposed to guide you in your traffic, not only for the convenience but for the safety of the public?—That is so.

132. Does any officer representing the Government ever look in to see that you are carrying out your Orders in Council?—The Resident Engineer is frequently about our place in consultation with our own Engineer about matters, and I have no doubt he draws attention to anything that is incorrect.

133. Is he responsible to the Government for things that are not carried out according to your Order in Council?—I do not know whether he is responsible or not.

134. He looks after you to see that the Orders in Council are not a dead-letter?—That is left to the Tramway Board itself.

135. Is the Order in Council a dead-letter?—By no means.

136. Yet you are disobeying it pretty often?—No, except in the case referred to by Mr Blow

137 Who is it that is responsible for carrying out the Orders in Council?—The Tramway Board itself

138. Who is responsible for seeing that you are carrying them out?—I presume the Public Works Department, if their attention is drawn to any matters. There is a penal clause in the Order that could be enforced at any time the Public Works Department likes.

139. Does a representative of the Public Works Office come down to see that you are enforcing the regulations under an Order in Council?—The Resident Engineer is down a good deal.

140. If, as you have already stated, the Order in Council is a dead-letter so far as some things are concerned ——?—On a few occasions in the year

141 We will not say how often. If it is so, do you think the making of other Orders in Council, or the passing of Bills of Parliament making them law, will enforce the safety of the public?—I think the Tramway Board is in a better position to look after the safety of the public. They have no personal gain in the matter at all.

142. Is there any necessity for this Bill at all?—I honestly do not think there is.

143. That is borne out by the fact that the Public Works Department is not looking out that the Orders in Council are being carried out by the Tramways Board?—I would not say they are evading their duty

144. Have they punished you for not carrying out the regulations?—No.

145. Do you think it right that they should not punish you?—There are some regulations that are not carried out—practically by the tacit understanding of the officers concerned.

146. "A book for every car": you use sheets?—Yes.

147 Are they numbered?—No.

148. Would it be of any importance that the sheets should be numbered and filed?—No, because the men lose them themselves. A man is given a sheet when he goes out, and might lose the form.

149. Is there any fine for that?—No. They are cheap enough, and he can get another one. Do you mean, after it is filled up?

150. Yes?—Then care is taken of it, of course.

151 Mr Blow, in his cross-examination, inquired whether there was a danger of these sheets going astray: now, in order to make sure they will not go astray, why not number them and send

them out numbered?—You could not send them out numbered, because a motorman might lose his during the day Suppose he got No. 89 and lost that form, what would happen. There would be No. 89 missing.

152. I want to show by the record why it is missing?—He would have to be given another form, and to state "This is in lieu of No. 89." If there is to be absolute checking, as stated by Mr. Blow, it ought to be done before the sheets are put in.

153. You think the sheets are better than the book?—Yes.

154. It has been given in evidence here that a motorman, if anything happened, in starting his report is likely to turn up to a former report in the book: what effect would that have?—You would not get the man's independent judgment of his car, because he would be influenced too much by what his predecessor said. You see "O.K.," "O.K.," "O.K.," written down the sheet, when the car is not "O.K."

155. You want each man to report on the car as he finds it?—Yes, it ought to be compulsory that he should report, and not left to his discretion. For instance, a man might bring in a car with bad brakes, and say "I will not report this car," and for some reason the defective brake equipment might be overlooked by the car-shed men. The motorman who took it out next morning might say "This was marked 'O.K.' last night," and then go out and have an accident. I say the motorman who reported that car "O.K.," or who failed to report the defect, is just as much responsible as the car foreman who did not put it right.

156. Does the motorman lose marks for not reporting?—Yes.

157 How many demerit marks do you take off?—I think one would be given for not reporting his car

158. What does your book say?—We never go up to our maximum. It may be one, two, three, four, or five. If it goes beyond that it is generally given by the Staff Committee.

159. In this demerit system do you balance one side with the other?—Yes.

160. If any one desired to gain marks, do you know of any means by which they could gain them?—Yes.

161 Supposing you had a conductor who was dishonourable, could he not get his sweetheart to drop her purse with three or four pounds in it, so that he could report it and get a few marks for returning it?—Yes; I think that has happened.

162 That is one of the weaknesses of the system?—You have to make certain allowances, of course. If a man finds many lost purses we inquire about it. In the last case I discovered that it was the man's sister who lost the purse.

163. *Mr Poole*] Are you aware the Public Works Department has not continued supervision of the cars?—They have their Resident Engineer in the various centres. Our Orders in Council provide that they must be kept in an efficient state of repair

164. Is there an official inspection periodically by the Public Works Department?—No; but we are under an obligation to keep the cars in repair and if it is not done we are liable to a fine.

165. You admit breaches of your Orders in Council?—Yes, but I do not consider them to be grave breaches.

166. Are those breaches due to the fact that you had no continuous supervision by the Public Works Department?—I think the Public Works Department officers do their work very well on the whole.

167 Have you had any brake-failures in the service?—No, I do not think we have had any brake trouble at all.

168. Have you any grades in Christchurch?—Hardly any.

169 Have you had any knowledge of the air brake at all?—No personal knowledge.

170. Do you consider it would be a satisfactory brake for a city with pretty steep grades?—I am not competent to give an opinion.

171 *Mr O'Shea.*] Are you familiar with the Orders in Council?—Generally, yes. The lines on which we use trailers are Sumner, New Brighton, and Riccarton. The trailers without the air brake are used on those lines which are authorized by the Order in Council No. 1, which does not contain the clause quoted by Mr Blow dealing with the brake-requirements of trailers. That is in Order in Council No. 3.

TUESDAY, 13TH SEPTEMBER, 1910.

GEORGE LOMAS examined. (No. 9)

1 *Mr Rosser*] What is your occupation?—Motorman.

2 In the employ of——?—Christchurch Tramway Board.

3. How many years' experience have you had as a motorman?—Five.

4. What is your official position in the union?—President.

5. Did you hold any other position in February last?—President of the Second Triennial Conference of the Tramways Federation.

6. Was the matter of last year's Tramway Bill—both Mr McGowan's Bill of 1907 and Mr McKenzie's Bill of 1909—gone through seriatim?—Yes.

7 And the provisions we agree to are practically brought down in this Bill?—Yes.

8. With regard to clause 2 of this Bill, "Electric-tram-driver's certificate," what is your opinion as to that?—I think it is necessary If it is imperative that an engine-driver should have a cerificate, it is equally so with regard to motormen, because I contend there is equal responsibility

9. Have you ever had much to do with the Railway Department?—I had nearly seven years' service in the Railways.

10. As an engine-driver?—No, I was in the boilermaking business.

11. You are a boilermaker by trade?—An assistant boilermaker For six or eight months I was in the store in the Running Shed Department, and was pretty constantly in touch with the engine-drivers.

12. Have you seen the Inspection of Machinery Act, 1908?—Yes, and in my opinion it is already provided in clause 41 of that Act that the motormen should be licensed by the Government. The word "machinery" in the interpretation clause is said to mean any contrivance that is driven by steam, water, gas, or electricity.

13 And the Act states that any candidate for a certificate shall pass an examination?—Yes.

14. You consider that the Minister, in the Bill before us, is not asking for any more power than he already possesses under the Inspection of Machinery Act?—That is so.

15. So that it is not an innovation, in your opinion?—Not according to my reading of the Act.

16. The interpretation clause of the Machinery Act says, ' 'Machinery' means and includes every shaft, whether upright, oblique, or horizontal, and every drum, wheel, strap, band, or pulley by which the motion of the first moving-power is communicated to any machinery, and every machine, gearing, contrivance, or appliance worked by steam or water power, or by electricity, gas, gaseous products, or compressed air, or in any other manner other than by hand, by which motive power may be obtained of such kinds as are from time to time declared to be subject to the provisions of this Act.' And subclause (3) of clause 41 reads, ' For the purposes of this section every such person shall pass an examination and obtain from the Board of Examiners appointed under this Act a certificate of competency as to his possessing the necessary knowledge and requirements as to the working of such engine or machinery" Subclause (2) reads, "Every such person who is in charge of an engine while being propelled or moved from place to place by its own motive power and machinery (exclusive only of engines and boilers used or employed in the working of any railway the property of His Majesty) shall be the holder of a locomotive- and traction-engine driver's certificate." Is that the clause?—Yes.

17 Have you looked at the Second Schedule: "All machinery worked by steam or water power, or by electricity, gas, or gaseous products, or compressed air, or in any other manner (other than by hand or machinery driven by animal power) in which motive power may be obtained, and used in printing, knitting, flax-milling, flour-milling, sawmilling, sheep-shearing, bore-crushing, rock-crushing, quartz-crushing, pumping, preserving, weight-raising, chaff-cutting, cloth-mills, woollen-mills, batteries, foundries, breweries, or in any other manufacturing or industrial process." Do you consider that includes electric cars?—I have not looked at that.

18. It is clause 41 you go by?—Yes.

19 Do you consider you have as much responsibility as a motorman as the driver of a locomotive has on the railway?—I consider, more.

20. What line do you drive on?—The Christchurch–Sumner line.

21 How many trailers do you sometimes have on the Sumner line?—Two.

22. On a holiday or on Sunday how many passengers do you have?—In heavy loading I should consider I was well within the mark in saying 250.

23. *Mr Young*] How many trailers do you have then?—Three.

24. *Mr Rosser*] Do you approve of Government inspection of the trams at all times?—Yes.

25. Take your equipment, is there any uniformity in the sand-punchers or gong-punchers?—No.

26. Do you consider there should be uniformity in the sand-punchers?—Yes.

27 Take subclause (*c*) of clause 5 of this Bill, the maximum number of passengers to be carried on a car: Do you know if there are any by-laws with regard to overcrowding?—I am not certain.

28. If there are, have they ever been enforced?—Not to my knowledge.

29. Do you consider they ought to be enforced?—Yes.

30. Have you had any instances of overcrowding on the cars you have driven?—Yes, plenty of them.

31 Can you give the Committee an instance?—I can give several. I can give an instance when I was on the Linwood–Woolston line, but it is hardly fair to do so, because I am making a statement about a manager who has left the service. In this particular instance I had a Boon car, which has a cabin at each end, and is open in the centre. There were as many as I could get in when I left East Belt going into town—in fact, I had some passengers alongside me, where they should not have been. I knew I was breaking the rules. There were two ladies waiting for me in Barbadoes Street, and I passed them. I said I could not get any more on. When I got back the manager was waiting for me, and wanted an explanation. I told him how I was situated, having passengers alongside of me and on the footboard, and he told me that I might have got them on anyhow, as they wanted to get to Woolston that night.

32. Have you had a car to seat thirty-six with ninety passengers on it?—Yes.

33. Have you seen passengers riding with one foot on the buffer and the other on the rear platform?—Yes, when I have not been on duty

34. Do you consider that is a proper position to be put in?—No.

35. Does it affect the conductor?—Yes, he cannot see if he has a load on like that.

36. Does your demerit system apply to the missing of fares?—Yes.

37. Do you think an overcrowded car is likely to cause a conductor to miss fares?—Yes.

38. Does it interfere with his view of whether a passenger is on or off his car before he gives a signal?—Yes, it must interfere with his work if the passengers are all round him.

39. Have you seen cars going out in Christchurch with two trailers and only one conductor in charge?—Yes.

40. Does that happen rarely—say, six times a year—or how often?—I think it happens more often than that.

41 Does it occur in rush times?—Yes, and at holiday times.

42. Does the conductor have to attend to those three cars and collect the fares?—Yes.

43. Do you consider there is sufficient accommodation for him to get from car to car?—On some days it is very awkward, because he has to swing from one car to another.

44. Has the union ever complained about that?—Not to my knowledge.

45. Do you consider there should be some alteration in that?—There should be some better communication, whereby a man should not run such a risk of his life.

46. Are there many times when the trailers go out with no air brake on?—Yes.

47 How are those cars controlled?—By the hand-brake.

48. With regard to one man having to take charge of three cars, has the union ever asked for any direction on that point?—Some months ago the union wrote to the Hon. Mr McKenzie's Department for a copy of the Order in Council.

49. What answer did you get from the Department?—We were referred to the Tramway Board.

50. Did you apply to it?—Yes. We got a reply that they could not supply copies, but it was there for reference at the office if we cared to look over it.

51. Did you apply for a reference?—I do not think the secretary of the union bothered about it at all.

52. Have you ever protested against overcrowding on the cars?—Yes, there was one occasion when we protested.

53. How long ago was that?—I cannot call to mind the exact date.

54. Was it two years ago?—About that.

55. Was it shortly after the Auckland trouble?—Yes.

56. What did you do about that?—The union wrote to the Board about it, and were determined to enforce it if possible.

57 Was that the time when Mr Pearce said it was a foolish thing to do, and that the by-laws should be altered?—Yes. We had a meeting at this time in regard to the matter, and Mr Davey, M.P., and the Hon. Mr Barr came to the meeting and told us to wait, and I said, "My union thinks this is an opportune time."

58. With regard to the speed-limitation in clause 5, subclause (*d*): As a motorman that affects you?—Yes.

59. Are you limited to speed in Christchurch?—In certain areas. On my run we have from St. Asaph Street to the Square.

60. What speed do you go through there?—Only half-speed.

61. What do you consider your cars are capable of going at?—Twenty-five miles an hour

62. You have no grades?—No.

63. Do you ever work up to the maximum?—Yes.

64. If you comply with the regulations can you run to schedule time?—No.

65. Are you bound down to time on your trips?—We are expected to get through on time.

66. Take your run on the Sumner line: what is the distance from the Square to Woolston?—About two miles and a half

67 How many stops have you?—Eighteen.

68. How many of those are compulsory stops?—Five.

69. Is that with trailers or without?—Two stops with trailers and five stops with single cars.

70. In what time have you to do that?—Fifteen minutes.

71 Is it a double line or a single line?—The biggest part of it is on a single line with loops.

72. Have you often to wait on the loops for other cars?—Yes, sometimes for four or five minutes.

73. So, when you are on the loops that takes off some of your running-time?—Yes.

74. And then you have to run faster?—Yes.

75. Do you ever have to run twenty miles an hour through that?—Often.

76. Do you approve of the Appeal Board provided for in clause 6 of the Bill?—Yes.

77 Have you an Appeal Board in your system?—Yes; it is composed of a Staff Committee, and if a man is not satisfied with its decision he can appeal further to the full Board.

78. What is likely to be the difference between the constitution of the full Board and that of the Staff Committee—how many would there be on it?—Two or three.

79 Practically the Appeal Board is composed of the Staff Committee?—Yes.

80. Do you think there is any chance of reversing a decision by the Appeal Board?—It is not likely

81 Have you any opinion as to whether the Appeal Board would reverse the decision of a Manager?—I should not think so, because it would mean that they would have no confidence in him.

82. Have you had any instance where you have applied for a reversal of a decision?—From the Staff Committee?

83. Yes?—Several, I think.

84. Have they been complied with?—No.

85. It has been stated that this Appeal Board is the result of a mutual agreement?—That is so.

86. Were the men satisfied with that agreement?—We were not satisfied, but it was the best we could get under the circumstances.

87 Then you consider that clause 6 of the Bill would meet with the requirements of the men?—Yes.

88. Have you any instances where men have been dismissed whom you consider would have had their sentences reversed if there had been an Appeal Board?—They would have had a better chance.

89. A case has been mentioned here with regard to J H. Timms do you know that man?—Yes.

90. Have you driven the car that he had?—I drove one car that was in one of the collisions he had. I think he had two collisions.

91 Had you ever reported that car for a defective brake?—Yes, I reported to the Manager on two trips previous to my accident with it.

92. About how long ago would that be?—About five years ago.

93. It was the same car that was concerned in that accident?—Yes. I told the Manager the car was not fit to be in the traffic, and he said he would give me another when I got back. But there was no car when I got back, and I had an accident with it.

94. What was the accident?—Running into stray horses.

95. Did you get any punishment for that?—No. I was not satisfied with the result of this matter, and went down next morning to examine the car, and he put on the compressor and tried the brake, and the piston of the brake was right out, and there was no pressure on the wheel.

96. Did you consider that your reports had not been attended to in the depot?—I could not say that. It seemed strange that this car was reported every day for bad brakes, and there was no alteration.

97 With regard to the report-book in clause 9, do you approve of that?—Yes.

98. Are you satisfied with your present system?—No.

99. What system have you?—The loose-leaf system.

100. Was that always in operation?—No; we had the book before.

101 How long has the book system been superseded?—About twelve or eighteen months.

102 What became of that book?—I could not say, it disappeared one night.

103. You saw it one night, and it was seen no more?—So rumour said.

104. Have you seen it since?—No.

105. It is said that the loose leaves are filed?—Yes, they are filed for a time.

106 Do you know whether you have a right to ask for or to inspect the back reports?—We never questioned the right.

107 You have not applied for it?—No.

108. Was the union under the impression that the back files could not be seen?—They never pressed it, because it might look suspicious.

109 With regard to clause 2, do you think a motorman trained and receiving a certificate in one centre would be able to take a position as motorman in another centre so far as efficiency is concerned?—Yes.

110. Do you think that you as a motorman trained in Christchurch would be able to take up a position as motorman in Auckland right away provided the regulations allowed it?—I do.

111. Have you known motormen from other systems to come to Christchurch and drive without any further training?—Only with the local knowledge with regard to the air brake, and they could learn that in a couple of days easily

112. At the same time would they be able to learn the stops?—Learn the roads and the air brake.

113. Do you know of any instance you could put on record where men have come from other systems and been put on?—By the dozen.

114. Do you know a man named Haigh?—Yes.

115. Where did he come from?—The Old Country

116. Was he put on the handles at Christchurch?—Yes.

117 Had he any local training?—He could not have had at the time. He came on the opening day, and was one of the instructors.

118. Was he a capable man?—So far as I could judge at the time—I was working in the shed.

119 Do you know a man named Hueston?—Yes.

120. Where did he come from?—Brisbane.

121 Did he have any local training?—He was put on as an instructor

122 Was he there on the opening day?—Yes, he was in the leading car

123. Do you know whether the air brake is in operation in Brisbane?—Not to my knowledge.

124. Do you know a man named Johnson?—Yes.

125 Where did he come from?—From the Old Country, I think.

126. Was he there on the opening day?—No.

127 Was he put on after a few hours?—He had about a couple of days to learn the stops.

128. Do you know where J Whitehouse came from?—The Old Country

129. Did he have any training there?—No.

130. Do you know W Foster?—Yes.

131 Where did he come from?—Brisbane.

132. He had no local training?—Only similar to the others.

133. And Ben Whitehouse, where did he come from?—The Old Country

134. Did he need to go through the ninety-six hours' training before he was put on to drive?—No.

135 Where did J Barker come from?—Auckland.

136. Did he put in ninety-six hours' training?—No.

137 Did he drive straight away?—They all went through about a couple of days in learning the stops.

138. You know that the Auckland service has neither the magnetic brake nor the air brake?—Yes.

139. Where did Crowley come from?—I think he came from Auckland, and from Brisbane as well.

140. Do you know Hassett?—Yes, he came later

141 And Henry Barnes—where did he come from?—Auckland, I think.

142. Was he a good motorman?—Yes.

143. Did he do the ninety-six hours?—No.

144. And W Lewis?—He came from Brisbane, I think.

145. And was put on as a motorman?—Yes.

146. Where did J Stephenson come from?—The Old Country

147 He was put on as a motorman in Christchurch?—Yes.

148. Was that after the cars had been running for some time?—Yes. He has been away from our service a few years.

149. Where did James Ginn come from?—Auckland.

150. Did he start as a motorman?—Yes.

151. Now, practically these men, you say, were brought from other centres and, apart from a couple of days required to enable them to pick up the air brake and stops, they went on as motormen?—They were just put on with the motorman, to feel the brake, and that sort of thing.

152. Is there anything else you wish to add?—I do not think so.

153. Have you any regulations as to passengers riding on the motorman's platform?—It is prevented.

154. Is there a regulation preventing that?—There is a regulation saying that passengers are not allowed on the front platform.

155. Where is it that passengers are not allowed to ride alongside the motorman—is it where there are no seats?—Where there are no seats.

156. Some of your cars have seats alongside the motorman?—Yes, on one side—the American cars.

157 Is there any regulation to prevent passengers riding there?—They can ride there.

158. Did the union ask for any direction on that point?—Not to my knowledge.

159 Do you remember Mr Winter writing about it as to a direction about passengers being allowed to ride alongside the motorman?—I do not remember that, but I think there was a letter

160. This is the letter: "Christchurch Tramway Employees' Union, Trades Hall, Gloucester Street, Christchurch, January 6, 1908.—Mr F Thompson, Secretary to Tramway Board.—DEAR SIR,—Motormen are complaining of passengers and others crowding the front platform of cars, hampering them in the proper performance of their duty, and I am instructed to request the Board to issue definite and specific instructions to motormen with reference to allowing passengers on front platforms, and the right of ticket-inspectors to ride there.—Yours obediently, ROBERT WINTER, Secretary" The reply was dated 24th January: "The Secretary, Tramway Employees' Union, Trades Hall, Gloucester Street, Christchurch.—DEAR SIR,—In further reply to yours of the 6th instant regarding the crowding on front platform, I am directed by the Staff Committee to say that the matter is in the hands of the motormen themselves. Passengers should not be allowed on a front platform which has no seat, unless there is absolutely no room for them inside, but under no circumstances should passengers be allowed on front platform in such numbers or in such positions that the work of the motorman would be interfered with in any way The Committee sees no objection to the inspectors travelling on front platform if in the performance of their duty they choose to do so.—Yours faithfully, ———, Secretary"?—I remember that with regard to the Inspectors. There was friction about it.

161 Do you consider it advisable in the interests of public safety that passengers should be allowed to ride alongside the motormen?—They should not.

162. Are they liable to enter into conversation with the motormen?—They are not allowed to do so.

163 But are they liable to do so?—Yes, and it has a tendency to draw the attention of the motorman away

164. *Mr Young*] You were the President of the Conference of Employees?—Yes.

165. That was the Conference representing the tramway employees throughout New Zealand?—The Federation, yes.

166. And I understand the Bill now before us is the result of your Conference?—Not exactly the result.

167 That Bill contains the demands of your union?—Not demands exactly We considered some of the provisions that were not in the previous Act.

168. That Bill is what the union wants?—Yes.

169. And you consider that if the unions get what they want, the employers should be satisfied—that is about the size of it, is it not?—Oh, no!

170. The Christchurch tramways are controlled by a Board?—Yes.

171 Elected by the ratepayers?—Yes.

172 I suppose you are one of the ratepayers?—Yes.

173. It is a strict Board, is it not?—Yes, as far as I can judge, it is.

174. Are not the Labour party organizing with a view to get one or two representatives on that Board?—There may be at the next election.

175 And if the Labour party had one or two representatives on the Board it would be satisfactory to you?—It might be.

176. And if they were all Labour members on the Board it would be quite satisfactory?—Not necessarily.

177 Would it not be better than the present conservative government?—It should be so.

178. Would you not rather leave the Board's affairs to labour representatives than to the present members?—I do not know

179. Supposing the Opposition were in power, with Government control of the Board have you considered the matter from that point of view?—No.

180. Why do you consider that the Government control would be better than the control of the ratepayers themselves?—I do not think they are asking for the control.

181. They are asking for regulations?—For supervision, I take it.

182. Then you do not ask the regulations to be made by the Government?—Not for the control of the Board itself

183. Would you be satisfied with regulations made by the Board itself?—I have not considered it.

184. Do you think it necessary, and, if you do, why do you think it is necessary, that there should be Government regulations: I am referring to clause 5, and the regulations as to the maximum number of passengers to be carried, and the speed-limitations?—Taking it generally I certainly think it would be better

185. Why do you think the Government can do it better than the ratepayers themselves?—I think it is necessary that the inspection of the cars should be controlled by the Government.

186. What about the rate of speed and the convenience of the passengers?—We have already laws in regard to speed-limits.

187 We want to get at what is in the minds of the men in regard to the management of the tramways, and why you consider the Government control is better than the control of the Board who are elected by the ratepayers themselves?—Because the Government are an independent party.

188. Do you suggest that the Board are an interested party?—Yes.

189. Because they represent the ratepayers?—Yes.

190. Have you any complaint to make as to the *personnel* of the Board?—No.

191 Is it a good Board as a Board?—As far as that is concerned it is.

192. And it is composed of first-class commercial men?—Yes.

193. Two of them are engineers, Mr Booth and Mr Beaven, are they not?—Yes.

194. Do the Board apparently try to manage the affairs of the tramways to the best of their ability?—I think they do.

195. And do they listen to any complaints made by the men, or any suggestions given to them as to the management?—I do not think the men have said anything about the management at all.

196. For instance, have you found anything about the management that you suggested could be put right?—The union has written.

197 And on each occasion has your complaint been heard and considered?—I think it has been considered, but unfavourably as far as the men are concerned.

198. Sometimes favourably and sometimes unfavourably, is that it?—Yes.

199. Have you any reason to suppose that your suggestions have not received careful consideration?—I do not doubt for a moment that they have been carefully considered.

200. And sometimes allowed, and sometimes, of course, disallowed?—Yes.

201 You told us something about the gong-punchers and sand-punchers not being uniform?—Yes.

202 Has that something to do with the stopping of the cars?—Yes.

203. And your complaint is that they are often in a different position?—Yes.

204. You say it would be more convenient if every motorman knew where to put his foot on it?—Yes.

205. Have you made any suggestions as to that to the Board?—Complaints have been made about the sand-punches.

206. Has the matter been considered?—A motorman has complained to the Inspector about it. We cannot say what he has done.

207 Do you not think, if the Board thought it was better to have them all in the same place, they would have them all in the same place?—I suppose so. It is very inconvenient all the same.

208. How do you suggest that Government inspection would get over that?—If it is convenient to have the sand-punch in a certain place on one car, it is the same with the others.

209 The car in the first place is passed by the Government?—Yes.

210. If there was any difficulty about the position, and the Board thought it was better to alter its position, would they not alter it?—Yes but some of these cars have been built from the very start with the punch in the same position, and on the cars built recently it is in a different position.

211 Your complaint is with regard to the passing of the car in the original instance is that not so?—They might not have had occasion to see it then

212 Every car, I suppose, when passed, has a sand-punch?—Yes.

213 When the car was licensed, the sand-punch ought to have been, you think, in the same position as other sand-punches?—It might have been.

214. Is not that your complaint?—It would have been better if put in the other position.

215 Your complaint should be against the man who passed the car, and not the Board?—I do not think so. It might have been an oversight on his part.

216. Has your union made any reports to the Board about it?—Not in writing

217 Have they made any reports not in writing?—They have made verbal reports.

218. Have you made any complaints yourself?—I pointed out what I thought would be an improvement.

219. To whom—the Inspector?—Yes.

220. Have you spoken to Mr Thompson about it?—No. In one instance which I pointed out to the Inspector there is a pawl at the bottom, and in some of our cars the sand-punch is right alongside the brake, and the man is just as likely to put his foot on the pawl instead of the sand-punch.

221 If your complaint is a reasonable one, I want to know why the Government should not be held responsible in the first place?—The sand-punch was too low, and I pointed out the defect, and so did others, and said that if the punch was raised a little bit it would be better, and that was done.

222 That was attended to?—Yes.

223 So that anything the management consider is an improvement they do attend to on complaint being made?—Yes, as far as we know

224. As to the certificate, you want a Government certificate for every motorman, do you not?—Yes.

225 I think you have only had experience in Christchurch?—That is all.

226. And, of course, a flat place would be the easiest place to drive in?—It would be.

227 So that any man who could drive elsewhere ought to be able to drive in Christchurch? Yes.

228. But it does not follow that a man able to drive in Christchurch should drive in Auckland?—He should.

229 Do you say there is no difference in driving where there are hills?—The only difference is between the hand-brake and the air brake.

230 I suppose the hand-brake would pull up any car in Christchurch?—If in good order

231 So that there is no actual necessity for air brakes except in hilly places?—I do not think so. We do not want the conditions altered.

232. So that a trailer in Christchurch would be quite safe with a hand-brake on each?—No, because the motorman has no control.

233. A conductor on a trailer could pull up a trailer with a hand-brake?—He could in a case of emergency

234. Would you consider it was necessary that a motorman with a Government certificate should get some certificate from his employers? If he came to Christchurch would you expect him to get a certificate from the Board as well?—He would have to undergo an examination in the local conditions.

235. So that a Government certificate would not dispense with the local certificate?—I think it would. I did not understand the first question you asked.

236. You think the Government certificate would dispense with the local certificate?—I think it would.

237 And the Tramway Board, in Christchurch, for instance, ought to be satisfied if the Government is satisfied?—Yes. An engine-driver's Government certificate is accepted.

238. And you think any man from Auckland ought to be able to go to Christchurch and get employment on your tramways as a motorman?—I do not see why he should not.

239 You have previously to be conductor, have you not?—That is in the agreement, yes.

240. Do you think an Auckland man ought to be able to come to Christchurch and work as a conductor under his certificate for a month?—He would have to do so under that certificate.

241 You have an agreement, signed by yourself as president of the union, with the Board? Yes.

242 And that provides for seniority?—Yes.

243. This is the agreement arranged between your union and the Board (clause 10)?—That is so.

244. Then strangers cannot come and get employment?—They can get employment as conductors.

245. But not as motormen?—If it suits the Traffic Manager he can give him employment after a month. Suitability covers it. He might consider the man more suitable, and leave the question of seniority out.

246. The agreement also provides for an Appeal Board (clause 9)?—Yes.

247 Your union has agreed to that Appeal Board?—Yes.

248. Then why do you require something else? The Appeal Board you want under the Act is a different Appeal Board?—Yes, I think it is a fair one.

249 This is the agreement you got in 1909?—Yes.

250. As a matter of fact, I suppose the Christchurch Union was satisfied with the arrangements it made?—They were the best they could get.

251 And they were pretty well satisfied with it?—Not very well satisfied on the whole.

252. It was not until the Conference with other unions afterwards that you decided to ask for more?—We intended in future agreements to ask for the Appeal Board under this Bill.

253 Was it not in consequence of the Conference?—No, not in my opinion. It was previous to the Conference.

254. As to the Appeal Board, you do not think you get justice from the Appeal Board provided by the Tramway Board?—The union is not satisfied.

255. Can you give me an instance of injustice?—There are one or two cases where the man thought he should have had the benefit of the doubt.

256 Can you give me the names?—I can give you Cook's case. The secretary of my union can give you more he has had experience in one or two cases.

257 What was Cook charged with?—A head-on collision.

258. Was it proved?—He was dismissed.

259 Was it proved that he had the collision?—He was standing still at the time.

260. Was the other man charged as well?—They were both dismissed.

261 There was an inquiry before the Staff Committee first?—Yes.

262 Was there an appeal to the Board?—Yes.

263 Was it stated that both cars were standing still at the time?—I cannot say

264. Did Cook have an unfair trial?—I cannot say

265. Was he represented by the secretary of the union?—No.

266. Was he represented at all?—He could not be represented until the award came in, and this was previous to the date of the award.

267 Since the date of the award the secretary of the union has been permitted to be present and to represent the men?—Yes.

268. Cook was the driver of one car: who was the driver of the other?—Kelly

269 Were you satisfied with Kelly's dismissal?—Yes.

270. Your union came to the conclusion that Kelly was the person at fault, and not Cook?—Cook had driven the engine, and Kelly was the conductor of the car A passenger got off Cook's car, and said there was going to be a collision and shouted 'Look out.''

271 Do you think that shows that Cook was not guilty?—If he was standing still he should have had the benefit of the doubt.

272 Was the passenger called as a witness?—I could not say

273. Have you any reason to doubt that Cook had an opportunity of calling any witnesses he chose?—I suppose he had.

274. I suppose you will admit that a man who is responsible for a head-on collision ought to be 'sacked''?—That is the rule, of course.

275. And it is a fair rule in the interests of the public?—Yes, but in his case there was some doubt.

276. The man responsible ought to be ''sacked.'' You will agree with me that far?—Yes.

277 Very well, some one has to determine whether or not?—Yes.

278. I take it that you were not present, and do not know anything about the facts?—No.

279 Do the Board always treat the complaints with courtesy?—Yes, so far as I have been before them.

280. They have a system of merits and demerits is that a good system?—No, it is not satisfactory

281 Why do you think it is not a good system?—It is, from their view

282 What system would you adopt of awarding them?—I think I should be satisfied with what they do in other places.

283. Why do you think so?—Because the merits are not awarded fairly

284. If the marks were awarded fairly do you think it would then be a good system?—If they were given out fairly it would not be a bad system. In a case where I prevented an accident on a Sunday afternoon I got no merits. According to the book we are supposed to receive merits for avoiding accidents. That case of mine was never acknowledged.

285. You made a good stop and were not rewarded?—That is so.

286. Was the Manager's attention drawn to it?—No, I did not think it was necessary

287 Whom do you blame for not giving you the marks?—The Traffic Manager

288. Did the Traffic Manager know of it?—Certainly, he was in the Court at the time. Mr Thompson was in the Court at the time of the Brakes Commission, but not responsible for not receiving merits.

289. You made a good stop and you did not get your marks for it, because either the authorities did not know of it or did not consider you were entitled to the marks?—I think I was entitled. Another instance was when I was coming across the East Belt and a motor-car got in front of me, and the Manager, Mr Wood, saw that happen, and he never recognized it.

290. Did you ask for consideration?—I did not think it necessary, when the Manager sees these things. There have been other reports sent in which have not been acknowledged.

291 And I suppose there are faults of omission that have not been noted?—I suppose so.

292. The burden of your complaint is that they favour some men, and not others?—There have been cases. I refer to the traffic.

293 No Government regulations would help you there?—Not in regard to that sort of thing. I should not expect it.

294. As to the trailers: you say some of the trailers on the Sumner route do not have any communication between the cars?—No, the conductor has to swing from one to the other, from the platform on to the buffer

295. Are there glass fronts on the cars?—Yes.

296. And on the trailers?—No.

297 There would be glass on the back as well as the front of the car?—Yes.

298. Does that not present a difficulty in having to step?—I do not know A man may have to stretch some 7 ft.

299 Have you made any suggestion to the Manager about that?—I think some letters have been written by the union about it.

300. What you want, I understand, is some sort of a step?—Yes.

301 But you know it cannot be done with the glass fronts?—That is so.

302. The Christchurch Board has not put a brake on some of the trailers?—That is so.

303 Is not the hand-brake sufficient for them?—No.

304. Your only trouble about the hand-brake on a trailer is that it cannot be operated on by the motorman?—Yes.

305. I understand the trailers have two life fenders or guards on them?—No.

306. Have the cars got two life-guards?—Yes.

307 That is more than the Order in Council requires?—I do not know the Order in Council.

308. I understand the Order in Council requires one?—One at each end.

309 You do not know whether the cars have more or less than the Order in Council requires, but you do say they have two life-guards?—Yes, but when you are drawing trailers you have only one.

310. As to overcrowding, I think you told of one instance where you left two ladies behind?—That is so.

311. Where was the car coming from?—From Linwood to the Square.

312 How far were the ladies from the Square?—About a quarter of a mile.

313. And you had a full car?—Yes.

314. You know the by-law about overcrowding—No. 23—"When every seat in the car is occupied no additional person shall enter, mount, or remain in or upon any such car if requested by the conductor not to do so ?—Yes.

315. You had a conductor aboard, I suppose?—Yes.

316. Did he not control the number of passengers you were carrying?—No, he did not check them.

317 Is a motorman a superior officer to a conductor?—No; a conductor is in charge of a car

318 Did you draw the conductor's attention to the fact that he had too many passengers on board?—No.

319 And you did not make any complaint to anybody about it?—No.

320. Do you know if the conductor did?—Not to my knowledge.

321 If the conductor did his duty he would see that he did not have too many passengers on the car?—Yes, I suppose so.

322. I suppose, if the two ladies wanted to go in the car from Linwood, and it was the last car, they would be put to very great inconvenience if they could not get on the car?—We would try to get them on somehow if it was the last car There is a difference between the last car and the car I speak of

323. There is a lot of inconvenience if people have to stand?—We have to suit the interests of the public.

324. And it is often necessary for the convenience of the public to take a lot of extra passengers on?—I do not think it is to their interest.

325. If there had been a Government regulation in the instance where two ladies were left behind, would that have prevented the passengers getting aboard?—I think it would.

326. Why, you had a by-law against it?—Yes, but the by-law has been overridden.

327 By the conductors?—By the officials too, probably

328. Would twenty-five over the seating-accommodation be too much to allow?—Twenty-five would be overcrowding the car I would not say anything about how many would be overcrowding.

329 What percentage would you allow as being safe?—I could not say exactly I do not think any passengers should be allowed on the platform, because if a car is going round a curve they are apt to be knocked off.

330. Your union has made a lot of requisitions: it has asked for weather screens, and got them?—Yes.

331. It has asked for motormen's seats, and got them?—Yes.

332 And for side doors to protect the motorman?—They are getting them.

333. It asked for something to prevent the drip from the downpipe, and that is being seen to?—Yes, I believe so.

334. You complained that a man on a crowded car might miss the fares?—That is so.

335 Do you know of any instance where a man has received demerit marks for missing fares on a crowded car?—I dare say the secretary of the union can give you an instance.

336. You cannot give an instance yourself?—No.

337 Do you know of any complaints made by the union to the Board with regard to defective brakes?—I think there was one case.

338. What case was it?—Timms's case.

339 Was it attended to?—I cannot say, but the car was in a very weak state for some days.

WEDNESDAY, 14TH SEPTEMBER, 1910.

GEORGE LOMAS further examined. (No. 9.)

1 *Mr O'Shea.*] The first question I want to ask you about has reference to the gong-punchers: You say there is no uniformity?—No.

2. All these gong-punchers have been passed by the Public Works Department?—That is so.

3. How does this want of uniformity arise? Was the first position of the punchers a suitable position?—They worked all right in the first place.

4. The latest type is an improvement?—Yes.

5. And these attempts at improvement produced the lack of uniformity?—Yes. If they were of the same style as the new cars that have been built, they would give satisfaction

6. Then it is the attempt of the Board to improve these sand-punchers that has led to the lack of uniformity?—I do not know

7 I think you stated that this Bill did not take the control of the tramways out of the hands of the local authorities—that it merely gave the Government the power of supervision?—I was asked a question to this effect: Should I approve of the Government taking over control?

8. You said the Bill did not take the control out of the hands of the local bodies?—I said it was Government supervision only

9. Do you know Mr Wilford, Mayor of Wellington?—Yes.

10. If he said publicly that clauses 3 and 5 of the Bill were absolutely taking away the control of the tramways from the local authorities, would you still contend it was only giving the right of supervision to the Government?—I would still maintain that, yes.

11. Have you read clause 3 of the Bill, subclause (2), where it 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, the Minister may order these alterations, repairs, or additions to be made accordingly ?—Yes.

12 Do you think, if the Minister can order cars to be put on or double lines to be made to meet the reasonable requirements of the traffic, that is not taking away the control from the local authorities?—If he did, I think it might be doing so, but I do not think he would do so.

13 This section gives him power to do so. Read the section again?—Yes.

14. Do you not think that takes the control from the local authorities?—I do not.

15 Read clause 5, subsection (1): 'The Government may from time to time, by Order in Council gazetted, make regulations—(*a* Providing for periodical and other inspection of carriages used on tramways, (*b*) providing for the licensing of such carriages, and prohibiting the use on any tramway of any unlicensed carriage; (*c*) prescribing the maximum number of passengers that may be carried on any carriage on any particular route or grade; (*d*) prescribing the limit of speed at which any carriage may travel on any particular route or grade; (*e*) providing for the use of proper appliances and furnishings on carriages to insure the safety and convenience of passengers, of the tramway employees, and of the general public. Do you not think that is giving the Minister absolute control, and taking away the powers from the local authorities?—He has that power all right.

16. He might order you to put on new seats?—Nothing of the kind.

17 Do you think the Minister would be a benevolent despot?—He would not ask for unreasonable things to be done.

18. We will now deal with the question of certificates I gather from you that you understand from this Bill that this certificate will do away with the local examinations—you stated that yesterday?—I believe it would.

19 The Minister has hinted here that none of these certificates will be given unless the local authority is satisfied as to the competency of the applicant do you think the extra certificate would be of any value to you supposing you had first to be qualified?—It would be of value if I left Christchurch.

20. Suppose all the managers of the systems in New Zealand—Mr Walklate, Mr Richardson, Mr Cable, Mr Thompson, and Mr Alexander—say they will be absolutely guided by their own discretion, and will keep to their own method of examination, and that their method of examination is better than any Government certificate, will you contradict them and still ask for the certificate?—I will contradict them in this respect: that if a Board of Examiners is appointed it will be composed of experts at the business, who will be as competent, perhaps, as any of the gentlemen you have mentioned.

21 Supposing all these managers state that they will stick to their own examination of the men, what good will the certificate be?—The certificate granted by the local authority is not worth the paper it is written on.

22 If the managers say they will not consider the certificate, do you think it is worth troubling about?—I think so.

23. Do you think the Government certificate would give any indication as to a man's reliability, nerve, temperament, and habits?—It is not a matter of temperament, I think.

24. Do you think any Government board could, unless they had a man under their supervision for a considerable period, be in a position to grant a certificate stating that a man was qualified to drive a car?—I think it is necessary to have him under their supervision all the time.

25 Under the present system of training in your service a man has to be in the service a considerable period before he can become a motorman?—Yes.

26. He is under the eye of the management?—Yes.

27 And when he goes on training he is under the supervision of a motorman?—He is put on for a time.

28. His record is known to the management, and after being approved as a driver by you or the inspector, if he has a suitable record he is put on the handles?—If he can pass an examination. If a man is put on by us we never ask about the man's ability

29 Do you never ask about his certificate?—No. I have had many students out, and the student only enters on a list how many hours he has been on with me.

30. You do not make any report to the Traffic Superintendent, verbally or otherwise, as to his suitability?—No.

31 You gave us some instances yesterday of men going on without any local training, and you mentioned a number of names of those who went on without having the ninety-six hours' training?—That is so.

32 That is an improper thing, is it not?—If a man is qualified I do not know that it is. He comes with a certificate.

33. Is not that condition of things more likely to occur under Government supervision than with your own certificate?—I do not know

34. How can a Government board exercise the supervision that is necessary to prevent the state of things existing you object to in the cases you mention?—Take an engine-driver on the railway He is placed before a Board of Examiners, but cannot be under the supervision of that Board.

35 Is he not first a cleaner in the sheds and a greaser? Does he not have to learn all the mechanical parts of an engine, and go as a stoker and assistant driver first?—Yes.

36. You have read the Inspection of Machinery Act?—Yes.

37. They do not get an engine-driver's certificate under that Act?—No.

38. You said that there are some trailers used on the Christchurch system that have no air brakes?—That is so.

39. Do you suggest there is anything wrong in that?—Certainly

40. You think they ought to have air brakes?—Yes.

41 Do you know that the Order in Council does not require them to have air brakes?—No.

42. You have not read the Order in Council?—How could I?

43 Do you know that the Orders in Council are to a certain extent the provisions in this Bill?—No, I do not.

44. With regard to the Appeal Board, do you know any place in the world where there is an Appeal Board of this nature set up?—There is the Railway Appeal Board.

45. Has any person outside the local body like the Minister got any say as in the Railway Appeal Board?—I cannot say how they are constituted, but I know the men are represented on the Railway Appeal Board.

46. The Mayor of Wellington does not appoint three persons: they are all within the Department, and the Minister is the employer?—That is so.

47 The point is, the third man, who in the case of the Railway Appeal Board is the Magistrate?—I could not say

48. Would not an Appeal Board constituted like this one mean that the Minister would have absolute power finally to control the appointment and dismissal of men?—No, I do not think so.

49 Why?—I do not think he would ask for it.

50. Supposing he appointed the third man, would not the third man have the absolute control?—He has not asked for the appointment of the third man, in the first place.

51 Do you think the union or the employer would be able to agree in the appointment of the third man—do you think it possible?—I do.

52 If every local body, municipality, and company had protested against the Bill, do you think they are going to agree on a vital matter like this?—I do not see why they should not.

53 Does it not put the whole service in the hands of the Minister?—I do not see that.

54. Has not any man who controls this Appeal Board, which includes dismissals, fines, reductions of pay, and in other emoluments, an unreasonable hold?—It is quite right the Board should have that power

55. Have you ever considered this Bill from a financial point of view?—I do not think we have.

56 Has it ever struck you that the body which pays ought to have the power of deciding how the capital of the undertaking should be spent?—I am quite in favour of that.

57 And yet you would allow the Minister to make such regulations as he likes as to overcrowding?—Yes, for the safety of the public and the men.

58. And you reckon 25 per cent. would be too much overcrowding?—I do not say that.

59 Do you think 25 per cent. is too much or too little?—I could not say I do not wish to give an opinion on that at all.

60. What is overcrowding? At what stage does overcrowding start?—I gave an instance yesterday When you cannot get any more on I suppose the car is overcrowded.

61 I suppose you know that we can seat forty-eight passengers in our palace cars?—Yes.

62 Do you know that we can take twenty-four standing?—You take more, I think.

63 That is a little over 25 per cent., is it not?—I think it is.

64. Will not the public of Christchurch, if the safety of the employees or public is endangered by overcrowding, quickly bring pressure to bear on the Board to prevent this?—I think they do object now to the crowding.

65. Have they ever made any concerted protest to the Board?—I cannot say that, but you hear the complaints amongst the passengers themselves.

66. Has there been any public protest?—Not to my knowledge.

67 Suppose the Auckland regulations were introduced into Wellington as to overcrowding—you object to this, when you say that 25 per cent. is too much—it would mean that either we should have to raise the fares, lower the wages of the men, or strike a rate: do you then think that those who are running the undertaking under the present system should be interfered with?—Could they not put on extra cars to meet the difficulty?

68. Do you know what it costs to run an extra car?—I have not gone into it.

69. Then I put it to you that if you do that you will have to raise the fares, lower the wages, or strike a rate?—Then, are people's lives to be sacrificed for that?

70. How many people's lives have been sacrificed in Christchurch through overcrowding?—I cannot say that any have been sacrificed.

71 You and other motormen gave evidence in Christchurch on the Brakes Commission, and you practically said that everything was working in splendid order in Christchurch?—Yes.

72 You said the brakes were excellent?—Yes.

73. "In no instance had the brake failed to respond when he required it, either in ordinary service or in emergency": that is your evidence?—Yes.

74. I think that in Christchurch the tramways show a small margin of profit?—As far as I know, they do.

75. They pay in Dunedin?—I cannot say

76. And they pay in Wellington?—I suppose they do.

77 Do you know if in any case they are making big profits?—I cannot say

78. It has never occurred to you that this power of the Minister might be exercised at the whim of the Minister for the time being to financially ruin these undertakings?—I do not think it would do that.

79. But it is possible that he could do it under the powers he has?—I understand from what I can gather he has powers under the Orders in Council that he has never exercised.

80. Are you aware that Ministers of the Crown in New Zealand have expressed their opinion that the tramways ought to be in the hands of the Government?—Not to my knowledge.

81 Has it ever occurred to you that this Bill might be used as a lever to force the local bodies to part with the tramways?—No.

82. With regard to the car report-book: you want a book for each car?—That is what the Bill provides for.

83 Do you not carry your sheets round with you now?—We can carry them for use at night.

84. The system in force in Auckland is that each car carries its sheet with it, and each motorman hands his sheet over with his own remarks to the next motorman about broken windows, damaged poles, &c., and things of that sort: do you not think that is a good system?—I cannot say, I am not acquainted with the Auckland system.

85. Then you are not acquainted with the benefits of this single-sheet system?—No.

86. You said the car report-book disappeared one night and was never seen again: what did you mean by that?—When the last men came in it was there, and they never saw any more of it.

87 What did it matter to you whether you saw it or whether you did not?—It did not matter to us.

88. I cannot see any reason for your making the remark unless there was something underlying it?—I was asked the question.

89. If the managers of the tramways throughout New Zealand say that the present single sheet adopted by Auckland is the most satisfactory and efficient system, would you contradict them?—I do not think the Auckland men would accept that themselves.

90. I mean the men who are in charge of these services—Mr Walklate, Mr Thompson, and others: they say that for discovering the defects and repairing them, and having these things brought to the notice of the management and the barn hand, they think the single sheet is absolutely the best do you contradict them?—It would not meet with the approval of the men.

91 What objection have you to making a report without seeing previous reports?—I may have a car out one day and find that it has not been working as it ought to do, to my way of thinking. I report her, and then find her in the same position practically the next night. In the case of an accident, without the book, I cannot tell whether the car had been reported previously

92. The Brakes Commission that went through New Zealand were satisfied with the present brake when the defects were fixed up?—Yes.

93. It is assumed that the defects are attended to?—Yes.

94. You make a report as to the condition of the car?—Yes.

95 There is no necessity for you, then, to see the previous reports?—I would not bother my head about it except in the case of an accident.

96. Supposing you had an accident and you had made up your report without seeing previous reports, could you make it up quite satisfactorily?—The previous report, if I could see it, would probably clear me.

97 But if you made a report when there was an accident, could you not call for the previous report when asked for an explanation by the Manager?—I do not know

98. Would it satisfy you if you could see these reports after making your report?—I prefer the old system.

99 The management say that under the old system the custom was for the men to write "O K.," "O.K.," 'O.K.," for weeks together?—I put in my report what I think is necessary

100. *Hon. Mr R McKenzie.*] You say that the car report-book went astray or was stolen, and was never afterwards found?—I said it disappeared, yes.

101 Do you know whether the car report-book disappeared on every system in New Zealand about the same time?—I could not say

102. The only object you have in asking for the car report-book is that it shall protect you in case of accident?—That is what we should like.

103. Supposing Mr Carter said yesterday that he met with an accident and was a month in the hospital, during which time his car was not fixed up in any way do you think if another motorman met with an accident while on that car the report-book would protect him before the Appeal Board?—I think so.

104. Mr O'Shea told the Committee that some of the Ministers had put on record their opinion that the tramways of New Zealand ought to belong to the public supposing the tramways did belong to the public, do you think the public would be better served than they are now?—I do not know about that.

105. Do you not think they could be run much cheaper, that the fares could be reduced, and the men would get better wages than they are getting now?—They might.

106. Mr O'Shea asked you about sand-punches being put on at places indicated?—Yes.

107 They have been improved in the newer types of cars?—Yes.

108. The location of the sand-punches has been improved since the older cars have been built?—In the first place we had no trouble with the sand-punches, but since they have been cut down we have had a lot of trouble with the sand.

109 Do you think, if there had been a Government inspector, and you had complained about that, it would have been altered before it was?—It would have that tendency, I think.

110. Mr O'Shea asked you about the Bill taking away the powers of the local authority do you think there is anything to that effect in the Bill?—I do not think so.

111 And he asked you what would be the advantage of the Government certificate if the local authorities insisted on their own?—Would not the Government certificate override the local certificate?

112 Look at subclause (3) of clause 2. Before a Board can grant a certificate the applicants must produce satisfactory evidence that they were motormen for one year?—Yes.

113. Supposing that applied not to the present motormen, but to those who applied afterwards, would that be sufficient guarantee that the men would be properly trained?—I think so.
114. That would be one guarantee?—Yes.
115. And it would be for the Board to say after the examination whether a man would be competent or not?—I believe it gives that power to the Board.
116. Do you know that there is an Appeal Board outside of the Government service?—No.
117 Do you know whether the school-teachers have an Appeal Board?—I cannot say.
118. In answer to a question you said the locomotive-engine drivers are examined by the Railway Department, and that no one could get in without a certificate: is that so?—I think so.
119. Do you know how many engine-drivers got in when the Manawatu Railway was taken over?—I cannot say, but it is possible there may have been some.
120. So that Mr O'Shea's contention that no one could be taken on without a certificate is not right, because you know that when the Manawatu Railway was taken over by the Government the men were taken on without a certificate?—Yes.
121 You said that these clauses of the Bill were approved of by your Conference?—No, not everything It coincides with their views.
122. When was your Conference held—last year?—No. We had a Conference three years previously
123. Was this Bill considered at the Conference of 1906?—No.
124. Do you know whether the clauses in this Bill were in Mr McGowan's Bill?—Yes.
125. Therefore the driver's certificate and the Government inspection of the tramways were in Mr. McGowan's Bill?—Yes.
126. And clause 5 was in Mr McGowan's Bill?—Yes.
127 Was the Appeal Board in the Bill of 1907?—I do not see any reference to the Appeal Board in that Bill.
128. Do you know whether it was in the Bill?—I cannot say from memory
129 Do you know whether the car report-book was in the Bill of last year?—I do not think it was.
130. Supposing they were all in the Bill of last year, then the only conclusion you can arrive at would be that they were not in the Bill before the Conference was held?—Yes.
131 Then it would be a misstatement that the Bill was framed by your Conference?—I do not say that at all.
132 Did you not have the Bill of last year and the Bill of 1907 at the Conference, and approved of certain clauses in those Bills after the Bill was placed before Parliament?—Yes.
133 Consequently the contention of the legal gentlemen here that the Bill was placed before the Conference is not a sound one?—Yes.
134. Do you think that the local authority in Christchurch look after the public safety and the employees as well as they should do?—I think they do
135 Is there any improvement that you can suggest?—Only in the matter of overcrowding.
136. What about the speed?—The speed we object to within certain limits.
137. With regard to the car referred to by Mr Carter running for a month when out of order, do you think if there had been a Government inspector he would have examined it to see if it was all right?—I think he would.
138. And the management took no notice whatever of the report?—If he reported it, I think our Manager would have done so.
139 Are you entitled to compensation when you meet with an accident?—Under the Workers' Compensation Act I think we are.
140. Is there any case where the Tramway Board has had to pay compensation?—I cannot say
141 Do you know of any?—Not to my own knowledge.
142. You say that motormen's certificates are already provided for in the Machinery Act?—That was my impression, under the interpretation of the word "machinery"
143 Did you ever get legal advice on the point?—No. It only occurred to me the other day, before I came here.
144. Do you know whether it would be necessary to have a clause in this Bill incorporating the Machinery Act and its powers in this respect?—If it would cover all that is necessary
145. Have you known many cases of overcrowding in the cars in Christchurch?—A good many cases.
146. Do the passengers stand on the motorman's platform?—Yes.
147 Many of them?—At times a good many
148. Can you give us any idea of any certain number you know of as a fact?—I have seen half a dozen on the motorman's platform.
149 Do they also stand on the conductor's platform?—Yes.
150 Do you think that is conducive to the public's safety?—No, I do not.
151 Do you think it ought to be prevented by law?—It ought to be. I have known where they have been told to get off, and the Inspector has told the conductor to allow them to stand on the platform.
152. Can you give me the Inspector's name?—Mr Dick.
153. How long ago is that?—Over twelve months ago.
154. Were you a motorman then?—Yes, and the motorman complained to the union about it.
155. Was Inspector Dick placed before the Appeal Board?—The man complained to the union and the union did not take any action on it.
156 Do you know the reason why the union did not act on the motorman's complaint?—They did not think it necessary when the officials departed from the by-law like that.
157 Did the motorman enter that in his report on the day's work—the case of overcrowding being reported to the Inspector?—No.

158. Do you know whether the police in Christchurch take any action under the tramways by-laws?—I have never known a policeman to interfere yet.

159 Do you know whether they have any right to do so?—I could not say

160. The police never interfere in cases of overcrowding?—Not to my knowledge.

161 If you reported that the public refused to leave when asked to do so, do you think he would interfere?—Under the present system I do not think he would.

162. Do you think that the certificate which is given to a captain of a ship after an examination is as important as the certificate provided for under this Bill?—I should think so.

163. All shipowners have to put up with control similar to that proposed in the Tramways Bill, so far as the officers are concerned?—They have.

164. Have you ever known steamers to leave port when overcrowded with passengers?—Yes. There is a rule against that, I think.

165. Is that looked upon as a hardship by the travelling public and the shipowners?—Yes.

166. And they have to put up with the inconvenience?—Yes.

167 Do you think that is a good thing as a margin for the public safety?—I think so.

168. You know that the ships have to carry certain requirements according to the number of passengers?—Yes.

169 And if you have an overcrowded car it would be just as dangerous as a ship?—Yes.

170. Do you think the Government has a right to step in to prevent such practices, in order to provide for the public safety?—I do.

171 There is nothing to prevent the tramway company or Corporation employing any one they like, even if they have the Government certificate?—I do not think so.

172 They are left to employ whom they like, but the men must have the certificate before they can drive?—Yes.

173. You have a demerit and merit system: is that a good system?—It is not satisfactory to the men.

174. Do you think it has led to favouritism?—I am afraid it has.

175. What is the object of the merit and demerit system?—Good marks are given for good things that are done, and bad marks are given for bad things. We have lost some of our best conductors through the system.

176. Would that be from favouritism?—No; it is because they have exceeded the number of demerit marks.

177 Do you think this system causes dissension amongst the men themselves? If a man gets demerit marks that he thinks he is not entitled to, does it not create dissension?—Yes; and a man may do a certain thing and it is recognized, while another man might do the same thing and it is not recognized.

178. Do you think the men would rather be without the system?—Yes. I have prevented accidents and got five marks, say, when I ought to have received more.

179. And if you made a bad stop and were in danger of an accident you would lose marks?—Yes—twenty-five.

180. You think the motormen in Christchurch would rather be without this system altogether?—I think they would.

181 With regard to the question asked by Mr O'Shea about the Appeal Board, and there always being a conflict between the union and the management: he asked you if there would be any likelihood of an agreement being come to between the union and the management in the appointment of an umpire, in case of an appeal?—I do not think there would be any trouble about it.

182. You think there would be a strong probability of their agreeing as to the third person, without applying to the Government?—I do not see why there should not be.

183. In any arbitration case have they not to agree to an umpire?—Yes.

184. And do you not think there is as much chance of the parties agreeing amongst themselves under this clause?—Yes, I think so.

185. If your union were perfectly satisfied that a man met with an accident through carelessness, it would be quite willing if its representative allowed any impartial man to be appointed as the third person on the Board?—Yes. In any case the matter is thoroughly well investigated before a man appeals. If the union thinks there is nothing in it, it would not bother with the case.

186 Are the brakes on the trailer satisfactory?—No. They are on the cars we run to Sumner, because they have the air-brake connections.

187 Do you think it would cost a great deal of money to put them on the trailers that are without them now?—I suppose it would.

188. How many trailers have you got—about sixty, I think?—Yes.

189. Do you know how many of them have air brakes on?—Probably twenty

190. Do you think it would be a great financial expenditure for the Tramway Board to put forty more air brakes on those trailers?—I think it is quite necessary in the interests of the public and the men.

191 Do you know whether these trailers have been passed by the Government without the air brake on?—I cannot say

192 That is to say, when the tramway was first started?—Yes.

193. Matters have improved considerably in connection with finance in the Christchurch tramways?—Yes.

194. Do you think it would be a very great hardship to the Board to put the air brakes on the forty trailers?—I do not think so.

195 If they were put on, would it be conducive to the safety of the public and the employees? Yes, the employees would be more satisfied.

196. Do you think it would be better to put platforms on the trailers?—It would be something, because the conductor at present has seven or eight feet to stretch in going from one car to another

197 Do you think it would be a simple matter to arrange for footboards between the trailers?—Yes.

198. Are you satisfied that it could be done?—Something should be done.

199 Have you ever known passengers passing from the car to the trailer?—No.

200. Do you think it would require a strong active man to stretch himself from the car to the trailer?—Yes. He would have to overreach himself, and when a man is passing from the trailer to the car there has been a leakage in the electricity in wet weather, and he might have a shock. If he had and let go, he would probably be run over

201 Do the conductors have to undergo any training to perform this acrobatic feat?—No.

202. Do you know of any case where the Christchurch Appeal Board reversed the decision of the Staff Committee?—Only one that I can remember

203. The Appeal Board always supports the management except on that one occasion?—Naturally, I think.

204. What would be the result otherwise? Would the management resign because it was a reflection on their decision?—I should take it that it would be considered as a want of confidence.

205. Or want of judgment, or want of fair play?—I suppose so.

206. *Mr Hardy*] You object to passengers standing on the floor of the car alongside the motorman?—Yes.

207 Do the passengers interfere with the motorman in any way?—No, they do not interfere.

208. Then why do you object?—Well, in the event of an accident these persons might be hurt.

209 Is there more danger to a passenger standing there than there would be if he were inside?—Yes, because there is glass in front of the motorman

210. You have just said in evidence that you object to passengers riding alongside of you?—Our men did.

211 Did they report it?—No.

212 Do you not think they should have reported it as a breach of the regulations for their own protection and the protection of the passengers?—I think they should have done so.

213. You could not blame the company for not inquiring into a matter they knew nothing about?—Not the Board itself

214. Is it not the duty of the motorman as well as the conductor to report these things?—I suppose it is.

215. Then the motorman or conductor was not doing his duty in not reporting—the men are really to blame?—Yes, the men were to blame.

216. What is the weight of a car—from 12 to 14 tons?—Twenty tons, I should think.

217 Assuming it to be 20 tons, how many passengers would the car carry?—It would depend on what kind of passengers they were.

218. What is about the weight of 100 passengers?—About 5 or 6 tons.

219 Supposing they carried 150 passengers they would be an extra 3 tons?—Yes.

220. Supposing a car is 20 tons, and 100 passengers weigh 6 tons, the car is then licensed for 26 tons, and if you put on an extra fifty passengers that makes 3 tons more: would that make much difference, 3 tons on the 26 tons?—I think it would.

221 The car is licensed to carry 26 tons, and you are putting on extra passengers to the extent of 3 tons would that make much difference?—It would make a little difference.

222. Three tons on 26 tons—what is the proportion? Take the percentage?—It is very slight.

223. After all, is there not a great deal of fuss made about the danger to the people?—If you have 100 per cent. more than you are licensed to carry——

224. How can you have 100 per cent. more? Could you possibly put another 200 on?—I can tell you of an instance where that happened. I was not in the service at the time driving, but I was in the shed, and I heard as a fact——

225 I do not want to hear what any one said, but what you saw?—He said in casual conversation——

226. I do not want to know anything about any casual conversation?—A car having seating-accommodation for thirty-two has had ninety passengers on it.

227. Do you not think that a car able to carry ninety people in such a case is not licensed for a sufficient number?—She has not the accommodation for them.

228. And yet there were three times the number of passengers put on that car? What was the number of the car?—I cannot tell you—it was so long ago.

229 Did you report it?—No.

230. Why did you not report it for your own protection and the protection of the people travelling with you?—What position are we in?

231 Why did you not report it?—I did not think it necessary, I suppose.

232 Is your work as a motorman very dangerous?—I think it is as dangerous as other callings

233. Is it more dangerous than the ordinary occupations in life?—I think it is.

234. Is the work of the conductors more dangerous?—I think it is equally, or more so, if anything

235. Do you know what the insurance companies charge for insuring the lives of motormen and conductors? Supposing you have a wife and children, have you to pay a higher premium than an ordinary individual?—No, I am not paying more.

236. Then it is not a dangerous occupation?—I think it is.

237 Are the insurance companies favouring you?—Probably they do not know the circumstances.

238. Are you running more risk than the man in the street of being run over by the car?—I do not know

239. You have assured me that you have not to pay any higher premium?—That is so.

240. Consequently the insurance company must be either favouring you or they do not know that you are in more danger than an ordinary individual?—Yes.

241 *Mr Luke*] The Minister asked you whether there was not an Appeal Board for school-teachers: are you aware that the appeal, as far as the teacher is concerned, is a matter of individuality as between him and the particular school, and not a matter affecting a public undertaking such as a tramway service—the responsibility is not the same?—I should not think so.

242 You know Wellington very well: do you think the people of Wellington would appreciate an increase in tram-fares?—No.

243. Do you think the people generally would rather put up with a little inconvenience in overcrowding than have the fares raised?—Probably so.

244. Do you think there is any danger in a reasonable amount of overcrowding, so long as the passengers are not allowed to ride on the platform?—Perhaps there is no danger to the public, but there is danger to the conductor I have noticed a conductor when taking his fares just hanging on by his two fingers, and unable to get his head in the door

245 There is no danger to the motorman?—No, because they are barred here from riding with the motorman.

246. The Wellington system is all right in that respect?—Yes.

247. Do you think there is any more danger in overcrowding on a tramway than on a railway-carriage?—It is a thing that happens more often on a car than on a railway-carriage. It is an every-day occurrence with a tram-car

248. But, is it not a fact that on a holiday the railway-carriages are overcrowded, even on the trucks as well?—I have seen them on the platforms of trains as well.

249 Do you not know that the Christchurch system is specially favoured in being enabled to have trailers, as against other cities, which are barred, from an earning point of view?—Probably so.

250. And you know, as a matter of fact, that if Wellington City could use trailers on the low levels the cars would carry a considerable number of passengers, and so obviate overcrowding?—I do not think it is necessary here, because you have a more frequent service than we have.

251 You agree with me that if overcrowding is stopped there will need to be an increase of fares?—Something will have to be done, no doubt.

252 You know that the municipal tramways are run in the public interest and not for profit, that after paying depreciation and 1 per cent. to the sinking fund there is little margin above that; and that consequently if there is not a little overcrowding allowed during rush times and holiday times there must necessarily be an increase in the fares?—I do not know

253 Clause 12 Do you not think it is a dangerous thing to take the power to license cars away from the municipality, and give it to the Minister?—He has that power already

254. If there was any other Minister than the present one in power, do you not think there would be a danger of his insisting on some alterations in the cars which might mean considerable expenditure to the service?—I do not think so.

255. You know that most of the cars in vogue in Wellington are palace cars?—Yes.

256. You can understand that some other Minister less liberal than Mr McKenzie might decide that those cross-seated cars are dangerous to the conductor, and insist on cars with the middle passage, so that the carrying-power would be reduced 50 per cent.?—Yes.

257 That, naturally, would mean that a lot more cars would have to be put on to accommodate the number of people carried at the present time?—Probably it would.

258. Would that not mean a great deal more expenditure to the local body?—It might do so.

259. *Mr Glover*] Do you consider that overcrowding or strap-hanging is detrimental to the general community? A car is licensed to carry a certain number of passengers: do you think the safety of the people is insured so well as if they were seated?—I do not think so.

260. *Mr Rosser*] Can you tell the Committee straight out whether the union is satisfied with the Appeal Board as at present constituted in Christchurch?—I have already said they are not.

261 With regard to your own merit marks for preventing that young lady being run over, referred to by me before the Brakes Commission: you were the motorman on that occasion?—Yes.

262 Did you get merit marks for that?—No.

263 You were asked whether you reported it?—Yes.

264. Is it your place to report for merit marks?—No.

265. Is it not from independent reports that you are to get merit marks?—Yes.

266. Therefore, it is not your place to report your own merits?—No.

267 With regard to the sand-punches, was there something else besides the shortening of the sand-punches that you complained of? Were they in the same relative positions on the platform?—They are in the same position as they have always been.

268. Are all sand-punches in the same position, that the motorman can put his foot readily on them?—No.

269 Therefore they are not in a good position?—No.

270. Have recent cars been built which are better for that purpose?—Yes.

271 They are brought more under the plumb of the motorman?—Yes.

272. You said you did not report that case of overcrowding where you had ninety passengers on a car seated for thirty-two or thirty-six?—Yes.

273. Why did you not report it?—If you try to block these people from getting on, and they tell you they must get on, what are you to do?

274. Had the men any instruction from the late Manager to prevent overcrowding?—Not to my knowledge.

275 Then it was not because of any verbal instructions that you did not protest against overcrowding?—No.

276 *Hon. Mr McKenzie.*] What is your principal reason for objecting to overcrowding on the motorman's platform?—Because in the event of anything coming in front of a man he is likely to be hampered in his work by having passengers round him.

277 It is necessary for him to use both hands and feet in case of an emergency?—Yes.

278. And if there is a crowd of passengers he cannot act freely?—No; he is hampered in his work.

279 Do you know what weight is allowed for passengers in braking the cars?—I could not say

280. Assuming that the weight for average humanity from the cradle to the grave is 10 stone—that is what they are braked for if you put 100 passengers on a car which is licensed to carry and braked for forty-nine, do you think that would be dangerous in a case of emergency?—It would have a detrimental effect. The extra weight would send the car further on when you put the brake on

281 And that would be dangerous to any one on the track?—Yes.

282 And if there was any obstruction on the track, would it not be dangerous to the passengers on the car and to the motorman himself?—I think it would.

283 *Mr Hardy*] You have a great many cars in Christchurch?—Yes.

284. Are they big cars or little cars generally?—The cars in the general traffic are big cars.

285 And the cars generally used by the public are big cars, and not little ones?—Yes. In rush times little cars are used, but in the general traffic the big ones are used.

286. Were my questions to you about the cars reasonable ones?—Yes.

287 And you answered me correctly?—Yes.

288 *Hon. Mr R McKenzie.*] Do you think the cars would exceed 9 tons in weight unloaded?—I think so.

289 What do you reckon is the weight of your double-deckers?—I do not know

290 Do you think 15 tons would be near the mark?—I should think they would be more than 15 tons.

291 Do you know, as a matter of fact?—No.

JEREMIAH CROWLEY examined. (No. 10.)

1 *Mr Rosser*] What is your occupation?—Motorman, employed by the Christchurch Tramways Board.

2 What experience have you had as a motorman?—About five years in Christchurch.

3. And previously to that?—A year and a half in Auckland.

4. And before that?—About a year and a half in Brisbane.

5. What brake system have they in Brisbane?—Hand-brakes. They also use a track brake on some of the steeper grades.

6. There is a track brake and hand-brake in Auckland, too?—Yes.

7 What office do you hold in the union?—I am one of the vice-presidents.

8. You have been deputed by the union to give evidence in favour of this Bill?—Yes.

9. You have read it?—Yes.

10. And considered it?—Yes.

11. Take clause 2: do you approve of that?—Yes, and consider it necessary.

12 Do you consider that a man with a Government certificate after examination would be eligible to drive in any service in the colony?—Yes. The equipments are very much alike, and as to the traffic, he is already used to that. There might be a slight difficulty with regard to the brakes, but that trouble would be got over in one or two days.

13 One or two days' experience would fit a man from Auckland to drive in Christchurch?—Yes.

14. Take your own case: did you have to go through ninety-six hours' training?—No, I went through a little training on the air brake.

15 And to learn the stops on the road?—Yes.

16. How many days were you doing that?—It might be three or four, but only parts of days, perhaps for about a couple of hours each time.

17 That would be on the different runs each day?—Yes.

18. You would be practically learning the routes?—Yes.

19. Do you think it would raise the standard of efficiency of motormen if this Bill came into force with regard to the certificates?—Yes, and it would keep up the efficiency If the efficiency is kept up, there will be greater safety for everybody

20 I want you to look at clause 3 of the Bill. Do you consider it necessary for an independent officer from the Public Works Department to inspect the equipment after wear-and-tear?—Yes. It is even more necessary to have an independent inspection of the equipment and appliances after they have been in use than when they are new The periodical and occasional inspection would keep up the efficiency. Prevention is better than cure.

21 Then you think it would be better to prevent accidents rather than to wait until an accident happens and then to inspect the equipment?—Yes.

22 Clause 5, subclause (*b*) You believe the licensing of cars should be in the hands of the Government?—Yes a disinterested party, I reckon, should have the licensing of the cars. The managements can, under the present system, run anything on wheels—there is nothing to stop them.

23. Do they run anything on the roads in Christchurch?—Some of the trailers run at race times, in my opinion, should be on the scrap-heap.

24. Do you know how many trailers there are?—No.

25. If Mr Scott Symington says there were eighteen trailers fitted with air brakes and from forty to fifty not so equipped with air brakes, would you take that as correct?—That may be practically correct.

26 Do you consider that those without air brakes ought to be on the scrap-heap?—Some are only provided with hand-brakes, and those practically the oldest and crudest form of that particular type. There is no ratchet at the top of the brake-staff, and the men in operating the brakes cannot get sufficient leverage if the trailers are travelling over three or four miles an hour

27. Are they often run?—I have seen them run on race days, and occasionally on gala days.

28. Have you seen them during the 5-o'clock rush?—I cannot say I have seen them.

29. Gala days in Christchurch are pretty frequent, are they not?—Yes.

30. There are many race days, show days, and excursions to Sumner and New Brighton?—On the gala days they use them.

31 Is there a man sent out to use the brakes on those cars—a brakesman?—There is not a brakesman put on, but the conductor might have some instructions. I have rarely seen them attend to the brakes—they cannot do so, as they have also fares to collect; and even if they were continuously on the brakes they would be of very little use to the motorman, because they could not simultaneously apply them.

32 Have they signals to bring down the brakes?—Not that I am aware of

33. Have you ever seen trains with three cars go out with only one conductor?—Sometimes, but not very frequently

34. Do you consider that safe?—It is very unsafe.

35 Now, with regard to subclause (3) of clause 5, prescribing the maximum number of passengers that may be carried: Do you know whether the carrying-number that each car was allowed to take was painted on the Auckland cars when you were in that service?—I believe it was.

36. Is that so in the Christchurch cars?—No.

37 Is there any direction to the conductor or passenger to show how many each car may carry?—No.

38. As a motorman do you know of any by-laws that have reference to overcrowding?—Yes, there is a by-law, but I think it is more for ornament than use. It is not observed, neither is it expected to be observed.

39 Have you had passengers riding with you on the motorman's platform?—Yes.

40. Does the Board allow that?—Yes.

41 Have you any direction with regard to that?—Yes, there is a letter from the Tramway Board to the union on the matter It happened about a couple of years ago.

42. And since that letter was written have you allowed passengers to ride on that platform?—Yes. If I have a loaded car with a crowd inside standing, after the instructions of that letter, I simply glance over my shoulder to see if there is room inside. If there is no standing-room inside, I trouble no further about keeping passengers off the platform—they can stand there.

43. Do you think that is risky?—It distracts the attention of the motorman, and sometimes impedes his movements.

44. Are the passengers inclined to get into conversation with the motorman?—Very much inclined.

45. And that would distract his attention from his work?—Yes. I might correct my statement a little bit. There is one type of car on the driver's platform of which they do not allow passengers. It is the "Boon" car There is no room for passengers on the platform. On the other cars they allow them to stand by the motorman if the car is crowded. There are seats for passengers at the drivers' ends of some cars. I would not object to them sitting, but they are allowed to come on the platform and stand all round one.

46. Have you ever seen passengers ride on the steps of cars?—Yes, but not too often. I have seen them on the steps. This is very risky for the passengers, and makes the conductor's duties more difficult than dangerous.

47 Under subclause (*d*) of clause 5 do you consider that the Government should have control of the speed at which a car should travel?—Yes. I reckon that proposed speeds should be submitted to the Government for approval or disapproval.

48. Are you allowed to run to your scheduled time?—On the busy trips there is not sufficient time allowed. Then, of course, when we are behind time we have to hurry and bustle the passengers, and that does not tend to safety.

49. Take subclause (*e*) of clause 5: Do you think that includes your sand-gear?—Yes, I think the Brakes Commission in Auckland made a recommendation with regard to this clause.

50. Are you satisfied with your present sand-gear?—No, it very often fails. The valve gets stuck and will not allow the sand to run; and sand is absolutely necessary on a greasy rail.

51 Is it intermittent or easy in its flow?—It is intermittent; you have to keep pressing on the lever

52 Do you know if there is sand on both rails at the same time?—Some cars sand only one rail. I consider it necessary to have it on both rails.

53 Have the later types of car a sand-gear for both rails?—Yes.

54. Is it a better system?—Yes, it is necessary to sand both rails.

55 You consider the subclause (*e*) gives power to the Government officer to see that sand-gear and other things are provided?—Yes.

56. And you approve of that?—Yes.

57 Take clause 6, the Appeal Board: do you consider that necessary?—Yes, very necessary

58. You know of appeals to the Tramway Board in Christchurch—you have heard reports of them there?—Yes.

59. Are you satisfied with them?—I hold, in opinion with the rest of the men, that we have no confidence in the appeal as provided for in Christchurch under the industrial agreement. The general impression is that in appeals the Board generally upholds the actions of its officers.

60. It is not fair, for instance, that the accused is not present all the while the case is being heard?—The mode of procedure is that the man charged with an offence attends and gives evidence. There is a right for a member of the union to be present, but we had to battle for that. Then he and the man for whom he appears withdraw, and the Board consider the case in the man's absence. During all the time the Board is considering the matter by themselves, the accusing officer, who is really the head of the department, is there, all the time closeted with the members of the Board, and he can prejudice the whole case.

61 Do you consider it is fair that the offender shall not be present, while the prosecutor is?—Certainly not fair

62 Are the members of the Tramway Board experts in tramway-management?—They are not expected to be experts. And, again, they have little or no technical knowledge. They are dependent on their responsible officers.

63. Is it likely that they, as non-experts, would go directly contrary to the advice of their officers?—It is hardly likely; they would be acknowledging that they had very little confidence in their officers if they did, in my opinion.

64. Do you consider there is a danger of tramway officials laying themselves out to run the service rather in the direction of cheapness than to provide for necessary requirements?—Yes. Of course, they try to run the thing cheaply in order to show a low expenditure, and that their costs of managing, if not less, are proportionately no greater than costs of managing in other places; in these circumstances due regard may not be given to the safety of the employees, the passengers, and the general public. I cannot see why the public-tramway bodies object to outside inspection and advice. This would be a check on their officers, and would also show the public whether or not the officers were carrying out their duties properly

65. Take the question of promotion: has the union ever had any trouble with the Board over promotions in your service?—Yes, there has been trouble over the appointment of inspectors.

66. Have some men been put over the heads of other men senior to them?—The trouble generally has been through outside men being put over the heads of others.

67 Take the car report-book, clause 9: are you satisfied with your present system?—No, we have the loose-leaf system.

68. Are you in favour of the system provided for in clause 9?—I think it is a very good and reasonable system. I cannot see how there can be any objection to it from any quarter.

69. Suppose the book is in operation for each car: do you think it would be better, in the case of an accident, if you could turn over to see if the car had a good character?—Yes, because the man in such a case wants evidence in his defence. It is necessary for the protection of the motormen.

70. Do you think the fact that your car had been booked up the previous day "Brakes hard on No. 1 end" would lead you to copy that instead of putting down the full facts in connection with the state of the car?—No. They had a book lying there for some time, and the fact is I would not take the trouble to look back when reporting

71 Do you consider the motormen should have the right to inspect the record of the car?—There are times when it would be necessary to inspect it—at times of accidents. There should be no objection to his looking it up at any time. It would give him greater knowledge of the car-equipment, and of the defects which would be likely to show at any time. That is, if he is so inclined.

72 With regard to the merit-and-demerit system: can you say whether the union is in favour of the present rewards-and-demerit system?—The employees never have been

73. Were you in Auckland when the merit-and-demerit system was in operation?—Yes.

74. Do you know that it has been discontinued?—I have heard so.

75. Do you consider it right and fair that the offences for which you can be punished amount to 204 and the meritorious acts only to 101?—It is very unfair

76. When you get 100 demerits you are liable to dismissal?—Yes.

77 When a man gets ninety demerits I suppose his object is to try and get merit marks to reduce that number?—Yes, I suppose he would do so.

78. Has he the same chance of getting merit marks as demerit marks?—No.

79 Do you know paragraph No. 104 in the demerit list?—I have not read it up yet. I have had only a few demerits. If you get no demerits within a period of three months I think you get ten merits. I have some merits in that way

80. You would get your merits by not having any demerits?—Yes.

81 Paragraph 104 says, "Any failure of duty not referred to above, 20 demerits": ought there not to be on the opposite side, "Any meritorious act not referred to above, 20 merit marks"?—Yes; if not there, it ought to be there.

82 *Mr Young.*] Have you read paragraph No. 6, "Any special meritorious act calling for recognition"?—I have not a copy of the book by me.

83 I understand you object to this system of merits and demerits altogether?—I entirely disapprove of it personally

84. I suppose you know the management must have some system of recording the men's work?—I suppose they would want some system.

85. It is necessary to judge whether a man is doing his work well or not?—Perhaps.

86. Is it not a fair thing for you that you should have a good record somewhere in the company's books, and that an inferior man should also have some record in the company's books?—There would be no objection to that.

87 Have you thought of any system that would be better than the merit-and-demerit system?—No, but I consider this a very unfair one.

88. The Board want to know if you have any better system to propose: if so, they would consider it?—I have not considered the matter

89 You say you do not approve of this system, but you are not prepared at the present time to suggest any other system?—That is so.

90. But you say that some system is necessary?—I believe the system was copied from Auckland, and it has been done away with there now Dunedin had it and did away with it, and probably it was not of much use.

91 If the car report-book is done away with, does that not show that it was not approved of?—It was not approved of by the management.

92 So that that stands in the same position as the merit-and-demerit system?—I do not know that you can couple the two things.

93. Do you think that the car report-book is necessary for the protection of the motormen? Yes.

94. Why?—Supposing a motorman is concerned in an accident which is caused by the failure of the car-equipment. That car has perhaps been booked up repeatedly, and he wants to look up the car-record to see what the condition of the car was before. He wants this evidence in order to save himself

95. Ought he not to make his report first of what he noticed in the car, and afterwards look at the previous report?—Yes, if he finds that he is likely to get into trouble. He would perhaps ask others of the men what they knew about the car previously

96. You would be satisfied if you could look at the previous reports after you had made your reports?—If I had an accident, certainly I should want to see what the history of the car was.

97 You can see that in Christchurch, can you not?—Not that I am aware of

98. Do you not know that they are available?—We have no instructions about their being available.

99 Have you ever known any one to be refused permission to see them?—I do not know whether they are available. We should have instructions that they are available. I never asked for them, and should not expect to get them if I did ask for them.

100. Do you consider the management of the Christchurch Board unsatisfactory?—I would not express an opinion on that.

101 You tell us that the trailers have no brakes, and so on?—I said that some of the trailers had no air brakes. That is only one instance. When you ask if the management is not satisfactory it is a big order to ask me to say

102 You have given some particulars in which you consider the management is unsatisfactory?—Yes.

103 You told us there are no air brakes on some of the trailers?—Yes.

104. You want some provision made for that?—Yes.

105. Look at clause 33 of the Order in Council: does that provide for it—"Every trailer car used on the tramway shall comply with the following requirements: (*a*) The wheels shall be fitted with brake-blocks, which can be applied by hand-power, and also by some other approved means under the control of the motorman; (*b*) it shall be numbered inside and outside, and the number shall be shown in conspicuous parts thereof; (*c*) it shall be fitted at the leading end with a suitable guard, which will act efficiently as a life-protector, and with a special bell to be sounded as a warning when necessary; (*d*) there shall be sufficient means of communication between the car conductors and the motorman, and also between the passengers and the motorman." Do you find that clause unsatisfactory as to brakes?—Which subsections do you refer to?

106. Subsections (*b*) and (*c*)?—We have no guards on.

107 Tell me in two words is there provision there for communication with the trailers?—Yes.

108. Is it satisfactory to you?—There is supposed to be sufficient means of communication, yes.

109 And the brakes?—Under the control of the motorman, yes.

110. You tell us there should be some regulation as to speed?—Yes.

111 Will you look at clause 44. Is that provision as to speed satisfactory to you?—Yes, that is reasonable enough. I thought the speeds provided for were much higher than that.

112 As to the convenience of the public, is clause 35 satisfactory to you?—Yes, that is satisfactory enough: "The business of the undertaking shall at all times be carried on in a manner conducive to the public convenience, and so as, in the opinion of the Engineer-in-Chief, not to cause any nuisance or inconvenience to the public."

113 As to the keeping of the tramways in proper repair, is clause 37 satisfactory to you?—Yes "After the construction of the tramway, the same and all plant used therewith or thereon and generally the undertaking shall at all times be kept by the local authority in good repair and condition to the satisfaction of the Minister"

114. As to sufficient plant, is clause 39 satisfactory?—Yes: "The local authority shall at all times keep, use, and maintain a sufficient supply of cars, wagons, trucks, locomotives, and plant of all kinds to efficiently subserve the purposes of the undertaking, and secure to the public the full benefit of the undertaking"

115. If clause 6 of the Bill, with regard to the Appeal Board, were carried out, you would be satisfied on these points?—Yes.

116. Will you look at clause 48 of the Order in Council, and see if there is power to enforce fines?—"If the local authority fails or neglects to fulfil any of the requirements of the Order

relating to the maintenance of the traffic and the securing to the public the full benefit of this undertaking, it shall be lawful for the Governor by Order in Council to impose upon the local authority a fine of £5 for every day or part of a day of such default, such fine to be recovered in any Court of competent jurisdiction." Well, as I look up this Order in Council I am surprised, and can only think, if the Government carried out all it should do, its revenue would be a little bit higher.

117 Then you are surprised to learn that the Government has all the power it has with regard to these things?—Apparently so. According to this, they have.

118. Referring to crowded cars: has Mr Thompson ever inflicted any demerit marks on any one for not taking fares on crowded cars?—It would be very hard for me to answer that, but I believe he has.

119. Would you be inclined to believe him if he says he has not done so?—If he says so he may be right, but I am still inclined to doubt it.

120. Can you give me any instance where has has?—No.

121 As to the certificates of the men: do you think the Board ought to have a certain number of emergency men ready to drive if called upon?—Yes, I think it would be reasonable to have a certain number

122. Do you think they are safe judges as to who are the best men to drive in their employ?—They should be judges and have a say, but still I think you want some other uninterested person to approve or disapprove of these things.

123. They are their own cars that are going to be driven, so do you not think they are the proper people to judge?—Yes, they may judge, but there should be some other proper person to see to it in the interests of the public.

124. Do you think the men should have a Government certificate to show that they are fitted to drive in safety to the public, and then there should be some other person to mark his approval of the Board's action?—I suppose the Government certificate would be sufficient. I take it that that would cover everything.

125. The Government certificate could not cover a man's habits. Supposing he was a drunkard, would he not be an improper man to be employed as a motorman?—Yes, but if a man comes along with a Government certificate the Board is not compelled to take him on—to employ him.

126. You do not ask for that?—No.

127 A great deal has been said about the merit-and-demerit system: you have nothing in the Bill about that?—No, I do not think so.

128. So that all the discussion about merits and demerits has no bearing on the Bill?—It would have a bearing, I think, on this Appeal Board.

129 When you come to the Appeal Board, are there not a great many instances of unsuitability in the conductors that could not be made a question of trial before the Appeal Board: for instance, I suppose you know there are some conductors whose manners are rude?—I cannot say—there may be.

130. These men would not have the approval of your union?—Certainly not.

131. Supposing such men were employed, and it was found that they were rude to women, do you think they ought to be discharged for it?—Yes, if a charge is proved, but you must give the man a fair hearing

132 You would want the passengers called to give evidence?—There might be wrong statements made.

133 Supposing the conductor was taken off one run and put on another, and still there were complaints of a similar character?—In any case the charge ought to be fully proved, I think.

134. There seems to be a difficulty in regard to passengers coming forward to give evidence on account of the exposure?—A charge could be inquired into privately, there would be very little exposure.

135. You think those are fit subjects for an Appeal Board to inquire into?—Well, they could clear the room, and the proceedings need not be open to the Press.

136 On some of the cars there are seats for the passengers near the motorman?—I think some have room for half a dozen I believe five cars have such seats.

137 And those cars were passed by the Department?—I think so.

138. Is there dissatisfaction among your men in Christchurch about the things you have told us of?—Yes.

139. And are those matters discussed among the men when they meet?—Yes.

140. Why has not your union made some representation to the Board about them?—They have on some things, and then, again, some of the men did not like to brush up against the last Traffic Superintendent.

141 How long is it since he left?—It is a matter of a few weeks.

142 Will you try to bring these matters before the new Superintendent?—Yes, I suppose as things come up they will be mentioned.

143. Do I understand that no complaints have been made to the new Superintendent about these matters?—Yes. These things have been so often mentioned, I believe, by individuals to the last Traffic Superintendent that it would be difficult to recall any particular instance.

144. Will you give me some particulars of those that have been made?—I believe there is a man in this room who made some references to the overcrowding to the Superintendent, Mr Lomas. I remember him telling me distinctly some time ago that he drew the Superintendent's attention to overcrowding, and I have no reason to disbelieve him. I believe it was on the Sumner line.

145 Can you tell me of any other complaints?—There have been several instances, but I cannot recall them.

146. Can you tell me whether the complaints have been dealt with or not?—I cannot say that. Perhaps the Superintendent may have mentioned them to his department or to the Board.

147 Some complaints have been mentioned, have they not?—Name any particular case, so that I may answer that question.

148. They asked for glass in front of the motorman?—Yes.

149. And something to prevent the water from draining down on top of them—a drip from the downpipe: do you know anything about that?—I do not know; I do not know what you mean.

150. Can you say whether there have not been some instances where their demands have been complied with?—There are, but only a few of many

151 I think you said the management in Christchurch was unsatisfactory?—Yes, in the treatment of the men, &c.

152 *Mr O'Shea.*] Do you know Professor Scott and Mr Beattie, the members who constituted the last Commission?—I do not know them; I have read or heard about them.

153. Do you know that they are capable men?—I could not say

154. They have been through your own system, and taken the evidence of your men?—I was not at the Commission.

155. Do you know that these men went right through your office system, examined the car-shed and power-house, and took exhaustive tests of your cars?—I did not know that. I understood they tested the brakes only

156. These Commissioners, after having made a thoroughly exhaustive inquiry, said this: "The Commissioners have also considered the working of the existing law, and the necessity or expediency of any legislation in respect thereto. They have found that at Wellington, Christchurch, and Dunedin a high standard of upkeep and efficiency of equipment is maintained." Do you say that is so or not?—To that I will give you as my answer the second last paragraph of their report: "The Commissioners also consider it to be desirable for the Government to take power to be able, if necessary, to insist on any tramway system being equipped and worked with due regard to the safety and convenience of the public." That is my answer

157 You said the management is unsatisfactory; these gentlemen say it is not: do you put your opinion against theirs?—I cannot see that the two paragraphs agree.

158. You think they do not coincide?—Not exactly.

159. You say that the statement is consistent with your statement that the management is unsatisfactory?—Yes. We have made several complaints, as I stated to Mr Young.

160. You know there was a Bill in 1907 introduced by Mr. McGowan?—Yes.

161 Did your union consider that?—Yes.

162. Before or after it was drafted?—It must have been after—it was printed.

163. Did you have anything to do with suggesting it to Mr McGowan?—Not that I am aware of in any way.

164. You talk about periodical inspection by the Government: how is the Government going to exercise the same inspection as you have? Do you think a man coming in casually once in three months is going to inquire how the inspection is being carried out?—He might jump on anything at any moment—he might come on at an opportune time, or the Government might have an official on the spot.

165. Who is going to pay for these officials?—That does not concern me.

166. Will you consent to your wages being reduced to make up for the expenditure rendered necessary under this Bill?—I do not think it is a question of wages at all.

167 Supposing it costs the country from £2,000 to £6,000 a year, who is going to pay that? It will have to come out of the tramway undertaking?—I suppose the Government have means of finding money for such expenditure.

168. Do you not think this Government inspection will give rise to dual control and divided responsibility?—This Bill does not seek control, but provides supervision for the safety and convenience of the public.

169. Does it not strike you that if the Government are going to take over the licensing of the cars it will lead to dual responsibility?—As a matter of fact I do not think the Government have done their duty already They should be more severe.

170. Does not this Bill say the equipment must be maintained? Is there any need for any more supervision? Do you not understand that every company, municipal Board, or Council is liable to severe damages at the hands of the Supreme Court if there is any accident?—We know very little about that.

171 You have read your book of instructions?—Yes.

172. Have you ever read this about accidents: "Financial loss.—From 17th May, 1905, to 31st March, 1909, the sum of £3,250 12s. 6d. has been paid by the Board in settling accident claims. As the average profit for each passenger is only $\frac{3}{20}$d., 4,763,493 passengers have had to be carried to meet this special expense. Apart from the suffering caused to those meeting with accidents, the financial loss is sufficient to make the prevention of accidents one of the most important matters which employees of the Board must consider" You have read that in your book of instructions?—I believe I have.

173. Do you not think that factor alone is going to tend to keep the undertaking going in proper order?—I wonder what brought those accidents about! Defective equipment mostly, I suppose.

174. Do you know of any such case?—We never hear of the claims that are settled privately, and the equipment must be at fault if they have to pay out damages and motormen are not penalized.

175. Does it not strike you that the motorman is in fault?—If so, they do not tell him about it. It may be the case that they could not say so.

176. Have you heard of the Brooklyn accident and the Kingsland accident? Do you know that the motormen alleged defective equipment in each case, and the Public Works Department said it was not?—I do not know that.

177. Do you know of any case where an accident has been caused through a defective equipment?—If these men have not been penalized it must have been on account of the equipment.

178. Do you know of any case where an accident occurred through defective equipment in your service—you have been there a few years?—Yes. I do not know that I can particularize any case.

179 Do you know that the brakes have never failed? Take the evidence given in Christchurch in this case. There is Edgar Crispen, George Lomas, and others, and I suppose they are all good men. Take Lomas's evidence ' The service was equipped with air brakes, and the cars he had been driving were so equipped. In no instance had the brake failed to respond when he required it, either in ordinary service or in emergency He had had to use the brake in case of emergency scores of times, to avert collisions and so forth. He found the brake very prompt and very easy to work, for service occasions as well as on emergency He had never heard other motormen complain of failure of brake; in his experience and to his knowledge there had been no single failure in the four years and a half ''?—I have the greatest respect for Mr Lomas, but he is only one. You have not mentioned the sixty or more other motormen in the service, you have not got all their opinions.

180. Are these not representative men? Lomas corroborates what others have said?—These men were not representatives of the union.

181 Lomas was a member of the union?—Yes. He was not representing the union in this case.

182 Do you mean to say that the motormen give evidence on the side they are on?—Certainly not.

183 You were shown the No. 3 Order in Council this morning: I want to show you No. 1, which is the first Order in Council. There is no provision in this for air brakes to be put on trailers. Can you blame the authorities for not having constructed the trailers superior in equipment to what was required by the Government? If I tell you that No. 3 was the first Order in Council in which they required air brakes, what will you say?—You say it is not in that No. 1 Order that they require air brakes on the trailers.

184. At that time they did not need them?—At any rate they must have found it necessary when they put it in the other Orders.

185. Can you blame them for not doing so if they were not ordered by the Government?—It must have been found necessary I suppose the next Order compels them to do so.

186. Would you be surprised to learn that we are continually making improvements in Wellington without the Government knowing anything about them?—I am not surprised at that.

187 Is it the same in Christchurch?—No; there are very few improvements I see going on.

188. Talking of the merit-and-demerit system, you said it had been tried in Auckland and had proved to be no good?—Yes.

189 The car report-book has been tried in Auckland, Wellington, and Dunedin, and has been dropped in each place: would that lead you to believe that it was not any good? Would not the same argument apply?—That is where the management might try to get a pull on us.

190. Do you think the managers are your enemies?—No, not enemies, but each is a bit suspicious of the other—just a little bit. They may try to get points on to us.

191 If the management say they found them unsuitable, are you in a position to contradict them?—No.

192. *Hon. Mr. R McKenzie.*] Mr O'Shea pointed out to you that there were no air brakes provided for trailers under the first Order in Council, but they were under the third one?—That is what I understood.

193. He did not tell you what the speed was?—No.

194. Supposing the speed-limit in the first Order in Council was twelve miles an hour, and eighteen miles in the third Order in Council, would there be the same necessity for the air brake with the speed-limit of twelve miles?—I think no air brakes would be required with the twelve-mile limit, but they would be in the case of the eighteen-miles-an-hour limit.

195 Mr Young did not call your attention to clause 26 and clause 30 in the third Order in Council: will you read them?—He did not call my attention to those. Clause 26 reads, "At any time or times during the construction of the tramway and the execution of the works connected therewith the Inspecting Engineer may inspect such tramway and works and the undertaking, or any part thereof respectively, and upon or after such inspection the Minister may require that such additions thereto or alterations therein (not inconsistent with any provision of the Tramways Act or of this present Order) shall be made in such manner as he is advised are necessary or desirable for the utility, safety, or convenient working of the tramway in accordance with the system authorized by this Order." Clause 30: "The tramway shall be deemed to be completed for the purposes of this Order, and within the meaning of the Tramways Act, when the Inspecting Engineer has certified to the Minister that the tramway has been faithfully constructed in accordance with the Tramways Act, and as provided by this Order, and that the undertaking is safe and fit for traffic. For the purpose of such certificate the Inspecting Engineer shall be entitled to inspect the tramway and all the rolling-stock intended to be used thereon and all the works connected therewith or incidental thereto, and neither the tramway nor any section thereof shall be opened for public traffic until such certificate has been given."

196 That is the inspection before the passengers are allowed to be carried?—Yes.

197 Will you look through the clauses to see if there is any inspection after that unless there is an accident?—I take it from this that there is no inspection except when the service is about to be opened. I hold that inspection is more necessary after the service is under way.

198. Do you consider that the power of inspection taken under clause 3 of this Bill is given so that the Government may inspect at any time?—Yes, that is what I understand the clause provides for in the Bill.

199. Do you think that will provide a further margin of public safety?—Yes, decidedly.

200. Coming to your merit-and-demerit system, Mr Crowley, what do you think of the system generally?—Not much, sir

201 Can you describe the effect of it in a few words?—In its administration by the officers, prejudice and favour play very big parts. For instance, supposing a motorman or conductor got five demerit marks for something, there might be another man who committed a similar offence and he would get twenty-five.

202. Could it be described as a system of bribery and corruption?—I do not know that we should put it in that way, but they might be some relation to them. I think it would be better not to describe it that way. Both men and officers have likes and dislikes.

203. Do you think you would be much better off as a service without it?—Yes; I have very little time for that system.

204. Can you keep your time-table with the speed laid down in clause 34 of the Order in Council?—Yes, but with the way in which the scheduled time-tables are carried out we cannot keep them. The mileage time is, of course, greatly exceeded.

205. I suppose you consider the management in Christchurch is not too satisfactory?—There are some things we do not like, and which we should like an improvement on.

206. Mr O'Shea got you to read what the Commissioners say on page 12 of their report: you might read again the paragraph referred to down to the word "maintained in the fourth line?—'The Commissioners have also considered the working of the existing law, and the necessity or expediency of any new legislation in respect thereto. They have found that in Wellington, Christchurch, and Dunedin a high standard of upkeep and efficiency of equipment is maintained.

207 There is nothing there about the management or any reference to it?—No, I do not see any reference to it.

208. Will you read the next paragraphs?— In these circumstances, the Commissioners are of opinion that if further legislation, necessitating closer inspection, be introduced, it is desirable that any inspector appointed should be an electrical engineer of high qualification and extended experience of tramway working, whose professional status should be such that his assistance would be welcomed by executive tramway engineers. The Commissioners also consider it to be desirable for the Government to take powers to be able, if necessary, to insist on any tramway system being equipped and worked with due regard to the safety and convenience of the public.

209 If the Commissioners had found everything satisfactory in Christchurch and the other places, do you think they would have said that?—I do not think it would have been necessary if they meant in the first case that everything was satisfactory

210. You think it would be contradictory?—Yes.

211 And in that paragraph you have just read the Commissioners recommend the Government to bring the various systems under closer inspection?—Yes.

212. Do you mind turning to page 3 of the report, starting at the second last paragraph, under the heading "Cars weighed"?—"In order that the mass dealt with might be accurately known, the Commissioners had decided not to accept manufacturers' weights, but to accurately weigh all cars experimented on, and on car No. 75 being placed on the scales it was found to weigh no less than 52 per cent. in excess of the previously stated weight."

213. Do you know car No. 75 in Auckland?—I do not remember the car It is too long since I was there.

214. Read the next paragraph?—"Further, it was found that with the hardest possible application it was not possible to carry more than 26 per cent. of the weight of the loaded car upon the slippers of the track brake. The combined errors of underestimation of the weight of the cars and overestimation of the mechanical advantage of the brake-gear (the efficiency of which, according to the drawings supplied, had been taken at unity) had resulted in the cars upon the Auckland system being distinctly underbraked, and much of the trouble which has arisen in connection with the brakes was immediately acounted for. It was decided that before further trials were made the brake-leverages on car No. 75 should, as a temporary expedient, be increased to an extent which would give block-pressure more comparable with the weight of the car This was done, and, although the full benefit which should have been derived therefrom was not, on account of the structural weakness of the gear, obtained, a vastly improved control resulted."

215 You will find on page 6 a reference to car No. 75, under the heading "Weighing of Cars": Read the second paragraph?—"At Auckland, car No. 75 was found to weigh, when empty, 36,736 lb., as against 24,080 lb, its reputed weight, an excess of 52 per cent.'

216. Read on and see how you stand at Christchurch?—"At Christchurch, car No. 9 weighed, when empty, 33,992 lb., as against a reputed weight of 26,096 lb., an excess of 30 per cent.'

217 Do you know car No. 9 in Christchurch?—Yes.

218. Do you think it is sufficiently braked?—I think it is up to the average there.

219 Suppose the average is bad?—The average is not too bad

220. Do you think a car braked for 26,096 lb. and which weighs 33,992 lb. is sufficiently braked?—Certainly not. The extra weight should be provided for

221 Supposing you had that car out with two trailers and with an overcrowd of 75 per cent., and had to apply your emergency brakes, do you think the car would skid?—You take an instance where there are two trailers behind that car No. 9?

222. It would be the same?—Your car would skid if you locked the wheels. The extra force on the car would cause it to go further on than if you had it lighter-weighted.

223. You had a track brake in Auckland?—Yes.

224. Supposing you were the motorman on car No. 75?—I take it that that is a bogie car—one of the larger cars.

225. It has been shown that that car weighed 12,000 lb. more than its reputed weight: do you think if you were going down College Hill on that car you would be able to stop it in case of an emergency?—I reckon it would stop at the bottom. The wheels would lock and she would start to skid.

226. Supposing she was lighter?—The skidding in that case would not be so far.

227. Do you think the Government should step in and insist on proper brakes being put on cars like that, and also on car No. 9 in Christchurch?—Yes, certainly. With regard to car No. 9 in Christchurch, on page 18 of the report you will see the figures given with regard to speed. Taking into consideration the speed we usually travel in Christchurch, and a test of car No. 9 is given as 22·90—call it 23—miles an hour, and the length of the stopping in feet is given as 144——

228. That is after applying the emergency brake?—After applying the emergency, I take it. That distance is too great. That car must be insufficiently braked. You should be able to draw it up before that distance is covered. In Christchurch I think there are about 100 ft. between each of the poles—I believe it is about 33 yards. Well, according to this brake-test in the report, at twenty-three miles an hour, from the time the brake was applied the car went 144 ft. I consider it should be pulled up in about two-thirds or three-fourths that distance.

229. It would go about 45 yards under that test?—Yes.

230. Should it have been pulled up in 10 yards?—Not at that speed; but it should have been pulled up in less than the distance given.

231. What do you reckon it should have been pulled up in?—About two-thirds of the distance it did go, or at most three-fourths of that distance. If you had behind that car, as on the Sumner line sometimes, two trailers, and the car loaded, you would at that speed pull it up in an emergency in about 100 yards, and if anything got in the way I should pity it.

232. On Saturday nights you have considerable crowds in Cathedral Square, have you not?—Yes, and pretty heavy loadings.

233. And you have a greater risk of accident with people on the track. What chance do you think the people would have?—We should be going at a slower speed there.

234. What speed do they allow you there—or do you use your own judgment?—In our operations of the cars and trailers there is series speed and parallel speed. They will not let us go beyond series, and I take it that that is perhaps eight or ten miles an hour in the busy portion of the Square and between that and the clock-tower

235. Do you have occasion to use the emergency in the street?—Yes, we have many instances of it.

236. Do you consider the way in which No. 9 car is braked in Christchurch dangerous to the public safety?—I reckon it is. On the emergency application I reckon it should have pulled up sooner than it did.

237. When the tramways were first started do you think the officers of the Public Works Department understood what was required so well as they do now?—They could not be expected to do so. They would be new to the business.

238. And perhaps that is the reason why we want more control now—because they allowed things to pass they should not have passed?—It looks like it.

239. Do you think the Tramways Board would be in any worse position than the Union Company are by their captains and officers having to get certificates? You know that the officers on ships belonging to the Union Steamship Company and other steamship companies have to get certificates?—Yes.

240. Do you think, if the motormen have to get certificates they will be worse off, or that it will make any difference in the case of a strike?—No, not likely The engine-drivers have not given any trouble. If the captain and other officers of a ship did not hold certificates I do not think I should like to travel on sea with them.

241 As far as your experience goes, do people without certificates give more trouble than those who hold them?—I think it is likely

242. On the ground that they have not so much to lose?—Well, that would be patent.

243. Is the Appeal Board provided for in this Bill satisfactory to you?—With representatives of each side and an independent Chairman, I do not think anything could be fairer

244. Do you think there would be any probability of agreement?—Yes, very great probability

245. Would you prefer to have a fixed Chairman, as in the case of a Conciliation Board or Court?—I should not like to express an opinion on that point. Anything they do in conciliation would be binding

246. It is binding in this Act?—Yes. It would be very little use if not.

247 If an Appeal Board were established, do you think it would very likely lead to strikes or prevent them?—It would prevent them. Take Auckland: Harsh and unjust treatment to the men caused the trouble there, and the strike—it was the last straw, in fact. The instance I have in my mind is that of Conductor Herdson. In that case it was the last straw, and the men went out. A Board of Inquiry was set up then, and it was ordered that he should be reinstated, and he was reinstated. Well, if that man had got a fair hearing in the first instance he would not have been dismissed, and the men would have put up with their troubles a little longer

248. How many employees are there in your Union?—About two hundred, I believe.

249. In the case of a motorman or conductor having a bad case, would it lay with the majority of the union or the majority of those present at a meeting to say whether that case should be taken

to appeal or not?—If he wanted an appeal he would probably apply to the union secretary, and the union would go into the merits of the case.

250. Could the secretary of the union send the case to appeal without consulting the members of the Union?—I do not think he could. If a man wanted his case taken to appeal, and they went into the merits of it and considered he was not harshly treated, it would not be carried to the Appeal Board.

251 Take the case of a motorman having an accident obviously due to carelessness, if the executive were satisfied that it was the motorman's own fault would they send his case to appeal?—If in their own mind they thought he was to blame he could take the action himself

252. In a case where it was found that a man was incompetent do you think it would be taken to the Appeal Board, and do you think they would want the Board to reinstate him?—No, unless he could prove his innocence.

253. *Mr Glover*] Do you consider it is essential and in the best and truest interests of the travelling community that motormen should be licensed under the Board of Examiners set up under the machinery of this Bill?—That would keep a standard of efficiency which would make for the safety of the public.

254. Do you consider that the overcrowding of tram-cars is conducive to the interests of the people, inasmuch as the conductors may be interefered with in their work, and in times of emergency the passengers may communicate with the motormen?—In an overcrowded car the conductor is very much handicapped, and cannot attend to his duties properly. If he is in the centre of a car attending to the fares he cannot attend to people getting on and off the car

255. Have you no instances within your knowledge where men have been promoted through favouritism over persons with more merit?—There are often things which are known to exist, but which it is pretty hard to prove, and it is pretty hard also to bring out the names. In our agreement there is a clause providing for promotions, but the Tramway Board wriggle sometimes, and bring in outside men as inspectors. They have done it a couple of times, or once at least.

256. Do you not consider that the Municipal Corporation should have the control of the tramway so far as the time-tables are concerned, without appealing to the Government?—This Bill does not provide for control. The Government ask for supervision in the interests of the public and the employees' safety Therefore I have not considered it from the point of control.

257 Do you desire to take away the whole of the control from the municipal authorities?—The Bill does not propose it, and I have not considered it.

258. You must admit, I think, that the municipality must have some say in the regulation of the tramways?—Yes, they should have a say, but it should be submitted for approval or disapproval to another party The municipality might say there was room for sixty passengers in a car, but it is necessary in the interests of the public to see whether it is capable of carrying sixty passengers, and the other uninterested party should supervise the licensing

259. *Mr Rosser*] I understood you to say, in reply to Mr Young, that Mr Lomas had drawn the attention of the late Superintendent to the overcrowding?—Yes.

260. What, in your opinion, was the reason why the men did not report?—Really they did not like to brush up against their officers. They put up with a lot of things they really should not have put up with.

261 Is it because you are of opinion that the officials countenance the overcrowding for revenue considerations?—Certainly they do. The by-law is there, but only for ornament, to my idea.

262. Mr Lomas quoted Sir Clifton Robertson that strap-hangers meant the difference between loss and profit: do you think, if that opinion is held by your employers, that would account for the overcrowding being allowed on your tramway?—I think they put revenue first always.

JAMES YOUNG examined. (No. 11)

1 *Mr Rosser*] What position do you occupy?—Secretary of the Christchurch Tramways Union.

2 Are you a motorman or employee of the company?—No, I do not hold any position in it.

3. You are the outside paid secretary?—Yes.

4. Do you hold any other position?—I am secretary of the Canterbury Trades and Labour Council.

5. For how many years?—Two years.

6. Have you been appointed by the Tramways Union to represent the mind of the union on this Bill?—Yes, I have been appointed by the union for that purpose.

7 Are you aware of the mind of the Canterbury Trades and Labour Council on this Bill? Yes.

8. Have you any resolution from it?—Yes; it has been forwarded to the Minister in charge of the Bill.

9 I should like you to make a statement on the Bill from the Tramways Union standpoint, with you as secretary?—I may say that the Tramways Union executive in the first place, and the Tramways Union, had a meeting called for the purpose of considering this Bill in all respects in which it concerned the union. That is to say, there are some sections in the Bill which are not peculiarly the business of the union, but which affect the public convenience as well. The union has discussed all the sections of the Bill, and has come to the unanimous decision that it is desirable, and more particularly certain clauses which it thinks should be passed into law. The first is clause 2, with reference to the granting of certificates to motormen. The union is unanimously of opinion that that is desirable from more than one point of view The union thinks it would raise the status of motormen if they were granted the Government certificate, and

think that the driving of an electric car is equally important with the driving of a locomotive, because whereas the electric car is driven along the public streets, the locomotive is driven on private property, and therefore is not so liable to accidents. The members therefore think that the motormen should be raised to the status of the engine-driver under the Government Inspection of Machinery Act. They also think it would allow of uniformity throughout the systems in New Zealand if they were able to obtain employment, because it would be said ' This man is qualified, because he has a Government certificate.'' That is not now the case, because, while there are some centres which grant certificates, the men would have to undergo examination to show that they are fully qualified, and that has been proved by motormen coming from England and Scotland and obtaining employment in the Dominion after a cursory examination by the man in charge in the Corporation or company Another reason given by the motormen in Christchurch was that there would be absolutely no chance of favouritism in the Government appointing an Inspector to examine these men. I say that advisedly I use the word ' favouritism,'' but I do not wish to imply that, so far as Christchurch is concerned, there has been favouritism, but I say it would obviate the chance of favouritism. While it is said that there has been favouritism, we have no proof of it, and I think it will be realized by the Committee that there is always a chance of it in a corporate body by people who want employment. That is a danger that would be obviated by obtaining a Government Inspector to grant these certificates. Then, again, the Corporation look at it from a wholly commercial point of view The fact of having to teach a man means that it costs a considerable amount of money, and they are not likely to incur more expense that they can help That would not be a factor with the Government. The only factor would be efficiency, and that is what the Bill is trying to give to the public, and for that reason we think that the clause ought to go through as printed. Clauses 3 and 4 I shall not touch on. Clause 5, with regard to periodical and other inspection, we regard as important. We think, with regard to the licensing of carriages, that, while we understand there are Orders in Council having reference to the matter at present, yet at the same time, as representatives of the union, we have not been able to get the Orders in Council. We approached the Minister of Public Works, and asked him to supply us with the Orders in Council relative to the Christchurch Corporation, and the Minister replied that the were printed by the Corporation and indorsed by the Public Works Department, and that the Corporation had the printing of them. On receipt of that reply the union approached the Corporation with a request to be supplied with copies. This was done by correspondence, and the reply of the Tramways Board was to the effect that the Orders in Council could be perused on application to the officer In view of this Tramways Bill coming on, no other action was taken in the matter, as it was thought that the Bill would overcome those difficulties in the Orders in Councils which we thought were not being observed. With regard to the licensing of cars, we contend, from our practical knowledge, that this is imperatively necessary, and it does not seem that any one on the Board has that practical knowledge. We therefore think that the Government ought to have an official who should be able to say how many passengers shall be carried on a car—that is, the maximum number In connection with this matter I do not know whether it is more notorious in Christchurch that in other parts of the Dominion, but, taking the New Brighton car, I have to say that on an electric car with two trailers they have to slow down for seven or eight minutes to collect the fares, and when the motorman has been seven or eight minutes late he has been asked what kept him. It was absolutely due to the fact of the Order in Council not being complied with that this state of affairs occurred, and the motorman has had the blame for it. That illustration should be sufficient to justify the Government putting in the clause prescribing the number of passengers that ought to be carried on any particular route or grade. More than that, the overloading of these carriages interferes with the proper working of the brakes. The motormen say that the weight caused by the overcrowding presses the springs down and prevents the effective working of the brake, consequently if an accident happened the motorman would have to justify his position, and very likely be blamed for what he had no control over That is why we think the Government are justified in putting this clause in the Bill, and for that reason we think there should be a competent man to decide these things. In reference to the speed-limit on any particular route or grade, we also think that should be in the discretion of the Government. At the same time we think it should be limited by the time-table so as to give sufficient time to the men to get to and from their destinations, and if that were done, the motormen, being licensed by the Government, and therefore competent men, would know when to run at a more excessive speed, and there would be no danger from that point of view, provided there was a competent man on the handles. Now, there is the Appeal Board, to consist of one representative to be elected by the employers and one representative to be elected by the employees, with another to be appointed by the two as Chairman. We think in Christchurch that this clause is absolutely essential to the well-being of the Tramways Union, to the employees of a Tramway Board, as well as to the general public. Our reasons may be stated by these facts It is known that under the agreement arrived at between the Christchurch Union and the Tramways Board we have a section that allows for inquiries and appeals. These inquiries are arranged for in this fashion The employee appears before the Staff Committee, which consists of four or five men They hear the man and take any evidence he may bring forward, and decide on the case. If the man is not satisfied he can appeal to the Board as a whole, which consists of the Staff Committee and the rest of the Board. He can be represented by the secretary or other member of the union on that appeal which is heard by the full Board. That agreement has been in force getting on now for eighteen months, and there have been two appeals from decisions arrived at by the responsible officials of the Board. Both of those appeals have been dismissed. I have nothing to say about one of the appeals at all. I think it was justified, myself But the other appeal, I contend, resulted in an unjust decision. It was not asked for by the man who asked for the appeal, and the decision was given on a wrong

construction of justice altogether, in my opinion There was a conductor named Husband who had been on the spare list, and was a conductor under the old Tramways Board for years, and had absolutely given satisfaction, although by being on the spare list he had not apparently given satisfaction to the new Board. This man asked to be put on the permanent list, and for an inquiry; and on appearing before the Staff Committee it would appear that there was a bad record put in about him which he told me he knew nothing about. At that inquiry what Mr Bevan told me was that if the Board had been doing its duty it would have dismissed this man. He had certainly been spoken to by the Manager, but had no recollection of anything for which he deserved dismissal. The inquiry that this man asked for was whether he should be reinstated to a permanent position. On the record that the Staff Committee looked up they did not give a decision on the inquiry, but reduced the man's wages by a halfpenny an hour upon the record. The man appealed against the decision, and I appeared for him on behalf of the union, and put the case as well as I could with the facts at my disposal; and the Staff Committee's decision was upheld. In my opinion the Staff Committee had no right to reduce the man's wages by a halfpenny per hour, that they did not inform him that his record was bad, that if it were bad the man ought to have been told it was bad He had some seventy demerit marks against him, and twenty merit marks approximately, and on the top of that, and in the face of the fact that other men had at the time over a hundred demerit marks, this man was reduced by a halfpenny an hour, and I understand that the Manager has since put him in the car-shed. I think that is an apt illustration of the effect the Appeal Board would have if the Bill becomes law this session of Parliament. When you have an Appeal Board of the character in the nature of things there can be nothing but partisanship. The Board is dominated by employers of labour who in their private capacities are under awards of the Arbitration Court, and bring an invincible bias into the Board, and so decide on inquiry I may say that the opinion is such in reference to the Appeal Board that there are numbers of things which come before the union which the men absolutely refuse to bring before the Christchurch Appeal Board, for the reason that they contend they cannot get justice. It may be asked why the union agree to this Appeal Board in their agreement. With regard to that I might say that, while I was not on the Conference that drew it up, I was present at the Conference when it was decided, and know the reasons that actuated the union through its representatives in coming to that decision, which were these: At that time, as at present, the unions—and I may say, not only the Tramway Union, but other unions in Christchurch—had absolutely no confidence at all in the administration of the Arbitration Court as at present constituted. It is against the administration of the Act I am speaking about, and the Tramways Union, along with other unions in other centres, felt that when they agreed to this Board. Further, they had the assurance from other side that they would be absolutely fair in any decisions on matters the men might bring before them. As I say, events have not justified that in our opinion, and we think, and the employers ought to think so, that this Appeal Board asked for in the Bill is the fairest and most equitable way in which a decision on dismissals and disratings against employees can be arrived at. Those are the opinions that actuated the different unions in sending delegates up here to lay these resolutions before you, so that this clause can be made law The members of our Appeal Board think they are acting in the capacity of ordinary employers, but we do not think they are. We think the ordinary employer is in a class by himself, as against a Board such as the Christchurch Appeal Board, and we think, if it is desirable and necessary that the Railway employees should have an Appeal Board, it is equally desirable and necessary that tramway employees should have an Appeal Board. Both services are run by the public, and, seeing that there is a lot more risk than in the case of most private employers, and that the service is run for the public, the public ought to have the right to see that the men employed on these tramways should have justice done to them, and we think the best method for securing justice is in the Bill now before you. In reference to the car report-book I cannot say much, except that the union is quite in accord with it. They think that, while it may be said a man might look back to see what some one else has said about a car, yet, if the motormen are competent persons such as they would be under this Bill, and would stand on their diginity, a man would say, "I am as good as any one else," and would put down in this book what he thought, irrespective of what any one else had stated. It is also stated that on other occasions cars have been reported and have not been repaired. The statement has been made in the Tramways Union in Christchurch that cars have been booked up as being defective, and have gone out again with the same defects. We are quite in accord with clause 10, "Inquiries as to accidents." We think there can be no argument on that at all. With regard to the other clauses I have no more to say These are the three or four principal clauses on which the union has seen fit to give definite instructions.

10. *Mr Rosser*] You say you had reason to believe the provisions of the Orders in Council were not being carried out?—Yes.

11 Can you give me any idea as to one of them, at any rate?—We had an idea that the overcrowding was provided for in the Orders in Council and was not being carried out, because the overcrowding continued; and we also had an idea that the trailers should have the air brake, and that was not carried out. Those are two points which we thought the Orders in Council provided for, and also that each car had to have a conductor, and that was not carried out.

12 With regard to the by-laws, I draw your attention to No. 21, "No passenger or other person not being a servant of the Board shall travel on any car otherwise than on a seat provided for passengers." Have you seen that by-law carried out in Christchurch?—No, I have not seen it carried out at all in Christchurch.

13. By-law 23, "When every seat in the car is occupied, no additional person shall enter, mount, or remain in or upon any such car if requested by the conductor not to do so." Would you gather from that that the onus is thrown upon the conductor?—I gather from that that if the conductor carried out his duty he would get the sack.

14. It has been shown in evidence that the conductors do not report overcrowding, and that upon them the onus lies. Can you give me any idea why the conductors do not report the overcrowding in Christchurch?—I cannot give any specific reply to that, except to say that the impression is that if a conductor is too officious in this direction his position is in jeopardy

15. Have you had any reports from conductors as to overcrowding?—Yes, these matters came up periodically at the union meetings.

16. Have they reported to you the reason they do not report to the Board?—It is generally recognized by the conductors that this matter would not be remedied by the local authorities.

17. How long have you been secretary?—About two years.

18. You say there are two cases on which appeals have been made?—Yes.

19 It has been reported that there would be a danger of trivial cases going before the Appeal Board if such a Board came into force: do you think there would be any danger of that?—I do not think there is any danger of it at all. I am sure the union would discountenance anything of the sort.

20. There was one case you told us of that you did not approve of in connection with your Appeal Board?—I did not approve of it from what the Board said when I appeared for the man.

21 You gave the case of Husband?—Yes.

22. And this was the other one. Was it not a fact that the man had kept back certain facts from the union that were shown to you when you went on with your appeal?—Yes.

23. Are we not right in assuming that if an unworthy case were brought up for appeal the union would not proceed with it?—They would not.

24. *Mr. Young*] It is a hard job sometimes to decide between two opposing parties, is it not?—Generally, I think they would get at the truth.

25. Is it not difficult to decide sometimes?—I do not think so.

26. I understand there were two appeals; you approved of the position of the Board in one case and not in the other?—That is so.

27. Did the Board give you a fair hearing?—Undoubtedly.

28. And you were allowed to address them and call any evidence you liked?—No.

29. Was there any restriction?—There was a restriction in the agreement that there was to be no new evidence called unless notice was given by the aggrieved party

30. Were there any witnesses you wanted and were not allowed to call?—No.

31 Then you got all your witnesses heard?—There were no witnesses in this case.

32. Do you want to give the Committee the impression that some of the witnesses were not allowed to be called?—No, I did not say so.

33. You do not complain of any circumstances of the trial, but only of the judgment—is that what it comes to?—As far as the circumstances of the trial were concerned, I think I pointed out that the whole clause is opposed by the union as not bringing out the case.

34. Husband was put off for being unsatisfactory at first?—He was on the spare list.

35. He was not reduced on that occasion?—No.

36. Then he was put on another run, and there were two complaints made against him by two engine-drivers?—No.

37 You do not know what came out before the Staff Committee?—No.

38. You cannot say, then, whether there were complaints made by the engine-drivers?—No.

39 He was fined a halfpenny per hour?—Yes.

40. Then, was it found that he had committed another breach of the regulations?—I heard last week that he was put in the car-shed.

41. Do you know that Mr Pearce, the Chairman, himself saw him commit a breach of the rules?—No.

42 If Husband lied to the Chairman, do you think he should be disrated?—It would depend upon what the circumstances were.

43. Do you think that lying under some circumstances would be warrantable?—I do not say that.

44. You said "under some circumstances"?—You did not let me state what the circumstances were.

45. I understand the Chairman saw him inside a car smoking his pipe, and that when taxed with it he denied it: do you think he should be punished for that?—The regulations provide for it.

46. If Mr Pearce could believe the evidence of his own eyes do you think the man was treated unfairly?—If he saw him in that position the man deserved to have some punishment.

47 And putting him in the car-shed would be lenient treatment, would it not?—I think it was a fair thing if his wages were not reduced.

48. If you look at the regulations you will see that he could have been discharged for it, for making a false statement?—Yes, for a false statement.

49. You have never driven a car, have you?—No.

50. Nor ever been a conductor?—No.

51 Your duties are confined to seeing that the men get their rights, I suppose?—Yes.

52 And you have never been employed by the Board?—No.

53. Therefore you need have no hesitation about approaching the Board as the men's representative?—None whatever

54. And when complaints are made to you by the men you pass those complaints on to the Board?—The complaints are put before the union, and by resolution the members instruct me to do certain things, and these things comprehend what you have just asked me about.

55. You said something about the overcrowding on some of the cars that was reported to the union?—The specific case I saw myself.

56. Did you report it to the Board?—No.

57 Have you made any reports to the Board that have not received fair consideration?—We have made reports to the Board that have not been given effect to. They certainly have all been answered.

58. You have received courteous treatment from the Board?—Yes.

59 But have not always got what you asked for?—That is so.

60. Sometimes the Board has not acceded to your request?—No, and we did not expect it, but since the present management came into operation we get more than we got before.

61. Would you say the present management was very satisfactory?—The present Manager is.

62. He is the mouthpiece of the Board?—At present he is.

63. If things go on as they are they will be satisfactory?—We want the motorman's certificates and a few other things.

64. With regard to the motormen, you liken them to railway engineers?—The positions are analogous.

65. Do you not know that an engineer has to undergo an apprenticeship?—I understand he goes into the railway sheds as a cleaner

66. Do you know what the period of his service is before he becomes a locomotive engineer?—I have known it to be four years.

67 Do you mean that you know of men getting certificates in four years?—Yes. The period I refer to was the time of the maritime strike, when the authorities pushed them through. They got a driver's certificate in five years.

68. It is very different to the apprenticeship of the motorman?—The motorman is a man when he starts. When he goes on the job as a locomotive cleaner he is a boy or youth.

69 At any rate, there is a difference in the service?—As a conductor he has to serve a considerable time on the bag

70. A locomotive driver has to manufacture his own steam-power?—He is a skilled man, so to speak.

71 A motorman has only to turn on his power, which is provided for him?—Yes.

72 That is another difference?—Then, again, there is the safety of the public and the efficiency of the men to be considered.

73. Are you an elector for members of the Tramways Board?—Yes.

74. The Tramway Board you object to because it is constituted of employers?—Yes.

75. If labour had representation on that Board, would you have more confidence in it?—Yes; and if we had the parliamentary franchise we should have our interest more seriously considered.

76. How long are the members of the Board elected for now?—Three years, I believe.

77 Then, I understand at the next election labour is going to have more representation on it? Yes.

78. Then it would be a satisfactory Board?—We think that labour is prone to make mistakes as well as other people.

79. You would not be satisfied, then, if the new Board were constituted of labour members?—We say that these are fair propositions in the Bill.

80. As to the Appeal Board, you say you are not likely to get satisfaction under the present system because of the invincible bias of the employers?—Yes.

81 Then the employers as a class are not just—you think they always have a bias?—Yes; and the same thing would apply, I suppose, if the Labour party were in power

82 Your views would apply to private employers as well?—No.

83 As to the by-laws, you know there are by-laws with regard to overcrowding?—Yes.

84. Has your union ever laid any information for breach of the by-laws?—I believe there was some trouble before I was secretary, but there has not been any since. There was some trouble between the union and the Tramways Board.

85. Do you know that your yourself can enforce the by-laws?—Yes.

86. You have not thought of doing so?—No, I would not do so.

87 You know that the police can enforce the by-laws?—Yes.

88. And they have not done so?—No.

89 I gather that you think the men are dissatisfied with the Board and their present treatment?—I said they were dissatisfied with the Appeal Board in the present agreement.

90. Some one stated that the men were afraid to brush up against the employers?—The previous management did not tend to make the employees of the Board a happy family There were charges of favouritism, and there was dissatisfaction among the men.

91 And the men complained to the union about it?—Yes, there were complaints—some trivial and some serious.

92. Did you pass the complaints on to the Board?—No.

93. *Mr O'Shea.*] Have you heard of any favouritism in regard to the granting of Government certificates?—No, I do not think there could be.

94. Do you remember the "Duco" inquiry and marine scandal, and what produced it?—No, I do not remember.

95. Can you not see that there is more likely to be political pressure brought to bear on the Government than on a municipality?—No

96. Do you not think votes can be used with more effect on the Government than on a municipality?—The Minister is only in one municipality; he cannot be in six.

97 There is no payment to members of the Board?—No.

98. You referred to a case where a motorman lost seven or eight minutes through overcrowding, and when he came back to Cathedral Square he was questioned about it?—Yes,

99. Do you know whether he was punished for that?—No, but he was spoken to about it.

100. Do you know whether there is a case of that kind where demerits have been awarded?—No.

101 Do you think it would tend to the good discipline of the tramway service if the person appointed by the Minister should be allowed to say whether a man should be kept in the employment or not?—I think it would be a good thing, and tend to good service.

102 Do you not hope to have some consensus of opinion with regard to the appointment of the third man on the Appeal Board?—I do not see the analogy at all.

103. Have you considered this Bill from the financial point of view?—I presume you allude to the extra cars?

104. The extra cars and the extra wages to be paid?—I have seen a conductor between Cathedral Square and the railway-station lose half his fares through overcrowding

105. Do you think the Board would make more profit by putting on more cars to carry the passengers during rush times?—I think that profit instead of loss would result from the by-laws being given effect to.

106. Do you think the Government are in a position to acquire the necessary knowledge to make up the time-tables?—I do not think there is any intention of doing that.

107 Do you know that there is power enabling it to do that in this Bill?—I do not think it would be done.

108. *Hon. Mr R McKenzie.*] Is there anything in this Bill having reference to time-tables?—I have not noticed it.

109 Do you think the Government would bother their heads about it whether you ran ten or twelve miles an hour, or had three or four more cars an hour?—I do not think so, so long as there were no excessive speeds or overcrowding. There is nothing in the Bill to fear on that score.

110. Coming to the Appeal Board, you attend the Appeal Board as secretary of the union? Yes.

111 And appear so as to defend what my legal friend would call a client?—Yes.

112. The Tramway Manager or Inspector, or whoever he is on the side of the Board, would be the prosecutor?—It is the Chairman of the Board. The man is in a false position at the first. The ordinary man off a car cannot speak before a body of men like that, and these men are his employers—the Staff Committee. He cannot do justice to himself, and consequently when the secretary appears for him at the appeal—differentiating it from the inquiry—the man cannot tell what has taken place before the Staff Committee because he gets flustered.

113. You are not with him at the Staff Committee's meeting?—No, and it is very difficult to understand what has taken place, consequently I was not, like an ordinary lawyer, able to get at the facts and see things properly Through this the truth of the matter did not come out as it ought to have done, in which case probably the Board would have altered the Staff Committee's decision.

114. The case is generally reported by the Inspector to the Manager, and so on, to the Board and the Manager would be prosecutor in the case?—Yes.

115. And the accused is there by himself?—Yes.

116. Then, when you get to the Board of Appeal you are allowed to be present with the man?—Yes.

117 Is the man allowed to call any evidence he pleases?—At the appeal he can, by giving notice in writing that he is going to call additional evidence to that which he called before the Staff Committee.

118. And when the evidence is all taken you are given to understand that your presence is no longer required?—In the appeal I was at there was no outside evidence given. The man gave evidence on his own behalf, and I addressed the Board, and then both the accused and I left the room, and the Board considered their decision

119 Was it necessary for you to leave the room?—We did leave the room. I understood that we could not have stayed had we so desired.

120. Was the officer who laid the information allowed to stay in the room while the Board was deliberating?—I could not say that. The Secretary and the present Manager were there, and the Traffic Inspector was there too.

121 Who charged the man?—I believe, in the first case I mentioned it was the Traffic Manager who brought the matter before the Board, and caused the man's dismissal; but in the second case the man asked for an inquiry as to why he should not be put on the permanent shift.

122. Do you consider you had as much right to be present when the Board was deliberating as the Board's officer had?—I think it would have been a fair thing for the man to have had some one there to represent him.

123 To place you on a fair and equal footing?—Yes.

124. *Mr Luke.*] You are aware that under the Orders in Council the Engineer-in-Chief has the power to determine the speeds?—I was not aware of that.

125. In clause 5 it says the business of the undertaking shall be carried on at all times in a manner conducive to the public convenience, and in such a manner as the Engineer-in-Chief shall deem to be conducive to the interests of the public: do you not think that gives the Engineer-in-Chief, acting for the Government, all the powers necessary?—I do not think it gives him the power this Bill does.

126. *Hon. Mr R McKenzie.*] The Engineer-in-Chief has power to inspect before a tramway is allowed to run: that is under clause 26 of Order in Council No. 3?—Yes.

127 And also, under clause 30, the Engineer, but is there any other power to inspect a car unless there is an accident?—No; we understand that is so.

128. After a tramway is once certificated, and the rolling-stock gets a certificate, there is no further power to inspect unless there is an accident?—No; and that is what we want.

129. Are you of opinion that the Engineer has power to inspect after the trams are once passed?—No. That is the opinion of the union.

130. *Mr O'Shea.*] Where did the union get that opinion from—from the Order in Council?—No, they could not get the Order in Council.

131. *Mr Fraser*] You stated that the Railway officials had a Court of Appeal, and that the tramway employees ought to have a similar one?—I said the public service had.

132 But you mentioned the railways?—Yes.

133 Are you aware that on the Railway Court of Appeal the Minister has the right of veto?—Yes, and that nullifies it.

134. Then it would not suit you to have a Court of Appeal like that?—No.

135. *Mr Luke.*] You are a great believer in local government and municipal control?—Yes.

136. Are you aware that in the Governor's Speech from the throne this session these words were given utterance to by the Government of which the Minister of Public Works in charge of this Bill is a member: "My advisers have given further attention to the very important question of local government, and proposals will be submitted to you for approval as the basis of a comprehensive measure on the subject." Do you not think, after reading that, that it is necessary that the powers of local government should be extended, and not curtailed in the way the Bill proposes?—I do not admit that the Bill curtails in any material direction the control of the local authorities.

137 Do you think that people will stand for positions in local government bodies—whether they are in one rank or the other—or will undertake the management of tramways as a municipal undertaking if they are going to be harassed by proposals of the Government?—I think if they did not they would be consumed by their own ambitions. I say the local control would be quite as good if the Bill is passed as it is at present.

138. You believe in the limitation of the control?—I believe in supervision, which they do not attend to now

139. Do you think the local authority should have the power of initiation and the carrying-out of such undertakings?—Certainly

140. Do you not think they would be frustrated very largely by the Government?—No, the Government are a reflex of the people.

141 Are not the municipalities a reflex of the people?—The Government have supreme powers.

142 In what way have they supreme powers?—Through the Constitution.

143. *Hon. Mr R McKenzie.*] Do you know what the Government of any country is primarily for?—To secure the liberties and happiness of the people.

144. What is law and order?—Law and order is to give the greatest comfort to the majority of the people. The duty of any well-regulated Government is to control the affairs of the country

145. Do you know whether the Government has certain control and restriction over local bodies in various departments, such as the Public Health, Justice, Audit, and other Departments?—Yes.

146. Do you think that general control over the various local bodies is necessary?—I think it is extremely desirable there should be those restrictions on local bodies.

147 Do you think it would be to the advantage of the public of Christchurch if the proposals asked for in this Bill were to become law?—It would be an advantage, I am satisfied of that.

148. Do you think the Christchurch tramways would be made to serve the public better if they were owned by the Government?—I certainly think they should be run by the local authorities—that is peculiarly a local function; but the Government should see that they are carried out for the benefit of the community and particularly of the Corporation.

149. Why?—Because there are always certain things in every nation that are relegated to corporate bodies; for instance, water-power, gasworks, and various other things it is quite desirable and necessary should be carried out by the municipalities as apart from the General Government, but under the supervision of the General Government.

150. In Sydney the tramways are owned by the State?—Yes.

151 Do you think the tramways in New South Wales are giving as much satisfaction as they are in New Zealand?—I could not say

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THURSDAY, 15TH SEPTEMBER, 1910

FRANK THOMPSON, Manager of the Christchurch Tramways, recalled. (No. 12.)

1. *Mr Young.*] You have some explanation to make with regard to some of the charges made against your management?—Yes. Before I refer to any of the charges made against the Christchurch tramways by the witnesses called by Mr Rosser I should like a make a statement in connection with the evidence which is recorded as given by me under the first examination. I was asked to explain why there were three hundred men who had left the Christchurch tramways in five years. Evidently the statement had been made by the Chairman of the Board, a previous witness. I believe the figures are correct, but I should like to say that, as this inquiry deals principally with the traffic department I desire to put in the figures for that department only, for the last three years. The number of men who left the traffic department for the year ending March, 1908, was 14; in 1903, 13; and in 1910, 18—an average of a little under 10 per cent.

2. The last figures were accounted for by the men who left after the construction of the tramways?—The largest figures included men who had left all the departments—permanent-way, car-sheds, and so on.

3 And, of course, they left when the work was finished?—Yes. It has been stated, too, that the local authorities are not qualified to supervise the running of tramways because they have not

got expert knowledge, which expert knowledge is assumed to be in the possession of the Government. In this connection I should like to say that once the tramways are constructed the concern becomes a commercial undertaking rather than a technical one. For instance, Glasgow is regarded as possessing the model municipal service of the world. The first and the most successful tramway-manager in Glasgow was James Young, and before he was appointed General Manager of that system he was not a Government expert, but the head of the Glasgow Sanitary Department. He now occupies an important and similar tramway position in London. The next manager was Mr Hamilton, and before he was made Manager he was a veterinary surgeon, and he is now Manager of the Leeds Tramways. The present Manager of the Glasgow Tramways is Mr Dalrymple. He, too, was not an expert, but simply an accountant before he was appointed. Sir Clifton Robertson also, so well known in connection with the London tramways, was a commercial man. One of the Glasgow men I have mentioned—either Mr Young or Mr Dalrymple—was asked for a special report on the municipalization of the Chicago tramways—purely as a commercial man. We say that, once the tramways are constructed, their operation is not for experts, Government or otherwise, but for commercial men such as we have on our Christchurch Tramway Board. Now, with regard to overcrowding in Christchurch: the secretary of the Tramways Employees' Union, Mr Young, quoted a case which caused me very much surprise indeed. He said that a New Brighton tram, consisting of an electric car and two trailers, with only one conductor, was held up seven or eight minutes—quite a length of time—to enable the conductor to collect the fares, and that when the car arrived in the Square the motorman was asked for an explanation as to the cause of the delay, the inference being—and this inference the Minister of Public Works drew—that the mere fact that the man was asked for an explanation why he was late was tantamount to blame being cast upon him. Mr. Young stated he was a passenger on that car, and I believe Mr. Young to be a truthful man. I hesitate, therefore—in fact, I will not suggest for a minute that he is saying what is not true, but I must say that we should very much indeed like to have the particulars of that case. I consider it a most exceptional one, and I can hardly believe that the car was held up seven or eight minutes for the purpose stated by Mr Young Further, one of the witneses—I do not know whether it was Mr Lomas or Mr Crowley—suggested that demerits were given for fares missed on crowded cars. Well, I want to say that for the last three or four years it has been my duty to issue demerits for missed fares. I require the inspectors to state very fully the circumstances surrounding each case. I wish I had one of their reports here, to show the Committee the information which they are required to supply with regard to the load. It has been my practice from the very commencement not to issue any demerits or to punish a man in any way for missed fares on a crowded car Over and over again when I have had occasion to discuss the question of missed fares with conductors, I have stated that to be my practice, and I think that where a statement is made that demerits have been issued for missed fares on crowded cars, in fairness to me at least, the particulars ought to be given. Apart from the equity of the matter, it is my opinion that it is highly desirable in the interests of the efficiency of the service that every man should receive absolutely fair play We do not claim that we are infallible in our judgment, but we do claim that that is our ideal at least. The secretary of the union, in replying to the Minister, said, in dealing with overcrowding, that under good management—and, he inferred, under Government supervision—rush traffic could be foreseen and cars could be provided, and overcrowding avoided. In reply to this I say that in Christchurch it is estimated that we have over 20,000 bicycles. Supposing, for instance, a sudden squall comes up at 5 o'clock: every one who has a bicycle leaves it in town and takes the tram. I do not know whether the Government expert would be able to foresee long enough ahead so as to obtain the service of a sufficient number of men, quite apart from cars, to cope with those conditions. All that I can say is that we cannot foresee contingencies of that kind. Now, with regard to the statement that passengers are allowed as a general rule on the front platform of Christchurch cars in excess of the number for whom seats are provided on those platforms: I venture to say that if that statement were made in Christchurch publicly no one would be more surprised than the Christchurch public themselves. It is not true that as a general rule passengers are allowed to travel on the motorman's platform in excess of the seats provided. In this connection Mr Crowley stated that there were only four or five cars that had seats for passengers on the motorman's end. He is wrong in that. There are at least twenty cars that have seats behind the motorman—cars passed by the Public Works Department, and on which under our Order in Council we are allowed to carry passengers. Nearly half the cars in Christchurch have those seats. It was also elicited in evidence by the Minister that in Sydney the trams under Government control were a fine example of efficient management. I should like to say in reference to overcrowding that people in New Zealand have no conception of the extent to which overcrowding is permitted on the Sydney trams. I myself have seen passenegrs riding on the side-boards, compelling the conductors to swing round them—a thing which we do not permit under any circumstances. Passengers also ride on the buffers at the back of the car. The present Traffic Manager in Christchurch, who has just come from Sydney, says that that is a common thing I have seen photographs of a car in traffic with passengers on the roof of the car; and these cars are operated under Government control. With regard to the car report-book, reference was made by a Christchurch witness and by the Minister to the sudden and mysterious disappearance of our old car report-book. The suggestion that there was something that we wanted to hide has absolutely no foundation in fact. I presume that the only way in which we could have met this criticism, had we known that it was going to be made, was to carefully announce a month beforehand that we thought it was desirable to substitute the car report-book with the loose leaf Then we should have been able, without exciting any suspicion, to remove the book and substitute the loose-leaf system. The suggestion has been made under examination by the Minister that there was concerted action on the part of the four tramway systems in New Zealand with regard to the loose-leaf car reports. The matter in Christchurch was dealt with by the Engineer, but I venture

to say that if there had been any concerted action in this respect I should have known of it, and I have no knowledge of it in any way Just one word with reference to the Appeal Board: Mr Crowley stated it was his opinion that if an Appeal Board had been in existence in Auckland at the time of the Auckland strikes, those strikes would have been prevented. Now, in Sydney the cars are owned and controlled by the Government, and they have an Appeal Board on which the union has a representative, and yet this did not prevent one of the biggest tramway strikes that we know of in Australasia, when the public were inconvenienced for a considerable length of time to a very great extent. Reference has been made to the excessive speed at which the Christchurch trams are run. I will take the case of the Sumner express, which I suppose is one of the fastest trips we run. The Sumner express is timed to leave the Cathedral at 5 15, and is due at Sumner Baths at 5.50, thirty-five minutes being given. The distance is about seven miles and a half There are thirteen stops possible on that trip. One of the union's witnesses stated that four or five seconds were sucffiient to allow for an average stop, but I will allow more than that—I will allow fifteen seconds, and will assume that every stop is made. This makes three minutes for stops. I will increase that three minutes to five minutes, which reduces the actual running-time to thirty minutes for seven miles and a half, and that, as will be seen, is fifteen miles an hour The Order in Council permits us to run up to eighteen miles an hour, and witnesses have stated that the cars travel at an excessive speed—at the rate of from twenty-two to twenty-five miles an hour Now, with regard to our merit-and-demerit system, which has been the subject of a good deal of criticism. The Christchurch witnesses stated that they would prefer the system adopted in other places. Now, in most other places punishment is inflicted upon a man by putting him off work for one, two, three, or four days, as the case may be. The Christchurch Board holds that to punish a man by putting him off work does not only punish him, but also his wife and children, and that is one of the reasons why the merit-and-demerit system was instituted. Under that system no man is put off work by way of punishment unless it is for an offence which involves dismissal. He is then put off, it may be, until an inquiry is held. This, I maintain, is distinctly advantageous to the employees. Mr Rosser further elicited the statement that, while we had provision in the demerit list for offences not covered by the list, there was no such provision on the merit side. Number 6 in the merit-marks list says, "Any special meritorious act calling for recognition, 50 marks." I think the position is that the men do not like and do not want any disciplinary system at all. We maintain that discipline is required not for the mere sake of showing official power, which seems to be the impression in some quarters every time punishment is inflicted, but with the view of securing efficiency of service, so that the public may get the full benefit of the undertaking With regard to the case quoted by Mr Lomas, where he did not receive "merits" for a good stop—reported to the Brakes Commission—I want to say this that on leaving the sitting of that Commission I remarked to Mr Woods, the Traffic Superintendent, "Well, you ought to see that Lomas gets merits for that", and he said he would see to it. The matter was evidently overlooked. If it had come before him in a written report he would, I am sure, not have overlooked it. I recognize that in that case Mr Lomas was certainly entitled to merits. The Minister also obtained a statement which caused him to say that our merit-and-demerit system was one of favouritism—one of bribery and corruption. I say that the statement is altogether unjustifiable and unfounded, and one that no one knowing anything about the system would make if he were honest. I want now to refer to Husband's case, mentioned by Mr Rosser's witnesses. Conductor Husband was placed on the "spare" list by the Traffic Superintendent, who was dissatisfied with the way in which he had been doing his work. Husband appealed to the Staff Committee. The Staff Committee ascertained that, although Husband was on the spare list, his average earnings were £3 5s. 6d. per week. They considered that the appeal was a trivial one, and dismissed it. This led to an inquiry into Husband's record by the Staff Committee. The Traffic Superintendent stated that Husband had given him more trouble than any other conductor, and he stated that drivers had more than once asked to be given some other conductor, as they could not get through their work satisfactorily with Husband. The Traffic Superintendent reported that he ought to be dismissed, although he did not recommend it straight out. The Staff Committee, under the industrial agreement, have the right—although one of the witnesses stated they had not—to disrate the man, and they disrated Husband from 1s. an hour to 11½d. an hour instead of dismissing him. Within a very short time of this the Chairman of the Board himself saw a car on which Husband was the conductor travelling along Moorhouse Avenue with a wrong destination-screen showing This attracted his attention, and he looked for the conductor, whom he saw inside the car with a pipe in his mouth, which is against the rules, the car being in traffic at the time. The Chairman stated that directly the conductor saw him he pulled down the blind. I sent for the conductor and questioned him, when he stated that it was not a pipe he had in his mouth, but a lead pencil. He also explained that he had gone to the blind because it was out of order, and he explained to me in detail, under my examination, which window it was, the particular car, and so on. I satisfied myself subsequently that the blind was not and had not been out of order as described by Conductor Husband, and, further, Mr Pearce, the Chairman of the Board, said that he was absolutely certain it was not a pencil the man had in his mouth, but a pipe, because he had to believe the evidence of his own eyes. Now, under our merit-and-demerit system that man could have been dismissed straightway if we had so chosen, but I reported the matter to the Staff Committee, and they asked me whether I recommended his dismissal. I said "No, we will give the man another chance if the Committee approves, and we will put him on the cleaning in the carshed," which meant, instead of his getting 11½d. an hour under his disrating, he would get 11¾d. an hour, although possibly the work was not so pleasant. Within a week after Husband was put on to the night staff the night foreman reported Husband for inefficient work, &c., and I then sent advice that if there was any further justifiable complaints Husband was to be dismissed. I say that Husband has been treated with great leniency, and it seems a strange thing that, the more

leniency you show a man, the stronger the evidence is that he is all right. With regard to the statements made by witnesses for the union as to favouritism in the Christchurch tramways, and also as to the general dissatisfaction, it has amazed me to hear such suggestions made, because the Board has received no complaints on these matters from the Tramways Union or any one else. There is absolutely no favouritism shown that I am aware of When the late Traffic Superintendent left, a very large testimonial and social was promoted by the men themselves, and a member of the Board said, with reference to Mr Wood, that at least one thing the Board should note was that the Board possibly had been saved may labour troubles through Mr Wood's handling of the men. Again, the Minister elicited from Mr Crowley that the last Brakes Commission referred only to the efficiency of the brakes in Christchurch, and not to the general management. I want to quote one paragraph in that report, as follows: "A pleasing feature in the work of the Commission has been the capacity, zeal, and interest in all that pertains to tramways shown by the officers of the systems vsited." Under the examination of Mr O'Shea, who was examining Mr Crowley in reference to our rule-book in connection with accidents, Mr Crowley said that the fact that practically no punishments had been inflicted on the men in Christchurch for accidents was evidence, in his opinion, that the accidents were entirely, or almost entirely, due to failure in the equipment. I say that is absolutely incorrect, and I can remember no case where an accident was in our opinion due to failure of the equipment. The majority of the accidents in Christchurch, I think I am safe in saying, are pure accidents. We give a great deal of space in the most prominent position in our rule-book to what is a friendly conversation with the men in regard to the prevention of accidents, the necessity of avoiding which was an imperative matter, yet this witness said, under a leading question by the Minister of Public Works, that in Christchurch the Board placed revenue first and lives second. I want to say in this connection, quite apart from the humanitarian aspect of the question, that accidents mean great expense, and therefore it is to the interests of the Tramway Board, quite apart from the humanitarian point of view, to avoid that expense. To prove that that is so I would like to point out that the Tramway Board has provided on the cars two life-guards, whereas all the Orders in Council only provide for one. The Board has on its own initiative provided front fenders, which cost at least £200 a year for their upkeep, and yet it is stated that it puts revenue first and lives second. Then the Minister elicited from one witness this remarkable statement: that the reason why, in Order in Council No. 1—under which the majority of the lines in Christchurch are constructed—there was no provision for air brakes on the trailers, was that the speed under that Order was only twelve miles an hour The fact, however, is that under that Order in Council the speeds run from twelve miles to fifteen miles and eighteen miles an hour, and although the Minister's mistake was pointed out to him the statement was repeated. With regard to the dissatisfaction alleged to exist in Christchurch, I should like to say that, although under the Order in Council there is no provision for weather-screens for motormen—the first cars built in Christchurch and passed by the Public Works Department did not have these weather-screens—the union asked for them to be fitted, and the Board granted their request without any hesitation, and thereby improved the working-conditions of the motormen considerably Similarly, later, the motormen asked for seats, and here again the Board readily agreed to the request. Other instances could be quoted. I simply want to show that in my opinion the statement that there is great dissatisfaction in Christchurch on the part of the men with the Tramways Board and its management has no foundation in fact.

4. A statement was made that cars frequently go out without being attended to after a complaint has been entered on the report sheet: what have you to say to that?—I have no knowledge of it, and I want to say that it ought to have been reported to the Board if that state of things existed—the union ought to have reported it, and I think they would have done so if it was a fact.

5. Do you make it your business to attend to all reports entered in the report sheet?—No. The various foremen do that.

6. It is their duty to do so?—Yes.

7 Is the Order in Council available in the office to any man who wants to see it?—Yes. Under the Tramways Act the Order in Council is open for public inspection.

8. And any one going to your office has the right to see it?—Yes, a perfect right to see it.

9 *Mr Rosser*] With reference to the car report-book, did you not say in your examination in chief that you could produce that car report-book to show to the Committee?—I think I said I wished I could produce it.

10. Can you not produce it?—I believe I could—I am not certain.

11 You do not know what became of it?—No. After a certain time we destroy all records, and it was so dirty that possibly it was destroyed.

12. And when a witness says that he saw it the last thing at night and it disappeared next morning, he is correct?—Quite correct, but the inference you seek to draw is absolutely unfounded. When you substitute one thing for another there must be a point of time when the first thing must disappear

13. Is the business so conducted that you do not preserve your records?—That is so, after a time.

14. How long do you keep your records?—Some two or three years only

15. How long is it since the car report-book was substituted by the loose-leaf system?—Two or three years ago, I believe. I should very much like the Committee to see that book.

16. You spoke about the demerit system are you aware that the Christchurch Board adopted the merit-and-demerit system after it had been discarded by the Auckland management?—I am not aware of it. The merit-and-demerit system was not taken from Auckland, but from America, where it is very largely used.

17 Do you know that the British Electric Company own the larger number of the tramway systems of England and the world?—They own a large number

18. Can you state whether the merit-and-demerit system is in operation in any one of those systems?—I do not know

19 What was Husband's position on the merit-and-demerit list? Do you know how many merit marks he had?—I cannot remember

20. Mr James Young said yesterday that his demerits amounted to about seventy, and his merits to about twenty?—That might be so, but you want to take the period—how many months were covered—before you can attach any value to it.

21 State once more how many demerits a man requires to have before he is liable to dismissal?—One hundred in any one year

22. Then he requires to have 100 demerits before he is disrated?—Not necessarily

23. I understand this appeal of Husband's was against his disrating?—The appeal was to find out why he was not put back on the permanent list, and the Committee found that under the conditions he was working he was earning £3 5s. 6d. per week, and they considered the appeal trivial.

24. The appeal was dismissed?—Yes.

25. Do you consider it was a fair thing for the Committee to turn right round on the appeal and to refer to another case?—The Staff Committee was quite justified. The committee said it must take notice of the record when their attention was drawn to it. There were two letters from drivers produced asking that they might be given some other conductor, and the Traffic Superintendent said Husband ought not to be in the employ of the Board.

26. You say you have not known a case where a man was dismissed for missing fares during rush times?—I do not know of any

27 Do you know of Winter's case?—Yes.

28. Was he dismissed?—Yes.

29 For missing fares?—No, pardon me; he was dismissed for taking fares from passengers without issuing tickets.

30. Is it not a fact that his offence was committed during a rush time?—The car, I believe, was crowded, but what took place was that on the road the passenger paid him the fares and he did not issue tickets for them.

31 A ticket or tickets?—There were more than one.

32. I am instructed that two men got off and paid, and the conductor only pulled one ticket off his book?—My memory is that there was more than one, but even if a man did not issue a ticket for one fare received he was at fault, and we have to watch very closely a man who is dishonest.

33. If it were done when fewer passengers were on the car it would be a dishonest action?—It is a dishonest action at any time.

34. You do not admit the possibility of a man being rattled on account of the number of passengers on his car, and omitting to tear off the ticket?—There is that possibility, of course, but what about continual instances? That is just where the Appeal Board under this Bill is going to give us trouble. We may have continued cause for suspicion against a man which cannot be proved. We may have a case where the management is absolutely satisfied that a man is carrying on dishonest practices: he can be retired from the service, although we might not be able to get sufficient evidence in any specific case to satisfy an Appeal Board.

35 With regard to the riding on the platform, would you be surprised to learn that a motorman had been compelled by the Inspector to let passengers ride on the platform?—I should be surprised if all platform seats were occupied, and would like such a matter to have been reported to the Board at the time.

36. *Mr Blow*] I think, Mr Thompson, you said that a witness had contended that the reason why trailer cars were not required under the Order in Council to be fitted with the air brakes was that they travelled at a limited speed?—The Minister put that question to a witness, and got an affirmative answer The speed mentioned was twelve miles.

37. Do you know the speed fixed by the first Order in Council?—Yes; up to eighteen miles.

38. Trailer cars?—Trains.

39. You would be surprised to learn that it is only six miles an hour?—Yes, I would.

40. Please read clause 31?—" Trains consisting of a motor car and trailers shall only be used to travel without stopping between the starting-point and the Riccarton Racecourse, Lancaster Park, railway-station, and all termini or special stopping-places such as picnic-grounds, &c., *unless each and every trailer carries a separate conductor* who shall be familiar with the use of the brakes, in which case the trams may stop where required. Where trains consisting of a motor car and one or more trailers are used between Cathedral Square and Show-grounds and Trotting-track, passengers may enter or leave cars *en route*, but the speed shall not exceed six miles per hour " That has reference to one particular circumstance only, to special cars; but clause 33 says, " Subject to the provision with reference to the speed of special tram-cars in clause No. 31, the maximum rates of speed at which tram-cars may travel on the tramway shall be as under: On double-track lines where the clearances between passing cars is less than 2 ft. 6 in., six miles per hour; on double-track lines where the clearance between passing cars is 2 ft. 6 in. or more, fifteen miles per hour; on single-track lines within the city belts, twelve miles per hour; on single-track lines outside the city belts, the maximum rate of speed shall from time to time be determined by the Engineer-in-Chief of the colony, and shall in no case exceed eighteen miles per hour." It says, under some circumstances six miles an hour, under other circumstances twelve miles, fifteen miles, and eighteen miles per hour, yet the Minister stated that twelve miles was the limit.

41. Does clause 35 relate to trailer cars?—Yes, it relates to motor cars and trailers.

WANGANUI EVIDENCE.

THURSDAY, 8TH SEPTEMBER, 1910.

CHARLES EVAN MACKAY examined. (No. 13.)

1 *The Chairman.*] You are——?—Mayor of Wanganui.

2 Has your Council passed any resolution with regard to this Bill?—Yes, the Tramways Committee have considered the proposed Bill, and recommended that it should not be passed, and the Borough Council have adopted their report.

3. So that the statements you read this morning are practically the views of your Council? Yes.

4. Have you a tramway system in Wanganui?—Yes, municipally owned.

5. Has it been running long?—A year and nine months.

6 Is it an electric system?—Yes.

7 What number of employees are there?—Roughly speaking, about thirty That includes the power-house, line, and everything

8. Can you tell me what amount of capital you have sunk in the undertaking?—Forty-five thousand pounds.

9 Was that raised by loans?—Raised by two loans; and since then, out of general revenue, we have spent some £1,500 in increasing the plant. I have been instructed by the Wanganui Council to appear before the Committee, and state that we object to the Bill on account of its tendency to take power out of the hands of the local authority and centralize it with the Government. We believe that where the trams are privately owned some of the provisions of the Bill might be necessary and proper if the deed of delegation from the local authority did not properly safeguard the public, but where they are the property of the people, as is the case with us, we believe that the Bill is an unjustifiable attempt to interfere with the control of the people over their own property We are of opinion that a local body is just as likely as the Central Government to safeguard the interests of the public, and see that the staff of employees are well treated, thus attaining the two objects for which it appears the Bill is designed. So far as the Wanganui Borough tramway system is concerned, we have taken every precaution to see that the public safety and convenience are provided for, and that the tramway staff are well and fairly treated, and we believe that we are just as competent to do so as any Government official. We further believe that the tendency of modern thought and experience is to place more and more power in the hands of the local bodies. Instead of doing this, the Bill will seriously curtail our powers and responsibilities, and there is no guarantee that this process will not be carried further into other departments of local government. The result must inevitably be that the class of men who now cheerfully take part in local government will be discouraged, as they see their opportunities of doing good curtailed and the scope of their activities lessened. For these reasons my Council is of opinion that the Bill will not be in the interests of the community

10. *Mr Myers*] Supposing your tramways were municipally owned—that is to say, that your Council had obtained an authorizing order from the Government, and had delegated the power to a company, but had hedged the company round with all sorts of restrictions so as to place the sole power in the hands of the Council, and the Council had full authority to see that the public was sufficiently protected—would you then think the Bill was necessary?—It would all depend upon the deed of delegation

11 You must assume that the terms of the deed of delegation are stringent, and that the local authority has full power to see that of necessity the public is protected?—I do not think the Bill would be necessary

12. Do you not think the Bill is then interfering with the rights of local authority?—Certainly.

13. And you, as Mayor of Wanganui, under such circumstances would not care to see the Order in Council and the deed of delegation overridden so as to take the power away from you and give it to the Government?—No; provided they reserve in the deed of delegation all proper powers.

14. *Mr Rosser.*] How many cars have you running in your system?—Six.

15. I understand that your Corporation has been very successful during the time the system has been running?—We have made both ends meet, not more than that.

16. Have you not increased the number of your cars by 50 per cent.?—Yes, we had four cars to start with, and then we bought another, and after that another one.

17 What training do your motormen undergo?—We have practically, with two or three exceptions, the original staff that we had. About three of them left. All the men we had at first were trained motormen. Some came from Christchurch, some from Auckland, and some from Australia and elsewhere.

18. You had trained men?—Yes.

19 Did they train the others?—Yes, from among the conductors' staff.

20. With a difficulty inseparable from a new undertaking like this in Wanganui, do you not think it would be an advantage to have your motormen pass a Government examination, and have a certificate to show they have the capacity for driving your cars?—It is not a man's peculiar knowledge or ability to answer questions that constitute a good motorman. He has to be a good practical man and a good driver

21 But, added to his value as a motorman, would it not be better if he were trained in theory as well?—I do not think theory is of much value. I suppose a man picks up all the theory as he goes along. What examination do you propose they should pass?

22 For instance, a man may know by moving the controller round from the first notch on to the second that there is a certain result in the speed of his car, but by theory he would know

that he was diverting the current of electricity and giving it less resistance, he knows exactly how much current he is using and how much goes into the resistance: do you not think it would be better for a man to know the theory and the movements of his controller as well as the actual result?—I think as they go along they pick that up It is all explained to them by the engineers.

23. Are you sure of that?—Yes.

24. You do not think the Government certificate would add to the value of the motormen's training?—No, I think it is a personal training that is needed more than anything else.

25. Take clause 3 of the Bill, ' Inspection of tramways do you know whether the Department have power to inspect your powers at any or at all times?—Yes, I believe they have. I know that as each new car has been got it has been put through a test by the Government.

26. But it is claimed by the Minister that after he has passed a car he has no power to examine that car unless an accident has happened, and then it has to be examined to see what the cause of it was. Do you not think, in the interests of public safety, it is better to have an independent person to examine that car at any time to see that it is in perfect order?—I think the Corporation could be relied upon to see that the rolling-stock is kept in order, because it is really our own people who would suffer, and the Corporation is on the spot to do what is needed.

27 You do not think that is of any importance, to have an inspection at all times by a Government officer?—I have always understood that the Government had that power under the old Act.

28. Have you your Order in Council?—No.

29. Do you know whether that is stated in your Order in Council?—I believe it is, but I would not be certain

30. Take clause 5 Are your cars all of one type?—No, there are two types.

31 What number of passengers are they required to carry?—About forty I forget the exact number

32 Have you any by-laws with regard to overcrowding on the cars?—Yes, the conductor is given power to prevent overcrowding

33. By a by-law?—Yes, by a by-law

34. Have you anything posted up in your car in a prominent place to say how many that car is licensed to carry?—No.

35. You have a type of car that has two seats in front and two at the back?—Yes. They have seating accommodation for about thirty, I think, in round figures.

36. There are four seats in each of the four cars?—Yes, they take six.

37 How many are there in the centre—somewhere about twenty?—Yes.

38. Are you aware that some of those cars have had forty on them?—In rush times you cannot keep the people off.

39 Do you recognize that there is sometimes danger to the passengers through the overcrowding of a car?—If there was very much it might be dangerous, but it is nothing like it is on the railway sometimes.

40. Do you recognize that there is danger to the conductor going along the footboard?—The passengers do not stand on the footboards.

41 Have you any regulations to that effect?—Yes.

42 You do not think it is necessary in the interests of public safety that subclause (*c*) of clause 5 should be in the Bill—that is, with regard to the limitation of passengers?—The Government already has power to do that.

43. Under your Order in Council?—And under the Act as well.

44. Then why do you object to the Government putting power into this Bill which it already possesses?—I do not object to it if the Government have the power

45. You agree with the power being in the hands of the Government as at present?—I do not think it is necessary, because the Corporation is just as capable as the Government.

46 You object to the Government keeping a power it already possesses?—I certainly thought they had power to prescribe the number of passengers, but if not, I do not see why they should have it.

47 If they have it, you do not object to them retaining it?—I do not suppose, if they have the power, they will give it up, so there is nothing in them retaining it.

48. Subclause (*e*) provides for proper appliances and furnishings: have your cars closed fronts with glass?—Yes.

49. With a seat for the motorman?—Yes.

50. And side curtains to protect the motorman?—No. The front shield overlaps in our cars.

51 You think the Corporation has provided sufficient in that respect?—Yes. At all events, we have never had any application from our staff, or any suggestion that what we have provided is not sufficient for them.

52. Have you any men other than motormen who are called upon to drive a car in cases of emergency or during rush times?—We have a certain number of conductors who have been trained as motormen, and who are quite competent to take the job of a motorman if one is sick or if an extra car is put on.

53 Do you take any men from your clerical staff?—No.

54. Or from the shed?—We had a trained motorman whose time was usually occupied in repairing who was occasionally put out to drive a car.

55 Was he trained in your own establishment?—I believe he was a competent man before he joined us, but he has left us.

56. Have you in any shape an Appeal Board in your service?—Yes, the men know that they can always appeal to the Tramways Committee if they have any grievance.

57. Have they any representation on that committee?—They have representation in this sense: that I suppose, with an exception of one or two of the staff, they have the borough franchise. They are nearly all married men paying rates or rents in the borough.

58. What about the motorman who is not married—has he the franchise too?—I think all the motormen are married, speaking from memory

59. Have you had any appeals during the last year and nine months?—We have had one or two appeals against dismissal, and we had an application for a change in the remunerations, and so on.

60. And were the appeals sustained?—The appeals from dismissal were not sustained, and we are now negotiating an agreement under the Industrial Conciliation and Arbitration Act between us and the men.

61 And in the industrial agreement is an Appeal Board provided for?—I say that we are under negotiations.

62. Do you think it right that a man, who may be dismissed through prejudice on the part of an inspector being sustained by the manager, should have no chance to prove his innocence before an independent Board of Appeal?—He has that. He goes before the committee, who are quite independent of the staff.

63. Take your committee: have they any practical knowledge of tramway matters apart from your own service?—I cannot say they have. They are all local men.

64. Do you think it likely that they would reverse the decision of the man to whom they trust the administration of their service—their manager?—If they thought he was wrong they would not hesitate at all.

65 Would they pit their practical knowledge against the other man's practical knowledge?—They are quite competent to form an opinion as to whether what a man says is right or not.

66. Are you aware that in a big service like the Sydney tramway service there is an Appeal Board like this proposed to be instituted?—No, I was not aware of that; but that is not on all-fours with our service.

67 In what way?—That is a Government service.

68. Do you think there is more need of an Appeal Board against a Government officer's decision than in a municipality?—Yes.

69. Now with regard to clause 9, the car report-book What system have you in your service?—There is a book the motorman must sign every day when he goes out, and when he comes off duty he must enter up the state of the car

70. And is that book open to the inspection of the motorman at all times?—Yes.

71 Have you had any abuse of that from the motormen?—They have to enter up every night the state the car is in.

72. And if the car is all right?—They write "O.K."

73. And if there is anything wrong they specify it?—Yes.

74. Do you ever find a man, instead of entering up his own opinion of the car looks over the leaves to see what another man has written, and enters up what he sees there?—No, I think the men honestly enter up what they consider to be right.

75. Then you think the car-reports system is working well?—Yes, as far as I know

76. *Mr Blow.*] I believe you have six cars in Wanganui?—Yes.

77 Are those cars without any trailers?—There are no trailers.

78. Is it intended to use trailers?—When we extend the system to the Heads we shall run trailers, and if we start them there we shall probably run into the borough as well between 5 and 6 o'clock when the traffic is busy, and also for the convenience of the people attending the theatres.

79. Have you got the cars?—You have just passed the design for the trailers. We are taking steps to raise a loan, and shall get the trailers out of that loan

80. I think you stated your cars carried fifty passengers?—About forty is, I think, the seating-capacity

81 You did not license them for any particular number?—I think that is provided for in our Order in Council. A car is not like a cab belonging to somebody else, that we could license.

82 Do you not think that cars should be licensed by some one?—I do not see the necessity We run the cars, and know the number we can carry and if there is any inconvenience it is our own people that suffer it.

83. Do you see any difference between the licensing of a car and a steamer?—The cars belong to us.

84. If you cannot license your cars, surely the Government ought to license them. Do you see any great necessity for licensing a steamer or an omnibus?—If they belong to private persons I think they ought to be licensed, but if they belong to a Corporation, I think, in the interests of the citizens, the Corporation should see that they are not overcrowded.

85 The difference is that one is privately owned and the other is publicly owned?—Yes.

86. *Mr. Poole*] Have you any grades in Wanganui?—No, it is practically flat. There are two small rises, but that is all.

87 What brakes have you on your cars?—We have the ordinary hand-brake and the magnetic brake.

88. Do you find the magnetic brake satisfactory?—Yes. We rarely have to use it, but when we have used it we found it satisfactory

89 Have you had any accidents?—Not through the fault of the trams. Carts have run into us, but we have had no serious accidents, or claims made against us.

90. Have you had any complaints against the employees or with regard to the administration?—No. We have had one or two complaints about increases of privileges.

91 *Mr O'Shea*] You know that there is an Inspection of Machinery Act in New Zealand?—Yes.

92 Do you know that the Government do not inspect railway machinery and the boilers?—I did not know that.

DUNEDIN EVIDENCE.

WEDNESDAY, 24TH AUGUST, 1910.

CHARLES FRANCIS ALEXANDER examined. (No. 14.)

1 *The Chairman.*] You are Manager of the Dunedin tramways, Mr Alexander?—Yes.

2 *Mr O'Shea.*] What experience have you had in dealing with tramways?—I have been Manager of the tramways in Dunedin since July, 1906. Prior to that I was five years in Brisbane connected with the tramways, and prior to that again I was on the Glasgow tramways.

3. You have read this Bill?—Yes.

4. Can you tell the Committee in detail what you think of this Bill—what your general opinion of it is, and as to whether the Bill is required?—You will understand that everything I say refers to Dunedin.

5. Yes?—I see no need for it as regards Dunedin.

6. Will you give your opinion in detail to the Committee on each section of the Bill?—The 2nd clause of the Bill deals with electric-tram drivers' certificates, and is to the effect that the electric-tram drivers' certificates will be issued by a Board of Examiners, and only men holding such certificates can be employed on any tramways in the colony As regards this matter we hold that the most important points as regards the true efficiency of a motorman are,—First, that he has got good nerve, which, of course, implies that he is able to keep his head under all circumstances which may arise on the road, as, for instance, when a child runs in front of a car or a vehicle cuts across in front of it. It has been found difficult to get men to keep their heads under such circumstances and conditions. Second, that he has good judgment in driving a car judiciously through traffic—that is, that he has common-sense and usage—that he does not run too close up to a vehicle before he applies his brake. Third, that he has a proper knowledge of the actual operation of driving an electric car The first qualification is, in my opinion, a most important one, and I hold that a Board of Examiners would have very little chance of judging whether a man had that qualification or not. A man who might be thoroughly unsuitable for a motorman in this service might without difficulty pass an examination as provided for in this Bill. I strongly hold that before a man should be passed for a motorman and put in charge of a car his temperament should be thoroughly known to the management. The method we adopt in Dunedin in appointing motormen is briefly as follows: The man whom it is intended to train for the position is selected from the ranks of conductors, such men as a rule having been in the service in that capacity for at least two years. During that time he is under the supervision of the inspectors and the management, and by that time we have a very good idea of his temperament. The man is then put on training with first-class motormen for a period of about two months. After that he takes four trips in regular traffic with each of four picked motormen, who are in every way competent to judge the qualifications required in actual service. Each of these four motormen makes a report regarding the man concerned. If all these reports are favourable, he is then taken in a special car and put through exhaustive tests by the Chief Inspector If he passes such tests successfully he has then to undergo an examination by the Manager, and if successful he is then appointed acting-motorman. I have copied one of our reports at random, which is as follows: "Dunedin, 5th January, 1910.—Passing for Motorman.—SIR,—I beg to report Conductor John Crawford, 142, has been training for a motorman since 1st November, 1909, with Motorman Cormick, and has done eighteen trips in traffic as per sheet attached. I have instructed him in the application of the emergency brakes, and have made him stop a car with power off and with hand and magnetic brakes out of action, with car travelling in both directions. I have shown him what to do if a car fails to start, also how to cut out a motor and replace a fuse. I have impressed on him that it is imperative that he make himself thoroughly conversant with the rules as laid down in the rule-book. I have been with him driving in traffic in George Street. I consider him competent to take charge of a car on any route.—Your obedient servant, W WOOLLEY, Chief Inspector" This is Crawford's training-sheet, and it is dated 1st November, 1909. [Training-sheet put in.] It will be seen that he made four trips in street traffic with four different men considered to be efficient and conscientious, and if they thought the man was suitable or unsuitable we rely upon them to say so. The remarks by the motorman in this case are as follows: D. P Heatley reports, "Shapes very well; will make a good motorman." W Hope reports, "Drives remarkably well, makes very good stops, drives with great confidence." W. Read reports, "Drives very well; handles controller very well; very good on the brake." The fourth man, G. Pearce, reports, "Drives very well all round, and uses good judgment." After a man has passed these four motormen he is put on a special car and put through exhaustive tests by Chief Inspector Woolley, who then reports to me. It will be noticed that before he reaches this stage he has to pass five competent persons who are all capable of judging a man's qualifications for the position, and that after he is passed by the four motormen and Chief Inspector he comes up to my office and passes an examination before me. There are seventeen rules for the motorman in his examination, and one wrong answer is enough to throw him back.

7 Do you think the Government could by any possible means attain an equally efficient examination?—It would be impossible unless they kept a man in my position.

8. Is there any possibility of having a general examination for motormen in New Zealand, taking into consideration the different systems adopted in Auckland, Wellington, Christchurch, and Dunedin?—I do not think one man could be found to be competent. An air-brake man might be competent for that system, and a magnetic-brake man might be competent for the other system.

9. Could you set one examination which would do for the whole colony?—No, certainly not. There are different kinds of brakes, and that is a most important thing.

10. How would it affect you in regard to the control of your men, and when dealing with promotion and the staff generally, if they had this proposed examination?—At the present time there are several of our conductors who are first-class men as conductors, but whom I would absolutely refuse to train as motormen. Now, those men might appeal to the Appeal Board for promotion if this Bill were passed.

11 If these men obtained a Government certificate of fitness as motormen they would demand to be put on?—Yes, with a Government certificate we could not hinder them. During the time the man I have spoken of is training he is under the close supervision of the inspectors, and when an inspector sees that a man is training for a motorman he jumps on the car and sees how he is being trained. During the two months he is training he is practically under examination by inspectors. I can safely say that there is no better body of motormen anywhere than there is in Dunedin. I can prove it by the few accidents that we have had. I consider one of the most responsible duties of a tramway-manager is to pick out suitable men for the position of motorman. If you have not a suitable man, if he has not got sound common-sense and nerve, all the training in the world will not make him an efficient man in front of a car He might pass his examination splendidly—he might go out with an examiner on a car and do beautifully; but if a young child ran in front of his car his nerve might leave him, and he would be absolutely useless without nerve. I hold that if the Government are going to issue certificates for motormen, they and not we will have to take the responsibility for the service in most of its material points—that is, with regard to the risk of accidents. If the Government say that a man has to go on as a motorman and I say that he is not suitable, I am not responsible. We consider that our most responsible duty is to get men with nerve—that is the first thing. That is all I have to say with regard to clause 2. Clause 3, Inspection of tramways : I have no objection to offer to subsection (1), as under the Public Works Act any proper person appointed by the Minister can make a thorough inspection of any tramway service—including rolling-stock—in the Dominion At present they have that power, and I think they should have it. With regard to subsection (2), we most decidedly object to that, because it is a thing that can only be dealt with by a person having special knowledge. It says the Minister may have the right to order additions to the rolling-stock to meet the reasonable requirements of traffic. In connection with this I should like to point out that the reasonable requirements of traffic are a most difficult thing to gauge. In this service we are continually taking special tallies of passengers carried, so as to run a service to reasonably suit such requirements. Unless the Government are prepared to make arrangements to have such tallies taken I utterly fail to see how it could be competent to state what does or does not suit the reasonable requirements of traffic. We tally one route one day, and the inspector reports too heavy loading on such-and-such a car We tally that car for a week, and find that it was only on a particular morning that it had too heavy a load. On one morning the car may be crushed, and the next morning only have a fair seated load. Immediately a report comes in from an inspector that a car has not been able to pick up all the passengers, we take a tally of that route, and if the report is borne out by the actual tally, then we put on a special car to suit it. I hold that it is quite impossible for any man, unless he is in the service, and can get the inspectors' reports, and take these tallies, to say what are the reasonable requirements of traffic. Now, the Government have already decided what services shall be run. At the present time under the Government regulations we are very severely handicapped. There is one line—the Tahuna Park line—on the last section of which I do not think we average a penny a trip, and we run a ten-minutes service, as I once roughly put it to the Committee, "carrying fresh air." That is under the Government regulations, and we have to run the car

12. There are provisions under the Public Works Act dealing with inspection?—Yes.

13. Do you consider those powers sufficient for the Minister to deal with the traffic?—Yes, certainly

14. I suppose under this clause he could order you to double the number of your cars, could he not?—Certainly

15. Or alter your gauge, and turn your Order in Council inside out?—Certainly, he could do as he chose.

16. How much money have you invested in the tramways in Dunedin?—Three hundred thousand pounds.

17 Clause 5: What have you to say to this power of making regulations?—This clause 5, of course, gives very wide powers to the Government. In subsection (1), "The Governor may from time to time, by Order in Council gazetted, make regulations (*a*) providing for the periodical and other inspection of carriages used on tramways." Under the Public Works Act the Government have already this power (*b*) Providing for the licensing of such carriages, and prohibiting the use on any tramway of any unlicensed carriage, (*c*) prescribing the maximum number of passengers that may be carried on any carriage on any particular route or grade."

18. What have you to say about (*b*)?—I would like to say this emphatically in the first place: I think there is less risk from accidents with a tram-car than there is by any mechanically hauled or horse-hauled vehicle—that is, to people outside. There is no question that the local authority has the power to license other vehicles which are more dangerous to the public than tram-cars, but the local authority has power to regulate traffic in their own streets, and I think the local authority consists of the proper persons to have that power There are men of every class in the Council, who are thoroughly conversant with the local conditions; they are representatives of the people, and it is to their interest to have proper regulations for the safety of the public as regards street traffic.

19. As a matter of fact, the financial considerations alone are sufficient to compel a tramway company or Corporation to keep their rolling-stock in order?—Oh, yes! it must be kept in order

20. If at any time an accident occurred through the disrepair of a tram-car, and any one was injured, would not a jury in the Supreme Court give vindictive damages against a company? Yes. If I did not see that the cars were looked after, and if I knowingly let a car out with faulty brakes, and an accident occurred, I should be dismissed.

21 Do you think the periodical licensing of the cars by the Government would have any beneficial effect at all?—Absolutely none. It would not alter our method of inspection at all. Our cars are inspected every morning.

22 You say this provision is unnecessary?—Absolutely unnecessary

23. What have you to say with regard to clause (*c*)?—That is a matter for the local authorities to deal with in the same way as regards clause (*e*). There is a certain amount of overcrowding—that is, carrying more passengers than the car-seats will hold—but I know of no city in the world where there is not overcrowding.

24. If you wanted to give everybody a seat on every occasion at 5 o'clock, would you have to increase your rolling-stock much in Wellington and Dunedin?—I should think so. It would be absolutely impossible for a tram company to be self-supporting in a town like Dunedin if overcrowding were not allowed. In a large city each trip may be a paying trip, and there is not the same need for them to carry passengers over the seating-capacity of the car In Dunedin we went into the matter as to which routes were paying and which routes were not, and we found that the St. Kilda route was the best-paying one, but even on that route the majority of the trips were run at a loss. If those cars had only carried passengers up to their seating-capacity at rush hours there would have been no profit even on our best-paying route. We hold that there is only danger of overcrowding when passengers are allowed to overhang the car—that is, as they do in Sydney, where they stand on the running-board on each side. In Dunedin we have a very strict rule bearing on that point, and under no circumstances whatever are passengers to be allowed to ride on the step or on the running-board. Now, as regards excess of passengers, if you have proper brakes I do not see that it increases the risk of accidents, and as far as my knowledge goes I have never known of an accident through overcrowding—that is, with no overhanging. I have heard of passengers being carried or knocked off by a lorry through the driver of the vehicle coming too close to the car I have known them to be carried off the running-board, but outside of that I have known no accidents to occur through too many passengers being in the car itself

25. How do your finances stand in Dunedin—when you pay sinking fund and interest how much have you left in a year?—We had only £5,000 last year

26. If you came within the limitations as indicated in clause (*e*) could you pay your way?—No, we should have to be rate-supported undoubtedly

27 Under the present Tramway Act this power to make regulations is vested in the Corporation?—Yes, local authority

28. Clauses (*b*) and (*c*) are transferring the power from the local authority?—Yes.

29. And clause (*d*)?—So far as Dunedin is concerned the Government have already fixed the rates of speed on all our routes by Order in Council.

30. And the Government can very well fix this in an Order in Council?—We are putting one through now, and the Government said 'You must come down to a speed of eight miles an hour when passing certain places. The Government have the right when authorizing an Order to make certain conditions.

31 What have you to say with regard to (*e*), "Providing for the use of proper appliances and furnishings on carriages to insure the safety and convenience of passengers, of the tramway employees, and of the general public"?—That is a matter which no one expert could answer for all systems. It must be left to the respective districts to say which are the most suitable. In Dunedin we swear by the magnetic brake, while in Christchurch they apparently believe the air brake to be the best. The air brake may be far the best for Christchurch, but I most certainly think the magnetic brake is the best for Dunedin. Now, a Government Inspector might be appointed, and he might be an air-brake or a magnetic-brake man. He might think the air brake was not an efficient brake, or, on the other hand, that a magnetic brake was not an efficient brake. I do not think these regulations could be safely put into the hands of any man or committee to carry out; it must be left to the various systems to find out which is the most suitable brake. If a certain kind of brake were not suitable for the system, you would soon hear about it. You would get complaints from the men, and accidents would happen. I hold that "proper appliances" to all intents and purposes means the brakes. That is the most important appliance on a tram-car

32. You might under that section be compelled to put in velvet cushions?—Yes.

33. You might have to get a special car for the Minister of Public Works for each service?—Possibly

34. Do you not think this word "convenience" is too strong a word altogether? Do you not think the Minister is rather grandmotherly in looking after the passengers, and public generally, and taking the whole Dominion under his wing?—Looking at it from the point of view of safety, if the Government Inspector told us to put in velvet cushions I should say he was talking rot. I do not think any man would ask us to do that.

35. He might if he thought it was a matter of convenience?—He might have the power to tell us to do so. In connection with appliances and the power to inquire into matter of safety of passengers, I would like to say that, as you know, lately there was a Royal Commission in Dunedin, and we offered the members of it any car they chose to take. They went out on one car, and, without it ever being cleaned, they took more emergency stops out of her in two days than the car might have to make in ten years. Every time we have an emergency stop the car has to be cleaned and examined, but in this case there was emergency stop after emergency stop. I told Mr Scott that I did not think it fair to the car—that it had had so many emergency stops without being cleaned—and he said, "All right; we are trying how much she can stand." I hold that

the tables of the Commissioners showing the tests that car was put to prove that, so far as Dunedin is concerned, the City Corporation is fully alive to their responsibilities by having what is the most important feature in every tramway service—that is, an effective brake.

36. If clause 5 of the Act is passed, what do you think it will cost the country to carry it out?—It all depends upon what the gentleman appointed has to do.

37. This is what the Brakes Commission says: 'In these circumstances, the Commissioners are of opinion that if further legislation, necessitating closer inspection, be introduced, it is desirable that any inspector appointed should be an electrical engineer of high qualifications and extended experience of tramway-working, whose professional status should be such that his assistance would be welcomed by executive tramway engineers.' What would that one inspector cost the country a year?—They would have to pay him £1,000 a year.

38. Build a Department round that man, and what do you think it would cost the country a year?—It would depend upon what they would pay the men.

39. Can you give us any idea?—No.

40. Do you think it would run into some thousands?—Yes.

41 Could it do any good?—It would do harm. No one could do better than all of us. A man might be a good electrical engineer and might be a duffer at traffic-working. We have all our different points. With the different systems one man could not say, "Do this in Auckland, do that in Wellington, and do the other in Christchurch." From the conditions it would be better to have one man in each large centre, and he should live there and know the conditions under which the service should be worked.

42 Subclause (2) of section 5 gives the Minister power to revoke Orders in Council?—Yes. "If any such regulation is inconsistent with the provisions of any Order in Council authorizing the construction and working of any tramway, then the regulation shall prevail, and the inconsistent provision in the authorizing Order shall be deemed to be revoked.' Now, with all due respect I say that is absolutely wrong Take the Dunedin City Council, with the present duplication at Anderson's Bay Road. The Government say, "There are certain conditions we must impose on you before giving you power to construct that line." We carefully go over these conditions, and we find that with these conditions it is possible to make that line pay For instance, you might take the run from Anderson's Bay to the Post-office. Under the regulations for speed the Government might say, We want a fifteen-minutes service there, and your speed is fifteen miles an hour." I find that with three cars I can run that service, and it will just pay and no more. But if the Government later on came and said, 'We will not allow you to run at fifteen miles, we will allow you to run at ten, the three cars would not do it, and an extra car would be required, which would cost about £1,000 a year extra. If the Government had in the first instance said the speed should be ten miles an hour I would have reported to my Council, "Do not go on with the line.' I think it absolutely unfair for the Government or Minister to have power to alter our original authorizing order—that is, the agreement between the Dunedin City Council and the Government with regard to laying down that tram-line.

43. Then you consider that no municipality would be safe if section 5 were passed?—No, I think it is absolutely wrong without a doubt.

44. What have you to say as to the Appeal Boards?—As regards Dunedin I hold that any Appeal Board is absolutely unnecessary, as at the present time we have such an Appeal Board.

45. You have the same system as in Wellington—you have an appeal to the Tramway Committee?—Yes.

46. Have men ever been reinstated after appeal to that Tramway Committee?—We are rather different in Dunedin. We have only had two appeals.

47 Did the men get a fair hearing before the Committee?—Yes, as far as I am aware. The Committee are absolutely fair and thoroughly competent, because they are dealing with tramway matters. As a matter of fact, if there is any doubt about a case the Committee always give the benefit of it to the men.

48. There is no one at the back, like the Minister or an Appeal Board, with a veto up his sleeve?—No. If the Committee say a man is to go back he must go back. We have a notice referring to appeals, which is posted up, and which says, 'An employee may appeal to the Tramways Committee against any punishment imposed by the Tramways Manager involving dismissal, suspension, or reduction in rank or pay He must lodge any appeal with the Town Clerk within fourteen days of the date of such punishment appealed against, as after the expiry of that time the right of appeal shall have been removed and foreclosed by order of the Tramways Committee for the City Council of Dunedin."

49. Do you think you could control your men if an Appeal Board of the nature proposed were set up—could you have any discipline?—It would be absolutely bound to spoil the discipline of our service.

50. Would not the election of a Board like this be absolutely in the hands of the Minister of Public Works?—Yes. He has to appoint the Chairman if the two representatives do not agree.

51 And if they did not agree, as they probably would not, the Minister would appoint the Chairman?—Yes.

52. And that means that the Minister would have absolute control of the men in your service?—Yes.

53. He can appoint a man who could go to either side?—Yes.

54. Clause 7: Do you see any objection to that?—No, there is no objection to clause 7.

55. As to clause 8, do you consider the Governor is a better man to decide this point than the Engineer-in-Chief?—I have no evidence to give on that at all.

56. Clause 9, "Car report-book": Do you approve of this book or the single sheet?—The single sheet most decidedly.

57. Why?—If there is a book a man could copy what has been said before. We want from the man what he thought was wrong with a car at the time, not what somebody else thought at some other time. I can see absolutely no reason why it should be a book.

58. Do you think that by your single-sheet system you are more likely to have defects discovered?—Far more.

59. There was some talk last year before the special Committee of cars having a character, and it was said that the men ought to be able to look back and see if a car bore a bad character Is there anything in that?—I do not think so.

60. It was somewhat laboured by Mr. Rosser last year?—I should say it would be against the interest of the service.

61 Supposing a man has an accident, the first thing he would do if there was a book kept would be to look at the reports of that car?—If there was an accident caused by what he thought was due to brake-failure, it would be very likely

62. Would it be fair to the Corporation that that man should be able to look back to the record of that car? If he could look back to something that had been reported a fortnight before about that car, he might try to excuse himself?—When we have an accident, the man, before he leaves the depot, must write out his report of it. The report having been written, if the man came and asked me for the record of that car I think I would tell him.

63. After the report was written?—Yes.

64. Would you place any reliance on a report if you knew the man had made inquiries about the car before he made his report?—If he had read up the history of the car, no.

65. The existence of this car report-book would absolutely prevent you getting unbiassed reports?—You cannot make a general statement like that. We have any number of men who would come and write out their reports and would never think of going to the book; but if a man wanted the book it would be there for him. A man going to the book would most likely be influenced by it. The man who wanted a loophole to escape is the person who would examine the book.

66. If this book existed there would be a danger in every case of the reports being unreliable?—I cannot say that. It depends upon the individual man

67 But there are men in the service who would be tempted by the existence of the book?—Yes, certainly I read it that the Government mean that the motorman can enter into this book any report he thinks fit. Now, no tramway-management in the world would stand that. That to me is absolutely ridiculous. We do not give the motorman the option of reporting what he thinks fit.

68. *Mr. T E Taylor*] Why not?—Because he must report everything in connection with his car He must report a broken chimney or anything else.

69 *Hon. Mr R McKenzie.*] I think if you read the report properly you will find that he must report "in the prescribed form"?—I have no objection to a motorman saying anything about a car if it is exactly what he thinks. We want to get the truth in the reports.

70. *Mr O'Shea.*] Under this proposed system you will get it?—We want everything they can give—under a heading or not.

71 You are satisfied with the present system?—Yes. The men report on what they call "Accident Report: Form No. 2" This is the report where nobody is injured. Thus: "Car off track, car missing points, trolly leaving wire, broken lamp-chimneys, broken headlight-glasses, broken trolly-wheel, any troubles with motors or other fixtures or appliances about the car, insulators off the line, obstructions on track or any obstructions to traffic, and in general any breakage or defect of the company's property in which the people are not in any way concerned or connected; also all disputes with passengers over payment or non-payment of fare, offence against the by-laws, ejection of drunk or disorderly persons, &c." I will put these two forms in. The second one is a more particular form—that is, when there is any damage or injury done to the person: "Employees must report (on these forms) every accident to every individual or vehicle, &c. in connection with any car belonging to the Dunedin City Corporation tramways, no matter how trivial it may seem." This report means every accident, such as if a person steps off a car and falls on his knee, or a person stumbling in any way off a car We are most particular about everything being reported. We make them report on things that the Government would never dream of A man might think it was nothing, but we want it reported, and it has to be reported So I think clause 9 is not required.

72. Clause 10, "Inquiries as to accidents" I suppose there is no objection to the Minister having that power?—He has that power at present. I should like to point out this: The person appointed by the Minister to inquire into accidents, if he thinks the motorman is at fault, has power to suspend his certificate; but under this proposal the man apparently has no right of appeal. This means that the man who is put on to judge the motorman would require to be infallible to be fair to the men You appoint a person to hold the inquiry, who hears the evidence, and comes to a conclusion, rightly or wrongly, that the motorman is at fault. I might be there with a different opinion, but that man could not appeal and bring evidence. He might be able to bring my evidence if he had the right to do so. We might be faulty in punishing the man, and he would have the right to appeal: but the man appointed by the Government cannot make an error, because there is no appeal against his decision.

73 Is the man so appointed likely to be able to come to as good a conclusion as you?—No, because the personal element comes in again. You really want to know the man

74. Clause 11 deals with private tramways. and does not affect you?—No.

75. Clause 12, "Cars may be licensed": You object to the licensing altogether?—Yes.

76. Clause 13: The first amendment is that you must give a copy of your Order in Council to any one asking for it, on payment of 1s. Have you any objection to that?—I have not gone into that at all.

77 Can you see any reason for subclause (*c*) of section 13, providing for the rendering of accounts during the month of April to the Minister?—I can see no reason for refusing to do so.

78. Your accounts are made up every year—your balance-sheets?—Yes.

79. Subclause (*d*) There is nothing wrong with that, I suppose, referring to plans?—I want to bring before the Committee the small number of accidents the Dunedin Corporation tramways have had. With regard to fatal accidents, I am sorry to say that we have had three from the 1st of July, 1906, to the 31st July, 1910, a period of four years and one month. During that time we carried 46,024,583 passengers, and those fatal accidents worked out at the rate of 1 per 15,341,528 passengers carried. As regards those fatal accidents, none of the persons to whom the accident happened was a passenger, and none of the accidents was in any way due to negligence on the part of the men or to any fault in our equipment.

80. Has any negligence or carelessness been brought home to any of your men or the management in any of those accidents?—Absolutely none. Out of those 46,024,583 passengers we carried, not a single passenger received a serious permanent injury

81 *Mr M Myers*] With regard to clause 2, Mr Alexander, does your Council derive any revenue from the issue of motormen's licenses?—None whatever

82 Is it your custom in Dunedin to employ men right away as motormen who have been employed as motormen elsewhere, or do you test them first, or employ them as conductors?—There was one case—that of a Glasgow man who had got his certificate; but we tested him on our cars. There is absolutely no objection to any man who has got a certificate, but he has to go through the usual tests.

83. You test them thoroughly first though?—Yes.

84. Do these men start as conductors, or do you take them on immediately as motormen if they satisfy your tests?—For the last four or five years I have been in charge there has been only one put on as a motorman.

85. I understand you to say that you have conductors in your employ, first-class conductors, whom you refuse to take the responsibility of employing as motormen?—That is so.

86. Do you recognize that under clause 6 of this Bill, if it becomes law, those conductors might, despite your opinion, be forced upon you as motormen?—I do.

87 Would you take any personal responsibility for any such appointment?—I certainly would not.

88. But do you appreciate the fact that the Council, as the owner of the tramways, would have to take the responsibility for the competence of those men, once they were employed?—Certainly they would have to take the responsibility

89 With regard to that same clause 6, I understand that you object to it altogether?—I do.

90. Would your objection be so strong if, say the Arbitration Court were to be the Appeal Board?—I do not care to answer that question It never struck me that the Arbitration Court might be the Appeal Board. There might be difficulties in the way

91. Perhaps you will consider that point, and answer it a little later?—Yes.

92. With regard to clause 9, am I right in understanding you to say that you now get daily reports with regard to every car?—No, unless there is anything wrong with the car, and equipment in connection with the car

93. That must be reported?—Yes.

94. In your opinion you are more likely to get fair disinterested, and independent reports under your present system than you would under this car-report-book system?—Yes, certainly

95 *Hon. Mr R McKenzie.*] You have a general objection to the whole of the Bill?—Yes, as regards its effects on the working of the tramways.

96. With regard to clause 2, you say the qualifications for a motorman are a cool head, nerve, and judgment?—Yes.

97 Do you think a cool head, nerve, and judgment are likely to be affected if the men have to be examined by a Board of Examiners?—That would not in itself make any difference.

98. Is there anything in this clause to prevent a man getting a Government certificate?—A man might demand to be trained whom I should think thoroughly unsuitable.

99. There is nothing in this Bill to give him a right to demand to be trained?—Yes, he has the right to appeal to the Appeal Board for loss of promotion Now, I could only say to the Appeal Board, "Gentlemen, this man is not suitable."

100. Supposing you were right, do you imagine for a moment that a man, unless he was thoroughly qualified and could prove that he had had the necessary training before he went to the Board for his certificate, would be passed by any Board?—Yes, but my trouble is that the Appeal Board may sustain a man's appeal.

101 I am dealing with the certificate. Do you imagine that any Board would give a certificate to a man unless he was qualified, and could prove that he had had the necessary training?—The difficulty is in letting a man start to train There is a conductor in our service that I say is unsuitable. Supposing he appeals to the Board against loss of promotion, what then?

102. He must be a conductor then?—Yes.

103. You are at the Appeal Board and I am at the Board of Examiners. You have to prove service for any other kind of certificate?—He might be put on by the Appeal Board in spite of me. That is what we fear

104. It is quite clear in this clause that the man must prove his qualifications. Have you any objection to that?—Yes. I cannot see how anybody else can have a better knowledge of a man's qualifications than the Manager

105. But if it is made quite clear that the man must prove his competence and service before he is granted a certificate, would that meet your objection?—I say I am the person who knows whether a man has the necessary qualifications, and not the men whom you appoint.

106. If a man in your service undergoes a course of training, and you satisfy the Board that the man has the necessary training and service as a conductor with you, and he passes the Board of Examiners, would you have any objection?—Yes, it would not be me that passes the man.

107 But if he had another examination, would this clause meet your views if altered in that direction?—No, unless you took the responsibility You must remember that there is responsibility in placing a man on a tram-car You are overlooking this point: that in the mind of the Manager he might not have nerve, which is the most important point.

108. What about the engineer who is driving a locomotive?—That is nothing like a tram-car Little children keep running in front of a car hourly and daily, and that might not happen in engine-driving once in a week.

109. Coming to clause 3, do you object to the Government having power to order any necessary conditions or alterations to your plant? Have you ever seen a copy of the report of the Brakes Commission?—Yes.

110. Take a copy and look at page 6, under the heading "Weighing of Cars." It says, "As a preliminary, all cars experimented on were carefully weighed, with somewhat surprising results. At Auckland, car No. 75 was found to weigh, when empty, 36,736 lb. as against 24,080 lb., its reputed weight, an excess of 52 per cent." Do you consider that the Government ought to step in in a case like that, or should that be left to the management?—I have no objection to any one appointed by the Minister examining the rolling-stock or cars.

111 Do you think the Government ought to have the right to compel you to brake your cars properly, or that a car should weigh 52 per cent. more than it is braked for?—I do not know anything about that particular car

112. Down below you will find there is a difference in your own car?—That difference was partly made by mud.

113. Then the Government will have to step in and make you keep your car clean?—We were only 7¼ per cent. out.

114. The fact that a car was underbraked by 52 per cent. would render it more liable to be responsible for a fatal accident?—A car being underbraked is a dangerous thing

115. There were thirty-four fatal accidents in the Auckland system in eight years. Do you think the braking would be responsible for any of those fatal accidents?—I cannot say

116. I am merely asking your opinion?—You are asking a question that no tramway-manager in the world would answer.

117 If you are running a car underbraked by 52 per cent., would it be possible to stop as quickly as if it were equipped with a proper brake?—It all depends upon the relative distance.

118. Answer me "Yes" or "No"?—I cannot answer that question "Yes" or "No."

119. I do not object to any reasonable explanation or qualification about it?—I will not answer any such question as that "Yes" or "No," and no tramway-manager in the world would do so.

120. The Commissioners asked you the very question I am now asking you?—Supposing a passenger gets 15 yards ahead of a car, the car if braked properly might pull up within 14 yards; but supposing it was not properly braked, and it could not pull up in 20 yards, if the passenger was killed it would be the fault of the brake.

121 You stated that the Tahuna Park service at Dunedin was a twenty-minutes service and was compulsory?—Yes.

122 Has the City Council ever asked the Government to have that altered?—I did not go into that question I have an order to say that a twenty-minutes service has to be run there.

123 My question is whether the Dunedin City Council have ever applied to the Government to have it altered?—Not to my knowledge.

124. The impression conveyed to me was that the Government were insisting on the twenty-minutes service?—We thought about it when the Order in Council was granted to St. Kilda.

125. When your City Council applied for the Order in Council your lawyers drafted the Order and sent it to the Government for approval?—It was an agreement with St. Kilda, and then it went to the Government.

126. You drafted the Order in Council yourselves, and never applied to the Government?—I had nothing to do with that.

127 You said the St. Kilda line was the most profitable line in the system?—Yes.

128. And that if you only ran the cars to their seating-limit it would become unprofitable?—Certainly

129 Is there anything in this Bill to say that you shall only run your cars to their seating-capacity?—You have a right to say so.

130 Is there anything in the Order in Council to that effect?—No.

131 Is there anything to make you believe that that would be altered?—No, but there is a danger I am only trying to avoid the danger I see.

132 The Government has not insisted on the seating-capacity of the cars being observed?—Not so far as I know, as regards Dunedin.

133 There is a limit of speed provided in the Order in Council?—We time our cars from section to section. From the Post-office to Cargill's Corner we give them, say, eight minutes. We never time our cars to run a distance so as to exceed the regulation speed, but the motormen may break that time.

134. Have you any speed-indicator?—No.

135. Supposing the Committee recommended the Government to have speed-indicators put on some of the cars, do you think that would be desirable?—I do not think it would be advisable.

136. Is that from the tramway-manager's point of view?—Yes.

137 Not from the public-safety point of view?—I do not think it is going to help the public safety

138. What is the length of your longest run?—6 miles 15 chains.

139 How many ordinary and compulsory stopping-places have you in that?—Coming in from St. Clair to the Gardens, I think there are five that are compulsory stopping-places.

140. And what period of time do you allow for the whole run?—Forty minutes. That is at the rate of 9 miles 22 chains an hour, including stops.

141 What are your ordinary stops, independent of the compulsory stops?—I have not got the figures with me. Allowing for all our ordinary stops we can go over ten miles and still keep under fifteen. We went into it in connection with Anderson's Bay I think three minutes were allowed for stops in 1 mile 59 chains.

142. You are satisfied that your motormen have sufficient time to keep the stops?—Yes.

143. You have a speed-limit in your Order in Council?—Yes.

144. What is the difference in having a speed-limit in your Order in Council and not in clause 5 of this Bill?—I have already said that you have the right to fix the speed. I have no objection to that.

145. Will you look at subclause (*e*): Under this clause if the Government steps in and says you must provide more appliances for the public safety, have you any objection to that?—Certainly, if a Government official said a certain appliance was the air brake.

146. This is the Governor in Council; the Government official can do nothing?—I have very strong objection to that.

147 Supposing you had a house in Dunedin which was insanitary, and the Minister of Public Health said it would have to be pulled down: I suppose you would object to that?—No, I should agree that it ought to be pulled down, because the authorities would know better than I.

148. If you go to sea in a ship with insufficient appliances, and the Minister of Marine steps in and insists on you providing them, would you have any objection to that?—I object to the clause altogether, and I am frightened of getting into an argument with you on these things.

149. I want to see if you have a reasonable objection?—Yes, I have. As I pointed out, every local system must be judged on its own merits. Whoever has the power to manage should not be told what are the proper appliances for the system.

150. Supposing it is reported to the Government that you are running cars underbraked, have you any reasonable objection to the Government interfering in the interests of public safety?—I would not allow a car to go out of the shed underbraked. I know it is too dangerous.

151 If there is another system in New Zealand where cars are underbraked, do you think the Government ought to have the right to compel them to be properly braked in the interests of public safety?—I do not think it is right to ask my opinion about a service I do not know I have stated that cars should not be underbraked or faultily braked.

152. My point is this whether the Government should have the right to say that a car should be properly braked?—You are taking me out of my own work; you are taking me into the matter of policy I do not feel myself competent to answer that question.

153. If you are competent to manage the Dunedin tramways you are quite competent to answer my question. My question is this: If the Government is satisfied that a car is underbraked, do you think it should have the right to have that car properly braked, or that the matter should be left in the hands of the proprietors of the car?—My personal opinion is this: If a car is known to be underbraked, and if the company or Corporation does not take immediate steps to have that altered, then it is the duty of the Government to step in, certainly

154. If a car is 6,000 lb. heavier than it is braked for, do you think it is efficiently braked or underbraked?—The makers always allow—or should in a well-made car—an ample margin. If it is under the ample margin then it is not efficiently braked.

155. Take the weight of 24,000 lb., and a car is found to be 36,000 lb.: do you think that car is properly braked?—If the makers thought the car was the lesser weight, then it is not right.

156 These are matters of fact—the weight is stamped on the car?—The weight is not stamped on our cars.

157 If you had a car in Dunedin with the reputed weight of 24,000 lb. and braked for that, and you found the car was 36,000 lb., would you allow that car to run as a safe car?—Not until I tested it to see if it was equal to 36,000 lb, and if not I certainly should not run the car for anybody

158. Coming to the car reports, what is your principal objection to the book?—I am not sure whether there has been one in Dunedin or not, but the method in vogue in Dunedin and Brisbane is the single-sheet method.

159. You will see by clause 9 that these reports are made "in the prescribed form"?—Yes.

160. Now, if the form you have in Dunedin were adopted in this Bill, would you have any objection then to the book?—That is a mere trifling detail. I would not bother even the City Council about that. It is almost bread-and-butter stuff to a manager to get these reports in. I am quite sure we are far stricter than you apparently intend to be under the Bill.

161 What is the objection then?—Why should you take the power out of my hands if I am qualified for the work? I would rather have the form in leaflet form. We have no objection to a man coming and asking to see the report—we would not block him. These sheets are all filed.

162. Supposing there are other systems where they are never filed, do you think it is fair to the men?—Ours are undoubtedly filed.

163. Then the clause meets with your view as far as I can judge?—It all depends upon how you look at my views. I hold that these things should be reported and kept on record, and any man has a right, if there is a reasonable excuse given, to see the reports; but if a man had an accident to-day on car 12 and said he wanted to look up the history of car 12, and I asked why, and he said "Because I had an accident," I would say "You write up your report exactly as it happened, and then I will let you see the car report."

164. You agree that a man should have access to the report?—Yes, we have no objection to men in Dunedin seeing the reports if they can give a reasonable excuse.

165. With regard to clause 10, you said that if the clause passed we took away the right of appeal?—I can take no other reading out of it.

166. Your previous statement was that we deprived a man of the right of appeal?—Yes.

167 Have you noticed that he may be suspended until the inquiry is held?—Yes, but the inquiry is held by a person— The person to hold any such inquiry" as to how the accident occurred. He is not hearing an appeal.

168. If he finds after inquiry the accident is the fault of the motorman, the Government takes his license away?—That man's word is decisive. If we have an accident we investigate the matter and go and examine the track, and if I find, after having everything before me, that the man is to blame I disrate him. He can then appeal.

169 Do you know what the process is if a captain loses his ship? The Government steps in and deals with his certificate?—Yes. But I should like to point out, with regard to the Appeal Board, that if it is a clear case of negligence on the part of the motorman the case is taken out of our hands by the Government in the shape of the police. I hold that there should be no such Appeal Board as is set up in the Bill.

170. The only appeal you think there ought to be is an appeal to your Committee?—Yes, to our own Committee.

171 *Mr O'Shea.*] In reference to a question asked you by the Minister, I do not know whether you appreciated it or not, but I understood you to mean that you had no objection to paragraph (*d*) of clause 5. Is not this your position: that you have no objection to a speed-limit being fixed in the Order in Council, but you object to it being altered from time to time afterwards?—Most decidedly. My position is this: When the Government is issuing an Order in Council I think it is quite right to put the limit of speed in the Order, but absolutely wrong to change it after

172. You think, then, the fixing of permanent limits is absolutely essential, but that they should be fixed at the time the Order is made?—Certainly

173. I omitted to ask you this morning about your system of inspection—First, your inspection of car-equipment, second, the inspection of overhead equipment, and, third, the inspection of permanent-way?—There are certain instructions issued to each of those in charge of the different branches. The instructions for the inspection of car-equipment are as follows: Trolly-wheels to be examined and attended to nightly Controllers to be cleaned, examined, and adjusted twice weekly Motors to be examined and commutators cleaned daily Brake-gear to be examined three times a week. Any car having been reported as failing to act on any brake-notch of the magnetic brake, or any trouble with the mechanical hand-brake, must be left in the depot for examination. All cars reported for brake troubles must be tried on the road before being put back into traffic. Our instructions as regards inspection of overhead equipment are as follows: A careful inspection of overhead equipment is to be made on Mondays, Tuesdays, and Wednesdays of each week, provided no urgent work is on hand. The inspection consists of renewing trolly-ears, tightening up spans, and keeping a sharp look-out for any weakness owing to wear or other causes; also, section insulators, tongues, joint ears and envelopes are to be examined. Inspection every three months is to be made of all feeder and all section insulator switch-boxes. Once every three months all globe strain insulators are to be tested, and any found defective are to be replaced. A voltmeter is to be used to detect faults. Conductors, motormen, and inspectors are instructed to report any defects coming under their observation. Written instructions regarding the inspection of permanent-way are as follows: "It is the duty of all inspectors, motormen, and conductors to report any defect they may see on the line. Trackmen who travel the whole length of the track each day must report to you, either verbally or by telephone, any defect they may see. This, with the careful supervision which is kept by yourself, should locate without delay any trouble on the permanent-way" Those are the instructions with regard to the inspection of car-equipment, overhead equipment, and permanent-way

174. Those instructions you see are carefully carried out?—Yes, we are particular about them.

175 *Mr Fraser*] You stated your objections to section 2, about the granting of certificates by the Department?—Yes.

176. And you gave your reasons. Now, does the same objection exist, to your mind, if a provision is put in the clause that no certificate could be granted by the Board of Examiners unless the applicant produced to the examiners a certificate of competency of service from the manager of the company?—I would have no objection to that if the Appeal Board were done away with.

177 Will you explain what you mean by the Appeal Board being done away with?—Under the Appeal Board a conductor has the right to appeal if I do not give him a chance to train for a motorman. Now, the only evidence I could produce against giving him the chance is that he is not suitable, and I am afraid that would not be good enough for the Appeal Board.

178. A man could not apply to you to be put on as a motorman unless he received a certificate from the Board of Examiners?—Under the Bill, no.

179 The position as put to you was, that a man could not get a certificate from the Board of Examiners unless he received a certificate of competency of service from the Manager No man who you thought was incompetent to put in charge of a tramway could get a certificate?—That is the difficulty In my opinion an unsuitable man could pass this examination

180. Unless he could produce from you, say, a certificate showing that you had approved of him as being a good man, he would not get a certificate from the Board? Would you then have any objection?—Certainly not, if that were definite. But I distinctly hold that a man might be put on and my decision overruled.

181. I want to make perfectly clear your reply to Mr McKenzie, that you had no objection to paragraph (*d*). Have you read subsection (2) of section 5?—Yes, I dealt with that in my evidence.

182 That is to say, after having given his original regulations at the time of the construction of the line the Governor could revoke them?—My answer was meant that we have no objection to the Government regulating the speed in the original Order

183. Subsection (2) makes it quite clear that the original one may be revoked under this Bill?—I think I was very strong in my evidence dealing with subsection (2).

184. *Mr Glover*] I think you stated, if I understood your remarks to Mr O'Shea, that you considered the magnetic brake the most suitable in New Zealand?—No, only for Dunedin.

185 Supposing that other portions of the Dominion prefer another kind of brake to your brake, what have you to say?—I say the local tramway authorities are the best judges of the most suitable brake to suit their town and conditions. I say the magnetic brake is the most suitable for Dunedin. I dare say the air brake is considered the most suitable for Christchurch.

186. With regard to the Appeal Board, do you not think it judicious and proper that a tramway employee should have the right of appeal if he thinks that an injustice has been done him?—They have an absolute right.

187. They have to use the equipments and rolling-stock?—I say the Government have ample power to inspect the tramways, and the rolling-stock used in the tramways.

188. You have no objection to that?—No.

189 *Mr. Poole.*] Have you any practical knowledge of other systems operating in this Dominion?—No, except as a visitor to the different towns.

190. Do you consider from what you have heard that other systems are operated as well as the Dunedin system over which you have control?—I decidedly think we have fewer accidents than they have on the other systems.

191 Speaking about the magnetic brake being suitable for Dunedin, would you be of opinion that the air brake would be a satisfactory appliance for Auckland? You have been to Auckland? Yes.

192 Well, the country is somewhat similar to Dunedin in the matter of grades, and so on?—There are more grades there, I think.

193. Do you not think the air brake would be the more suitable for that northern system?—I prefer, sir, if I can, not to answer that question.

194. *Mr. McLaren.*] With reference to the men employed as motormen, would you consider that those men should be certificated?—No, I do not see any practical benefit in the man being certificated, because the fact that he is a motorman in our service is everything he requires in other services. I see nothing that the men have to gain.

195. Do the men have to undergo an examination?—They have to undergo a severe examination.

196. You think that an examination should be required?—Most decidedly

197. Do you consider men should receive a certificate if they have undergone that examination—a certificate of competency?—They have a certificate by being in our service as motormen.

198. You believe the certificates should be maintained after they have undergone the service?—I should have no objection to the Council giving them a certificate that they have passed as motormen, because that cannot be gainsaid.

199 With regard to the Appeal Board, how long has your tramway service been in existence?—I have only been there four years and four months. I cannot tell you exactly, but I think since 1903.

200 Do I understand you to say that there were only two cases of appeal since the service has been under your control?—There are only two. The matter only came up a little time ago as to the appeals.

201 How long has the Tramways Committee acted as an Appeal Board?—There have only been two cases of appeal as far as I remember

202 Does that indicate to you, as Manager of the tramway, that there would be very little trouble—only two appealing?—It all depends. Men very often take their punishment without appealing. In connection with that, I might say that every report that comes in against one of our men, no matter from whom, is handed to the man. He gets the report before he comes up before me, and he has the chance of replying to the case, and we show him the names of our witnesses. The man who is punished, in all our cases, knows as well as I do the evidence for and against him.

203 Is the man charged represented by any counsel or agent?—Certainly not.

204. Then the present appeal simply goes to the employers, as is done in many instances?—You mean that the man goes before the Committee?

205 Yes?—He is not represented by any counsel, nor is the City Corporation represented by counsel. Counsel comes in on neither side.

206 It is a simple hearing by the employers?—To all intents and purposes I am the employer of the man. I have the power to dismiss him and take him on, but he has the right of appeal to the Tramways Committee, and I can assure you that the Tramways Committee do not take a one-sided view of the matter, especially as regards the management.

207 In your experience there would be no difficulty in allowing a hearing such as is given now?—We have had no difficulty with regard to our appeals to the Tramways Committee.

208. Do you consider there would be any difficulty in the management of the service if that appeal were given, and the men were represented as well as the company?—Yes; in my opinion such an Appeal Board would cause a feeling of unrest, and make the men give far more trouble

than they at present do. We have no serious trouble with the men, and no threatened strikes. Nothing of the kind has happened between the management and the men during the four years I have been there.

209. What reason have you for assuming that it would cause trouble if the men had representatives on the Appeal Board?—My sole reason is human nature. A man knowing himself to be guilty might think he would have a much better chance in having one of his mates to try him, with one appointed by the Minister, who might be favourable to the man.

210. *Mr Jones*] With regard to clause 2, and the Board's system of issuing certificates for motormen, would you be satisfied if your present system of examination went down in the regulations to be prescribed by the Order in Council?—If it were possible for the person to carry out my method; but he has not the man under his supervision, as I have.

211 But if the Government prescribed that as the routine for the man to go through prior to qualifying?—If the Government said we were right in Dunedin, yes. I should have no objection to our system going into the other towns in the Dominion

212. In answer to Mr O'Shea you said it would be impossible for the Government to train men so well as the tramway service: will you give us your reason why?—They have no service to train the men on that I know of

213 There is no provision in the Bill for the training of the men, therefore there is no suggestion that they would be trained by the Government, but you would, for example, train all your first-class conductors?—Yes, we train those who are suitable.

214. And you would continue to do that?—Yes.

215. Therefore, it is not necessary for the provision to be embodied in the Bill for the training of these men?—We do under present conditions, if that is not altered.

216. You also said that if the Government passed a man you had six qualified men whom you would not pass for motormen?—I said no number

217 You said you had some men?—Yes.

218. You suggested that if the Government issued certificates and passed men through the Board of Examiners, these men would demand positions as motormen?—No.

219. Would they not have to wait until such time as they were promoted, even though they had a certificate in their possession? We will assume that some of those men could not, in your opinion, qualify as motormen, and the Government passed them: you say that the Government would insist on them getting a certificate. What makes you think so?—If they were passed by the Government as motormen, I should not have power to keep them back when their turn came.

220. Would you not have it in your power as Manager of the company?—I am not the man who has passed those men, and if the Government said they were qualified I should have to put them on.

221 You said that the men would demand it as a right?—Which question do you want answering now?

222 You said you would put a man on in the event of the Government giving him a certificate?—I said if the Government took the power into their own hands and a man passed, I should be necessarily bound to put him on when his turn came.

223 Have you got any palace cars in Dunedin?—No.

224. Therefore your conductors have not to go along the footboards to collect fares?—We have no palace cars.

225. That would account for your stating that you knew of no accidents from overcrowding where they were riding outside the cars?—You are speaking without proper knowledge and without getting at the bottom of the matter We have got no palace cars in Dunedin, but we have open cars which have running steps from one end of the car to the other

226 In a narrow street where there is traffic a few inches from the footboard, it is possible that a car might go along with a lorry or cart which would pass about a foot from the car?—If one of our motormen ran so near a lorry as that he would be severely punished.

227 You say in regard to car report-books——?—We have not got a report-book—they are loose leaves.

228. They are all filed?—Yes.

229 Can the men inspect the file?—Yes, if they ask me. I have no objection to any man inspecting it under certain conditions.

230. You stated that if a man met with an accident and asked to see one of the back reports regarding the car you would not allow him to see it?—Not until he wrote his report out. What we want is an account of the occurrence which took place that day, not something that a car did on another day If the car skidded, let him say so, and if the brake failed, let him say so. It may come out in the inquiry if the car's brakes acted properly or not. It might have absolutely nothing whatever to do with what happened that day Supposing a man said his car skidded, then is the time, when the matter came before me, to get the record of the car, and not when the man is writing facts in connection with what happened on the particular day.

231 Say car No. 12 did not work satisfactorily yesterday, and the next day the man takes the car out and meets with an accident, would he not be justified in referring to the report?—Certainly, that would be taken into consideration.

232 That would have nothing to do with what happened to-day, but what happened yesterday?—That is absolute nonsense, so far as I am concerned. No one would dream of sending out a car that is reported to be wrong The car has to be tested out on the road before it is put into traffic again.

233. You stated that, in your opinion, a motorman had a greater amount of responsibility than a locomotive-driver?—No, I did not. I explained the matter at the time.

234. Seeing that an engine-driver is certificated, do you not think it only fair and equitable——?—I do not know that engine-drivers are certificated.

235 They are certificated, and in the circumstances do you not think motormen should be certificated?—I say the responsibility is greater with the motorman in consequence of children and people crossing the track so often and with the vehicles about. I am not in a position to say anything about the responsibility of engine-drivers, because I do not know them. My reply to the question is that I cannot answer such questions.

236. I ask you whether you do not think it is right that a motorman should have a certificate quite as much as an engine-driver?—I do not know that an engine-driver has a certificate. A certificate, taken as a piece of paper, is absolutely worthless. The best certificate—and it is so held all over the world—is in being a motorman employed in the service.

237 You stated that your men in Dunedin took their punishments without making any application to the Appeal Board?—No, I did not make such a statement.

238. Well, some of the men?—There have been dozens and dozens of men who have been punished and have never appealed.

239 Does that not show that they have no faith in the appeal?—No, it does not.

240. *Mr Myers.*] Have you considered whether, if the Appeal Board under clause 6 was the Arbitration Court, you would still object, and, if so, to the same extent as you do to the clauses as now framed?—Yes, I should still object to the same extent, but for slightly different reasons. The reasons are that the Arbitration Court moving about would mean that the matters would be continually hung up. The Court does not sit except at some months' intervals. It would be most awkward if a man were punished after the Arbitration Court had just left. If I had disrated a man he might think he had a grievance, and would have to wait perhaps three months for the Arbitration Court to sit. For these reasons I have as strong objections.

241 *Hon. Mr R McKenzie*] I understand that Mr Alexander stated before I came in that the speed-limits should be fixed by Order in Council and not afterwards altered. Is that your opinion, Mr Alexander?—Yes.

242 Supposing you improved your brake and wanted to increase your speed, how would you stand then? That would mean you would have to alter the original Order in Council?—From the business aspect I do not see any trouble in that. It would simply mean applying to the Government for the increased speed, and stating the reason for it. If our reasons were satisfactory I do not think the Government would object.

243. But you say that once the Order in Council is fixed it should not be altered?—That is to decrease the speed.

244. In order to keep up the necessary supply of motormen it would be necessary to employ guards?—Yes.

245. I take it that Parliament would insist on you training a certain number of your men every year—a certain percentage of your guards—as motormen. That would be in your own interest?—We do it at the present time. We have men ready to go on at any time.

WEDNESDAY, 31ST AUGUST, 1910.

C. F. ALEXANDER, Manager of the Dunedin City Tramways, recalled. (No. 14.)

1 *Mr O'Shea.*] What are your views as to the advisableness of putting speed-indicators on every car?—I am very strongly against it. My first reason is that I do not think the motorman s duties should be increased; secondly, in carrying out his duties if his attention was diverted for a second it would be a proof of negligence should an accident occur; thirdly, in my opinion speed-indicators would greatly increase the risk of accidents. It is well known to tramway men that one second of time will make all the difference between an accident and avoiding an accident, and very often whether a person is killed or not. With regard to the Dunedin service I should like to point out that the rules governing speed are all that could be required in any service, and I desire to put our rules in evidence: "Rule 55A.—*Precautions against Accident.*—Motormen must not, when there are vehicles or persons on or near the track, run into too close quarters before the road is clear Horses when frightened sometimes back towards, instead of away from, the car, and motormen must be sure they are well out of the way before proceeding Remember that drays laden with timber or any long material describe a large arc in turning, and be especially careful to run no risks in passing them. Never take any chances of a person or vehicle getting out of the way. The fact that you thought something will not be accepted as an excuse. What we require is that you stop and take no risks." "Rule 59.—*Side Streets.*—When approaching side streets or crossings, cars must be kept under perfect control. This rule is to be strictly adhered to, at all hours of the day and night." "Rule 61.—*Street-repairs.*—Motormen must keep a look-out for men repairing the streets, or at work on sewers, gas or water pipes. In stopping their cars to take up or set down passengers at such points, motormen should be careful to do so in such a manner as will allow the passengers to board or leave the cars with safety or convenience. Rule 62.—*Descending Grades.*—In descending grades, motormen must allow their cars to coast, using power as little as possible. They must be very careful to always keep their cars under perfect control, never allowing a car to run down grade faster than the motors will take it up the same grade. Rule 63.—*Water on Track.*—During or after a rainstorm, when tracks are covered with water or slush, motormen must be careful about running through it, and must never run so fast as to splash the water up to the motors." "Rule 68.—*Fog.*—Great care is required in running during a fog. The speed of cars must be reduced, and every precaution taken to avoid accidents. Rule 69.—*Taking Chances.*—Motormen must not take chances of any kind. The mere

sounding of the gong is not to be regarded as sufficient. They must do all that is possible to prevent accidents, and not rely upon other people to do anything The speed of the cars must be kept within safe limits at all times and under all circumstances. At intersections and crossings the speed must be reduced so that motormen can stop instantly if necessary" "Rule 71.—*Dangerous Intersections.*—At certain intersections it is impossible for the motormen to see any person or vehicle coming out of a side street until his car is at the crossing In such cases motormen must be especially careful to keep speed down, and by the use of the gong to give ample warning of the approach of the car Rule 72.—*Persons walking from behind a Stationary Car.*—When passing stationary cars gong must be sounded and the car slowed down to a speed at which an instant stop could be made. The danger of persons walking from behind a standing car directly in front of one approaching is very great.' ' Rule 76.—*Regulating Speed.*—Motormen must regulate the speed of cars so as to coincide as nearly as possible with the time-table. Should the motorman be unavoidably detained he must not attempt to make up the lost time by a spurt or fast running, but must make it up gradually as he can do so with safety Motormen must on no account run recklessly to make up time. Rule 77.—*Speed on Grades.*—Cars are to travel at series speed only on down grades from Manse Street to Post-office, from Dowling Street to Rattray Street, and from Moray Place to Octagon." Series speed will be about eight or nine miles an hour The Public Works Department allow us fifteen miles there, but we cut it down to series speed.

2 Your point is that the speed is such that it is not necessary to put on speed-indicators?—Yes. ' Rule 90.—*Running into Termini.*—Motormen must reduce speed when running into any terminus to a rate just sufficient to carry the car in."

3. This question of putting speed-indicators on the cars has been discussed in England what position does the Board of Trade adopt?—I do not think the Board of Trade thinks there is a reliable speed-indicator on the market.

4. The matter has been very much discussed in England, has it not?—Yes.

5 It has been suggested that a speed-indicator should be put on every car in England?—It has been suggested, but not carried out.

6. The Board of Trade has refused to carry it out?—Yes.

7 There is an article in the *Tramway World* on the matter of speed-indicators in its issue for February, 1909?—I believe so, but I have not seen it.

8. *Hon. Mr R McKenzie*] You made reference to one of your rules stating that motormen must go on heavy grades at a very slow speed?—They must not run down at a speed faster than the motors can take the car up the same grade.

9. It is a question of power the motors might take the car up the grade at fifty miles an hour?—None of our motors will take us up a steep grade at more than twelve miles.

10. *Mr T E Taylor*] Could you run up that grade at fifty miles an hour?—It would be simply impossible.

11. *Hon. Mr R. McKenzie.*] Supposing you had motors with sufficient power, there is no reason why you could not run up that grade?—We should not have these rules then.

12 Do you allow sufficient time for the men to do the run and coast down the steep grades?—Certainly we do.

13 And sufficient time to take all the compulsory stops?—All the stoppages are taken into account when the time-tables are being made out.

14. You do not run at a very high speed?—No, not so high as in America.

15. Supposing there was a rule in Wellington that the cars were not to run more than thirty miles or twenty-five miles?—No tramway-car should run through the streets of Wellington at twenty-five miles an hour

16. It is not a question of ' should," it is a question of what it does?—I do not know what it does, I know it should not be done.

17 *Mr Luke.*] Have you any compulsory stops on your long down grades?—We have compulsory stops before taking them.

18. Have you not any stops where you have long declivities?—If we had any long grades, that might be advisable. We have two grades on the Caversham route, and we make the car stop at the top of the hill, and the motorman starts to go down from a standstill.

19 Do you know Constable Street in Wellington?—I have not been there.

20. The Corporation put in a compulsory stop half-way down that grade because there was a tendency on the part of motormen to run too fast do you think a compulsory stop on a long grade would have a tendency to minimize the risk to public safety?—Yes, if the men carried out instructions but they are liable to break their instructions to stop at these compulsory places, just as they are with regard to speed.

21 Can you understand a motorman breaking his instructions and not pulling up at a compulsory stopping-place?—Such cases have been known.

22 *Mr T E Taylor*] What is the limit of speed you can get from a car on the flat in Dunedin supposing your controller is using all the power possible?—It depends a little on the condition of the rail and, of course, the load—anything from fifteen to nineteen miles an hour

23. With the present power of your motors, what is the maximum speed a motorman could drive at on the flat?—If he got sufficient headway clear of stops the speed might be about twenty miles an hour

24. Would you not require to equip your cars with more powerful motors if the Government allowed you to go at a speed of twenty-five miles an hour?—Certainly When the Commission was down in Dunedin we had to run down grade to get up that speed.

25. On the level is it not impossible, with your present mechanical equipment, to get up a speed of twenty-five miles an hour?—Certainly

WEDNESDAY, 24TH AUGUST, 1910.

THOMAS COLE examined. (No. 15.)

1 *Mr O'Shea.*] You are Mayor of Dunedin, Mr Cole?—I am, sir

2. I understand there has been a resolution passed by your Council in respect to this Bill. You have the resolution with you, have you not?—I have.

3 Will you read it, Mr Cole, and then briefly detail to the Committee your objections to the Bill?—I might say at the commencement that I am not here to ask for any benefits at all. I come here, as Mayor of the City Council, as of right, to oppose this Tramways Amendment Bill. I will give you the authority I have. I may be permitted to say that the City Council of Dunedin has very grave anxiety in respect of this Bill, which has been fairly considered by the Tramways Committee, and upon the latter's recommendation, after full consideration, the Council resolved, "That in the opinion of this Council it is desirable that the provisions of the Tramways Amendment Bill, 1910, be opposed, and for that purpose the Council hereby empowers His Worship the Mayor and the Chairman of the Tramways Committee to take such steps as they may deem necessary in opposition to the provisions thereof, and that, if need be, either one or both of them attend Wellington as representatives of the City Council, and, if necessary, be accompanied by the Tramways Manager, as, if enacted, the Council's administration of the tramways system will, possibly, be unnecessarily hampered, and the Council's powers seriously prejudiced." I might say, gentlemen, that I am not here to speak on behalf of the management, because we have a very able Manager in Mr. Alexander, and I presume he has given you the whole of the details in connection with the management of our system. But I have come here in connection with the policy of the Council. We are running our cars municipally We have expended over £300,000 in our tram system, and I take it that our tram system is second to none in the Dominion, although small, and it is paying fairly well, and those who reap the benefits are those who provide the funds. The Council, in adopting this tramway system—we were, I think, almost the first to start it—that is, the Roslyn portion of it—were the first to run their cars electrically in the Dominion, and my Council think that the Government are, if this Bill is passed, hampering us considerably If there is any benefit derived from the system, those who receive it are the citizens who provided the money The fares have been reduced considerably in many parts, and during this year I feel sure we shall adopt the principle of having 2d. as the maximum fare right through the system. Our service has given general satisfaction to all the citizens, although there may be a few perhaps that have a grumble at crush hours because they cannot get a seat, and those who grumble are the ones that come in last. If we were just to take the complement it would be to their disadvantage, because they would not be able to get home to their families. But Mr Alexander, our Manager, has sent along a recommendation, which will be carried to-night at my Council, to run a two-and-a-half-minutes service, which will obviate the difficulty during crush hours, and there will then be enough accommodation for every one to arrive home. I assure you that my Council feel the position, and it is a wrong condition to be placed in. We have managed the system, and I think you all know—I suppose you have all been to Dunedin—that we are far and away ahead of any other city in the Dominion, because we have municipalized the cars, the gas, and the water We have harnessed the Waipori, and at the present time we are supplying about 800-horse power and the lighting for our citizens, and that department, the same as all our services, is paying very well. We have launched out into an expenditure of nearly £1,000,000 in connection with these different departments for the benefit of our citizens, and we think it is unfair that any Bill should be brought down taking out of our hands what an Order in Council has given us. We all know that the Order in Council has been stringent enough. In our tram service we have no fewer than five Orders in Council, all on different lines. We commenced with the City of Dunedin, and then we had the Caversham, St. Kilda, North-east Valley, and Anderson's Bay lines; and in every one of the Orders there was something piled on. We have done our duty to our citizens and the Government, and what we feel is that you are attempting to take an advantage of the experience we have gained. If the Government wish to take over the whole thing, let them take it over It will cost £316,000, but they can take it over and run it themselves. Why should we not manage our service? But if motormen were appointed from the centre here, do you think our service could be managed satisfactorily? Not in the least, sir We want men to be there who have the nerve, and if any of you have been to Dunedin and seen the traffic there on Saturday night and on Sunday, you would be surprised that there was not a larger number of accidents, but I am pleased and proud to say that under the present management there have been few or no accidents.

4. Going into the Bill generally, do you think there is any necessity whatever to interfere with the certificating of the men?—None whatever The present system adopted by our Tramway Manager is ample, and I do not think you can better it in any way

5 In clause 5 you notice that the Minister takes power to make regulations dealing with certain matters that the Council now deal with. Is that, in your opinion, proper?—I have a minute here on that portion —Clause 5, Regulations "This is a matter of domestic arrangement—I mean, for the locality in which the same are to operate—and might well be left to the local authority—in this case the City Council of Dunedin—which is best qualified to determine the necessities and requirements of its tramways system." That is what we think of that, sir No one knows better than we who are working the tramways system. How could that be arranged here?

6 How do you view the clauses which provide that a Minister may vary the Orders in Council? Clause 5, subsection (1), gives him power to do certain things: "Prescribing the limit of speed at which any carriage may travel on any particular route or grade", (*e*) "Providing for the use of proper appliances and furnishings on carriages to insure the safety and convenience of passengers, of the tramway employees, and of the general public." Then it says, "(2) If any

such regulation is inconsistent with the provisions of any Order in Council authorizing the construction and working of any tramway, then the regulation shall prevail, and the inconsistent provision in the authorizing Order shall be deemed to be revoked." That is taking power to vary the provisions of an Order in Council?—I think it would be a wrong step to interfere with them at all.

7 Do you think the Minister should have power to vary an Order in Council without your consent?—Certainly not.

8. What have you to say to the general policy, which seems to be centralization, or putting the administration into the hands of the Government?—It is a very wrong step, sir Who can know the wants of a district better than those who live there? The Minister might be all right in his place here, but he cannot know the wants of the City of Dunedin.

9 I take it that you consider this Bill is invading the powers of the local bodies?—It is a great blow and injustice to the district that I represent. I can assure you that my Council is very warm on this point, and we think it very unjust that the Government or any Minister should try to interfere with the working of our tramways.

10. *Hon. Mr R McKenzie*] You say it is a very wrong step to centralize the authority in Wellington?—Yes.

11 Will you be good enough to tell us what is centralized in the Bill?—You want to set up a Board to examine our men.

12. The Bill does not propose that the Board should be in Wellington?—The system we have adopted there cannot be bettered. The men commence at the bottom of the ladder, and go up step by step if they behave themselves. Our conductors can work up to be motormen and get motormen's pay

13 Will they not be the same under this Bill?—They will not be under our own jurisdiction. Who can tell better than the management?

14. Have you any steam-boilers in use by the City Council?—No. We have a stand-by plant.

15 Have you any steam-boilers in connection with any of the works you have?—We supply everything with electrical power

16. Do you control the gasworks in Dunedin?—Yes.

17 Have you any boilers in connection with the gasworks?—No, only a gas-engine.

18. Are you aware whether there are any steam-boilers in the City of Dunedin?—Yes, but they are dispensing with them now There are very few

19. You are aware that there are steam-boilers there?—Yes.

20. Are you aware that every man who drives an engine must have a certificate given to him by a Board?—Yes.

21 Would you suggest that that should be done away with?—No. A man driving anything like a steam-boiler is on a very different footing to a motorman. We do not want a man who understands the theory of running a car—we want nerve. What do the Government want?

22. The very best men they can get?—Then go to Dunedin and get them.

23. You are aware that the captain, the mate, and the second mate of a ship have to have certificates?—Yes, certainly

24. Do you suggest they should be done away with?—No.

25. Do you know the reason why they should have them?—Yes, they must be qualified in their business before taking up the position.

26. Qualified for the protection of the lives of the people who are working under them?—Yes. The same applies in appointing motormen for our trams.

27 Do you issue certificates to your motormen after their examination?—I do not think so.

28. Do you think they ought to hold certificates?—I think they should be qualified, and I think a motorman, once he has been in the employ of our tramway department in Dunedin, is capable of serving in any district.

29. *Mr T E Taylor*] Is the employment of conductors and motormen in Dunedin entirely at the discretion of the Manager?—Yes.

30. Does any member of the City Council ever see the Manager in support of any man's appointment?—I have been on the Tramways Committee for seven years; I have been Chairman for two years, and am Mayor at the present time, and I think only on one occasion during the whole of that time have I advised the Manager to take on one certain young fellow

31 Was that a conductor or a motorman?—Conductor They must be conductors before being appointed motormen.

32. Do you look upon the driver of a tram-car as requiring higher qualifications than a man driving a locomotive engine?—Yes, I do, sir. The man driving a locomotive engine is driving on a line where there are no people running about; but in the case of a motorman—take George Street and Princes Street, Dunedin—there are thousands of people about, and it always appears to me that the majority of them try to see how close they can go to a car without being touched.

33. Do you know whether it is a common practice to try and induce the Manager to take on certain men?—No, I know our Manager is too hard a man for that. I have no influence with him.

34. *Hon. Mr R McKenzie*] Is it your impression that if the Bill passes, the Government have to commend to you the men you should employ as motormen?—You put them under examination. In theory a man may pass an examination flying—we have that before us every day of our lives. You can educate a man to be a B.A. and a man of very high standing, and yet he may be no good as a teacher

35. Is it your impression that if motormen hold Government certificates you must employ them—that the Government forces you to employ them?—No. I think the Government have more sense than to want us to do that.

36. Have you read subclause (8) of clause 2 of the Bill?—Yes.

37 Does not that clause provide that the men must prove they have the necessary qualifications before they can get a certificate?—Yes, but the way in which we are conducting our business makes that unnecessary

38. You are, I admit, conducting your business very well indeed, but suppose there are others who are not doing so in the Dominion?—Yes. Of course, in all municipally managed tramway concerns I think you will find they are very particular There was one case in this City of Wellington some time ago where weakness was shown—I mean the Brooklyn accident. That is the only case of weakness I have known in all the tram services in the Dominion.

39. *Mr Bollard.*] What do you consider the greater qualifications of a motorman?—A man that is steady, reliable, and of good nerve.

40. Especially nerve?—Especially nerve. That is one of his greatest qualifications.

41. *Hon. Mr R McKenzie.*] Good clear eyesight is a very good qualification?—We test every man's eyesight as a conductor We take him from the bottom of the ladder, and if he is a good worker and a steady and intelligent man he gets to the top.

42. Supposing the Government take their examination in hand and grant them certificates, do you think they would be likely to give a certificate to a man of insufficient nerve?—It is only by experience that you can tell what a man's nerve is. You can only tell after he has been in a corner

43. If he had a Government certificate, would you take him on without seeing that he had sufficient nerve?—I would not, and neither would my Manager

CHARLES EDWARD KEAST examined. (No. 16.)

1 *Mr O'Shea.*] You are a Councillor of the Dunedin Corporation and Chairman of the Tramways Committee?—Yes.

2 You are authorized by the Council to appear before this Committee and give evidence?—Yes.

3 What do you think generally of the Bill, and what is the opinion of your Council respecting it?—The Dunedin Corporation at the present time distinctly think it is an interference in the management by them of the Dunedin tramways. It must be recognized by some of the members present that the Dunedin Corporation manage their tramways perfectly well, and that there is no reason why the Government should interfere and centralize matters in Wellington; and to a certain extent I think it must be admitted that if this Bill did pass the Government would be taking over the trams and the Corporation would be left to shoulder all responsibility

4. You, as a City Councillor, look upon this Bill as an infraction of the rights of local government?—I do, certainly

5. And I suppose you consider that for the well-being of the Dominion it is necessary rather to strengthen local government than to break it down?—I do.

6. Your Council carry on a great number of local undertakings?—Yes.

7. And carry them on successfully?—Yes, as far as I know. I have not heard any one speak to the contrary

8. Coming to the Bill, do you think there is any reason whatever why the Government should undertake the examinations for motormen?—I really do not think so, because at the present time a man joining the Corporation's tramway service, in most instances, has to put in eighteen months or two years as a conductor before he can go up as a motorman, and when he does he is taken out and put under observation for a considerable period.

9 Now, is it possible to ascertain a man's fitness for the position of motorman without supervision extending over a considerable period—a period of months?—I certainly think not. The supervision given in the City of Dunedin is such as could not be given by a Board of Examiners such as is proposed. In my opinion a motorman must be proved to be of good nerve and temperament.

10. Do you think the Government have any means of ascertaining what are the principal requirements of a motorman?—I certainly do not, unless the Board of Examiners are continually present during the busy season, when the traffic is congested to a great extent.

11 Clause 3 of the Bill authorizes the Minister to make inspections of the rolling-stock, and make any requisitions he likes, to meet the reasonable requirements of the traffic: do you think it is fair that that right should be given without any appeal from you to any judicial tribunal?—That is a question I would leave entirely to the Manager

12 With regard to clause 5, what have you to say as to the power the Minister takes to make regulations and to override Orders in Council where such are inconsistent with such regulations?—I am certain the Dunedin Corporation is opposed to that in every sense of the word, because if the Minister had power to revoke Orders in Council and impose other conditions involving greater cost in the way of "extras," the Council would not go on with the line.

13. Clause 6, providing for the setting-up of an Appeal Board: what have you to say to that?—The Dunedin Corporation has an Appeal Board constituted by the Tramways Committee. We have had two appeals sent forward, and the decisions have given entire satisfaction so far as I know.

14. How long has the Tramways Committee been in existence as an Appeal Board?—Probably twenty months.

15 Do the men get a fair hearing in those appeals?—I am certain they do.

16. In your opinion would not the setting-up of an Appeal Board such as this take the control and discipline out of your hands, and place it in the hands of the Minister?—Certainly, I am sure it would do that. The men must think the majority of the Councillors are their enemies,

17 Have you anything to say about the car report-book, clause 9?—No, that is entirely the Tramway Manager's affair

18. I take it that you as a City Councillor strongly oppose any transference of power from the City Council to the Minister or the Government?—Yes.

19 Do you consider, if this Bill is passed into law, that the real ownership and control of your tramways will be taken from you?—I see no other result than that.

20. And I understand your Council is absolutely unanimous in the stand it is taking in this matter?—Decidedly

21 *Hon. Mr. R McKenzie.*] What is your occupation?—Merchant.

22. You cannot speak with experience of the technical portion of the Bill?—No.

23. Will you please point out to this Committee why you think this Bill will take the control of your tramways away from your Corporation? Can you show us anything in the Bill to that effect?—The main point is in respect to clause 2, regarding the setting-up of a Board of Examiners. I should certainly say that is taking the power away from the local authority

24. You have steam-boilers, I suppose, in Dunedin—I mean the ordinary public, not the Corporation?—Yes.

25 Do you allow people to run their boilers without the drivers having a certificate?—No, sir, but I take it in this way: I do not think any Board of Examiners could show conclusive enough evidence that a motorman was fit to hold the position until it was sufficiently in touch with him, and more especially if it did not know his temperament. In Dunedin at times it is necessary for a man to have a good temperament and good nerve.

26. That is all admitted. Suppose provision is made to make you train your own conductors and give a certificate that they are qualified to come up for a certificate under this Bill. If they were then examined under this clause, do you not think it would be desirable?—There are conductors in our employ that our Manager would not allow to be motormen under any circumstances. If a man had no nerve he would never have the slightest chance of getting a position as motorman.

27 Then they would not get a certificate under this Bill?—But probably through the Board of Examiners they might get a certificate.

28. Not if they had to get a certificate from the people who employed them for two years?—I am not sure if the Dunedin Corporation gives a certificate to that extent. There would be no difficulty then.

29. Do you ever have complaints from your men as to the Board of Appeal, which is really a Board of the employers?—I said before, honestly, we have not.

30. *Mr Hardy*] Have you any record of conductors that are unfit, or are likely to be unfit, for the position of motormen?—I cannot say I know the Manager has said that there are men who are unfit, but I cannot tell you the number

31 But he only judges them casually?—More than that, I think, before he would speak in that manner

32 Has he ever placed before you any report of men who are unfit, or are unfit to be tested?—He has never had occasion to do that.

33. You take an interest in your men?—Yes.

34. Taking an interest in your men, has he ever placed before you any record, or copy of a record, of men who are unfit?—No.

35 You just accept those men he examines?—It is left entirely in the Manager's hands.

36. You give him a terrible lot of power?—We are satisfied and sure that we have got a good man, and we do not molest him.

37 Have you heard of any dissatisfaction from men who have not had an opportunity of being tested?—No, certainly not.

38. None have appealed to you that they should be examined or trained?—Not in one instance.

39 *Mr McLaren.*] Have you any knowledge of Appeal Boards in any other service?—No, I have not.

40. *Mr Nosworthy*] Before you got your present Manager had you any trouble at all in the management of the tramways in Dunedin?—I was not an officer of the Council then.

41. You do not know?—I never heard of it.

42. Things have been more than satisfactory since you got the present Manager?—Well, from the opinions of those who have been in the Council it is universally thought so.

JOSEPH HUNTER examined. (No. 17)

1 *Mr O'Shea.*] You are Manager of——?—The Dunedin and Kaikorai Tramway Company

2. Cable-car system?—Yes.

3 Do you represent in this capacity that company in giving your evidence?—I represent the Mornington Municipal Tramways, my own company, and also the Roslyn Tramway Company

4. They held a meeting, and authorized you to represent them?—Yes, a conference was held, at which I was appointed to appear here on their behalf

5. All three are cable services, are they not?—The Roslyn Tramway Company has also an electric branch line.

6. How many men are there employed in the three companies?—On the three services somewhere between sixty and seventy

7 What proportion of those are drivers and conductors?—There will be about twenty-four of each.

8. Have you any idea of what capital is sunk in the various services—approximately?—About £120,000

9 The Bill that we are considering was considered by the united conference that was held, was it not?—Yes.

10. Now, can you make a statement with regard to their objections to the Bill, clause by clause?—I can, in a manner I have only touched on some of the clauses, because I did not consider it was necessary to go through the whole Bill. I have confined myself to the clauses which I considered would be dangerous, or, rather, opposite to our present method of working, which I believe has turned out very well, and, on the whole, being controlled by our Order in Council and also under the hand of the Arbitration Court, I think we have been controlled sufficiently already without some of the clauses introduced in this Amendment Bill. I think it must be pretty evident to most of you here that there must be something very undesirable about this new departure in connection with the working of our tramway systems—that is, judging from the amount of interest taken in it from end to end of the Dominion. I must say that the Bill has been so carefully devised that the dangerous sections are sandwiched in between parts that, to my mind, do not seem so objectionable. It therefore has taken some time and care to pick out those clauses which, if passed, will undermine and injure the management and discipline of every tramway concern in the country, whether municipal or private. For the purpose of brevity I will confine my objections, and those of the other companies I represent, to only a few of the clauses, and if I cannot make these objections quite clear I am sure your worthy Chairman will assist me to that end. Clause 2: Although it may seem very desirable to those who know nothing about the managing of a tramway that only men holding a Government certificate are to be allowed to drive our trams, we who know all about it see matters in a very different light. The effects of our being compelled to employ only such men as are provided for in this clause, in preference to those trained by us to a high state of proficiency for the work, would be very far-reaching To those of us who know what it is to keep careful watch for months, or perhaps even for years, on each of our conductors until we are satisfied as to his strength of will, his cool judgment, his power of deciding at once, his habit of acting promptly, his readiness to meet contingencies, his general good conduct to command respect, his care for the public safety, his desire to conserve the interests and good name of his company, and, in the case of our cable concerns, his physical strength, not to speak of the final severe test imposed upon him before he is considered ready to take charge of a car carrying passengers, the proposed examination by an outside Board of Examiners seems nothing but a perfect farce. For myself, unless I was satisfied by my own tests that a man was competent for his position, I could not employ him if he held fifty such certificates. Clause 5, section (1): In paragraphs (*a*), (*b*), and (*c*) I see nothing with which to find fault. But the remainder of this section I must of necessity include among those which I have formerly termed undesirables. Paragraph (*c*): Our carrying-capacity is controlled by the municipal bodies, and there is no doubt that the present arrangement has worked and is working well, and all due care has been taken by such bodies to carry out their duties consistently with the requirements of the districts under their control. If by this amended Act you restrict our carrying-power to the seating-capacity of our cars, you will not only cause ruin to every tramway system, but you will very seriously interfere with the convenience of the travelling public. For the first three or four hours of each day, the traffic of our tramways tends all towards our centres, and, if you consider that all that have been carried during that period, together with hundreds of others travelling to town throughout the day, want to get home somewhere between 4.30 and 6 p.m., you must undoubtedly see the absurdity of this restriction. Now, Mr Chairman, I would ask you how, except by a little crowding, we are going to carry homeward practically all the people carried into town during the day The same thing takes place every Saturday night, when we have all hands and the whole of our plant employed from a little after 6 o'clock to a little after 8 o'clock running the traffic one way Shortly after this the tide turns, and the traffic in the opposite direction is all we can carry with comfort. Should any excitement, such as an outbreak of fire convenient to any of our lines, now arise, the traffic is at once held back until this excitement is over The result is that everybody wishes to get home at once, and a little overcrowding must take place, otherwise a large number of people would have to find their way home on foot. Sir, would you compel the tramway authorities so to increase their staff and rolling-stock as to meet a probable emergency such as I have mentioned, especially when before such extra staff and rolling-stock could possibly be brought into requisition the whole thing would be over, and the public greatly inconvenienced for the want of a little overloading? Besides what I have already stated, it is only during these busy times that every tramway system in the Dominion can make up for the losses sustained during the slack times of the day Moreover, I have yet to hear of any accident having taken place on our tramways as the direct or indirect result of overcrowding Clause 6: This clause, I think, is the cruel part of the whole of this needless Bill, and, as far as our district in the south is concerned, I should be very much surprised to hear that such a thing had ever been requested by the tramway employees. Section 2 gives the functions of an Appeal Board, and, gentlemen, it would be hard for you to devise a more effective instrument to rob those who are responsible for the public safety of the control and management of the tramways than the one now proposed. I have never in all my experience known a manager dismiss a man who was worth keeping unless he did not require his services or those of any one in his place. Now, according to the powers given to this suggested Appeal Board, the manager of any tramway might be saddled with men he could very well do without, and the whole would soon be in a state of chaos. We should very soon lose all control, and the confidence of the public, which every careful manager strives to secure, would be gone. I appeal to you, gentlemen, is it consistent with common-sense to place within the power of any Board the probable reinstatement of men in whom the manager had no confidence? The manager may have good reasons for any dismissal or disrating, but these reasons may be of such a nature that he cannot express them to any one. Further, to ask any company or any Tramway Board to become fully responsible for, or allow their plant to be handled by, a staff in which the manager had not the fullest confidence would be ridiculous. I know full well that the life of tramway employees is a trying and strenuous

one, and they deserve the greatest consideration and protection from those over them. As far as I know of the tramway systems, they receive that consideration and protection; but in respect to staffing and controlling tramways, where life and limb are so much at stake, there can be only one to choose, otherwise it would be unfair to ask any company to take the responsibility Clause 9: This is also a very objectionable clause. No one will object to subsection (1)—that is, the keeping of a report-book—but when one comes to subsection (2) a danger seems to arise which will not tend to an honest report as between manager and employee. Thus a man may have good cause to report a case of negligence which it is his duty to report, being probably a reflection on a fellow-worker, which report for the time being should be for the manager only If this is not so, and if the party reported be in favour in certain quarters, the man reporting, although he has done only what is required of him by his employers or by this clause, will then become a marked man by certain sections of his comrades. Therefore, I look upon this not only as quite unnecessary, but as most harmful, being likely to cause a deal of trouble between the manager and his men, and, what is far worse, among the men themselves. I have confined myself to these clauses simply to show our little opposition to them, and I think it is due to all who have put money into affairs of this sort that they should have a little more say in the management than this Bill, if carried, would allow

11 *Hon. Mr R McKenzie.*] Which portion of the management is this Bill going to take out of your hands?—I think I can see in future, if this examination for certificates should take place, that it will largely lead the way for only those who have certificates being engaged, and probably that we might be compelled to engage them. This would be of no use whatever in certain of our tramways.

12 Did you ever read subclause (3) of clause 2?—Yes.

13 You see that by that subclause a man has to produce satisfactory evidence that he has obtained a motorman's license or was employed as a motorman?—Yes, before that Board, but that Board has no means of testing men as they have to be tested before we can allow them to take charge.

14. From whom are they going to get this satisfactory evidence if not from the tramway-managers?—There is no mention made as to whether that Board would accept evidence from the tramway-managers. I take it that every one could go before this Board the same as for a certificate for engine-driving.

15 The applicant must prove that he has served a certain time?—He must prove that he has served five years and been so long in charge of an engine—that is so. There is a part of the subclause which says the Board may grant a certificate of service to a person if he produces evidence to the satisfaction of the Board that he was for a period of not less than one year at any time before the passing of this Act employed as a motorman, or was the holder of a motorman's license. It might, according to the reading of this, have been ten years before, and still he can go through.

16. Supposing this Committee consider it wise and proper to extend that period from one year to two years, and provide that before a man can get a certificate, or before the Board can grant a certificate, he must prove to the satisfaction of the Board that he has received a certain amount of training similar to what you give to your men in Dunedin: would that meet your objection to the clause?—Yes, if we were not compelled to employ these men in preference to any others. If they had gone through the training which these Boards of Examiners had no facilities for giving, and been tested by the tramways authorities, then I should think the objection to it would fall through.

17 One of the reasons why the men want these certificates is this: If a man had been working in Wellington the certificate would help him to get employment in Auckland or Dunedin?—I should think that a man leaving here with a testimonial from the Wellington tramway authorities and coming to Dunedin would certainly have preference over strangers. In our system we work our men up from the conductors, it is a method of advancement to them, and they look forward to it. They are gradually trained year after year I have one who has been a conductor for three years, and there is no man who could sit before a Board of Examiners only who could equal him with the training he has had.

18. Supposing a reasonable period—say, two years—was provided for, and that before they could go before the Board they had to show that they had had the experience and training, would that meet the case?—It certainly would do away with a great part of the objection.

19. You made reference to clause 5, with regard to standing passengers and overcrowding: do you think there ought to be any limit at all to the number of passengers that may be carried on a car?—I think there should be a limit.

20. Some reasonable limit?—Yes.

21 Is there any provision in your Order in Council as to the number you can carry?—No, not in the Order in Council.

22. It is purely a matter for the Tramways Committee in the City of Dunedin or for your company to decide what overcrowding is?—That is so.

23. Do you not think it is giving you a great deal of latitude?—Yes, I suppose it is, but I do not think we sin very greatly in that respect. One proof of that is that I have never heard, either in Dunedin or anywhere else in this Dominion, that we have had accidents from overcrowding. There are times when it is impossible, without causing hardship to the public, to do without a little overcrowding

24. Supposing you went to Lyttelton and found the steamer overcrowded, would you not complain? I suppose you are aware that the Government can prevent overcrowding in such a case? Yes, but I have heard of them allowing the overcrowding of passengers. I have known four or five trains full of passengers to go down to Wingatui on race days, and all the people wanting to get back at the same time. I can certainly say I have never seen so much overcrowding on any tramway system in Dunedin as on the railways.

25. We want only a reasonable margin of safety What is your objection to the car report-book?—At the present time we have not a car report-book, but each of our men as he comes off has to report verbally We have traffic sheets which are kept by the conductors, with a margin for remarks, in which they must report anything that has happened during the shift which is out of the ordinary running of our system. Sometimes the conductor has to report probably on the failure of his mate in his duty Possibly the car has slipped back a little bit further than in the ordinary case, and to insure that I could get that information from one of our own men before I got it from the public he has to report it. He has to report all those little things. Well, if the like of that has to be reported in the report-book, I say it should only be open to the Manager, or there would be trouble among the men.

26. Have you read the report of the last Royal Commission with regard to the brake systems?—Yes, I read it roughly

27. Do you mind looking at page 6 of the report [handed to witness], under the heading Weighing of Cars. Do you mind reading there the reference made to the cars in Auckland?—'At Auckland, car No. 75 was found to weigh, when empty 36,736 lb., as against 24,080 lb., its reputed weight, an excess of 52 per cent.' Was this a loaded car or an empty car?

28. It does not matter much for the point I am coming to. That car was braked for 24,080 lb.?—Yes.

29. And it weighed when empty 36,736 lb. Would you consider that a safe car to run?—It depends on the braking-power.

30. Now look at page 3 of the report?—Yes.

31 Read from the heading 'Car weighed'' at the bottom to the top of the next page?—'In order that the mass dealt with might be accurately known, the Commissioners had decided not to accept manufacturers' weights, but to accurately weigh all cars experimented on; and on car No. 75 being placed on the scales it was found to weigh no less than 52 per cent. in excess of the previously stated weight. *Auckland Cars underbraked.*—Further, it was found that with the hardest possible application it was not possible to carry more than 26 per cent. of the weight of the loaded car upon the slippers of the track brake. The combined errors of underestimation of the weight of the cars and overestimation of the mechanical advantage of the brake-gear (the efficiency of which, according to the drawings supplied, had been taken at unity) had resulted in the cars upon the Auckland system being distinctly underbraked, and much of the trouble which has arisen in connection with the brakes was immediately accounted for''

32 Do you consider that car, assuming that it was braked for 24,080 lb. and was found to weigh 36,736 lb., was a safe car to run?—It would very much depend on the class of country you were working on.

33. Say, with a grade of 1 in 9 or 1 in 10?—Yes, I would consider it sufficient if the brakes that were on it were applied at once.

34. This was simply a hand-brake and track brake?—The failure of brakes is generally through them not being applied when they should be. If the brakes on any car are applied at the proper time—which we look for when training our men—you will stop the car, but if it gets anything of a speed on in the case of a certain class of rail before the brakes are applied, you will not stop the car speedily

35. On page 4 of the report the Commission says, ''It was decided that before further trials were made the brake-leverages on car No. 75 should, as a temporary expedient, be increased to an extent which would give block-pressures more comparable with the weight of the car This was done, and, although the full benefit which should have been derived therefrom was not, on account of the structural weakness of the gear, obtained, a vastly improved control resulted''?—Yes.

36. If a car weighs nearly 18 tons, is it not almost impossible to brake it so as to pull it up when coming down a stiff hill if there is anything in front of it?—I have no idea of the form of the brakes worked on the system in Auckland, so that I should not care to give a definite answer to that question. I know in the system of braking generally that you may have any class of brakes you like, but if they are not applied at the vital moment they are not efficient.

37 But this is a case where they are applied?—It is a question of applying them at once.

38. *Mr McLaren.*] Can you show me anything in this Bill that will compel a tramway company to employ any man that it does not want to employ?—The provision of the Appeal Board, I think, leans to that.

39 The Appeal Board deals with men who are employed. I am dealing with the matter under clause 2 of this Bill. Do you recognize that that clause leaves the company free to employ whom they will, only that they shall employ certificated persons?—Yes, I recognize that.

40. What occurs in the case of any of your employees when they have a complaint regarding suspension or punishment of any kind? Have they any right of appeal at all?—No, not at present. They may appeal to the board of directors as to my treatment of them. That is certainly a Board of Appeal, and a Board of Appeal of the people to whom the concern belongs.

41 They can only appeal to their employers then?—Yes.

42 Is there any danger in giving them the right of appeal to a body on which there is some representation of themselves?—I think there is a big danger in it.

43. What is it?—The Appeal Board might not understand the reasons for disrating or dismissing a man. I may have suspicions as to a man's honesty which would be quite strong enough to justify me dismissing him, but I might not be able to prove that he was dishonest. Still the suspicions are there. I might see actions that would shake my confidence in the man altogether, either as conductor or as a man in charge of the car-equipment, or as a motorman. In that case I could not probably make clear to an Appeal Board what was quite clear to my mind. However, the man might prove his case before an Appeal Board, and the decision of the Board seemingly is final.

44. Have you had any cases of men appealing to the directors on account of punishment received?—Yes.

45. Many?—One.

46. In what period of time?—It was about six months ago.

47 How long have you been Manager?—Nine years and a half I might explain that, because it will show you how this Appeal Board may be harmful.

48. Is your experience this: that there is very general satisfaction among the employers as to the treatment the men receive?—Yes, as far as I know

49 In the event of setting up this Appeal Board, do you think there would be many cases of appeal?—It would depend upon what amount of outside influence was brought to bear If they had an Appeal Board and there was outside influence brought to bear, the men might take us there.

50. Judging from your experience in the management of your service, can you estimate what likely number of appeals would be heard?—From past experience I should say none, but, given the opportunity, and there might be a good many

51 *Mr. Poole*] We were speaking about brakes: do I understand you to say that no brake would hold the car if it had a certain amount of way on?—It would not stop it—that is, what we look upon as a quick stop. It would certainly gradually control the car and stop it, but not sufficiently quick if the motorman or the gripman did not apply his brake at once.

52. Then you think it is almost impossible to get a perfect system of braking a car if it has been allowed to get a fair start?—That is so. I can give a case in point. We have on our own line a grade of 1 in 10, which our brakes are quite sufficient to work; but on a dirty wet night and on a greasy rail the man in charge of a car missed the rope and went over the brow of a hill on to the grade of 1 in 10. I might explain that on one point of our line we have to throw the rope clear of the gripper and pick it up again with the car on the run. If the man had applied the brake there would have been no trouble in stopping, but he failed to do so, and, as the car had a good speed on, the result was that he ran past the stopping-place several yards, and two young men on board the car attempted to jump off and fell and were slightly hurt. Of course, that man proved himself to be short of our requirements with regard to his ready judgment, and he never drove a car again. It was not the fault of the brakes, but the fault of the gripman in not applying the brakes at the time they should have been applied.

53. Have you any knowledge of the air brake?—No.

54. They are generally hand track brakes on the cables?—Lever brakes.

55 You have not touched the magnetic brake either, have you?—No.

56. *Mr O'Shea.*] Have you considered clause 3 of this Bill, particularly subclause (2) "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, the Minister may order those alterations, repairs, or additions to be made accordingly" Do your people think the Minister should have that absolute power?—I think every tramway company has so much at stake that they are bound to see to those things themselves. There is no manager, or board of management, or board of directors who would allow anything short of absolute certainty if it could be obtained.

THURSDAY, 15TH SEPTEMBER, 1910.

WILLIAM NOSTER examined. (No. 18.)

1 *Mr Rosser*] What is your occupation?—Gripman on the Mornington Municipal Tramways.

2 Are you a member of the Otago Tramways Union?—I am.

3. Are you sent here as a delegate to express you opinion on behalf of the union on this Bill?—Yes.

4. You represent specifically the cablemen?—Yes.

5 Have you had any experience on electrical lines?—No experience whatever

6. How long have you been employed as a gripman?—Six years and a half

7 Have you been sent here to ask for anything on behalf of your fellow-cablemen employees? Yes, several things.

8. What are they?—They relate to the Appeal Board, and to overcrowding particularly

9 What about the motormen's certificate proposed under this Bill?—We are in favour of that, too.

10. Do you consider that gripmen should be included in this Bill as requiring Government certificates?—Yes.

11 Why do you consider that gripmen should be included as requiring certificates?—I consider that gripmen on a hill cable-car service like ours have a good deal more responsibility on their shoulders than motormen.

12. What line are you on?—Mornington line.

13. What grades have you on your line?—They range from 1 in 10 to 1 in 6½ on the main line—that is, the High Street line. The steepest is 1 in 6½, and the biggest is 1 in 10, in High Street at Melville Street.

14. Where is the Maryhill line?—That is an extension of the other line.

15 Have you driven on that?—No.

16. Are you liable to take up a position on that?—Yes.

17 It is in the same company?—Yes.

18. What is the grade at Maryhill?—1 in 3½.

19 Why do you consider that gripmen should have to pass a Government examination?—They have to be physically strong, because they have no power whatever to assist them with the brakes except their physical strength, and they must be cool-headed and sober men I consider they ought to be examined by a Government Inspector so as to prevent men coming on who are not qualified to drive a car

20. What brakes have you?—We have a wheel brake and a slipper brake—two lever brakes.

21 Is there any mechanical test required of a gripman?—A man could learn it during his course of conducting, and would know the different weaknesses of a car through being outside, and when he had learnt to drive he would have to depend on his strength and judgment to stop the car when required.

22. Supposing he loses the rope, does he require to use the brakes to stop the car from going down?—If the rope is missed we have to stop the car with both brakes before we can get it.

23. You consider that a man should not be put on without undergoing some examination as to his fitness?—I think so.

24. Have you known men to be put on cars to drive without any previous training?—Yes.

25. Do you consider that right?—No.

26. Of your own knowledge do you know that?—Yes.

27 Can you state the date and the name of the man?—I can state within three days of the date, and the name of the man.

28. What is the date?—It is about eighteen days ago, or somewhere about that. I have been here fourteen days, and it was a few days before I came up. It is within a month. The man was a conductor who had never driven a car before, and the Manager told him to go on with one of the drivers and have a bit of practice.

29 What did the practice consist of?—It consisted of five or six trips in his overalls with no uniform on, and then he was told to go on a car and take a shift on a Sunday

30. Is that a busy day?—It is one of the biggest days the drivers have. It is from 10 in the morning until half past 9 at night. He did the shift right through, and he is now relieving me while I am away

31 Do you consider that a safe experiment, to put a man on in that way?—I do not.

32. What is the name of the man?—Henderson.

33. And you consider that men should have certificates to prove themselves?—I think so.

34. Take clause 5 of the Bill, with regard to overcrowding are the hill men you represent in favour of this clause?—They are strongly in favour of it.

35 And they believe in restricting the number of passengers to be carried on a car?—Yes, they do.

36. What do your cars carry on the Mornington line?—We are licensed by the City Council to carry thirty-two seated and four standing

37 You say they are licensed to carry thirty-six?—Yes.

38. Is the number put up on your cars?—Yes.

39. Is that provision observed?—No, it is not.

40. Of your own knowledge, how many have you carried?—I have carried seventy on the car

41 Seventy instead of thirty-six?—Yes.

42 Do you consider that safe?—No, I do not.

43. Where does the gripman stand?—In the centre of the car

44. What distance is he from the front of the car in that box?—It is about 12 ft.

45 Are there any partitions between him and the clear sight of his track?—On the side of the three front windows we get one clear one.

46. Are the passengers liable to get in front and obstruct the gripmen's sight of the track?—They do.

47 In an overcrowded car?—Yes.

48. Do you consider that safe?—No.

49 Then you are in favour of this clause being inserted in the Bill?—Strongly in favour of it.

50. Do you ever take any trailers?—We have one trailer

51 What is that run?—Regularly from 5 o'clock until a quarter to 7, and then at times when it is wanted between 7 o'clock and the finish of the day

52 That is during the tea trips and theatre trips?—Yes, any time when there is a rush.

53. And at holiday times?—Yes, and on Sundays, too.

54. How many men does it take to work those cars?—We only get a driver and conductor, and during the tea trips we have a conductor between 4.30 and 6 o'clock. We could not do it with anything less.

55. Are you aware that the Department has specified that there should be a man on the trailer to work the brakes in addition to your own brakes?—Yes.

56. Has that been observed?—No, only on the tea trips the conductor who collects on the trailer has to look after the brakes of the trailer

57 You say that that is not always observed?—No.

58. Have you ever known a case where one conductor has had to work both on the dummy and the trailer?—Yes; they do that always after the tea trips. I have not seen the Order in Council, but I have heard of the Manager being asked by the Inspector why it has not been observed, and the Manager said, "I have a new brake under consideration, and I think I can manage without an extra man."

59. Is it very difficult for the driver on a wet night to see the track on an overcrowded car? Yes, it is.

60. Do you require to see the track?—Yes, you must.

61 Do you have greater difficulty in seeing the track than a motorman would have on an electric car?—Yes.

62 Why?—When we are driving we are away back ten or twelve feet from the headlight, and have to look over the apron of the car We do not get a view until we are 6 ft. further on, and then there is an obstruction by the glass and wood, and if you look sideways on you also have wood and glass to interfere with your view

63. What kind of headlight have you?—We have a kerosene light, but I think that is as good as the electric light.

64. The speed does not concern a cable car?—No. It may take charge of the rope, but it practically gets all right again

65. As a delegate of the union you approve of the speed-limitation for other cars?—I cannot speak of that, because they are electric cars, and I know nothing about them.

66. Have you an efficient sand-gear on your cars?—No; the sand-gears are a big source of trouble on the Mornington cars. We require a good deal more sand on a cable car than on an electric car, because we can only skid the wheels with the brake, and without sand the brakes are practically useless. If the car gets a bit of momentum on we cannot stop her easily We have to slacken down on the rope and make another stop.

67 Do you consider paragraph (*e*) of clause 5 of the Bill would provide for the maintenance of a better sand-gear for your cars?—Yes.

68. What about the cars on Maryhill?—They have only sand-boxes on one end of the car

69. Is there a turntable, so that the cars can turn round and use the sand-box going down-hill?—No, we have to do that.

70. I take it, then, that in going down one way no sand can be used at all?—There is no sand at all.

71 And the grade is steeper there?—On the steeper grade there is no sand, and I have known the car travel 100 yards without a stop

72 What hill do you call that?—It is the grade at the back of the tram-sheds. That is what we call the steep grade.

73. And owing to the box being fixed at the other end of the car you cannot use the sand? Yes.

74. Do you consider there should be a sand-box at each end of the car?—Yes.

75. And do you think that under Government supervision that would be provided?—Yes.

76. What about your slipper brake—is that effective?—I consider the slipper brake is not strong enough for our cars.

77. What about the Appeal Board provided for in this Bill? Can you give an opinion on that as a cable-man?—Yes.

78. Have you any Appeal Board on the Mornington tramways?—We have none at all.

79 Whose decision is taken?—The Manager's decision is final.

80. Is the Manager a practical man?—Yes, but I consider he has too many duties.

81. Does his whole duty consist of managing the tramways?—He has other duties.

82. What?—He is Town Clerk and Manager He is in charge of the borough.

83. Is he the Borough Engineer?—There is no other Engineer, and I cannot say whether this man is an engineer or not.

84. Seeing that he does not devote his attention solely to tramway matters, do you consider he is in a position to give a final decision in regard to offenders who may be brought before him?—No, I do not.

85 Have you had any men dismissed on your service?—We have.

86. Will you give an instance?—Yes. The engine-driver who was employed permanently at the power-house was discharged. The Manager before the one we now have came out of the engine-house, where he was employed as engine-driver, to act as Manager, and another man was taken on in the late Manager's place. The man was only there temporarily, and when the Manager did not suit and was discharged he was put back in the engine-house, and the man who was there temporarily was kept on and the permanent man discharged.

87 Do you consider that would have been a fair case for an Appeal Board to decide?—Yes.

88. Do you know any conductor who has been dismissed?—Yes.

89 How long ago?—About six or eight weeks ago.

90. How did his dismissal come about?—He was discharged, they said, owing to retrenchment; but another conductor was put on there temporarily, and instead of discharging the temporary man the other conductor was put off, and he was immediately taken on to work on an electric car

91 Did he have a good record in the company?—He had about eighteen years' service.

92 Do you think that would have been a fair subject for an Appeal Board?—I do. That was Mr McNaught.

93 With regard to the car report-book, what system have you?—We have a very good system, and I do not think we could have anything better We have a bound book that provides for the day and date of entries, and it is accessible to anybody It is a very good system, and I should not like to say anything against it.

94. Your men have access to the book at any time?—Yes, any time at all.

95. *Mr. O'Shea.*] Have you had any accidents?—Yes, several.

96. Any runaways?—No.

97 What have the accidents been?—A boy was killed a few years ago, and a boy was run over and had his foot cut off.

98. Do you think this Bill would have prevented that?—Under the circumstances it would not, because the driver failed to see the boy on each occasion.

99 Your overcrowding is generally when the car is going up-hill?—Both ways.

100 Is not most of your traffic up-hill?—Most of it is.

101 Have you had any accidents through overcrowding?—Yes.

102 What?—I was coming down on the 1 5 from the top when the up car was coming up crowded, and the conductor ran round to clear the passengers and get a better hold, and ran into my car

103 Did the Public Works Department prosecute you for that?—No.

104. Or the conductor or motorman?—No.

105 Did the police prosecute?—No.

106. You say that your cars should have better brakes?—Yes.

107 Are they passed by the Public Works Department?—Yes.

108. It is rather an indictment of the Department or the Government for allowing the cars to be passed—it is a serious charge, is it not?—I consider they should have made them a good deal stronger than they are.

109. *Mr A. K S Mackenzie.*] Both the cases of dismissal were attributed to retrenchment? Yes.

110. The question of retrenchment would be one of policy, and would not come under the provisions of this Bill in regard to the Appeal Board—that is, an individual appeal?—If we had had an Appeal Board we should have been able to show that it was not a question of retrenchment.

111 Would it not be a question of whether an individual man might lose his place or not?—We think if there has been an appeal the other man would have gone. He would not have had any ground for appeal, because he was told that he was there temporarily, but when the other man came back he was told to go.

112 *Mr Blow.*] Is the Maryhill Extension worked regularly?—Yes, from 7 30 in the morning until 11 at night, barring Sundays.

113. How often does it run?—It is a ten-minutes service during the busy time, fifteen minutes after lunch, and a twenty-minutes service during the quiet times.

114. Is the traffic on the Extension very heavy?—No.

115. Do you ever have overcrowded cars on that Extension?—Never

116. Is there overcrowding on the other systems?—On all of them.

117 Have you worked on the Roslyn system?—Yes.

118. Do you know of your own personal knowledge that overcrowding has occurred on that system?—Yes.

119 Does it occur to the same extent as on the system you have described?—I did not have so long an experience there as on the Mornington system. Mornington I think has more.

120. *Mr Rosser*] With regard to the retrenchment, were the men satisfied that retrenchment was the true reason for dispensing with the services of the man you spoke of?—No.

121 Do you consider a man with eighteen years' service would have a fit case to take before the Appeal Board against a man who had been taken on temporarily?—Yes.

122. That would be a fit subject for an Appeal Board?—Yes.

123. Is there very much space between the cars as they pass and repass on your system?—No.

124. What space is there between the two footboards?—Twenty-two inches, I think.

125. Then, practically, you are here to give expression to the views of the whole of the men in reference to this Bill?—Yes.

ALEXANDER URQUHART THOMSON examined. (No. 19.)

1 *Mr Rosser*] What is your employment?—Conductor in the employ of the Roslyn Tramway Company, a private company, seven and a half years' experience. I had about two years' experience on the Dunedin and Suburban Tramway, a horse service.

2 That is the predecessor of the present electric service?—Yes.

3. Are you a member of the Otago Tramways Union?—Yes.

4. What is your mission up here?—I am deputed to give evidence on behalf of the union with Mr Noster, and we especially represent the cable-car men

5. Are you in favour of clause 2 of the Bill, with regard to certificates?—We think certificates should be given to gripmen on the cable cars the same as to men on the electric cars, because their responsibility is equal to if not greater than that of a motorman The grades on our lines are much steeper than on the electric lines. The grades on the Roslyn line vary from 1 in 4½ to 1 in 6, up to 1 in 12 The mileage is from a mile and a quarter to a mile and a half in length, and on that line there are only two flats of about 50 yards each. The steepest grade on the route is 1 in 4½

6. You say that the cable-men should be brought under clause 2?—Yes, we are up here with that object.

7 Take clause 3: Have you any opinion to offer with regard to the inspection of the cars?—We are in favour of that clause also. We think it would give the Government the right to inspect the car at any time. At the present time, as far as we know, the Government can only inspect a car when it is first put on, or after an accident. Government inspection might tend to avert accidents, and we think if accidents can be averted it is better than trying to find out the cause after they have happened.

8. Clause 5, paragraph (*c*), Maximum number of passengers to be carried: What regulation have you with regard to this at Roslyn?—The only regulation we have is that no passenger is allowed to stand on the front end of the car, because it would block the view of the gripman, who stands right in the centre of the car That restriction only came into force a few months ago. Before that, the more we carried the merrier The restriction is practically a new thing

9. Before that there was no restriction?—None whatever The seats on a cable car are like four sides of a square, and there are only two side seats. The seating-capacity is thirty-two

average-sized people—six on each outside seat, and ten in either cabin—that is, four fives and two sixes.

10 Have you had more than that on a car on your own experience?—I have had anything from forty up to ninety on a thirty-two-seated car Seventy and eighty are an every-day occurrence; ninety is a very exceptional load.

11 When does that happen?—Only during rush hours. The down loading is exceptionally heavy in wet weather, at dinner-time, from 12 to 1 20, it is also very heavy; and in the evenings from 5 o'clock to 6.30 the loading is very heavy At night, generally from 10 o'clock to 11, it is again very heavy

12 How are you able to get the fares when you have seventy or eighty passengers on your cars?—With anything from seventy upwards it would be impossible for the conductor to get round and collect the fares. His only chance is to get inside with the gripman in the box.

13. Have you had to do that?—Yes, that is a common occurrence.

14. You think, then, the Government should prescribe the maximum number of passengers to be carried?—Yes.

15. Are your footboards close to the road?—I should say 6 in. off the road.

16. That lends itself to people popping off and on at any time?—Yes.

17 With regard to clause 6, providing for an Appeal Board, are you in favour of that?—Yes, we are all in favour of an Appeal Board.

18. Have you any Appeal Board in connection with your service?—No. The only thing we can do in the case of unfair treatment is to take the case before the directors. But, once the manager has given a decision, I do not think we should have much chance of getting his decision reversed.

19 What about the car report-book?—In the Roslyn system we have a car report-book, but on behalf of the union I have to say that we should like to see a car report-book provided for as proposed in the Bill.

20. As a conductor you are not required to see the book?—We do not see the book, as conductors, and the only time we report is when there is an accident, and that is a separate report.

21 *Mr O'Shea.*] Your tramway system is owned by a private company?—Yes, a syndicate, I think.

22. They bought it from the previous company?—That was before my time. I have heard that they did.

23. That company went into liquidation?—I do not know that.

24. You do not take enough interest in such matters?—I do in a way, but not enough to inquire about that.

25. Do you know that the present company bought it for £20,000?—I have heard that. I do not know what the expenditure was on the line and rolling-stock. It has all been renewed since the present company took it over

26. Have you considered this Bill from a financial point of view with regard to the community?—Yes.

27 Do you think there is any danger of the tramways becoming unprofitable if the Minister can order additional rolling-stock at his own sweet will?—Can he do that?

28. Well, read the Bill, clause 3?—" The Minister may from time to time authorize 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. '

29 Now read subclause (2) of clause 3?— ' 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, the Minister may order those alterations, repairs, or additions to be made accordingly "

30. You say that you have thirty-two seats on your car, and it carries ninety passengers sometimes I suppose you think it is necessary for each person to have a seat?—There is always an allowance made.

31 How much allowance would you make for strap-hangers?—I do not think I am required to express an opinion on that.

32 But I want you to express an opinion?—I do not think I can understand that question. I cannot say how many strap-hangers should be carried.

33. How many do you think would be safe in your car?—Only those who can stand inside the rear cab.

34. How many is that?—Six or eight.

35 You can carry forty then?—Yes.

36. Can you not see that it will require double your rolling-stock to carry the people at rush hours?—At rush hours only, and they do not average eighty people.

37 To carry those people you would have to double your rolling-stock?—Say, 50 per cent. more cars at rush hours.

38 That would mean 50 per cent. more men to be employed?—At rush hours.

39 What would you do with the men in the spare time?—That is not a question I am here to answer.

40. If this necessitated a reduction in wages, would you still be in favour of the Bill and stopping this overcrowding—you personally?—Yes, to stop overcrowding.

41. Even at the sacrifice of your wages?—Yes.

42. Has your union considered the financial side of the question at any of its deliberations?—It has never done that at any meeting that I have been at.

43. You say you are in favour of the car report-book?—Yes.

44. If all the managers of the New Zealand systems say that the loose-leaf system is better than the fixed book, what have you to say to that?—I have nothing to do with them. We think the fixed-book system is the better

45 Do you know that it is proposed to have a book for each car?—Yes.

46. A man would have to report in the book what he thought of his car when he goes off his shift?—Yes. When he goes off it is his duty to report in the book.

47 Under this proposal the man has to make his report the next day?—Yes. If a man signs off at Newtown, is there anything to prevent the book being kept at Newtown?

48. Do you know that these car report-books get very dirty?—I cannot speak about the electric system at all, because I have not seen the report-book and do not know where it is kept.

49 It is possible that a man might wish to do away with the car report-book from pure malice, and there is nothing to prevent an employee getting away with it and dropping it into the harbour, say, if he were inclined?—They could do that with any sort of book.

50. But with a single-leaf system they could only do it with one leaf at a time?—I do not know anything of these report-books on electric cars. Members of our union want a fixed-leaf book.

51 Why?—So that they can have access to it at any time.

52. Can you not have access to these loose leaves on applying to the management?—I cannot speak of that, because we have agreed to the fixed book by resolution

53. Is it not a fact that your union has adopted this Bill, and you want that or nothing—is that your reason?—I cannot talk of the electric systems at all.

54. *Mr Blow*] Will you look at clause 9? Do you find in subclause (2) that the book is to be kept in an office?—"The said book shall be kept in an office,' yes.

55 Consequently you infer there is no thought of the book travelling on the car?—It says distinctly that the book shall be kept in the office.

56 Then, in subclause (3) do you find that the motorman must travel from one end of the system to the other in order to make his report?—The subclause says, "Shall be the duty of every motorman employed on that tramway, on completing each day's work, or as soon thereafter as practicable, to enter in the said book any report."

WALTER HOMAN examined. (No. 20.)

1 *Mr Rosser*] What is your occupation?—Motorman

2. Where are you employed?—At Dunedin, on the Dunedin City Corporation tramways.

3 What experience have you had as a motorman?—Between six and seven years.

4. Have you had any previous experience to that on tramways?—No.

5 Did you have any experience as a conductor?—Yes, on a horse-car, not an electric service.

6. Previous to that you were a conductor and driver on a horse-car?—Yes, a conductor for a few months and a driver for a few months.

7 Are you an officer of the union?—Not now

8. You have been president of the Otago Tramways Union?—I was president of the union for two years.

9 You are not now in office?—No.

10 Have you been appointed as a delegate by the union to give evidence on this Bill?—Yes. There was a special meeting called for the purpose.

11 Will you give your opinion on the different clauses? Take clause 2 first, the motorman s certificate?—We consider that this clause would raise the status of a motorman, and that he would be more proficient, because his knowledge of theory would be added to that of practice, after an examination for a certificate of competency. We also consider that it would make for the safety of the public.

12. Are you in favour of subclause (3) of clause 2, that certificates of service should be granted to those already in the service?—We think it only just that certificates should be issued to motormen to show that they are efficient and competent for the number of years' service they have had.

13. Can you say how many members are in your union?—Roughly, between 150 and 160.

14. Clause 3: Do you believe in the inspection of tramways by Government Inspector at any time?—Yes. We think that if a thoroughly qualified person were appointed to inspect the tramways at any time before or after an accident it would be beneficial to the employees.

15 Take clause 5, with reference to paragraph (*c*) of subclause (1), prescribing the maximum number of passengers that may be carried are you in favour of that?—Most decidedly

16 Are you aware of any municipal by-law in Dunedin that limits the number of passengers on a car?—As far as I know, there are no by-laws at all.

17 Is that the idea generally in Dunedin?—It must be: if not I should know

18. Do you know whether Mr. Alexander admitted that fact on the Brakes Commission?—I can remember his words. He said, "Providing a conductor could get his fares, that is all they wanted."

19 Was it the subject of newspaper comment at the time?—It was.

20 Do you know whether there is any number posted up on the cars stating how many passengers the car may carry?—None whatever

21 Do you have any passengers riding on the motormen's platforms?—I understand that the Order in Council does not allow that south of the Post-office, but north of the Post-office it is allowed providing the body of the car is full.

22. You are instructed by regulations: have you a regulation that passengers are not to be allowed on the platforms of south-bound cars?—Yes.

23. And they are allowed on the north-bound cars?—Yes.

24. Do you approve of allowing passengers on some of the platforms with the motorman?—Yes, providing the number is restricted.

25. Is there no restriction at present?—Yes, the restriction is four

26. Is there any talking allowed to the motorman on the platform?—No

27 Do the passengers ever attempt to speak to the motorman?—They do at times.

28. Is that liable to distract the attention of the motorman from his duties?—Certainly, if he allows them to do so.

29. Who else beside the passengers are allowed on the platform—the officials of the Corporation?—Yes, the City Councillors and others are allowed to travel on the front of the car at any time.

30. Have you seen passengers overcrowding the body of the car at any time?—Yes.

31. Have your cars got side steps?—Yes.

32. Have you ever seen passengers on the steps at rush times?—I have.

33. Do you consider that conducive to the safety of the public—to allow indiscriminate overcrowding?—That is not allowed, it is supposed not to exist.

34. But it does?—Yes.

35 Would that be on any particular line—say, to the Caledonian Ground?—It might happen on different routes.

36. Do you consider the conductor should have an uninterrupted view from his car?—Without a doubt.

37 Does that prevent an uninterrupted view?—Yes. The conductor would be responsible for carrying passengers on the footboard, but at the same time it does happen.

38. Have you known of any cases where the conductor has been punished by the Corporation for allowing this overcrowding?—No.

39. Does the overcrowding prevent the motorman from running to his schedule time?—Certainly The motorman has to wait for the conductor to get his fares, and if the fares cannot be collected in time the motorman has to slow down in order to give him time.

40. Have you had to do that?—Yes, frequently

41 Otherwise the passengers would get off without paying?—Certainly

42 With regard to subclause (*d*): Have you any restrictions as to speed in your service?—We have slight restrictions.

43. What are they?—On down grades, Manse Street to the Post-office, Dowling Street to Rattray Street, and Moray Place to the Octagon.

44. That is series speed?—Yes. I understand there was a provision in the Order in Council that eight miles an hour should not be exceeded in David Street—that is between Forbury Corner and Caversham.

45. Are all those regulations carried out when the Inspector is not looking?—They are not always carried out.

46 Why?—Because it takes us all our time, going all we know to keep the time-table.

47 Then have you sufficient time, in your opinion, to run your time-table at these regular speeds?—In crush hours?

48. Yes, at any time?—No, we have not.

49 Take subclause (*e*), providing for proper furnishings and appliances Do you agree with that?—Yes, certainly I think, if an inspector were appointed, our sand-gear, for one thing, would be condemned. Evidence was given before the Brakes Commission by the Assistant Electrical Engineer that he considered the sand-gear was not efficient.

50. In Mr Henderson's evidence, on page 66 of the report, in answer to a question my myself as follows, "Do you consider that it is an effective sand-gear?' Mr Henderson answered "No. Do you coincide with that opinion?—Certainly

51. Have you got sand on both rails at one time?—Only on one rail, and an intermittent flow

52 Instead of a continuous flow?—Yes; and the sand-pipe is 6 ft. in front of the wheel, which means that when rounding curves the sand-pipe is useless.

53 Do you consider that this clause of the Bill would remedy that?—We certainly hope so.

FRIDAY, 16TH SEPTEMBER, 1910.

WALTER HOMAN further examined. (No. 20.)

1. *Mr Rosser*] What is your opinion as to the position of the sand-punches on the Dunedin cars?—They are too far away from where the motorman has to stand.

2. Does it come directly under the weight of his body?—No.

3. Could you give us an illustration of the position you are in on a down grade when you are braking your car and working the sand-punch—that is to say, braking with the magnetic brake?—The right leg has to be thrown well forward, and the left arm outstretched to the further extent of the controller, according to the manner in which I am braking

4. In that position you have to bump the sand out on the rail on a down grade?—Yes.

5. You remember the brake-tests before the last Brake Commission in Dunedin?—I was present at them all.

6. Do you remember whether those tests were made under ordinary working-conditions?—I understood so.

7 At those tests did the motorman work his own sand-punch?—Not all the time.

8. Was there somebody else there to work the sand-punch in order to get the best results?—I do not say he was there for the purpose, but there was some one there doing it.

9. Do you know whether Mr Alexander did it on some occasions?—Yes.

10. The tests were very good, were they not?—Some were.

11 In ordinary working-conditions do you have anybody extra to work the sand-punches for you?—No.

12. Therefore, you consider you are justified in saying that the sand-punches could be better placed for ordinary working-conditions?—Yes. Another point in connection with the sand-gear is that the sand is only applied to one rail.

13. What is the effect of that?—It does not give the same resistance as it would if applied to both rails.

14. Then the wheels on one side only are affected by the sand?—That is so.

15. Do you know of any cases where the sanding on both rails would have had a better result in stopping the car?—Yes.

16. Can you give an instance?—There was a case a few months ago where a motorman was going down a grade and a car had stopped in front of him.

17 This was in Princes Street South?—Yes, at Manor Place. The line-repairer had been working there packing the rails, and had placed some tar on the rail. At this time it started to drizzle, and the rain, acting on the tar, made it very greasy It so happened that the tar was on the rail which was not affected by the sand.

18. Did the rain cause the tar to run on the rail?—Either that or the tar had been placed carelessly on the rail by the repairer

19 Do you consider then that the sand should be applied to both rails on the one journey?—It would certainly give us a greater advantage.

20. Do you consider clause 5, paragraph (*e*), would give more power to the Government Inspector to order the sand to be applied to both rails?—I think so.

21 Now, take clause 6, the Appeal Board Do you consider that clause necessary in the interests of the service?—I do.

22 What system of appeal have you in Dunedin now?—The Tramways Committee, which is part of the City Council, are the Appeal Board.

23 Who gives the decision as to any disrating or dismissal, or anything affecting the men?—The Manager

24. Have you had any appeals to the Tramways Committee?—I cannot call any to mind.

25. Do you consider it likely that the Tramways Committee would reverse the decisions of the Manager, who is a tramway expert?—I should not like to say they would not, but at the same time I think they would certainly be biassed in his favour To reverse his decision would practically be showing a want of confidence in their chief official.

26. Take the car report-book, clause 9: Are you in favour of that clause?—Yes.

27 You understand this will provide a report-book for each car if it is carried?—Yes.

28. I understand you have a loose-leaf system in Dunedin?—As far as the employees are concerned, we have to report any defects on the loose leaf That is entered into a manuscript book by the Inspector on the shift.

29. Then, does the Inspector enter in the manuscript book the report made by the motorman on his sheet?—He should do so.

30 Is it usually done, so far as you know?—I believe so.

31 Does that book go on to the car-examiner?—A duplicate is given to the shed-foreman, and he has to make repairs from that.

32 Do you know what becomes of the sheet the motorman fills in?—No.

33 Suppose the Inspector in transcribing did not put in word for word what the motorman wrote, do you consider that the manuscript book would be as useful in tracing the record as the actual sheet itself?—Certainly not. The Inspector might not be as competent to judge as the motorman.

34. Supposing you had a book for each car, do you consider a competent motorman would risk his own reputation by putting down the report of a previous motorman rather than his own report on that trip?—Not if he thought of his reputation.

35 Are you aware whether you have the privilege of inspecting the previous reports of a car?—In case of a serious accident I believe we should not have that privilege.

36 Do you consider, in the event of an accident to you with a certain car, that it would not be an advantage to you to know whether the state of the brakes was chronic or not—whether the car had not been previously booked for the same fault?—Yes, it would.

37 Therefore, you are in favour of this clause in the Bill?—Yes.

38. Do you wish to add anything to your examination?—I do not think so.

39 *Mr O'Shea.*] You say that you are in favour of clause 2 of the Bill, giving certificates to motormen, and that it would raise the status of the motorman: how would it raise the status?—It would affect more those coming into the service. My status is assured.

40. If the Government do not bring you in for twelve months' service you would not be so keenly in favour of it?—I should.

41 This clause is supposed to be in for the safety of the public?—Yes.

42 What additional safety would the public get with all you motormen being twelve months in the service?—Because they have proof of their competency

43 Could not the men going into the service prove it just the same? Does it not strike you that that clause is intended to make a close corporation of the motormen?—No.

44. Does not that clause mean that men who have driven for twelve months shall have a Government certificate without examination, and does it not show you that it is not enacted for the public safety?—It does not show me that.

45. How long do you think it will be before every motorman in the service has got a certificate by examination?—So far as we are concerned, there are very few who would have to undergo an examination.

46. Do you know whether this clause was in the Bill of 1907?—No.

47. Did your union have anything to do with the Bill of 1907?—No.

48. Have you considered subclause (2) of clause 3, "If such person reports that any alterations, repairs, or additions to the said tramway, rolling-stock, plant, appliances, or machinery respectively are necessary to insure the safety of the public or to meet the reasonable requirements of the traffic, the Minister may order those alterations, repairs, or additions to be made accordingly"?—Yes.

49 Do you think any one outside can know the reasonable requirements of the traffic better than those in Dunedin?—No.

50. Mr Alexander has said that it requires absolute observation over a long period of time, that tallies must be taken of each car, and so on, before you can get an accurate knowledge how is the Government going to get that knowledge unless they are going to have a heaven-born genius to examine into these things?—If they can get a competent man, I do not see why he should not be as good a man as Mr Alexander

51 Do you think he could do as well at all the other places in the Dominion?—I do not see why not.

52 Do you think it takes all Mr Alexander's time and ability to understand what are the reasonable requirements of the traffic?—I have not given it much thought. It is not part of my duty

53. If Mr Alexander said the Government will not be able to carry out the different functions it proposes to undertake in this Bill, what do you think, having regard to Mr Alexander's ability? With all due respect to Mr Alexander, I should say his statement is worthy of contradiction at times.

54. But on this statement?—I do not see why his opinion should be taken particularly

55. And if all the managers of the different systems in New Zealand have made statements which coincide with this in regard to the Bill?—I say their opinion is worthy of contradiction.

56. Do you know that when Mr Alexander went to Dunedin the tramways did not pay?—Yes.

57 And he has made them pay?—Yes.

58. Supposing the Minister, to suit the reasonable requirements of the traffic, ordered that the number of cars running at St. Kilda should be doubled, what would be the effect on the finances of the city?—We have not considered the financial aspect at all.

59 Do you not think that the first thing to be considered in public undertakings, whether carried on by the Government or by municipalities, is that they should be put on a financial basis? —First the public safety and comfort, and the financial stability afterwards.

60. You quoted Mr. Alexander as stating that overcrowding was not dangerous so long as the conductors could collect the fares?—I said Mr Alexander stated that so long as the conductor could get his fares it was all right.

61. Do you overcrowd in Dunedin, according to Mr Alexander's ideas?—Undoubtedly.

62. Mr Alexander was examined in Dunedin and was asked, "Do you have any accidents?" and he replied, "We have fewer in Dunedin than on any tramway system I know" Having in view what Mr Alexander said, do you think there is much really to be said, apart from mere talk, about the dangers you speak of?—I say the dangers exist.

63. How can you account, then, for there being fewer accidents in Dunedin?—I have no knowledge of what happens on other tramways in the world.

64. Will you accept Mr Alexander's statement?—Of course.

65. On page 62 of the Committee's report of last year a list of the accidents is given for New Zealand for the year ending 31st December, dating from 1902 to 1909: "Auckland—34 fatal, 30 serious, 153 slight, Wellington—11 fatal, 13 serious, 44 slight; Christchurch—19 fatal, 15 serious, 55 slight; Dunedin—8 fatal, 12 serious, 39 slight. You see by that that Dunedin is lowest on the list?—Yes, and the smallest service. We only run twenty-two regular cars.

66. In view of Mr Alexander's statement that you have fewer accidents, do you think much notice ought to be taken of your statements?—Yes, I do.

67 Have you been to Sydney?—Yes.

68. Have you seen the electric trams there?—Yes.

69. Do you know by whom they are run?—Yes.

70. Have you seen overcrowding on the railways in New Zealand?—Not to any great extent.

71. Have you seen people carried in cattle and goods trucks?—That is because it is cheap.

72. You were talking about your rule for running on grades: have you any rule that you must not go down a grade faster than you would go up?—There is a rule that the motorman must regulate his speed on the cars so as to coincide as nearly as possible with the time-table. That is Rule 76. The motorman must not attempt to make up lost time by a spurt or fast running, but must make it up gradually as he can do so with safety Motormen must on no account run recklessly to make up time. The next rule, 77, says, "Cars are to travel at series speed only on down grades." I gave the names of the grades yesterday

73 Will you read No. 62 out?—"In descending grades, motormen must allow their cars to coast, using power as little as possible. They must be very careful to always keep their cars under perfect control, never allowing a car to run down grades faster than the motors will take it up same grade."

74. Do you obey that rule?—Yes.

75. Do you think the Government could prescribe any better rule than that? Is it not the accepted practice of the Minister to take the advice of his experts?—It is right enough.

76. Under clause 5, paragraph (*d*), the Government has power to make regulations with regard to speed you know that the speed on specified routes is fixed by the Order in Council?—I believe so.

77 And for the grades you have a rule there which is quite satisfactory for all purposes?—Yes, as far as the grades are concerned.

78. Why do you think the Government or the Minister should have power to step in and vary these things at his own sweet will?—Because we are not always running on grades. You are picking out things to suit yourself We take the whole route, and you pick out the grades.

79 If you have an Order in Council providing that you must not exceed your time over the whole route, and you have a special instruction dealing with grades, which is in addition to the requirement of the Order in Council, why should you want regulations made by the Government? We come here to support the Bill, and anything that does not apply to us might apply to other places.

80. Do you know how much money is being invested in the Dunedin tramways?—No.

81 Do you not know that the people of Dunedin have borrowed money on the faith of these Orders in Council?—I know that money has been borrowed.

82 Then do you think it is right for the Government to step in and revoke Orders in Council under which money has been borrowed?—If the Government do it, they must have the right to do it.

83 Do you think the Government should be given the right to do it if they have not got the right now?—Certainly, I think so.

84. Supposing you had invested £300,000 on a tramway, would you think it right for the Government to come in and alter the conditions under which you invested the money?—Yes, if it is going to increase the safety of the public.

85. Supposing it is going to absolutely ruin the owners of the tramway, and it is only in the opinion of the Government that it is going to increase the public safety?—I would say that they were trying to make out the worst case they could

86. Supposing the owners all say they fear it? Supposing I was the Minister of Public Works and you were the owner of the tramways, would you like it to be in my power to compel you to double the number of your cars? Supposing your manager said you had a system that had fewer accidents than in the other system?—I do not see the use of dealing with a case that does not exist.

87 Have you made any representation to the management about the sand-gear?—I have at times.

88. Has the management done anything to improve it?—They may have cleaned the sand-punchers.

89. Have you suggested that the sand-punchers should be altered altogether?—No.

90. Has your union made suggestions to the management that have not been accepted?—We got the glass fronts on the open cars, and also seats and shades for the motormen to prevent the light shining on the glass at the front.

91 With regard to the Appeal Board, have you ever considered its effect on the discipline of the undertaking? Suppose a man was dismissed by the Manager, who was perfectly satisfied that the man was wrong, and the man took his case before the Appeal Board and was reinstated? You are dealing with a specific case again I do not suppose it would be likely to occur

92 If the managers of all the tramway systems in New Zealand say it would absolutely destroy the discipline, would you contradict them all?—In my opinion, yes.

93. Have you ever heard of an Appeal Board of this nature having been constituted anywhere else?—No.

94. With regard to the car report-book: you know that there were car report-books in use in Dunedin and Wellington, do you not?—No.

95. Is there one in Dunedin?—No.

96. It has been given in evidence that there was one in Christchurch and one in Wellington: Do you know that they now use the single sheet?—I only know what we use.

97 You have been asked whether you would copy another man's booking: would you be astonished to hear that when this book was enforced in Wellington that copying system went on to an alarming degree?—I should be surprised.

98. If the managers say that now they have done away with the book and adopted the single sheet the efficiency of their reports has been doubled and trebled, would you be astonished?—Yes.

99 As to looking back to the reports for records of accidents, have you had to make your reports without examining back reports, and then been allowed to go back and examine the sheets at any time? If you were allowed access to the sheets bound up in a book, how would that suit you?—You are only dealing with one aspect of the case. We want the book to see the history of the car You are only dealing with it after an accident.

100. Do you mean to say you cannot work your car unless you examine it every day?—No.

101 Do these motormen examine these sheets? How long would it take?—It would not take long

102. If all the managers state that the single-sheet report is quite satisfactory, you contradict them?—No, I believe it is quite satisfactory to them.

103. Do you know that parts of the cars are interchangeable in Wellington, and even the motors get shifted?—No.

104. Supposing that is the case, where does the history of the car come in? Would it not be rather liable to mislead you?—I do not think so.

THURSDAY, 15TH SEPTEMBER, 1910.

HENRY JAMES QUARTERMAN examined. (No. 21)

1 *Mr Rosser*] What is your occupation?—Motorman

2. Where employed?—On the Dunedin City Corporation tramways.

3. What experience have you had in the tramway service?—About ten years.

4. How many years have you been motorman?—At least six years.

5 The rest of your time would be as a conductor?—A conductor and pointsman

6. Are you a member of the Dunedin Union?—Yes.

7 You have been appointed by the union to attend here and give evidence on this Bill?—That is so.

8. Are you in favour of clause 2, motorman's certificate?—Yes.

9. Will you, as briefly as possible, give us your reasons why you are in favour of it?—I favour it because men are examined as engine-drivers and are given certificates. Motormen are in just as responsible a position, and more so in some ways, and for that reason alone they should be examined and receive certificates.

10. Do you think, if motormen had more training in theory, added to their practical knowledge, there would be a better chance of them entering up an independent report in the car report-book?—Yes, because a motorman who has been properly trained in theory and practice must be able to write an independent report.

11 With regard to clause 3, are you in favour of the inspection of tramways by a Government expert?—I can see no objection to that.

12 Do you think it would insure the safety of the employees?—Yes, and, in the second place, protect the public.

13. Do you think it would lead to better equipment on your cars?—I feel quite sure it would, and that if a disinterested person was appointed to inspect our tram-cars he would find that the sand-gear is altogether unsuitable.

14. Is that not a vital question with your union—the inefficiency of the sand-gear?—Yes, it has been a bone of contention for some time.

15 Take clause 5, paragraph (*c*) Have you been restricted as a motorman by any Corporation by-laws with regard to overcrowding?—The only restriction I know of is that no one is allowed on the footboard or to ride with the motorman on the front or south-end cars. Any further restriction than that I do not know of

16. Have you any rules in your rule-book regulating the overcrowding?—We have plenty of rules, and if they were enforced there could be no complaints about overcrowding

17 Are they enforced?—No.

18. Do you know any reason why they are not?—I know that we do not enforce them.

19 Why?—Because we do not receive support from the officials or the employers.

20. Take paragraph (*d*) of clause 5, Speed-limitations: Do you consider that is necessary?—Certainly I do.

21 Have you regulations affecting speed in your rule-book?—We have certain regulations as to the speed on grades.

22 Is there a rule there stating that you must make up your time gradually, but not on any account indulge in reckless driving?—That is so.

23. Is that observed?—I could not speak for anybody but myself as to that.

24. Do you observe it?—I do.

25 Are you able to run your time-table by observing it?—I am not.

26. Do you consider there should be more time allowed on the journeys to enable you to run according to the regulations during rush times?—I say the time is quite sufficient, providing the number of passengers were a reasonable number

27 Then the overcrowding takes up more time than under ordinary working-conditions? Yes.

28. Do you run on one particular route all the year round?—No, we go round the roster

29 How long were you allowed for the Anderson's Bay trip—right round the trip?—One hour

30. Do you know the distance?—9 miles 26 chains.

31 Do you consider that is sufficient time in rush periods, when you have to go through the main part of the city?—The time-table is never kept on that route during crush loading

32. Clause 6, The Appeal Board: Have you an Appeal Board in Dunedin?—Yes, now

33 How long has it been in existence?—It has been set up within the last three months.

34. Do you think it was set up in anticipation of this Bill?—I could not say

35. Before that you had nothing in the shape of an Appeal Board?—No formal Appeal Board.

36 Therefore you were unable to give instances of cases that have gone to the Appeal Board?—There was no Appeal Board before, so you just had to take your medicine.

37 Do you know of any case that has gone before the Appeal Board since it came into operation?—I do not know

38. You are strongly in favour of the Appeal Board proposed to be set up in the Bill?—Yes, I can conceive of nothing fairer It is an independent tribunal.

39. Clause 9, Car report-book: Are you in favour of that clause of the Bill?—Yes.

40. Do you know whether a union official is allowed to see the record of any car under the system now in vogue?—I do not know whether he would be allowed or not, because I do not know of any union official applying.

41 Is there anything you would like to add to your evidence?—No.

42. *Mr O'Shea*] As to clause 2, have you read subclause (3) of that clause?—Yes.

43 You know that the clause provides for an examination apart from subclause (3)?—Yes.

44. That is, an examination by the Government?—That is so.

45. What is the purpose of that examination?—It means that there is to be an independent Board of Examiners, and it will prevent the possibility of anything being left out of what a motorman should know

46. Do you think it is a proper thing?—Yes, I do.

47 Do you think it is a proper thing that you should be in the service now without that examination?—We have proved our efficiency by service.

48. Could not men coming in afterwards prove their efficiency by service?—They might do it at the expense of some lives.

49. You have a system which had allowed you to come in the same as men would under the Government examination?—We have had a lot of luck.

50. Do you not think that clause should be put out, and that you should undergo an examination as well as any one else?—No. I will give you an instance. Under Mr Goodman men were examined and were put through very carefully, but there was one very serious omission with regard to emergency stops. The motorman did not know that when the car was going backwards the magnetic brake would not act unless the lever was reversed.

51 Apart from that point, why is it not necessary for you to undergo an examination the same as a man who is to come in, say, to-morrow?—We have proved our efficiency, and it is not necessary

52. Could not the other man prove his efficiency exactly the same as you have done?—He might do it at the expense of somebody else's life.

53 You have not done it at the expense of some one's life?—No.

54. The system is quite good enough for you, but is not good enough for some one else?—There is always room for improvement.

55. Why should you not submit to the improvement the same as the other man? Do you think the Minister would have got the support of the unions if he had not put in that clause to allow a man after twelve months' service to get a certificate without examination?—I do not know

56. If that were not so you would not have given your support to it?—I do not know

57 Does not the presence of this subclause (3) stultify the whole clause?—I do not think it does.

58. How long will it be before the motormen are all certificated by examination?—We shall receive service certificates after June, 1911

59 How long before this supposed boon is going to accrue to the community by having these men passed by examination?—It depends upon how many men come in and go out.

60. It has been suggested to me that the greatest effect of this clause will be to give you men power to hold up the tramways in the case of a strike, and that in view of the twelve months' service the aim is rather to make the unions a close corporation?—No. The certificate is as much of a worry to the employee as to the employer. The employee would have to protect it by careful service; if not he will have his certificate indorsed.

61. If the local authorities say the Government are incompetent to do this work, what have you to say?—I should first want to learn that they were incompetent.

62 The man with a bad record will have as much chance as a man with a good record?—He would stand a better chance if he had a good record.

63 Clause 3 Do you think it is right that the Minister should have power to acquire additional rolling-stock to be provided to meet the reasonable requirements of the traffic?—Yes, I do.

64. Have you ever appreciated the amount of application that is required to understand the reasonable requirements of the traffic in any one place?—It is not my business to consider those things.

65 You know that your Manager has remodelled your service in the matter of the time-table and that sort of thing?—He has remodelled the time-table.

66. And has turned the concern from a non-paying one to a paying one?—It has certainly earned a profit.

67 Do you think a Government official could do as well as Mr Alexander has done in Dunedin?—Mr Alexander was a stranger when he came there.

68. Have you considered this Bill from a financial point of view at all? Have you considered what this Department is going to cost the Government?—It is not my business to consider the financial aspect.

69 Do you know that Dunedin has one of the safest systems in the world?—I do not know, but I should be glad to hear it.

70. Do you object to overcrowding? Have you been in Sydney?—I have been in the harbour, but never saw the tram-cars.

71 With regard to the Appeal Board, you say there should be an independent Appeal Board: would that apply to private employment?—This is a public service.

72 Do you think it right for an outside body like the Government to interfere with the municipality—he will not appoint any one in the municipality service?—I do not know

73. Do you know of any other Appeal Boards in the Dominion—do you know the Railway Appeal Board?—I have seen about it in the newspapers.

74. That Appeal Board is constituted with a Stipendiary Magistrate and two Government servants—that is, three Government servants?—Yes.

75. And do you know the Government has the right of veto?—No.

76 Have you considered what would happen if this Appeal Board were introduced into all the departments of the City Corporation?—No.

77. You have not considered what the effect would be if it were introduced and were to cover all the surfacemen and labourers in the employ of the Corporation?—No.

78. As to the car report-book, would you be surprised if all the managers of the tramway systems throughout New Zealand say the car report-book is unnecessary, and that they have got better, more unbiassed, and more accurate reports under the single-sheet system?—Yes, I would.

79. If they also say that in Wellington, when we had the single book, the men copied the reports of others which they read there, and did not give independent reports, would you be surprised?—I would.

WELLINGTON EVIDENCE.

THURSDAY, 25TH AUGUST, 1910.

STUART RICHARDSON examined. (No. 22)

1 *Mr. O'Shea.*] You are Tramways Manager and Electrical Engineer for the City Corporation of Wellington?—Yes.

2 How many men have you under your control, Mr Richardson?—Between five and six hundred.

3. How long have you been connected with the tramways in this city?—Since 1901

4. And you have been connected with the electrical service ever since it opened?—Yes.

5. You have seen the Tramways Amendment Bill?—Yes.

6. It is to a large extent a reproduction of the Bill brought down last year?—Yes.

7 But there are some superadded features this year relating to the examination of motormen and the Board of Appeal?—Yes, but I think the examination of motormen was provided for in Mr McGowan's Bill.

8. I would ask you generally what you think of this Bill as a whole?—Well, I do not care for the Bill. If it were passed it would mean decreasing the authority of the City Council, and it provides for a dual control, practically

9. You mean dual control and divided responsibility?—The responsibility rests with the Corporation.

10. On whom will that responsibility—not the financial responsibility—rest if the Bill passes?—The responsibility would rest with the Government, I take it.

11 Does this Bill, in your opinion, encroach on the rights of municipalities and gather more power into the hands of the Government?—Yes, decidedly

12. As Engineer of the Wellington City tramways, do you want any further assistance from the Government than you have at present?—No.

13. Do you think that any attempt to furnish that assistance on the part of the Government will be attended by good or bad results?—Bad.

14. Do you think the supervision over your tram system in the past by the Government has been efficient?—Yes.

15. And has it been sufficient?—Yes.

16. I want to take you in detail over the clauses in this Bill What is your opinion as to the effect of the proposed examination by the Government and the granting of certificates to motormen?—I think it is likely to lead to complications, especially under our present award or agreement. The men should be appointed to senior positions through seniority and capability The question of deciding whether a man is capable or not is taken from the hands of the tramway officials, who have had extended experience of a man; and a man would have to be appointed, I take it, if he had the Government certificate. Now, the Government certificate would be issued by a Government Inspector, who would not have had the experience of the man's temperament and capabilities that the tramway officials would have had.

17 Can you give any reason why the men want these certificates—can you suggest a reason?—One reason is, I think, that if they had the Government certificate it would practically be a preference to unionists. Another reason is that if a man had one of these certificates, it seems to me his certificate could only be taken away by going to the Appeal Board—that is to say, the Manager of the tramways would have no right to cancel a man's certificate. The matter would have to be taken before the Appeal Board, and it very much depends on how the Appeal Board is constituted as to whether the man would lose his certificate or not.

18. They have an idea that in cases of accident or allegation of negligence on their part, the certificate would stand them in very good stead?—I think they have.

19 As a matter of fact, when you are dealing with any of your men in respect of accidents and negligence, I suppose you always give them the benefit of the doubt?—I do.

20. Is it, in your opinion, possible for the Government to carry out an efficient examination throughout New Zealand?—It would, in my opinion, be a very difficult thing A motorman who is, say, a good motorman on the Wellington service would need certainly a considerable amount of practical knowledge of the service in Christchurch before he would be equally efficient there. The equipments of the cars are not the same.

21 Is it not the fact that if the Government wished to be safe in granting the certificates they would have to rely wholly on the local examination—on your examiners in Wellington, and also the Auckland examiners in Auckland, and the Christchurch examiners in Christchurch?—Yes.

22 What have you to say with regard to clause 3 of the Bill, dealing with inspection?—This is already in the Order in Council. It is either in the Order in Council or the Act.

23. The powers of inspection given in the present section are given by clause 215 of the Public Works Act. The Minister was given certain powers in case the opening or the continuing of a line

would endanger the safety of the public or those employed on the railway The Minister does not want to make these alterations here for that purpose. Clause 3, subclause (2), says, "to insure the safety of the public or employees, or to meet the reasonable requirements of the traffic": do you think the Minister should have that superadded power "to meet the reasonable requirements of the traffic"?—I think the Corporation should say what the requirements are.

24. You are perfectly competent to decide that without the assistance of the Minister?—I think so.

25. I understand you have no objection to clause 4—that is practically the existing law?—Yes.

26. What have you to say about clause 5? What do you think generally is the effect of it?—Some of the provisions are unnecessary

27 Subclauses (*a*), (*b*), and (*c*) are transferring powers from the local authority to the Minister?—Yes, that is so.

28 Subclause (*d*): You have those limits in your Order in Council?—We have.

29. Do you approve of those limits being altered from time to time?—No, they are satisfactory as they are.

30. Now, suppose you are proposing to run a tramway, if the Minister in the Order in Council laid down speed-limits which would not allow you to make a profit on that line, you could avoid your financial trouble by not laying down the line?—Yes.

31 The Corporation could be financially ruined by the Minister, supposing it had to run four or five cars on a particular section?—Yes.

32 What would be the effect of giving unlimited power to the Minister to alter the limits of speed?—It might be disastrous to the Corporation

33 Subclause (*e*: What have you to say about that?—"Providing for the use of proper appliances and furnishings on carriages to insure the safety and convenience of passengers, of the tramway employees, and of the general public." I think the safety of the passengers is already dealt with, and the convenience is added in this Bill. With regard to the convenience of passengers, I think that is a matter which could be left in the hands of the owners of the tramways.

34. You think the City Council is sufficiently amenable to public criticism?—I think so.

35 Are you freely criticized in the Council?—Yes, by the Council and the newspapers.

36. Are all complaints in connection with the tramways carefully considered?—Yes.

37. I should like your opinion on subsection (2) of section 5 If any such regulation is inconsistent with the provisions of any Order in Council authorizing the construction and working of any tramway, then the regulation shall prevail, and the inconsistent provision in the authorizing Order shall be deemed to be revoked do you think the Minister should have such power as that?—No; I think the authorizing Order should be held to.

38. How much capital have we invested in the tramway undertaking in Wellington?—Over half a million.

39 That money has been invested on the faith of the existing Orders in Council?—Yes.

40. What would be the effect on your revenue if you were prevented from carrying as many people as you now carry in rush hours?—You mean if the cars were licensed to carry a certain number?

41 Yes, and if that number was adhered to?—We should have a loss on the present working.

42 Have you much margin at present to come and go on?—Very little.

43. Take clause 6 I should like you to explain what your views are in respect to the Appeal Board?—Well, at present all cases involving dismissal come up before me. I deal with the matter, and the man then has an appeal to the Tramways Committee. That, I think, has always worked satisfactorily The Tramways Committee always give the man a full hearing, and he is represented by the secretary of his union. If this Appeal Board were set up it would be taking the authority from the Council, and I hold that it would be disastrous to the working of the tramways, to the management, and to the men.

44. Now, have the Tramways Committee allowed any appeals?—Yes.

45. And does the man get a thoroughly fair hearing on every occasion?—I believe so.

46. Clause 9, 'Car report-book: What is your present system?—The present system is that we have a car report-book with detachable leaves. When a leaf is filled up it is taken out and passed on to the man who looks after the repairs.

47 Are those reports filed?—Yes.

48. Do you approve of your present system, or the one suggested in the Bill?—I object to a car report-book if the leaves are always kept in, and in which a man, before making a report, can read what the previous man has written about the car We had a book in the old days in which the men wrote down the reports of a car and we found that a man when he was reporting on a particular car would look up what had before been reported about the car—at any rate, a great number would do so—and would write down the same thing. The consequence was that we found a long string of reports about the car—the same thing happening day after day

49. Then I take it that you absolutely object to this clause?—I prefer the system they have in Auckland, where they have separate sheets for each car for each day The sheet is placed on the car in the morning, and each motorman, if in charge of the car, enters up what he thinks about the car when he leaves, and the sheet is handed in at night when the car goes into the shed.

50. In your service are these reports available to the men at any inquiry?—Yes.

51 You would have no objection to the reports being produced afterwards under any circumstances?—No, after the man has signed his report.

52. Your idea is to get a clear, unbiassed report from the man?—Yes.

53. Section 10, "Inquiries as to accidents": I think the Minister does hold inquiries now?—Yes.

54. Subclauses (3) and (4) of clause 10: I take it you do not approve of these because you do not approve of the certificates?—Yes.

55. As to section 12, you object to the licensing going from the local authority to the Minister, do you not?—Yes.

56. Clause 13, subclause (*b*): You have no objection to that, I suppose?—No.

57 There is nothing else in the Bill that you object to?—No.

58. *Mr Rosser*] I understood you to say you gave the men the benefit of the doubt in an appeal?—Yes.

59. In the first place, are the men called down? We call it "Please explain." Do they have to explain to the Manager?—The notice sent out to the man asking him to explain anything is sent out by the Superintendent, and afterwards forwarded on to me if the Superintendent considers it serious enough, otherwise he deals with the matter himself.

60. In the event of it involving suspension or discharge, to whom does he apply?—A man can only be discharged by myself.

61. Has he the right of appeal from you?—Yes.

62 To whom?—The Tramways Committee.

63. Then the Tramways Committee consider the case only from your report?—Yes, but the Tramways Committee have the man up before them, and witnesses are summoned.

64. That is practically the Appeal Board?—Yes.

65. You stated that you have already had some appeals?—A few, yes.

66. Have they been rectified?—Yes.

67 Then the Appeal Board did not sustain your decision?—That is so in some few cases.

68. Has the man any representative?—The secretary of the union has a right to assist him.

69. Was the secretary of the union allowed to state his case or only to advise him?—He acts practically as lay counsel.

70. Are you aware that if the Auckland tramwaymen had had an Appeal Board those two strikes would never have taken place?—I could not say

71 You are not aware of that?—No.

72 You stated that a motorman going to Christchurch from another centre would not require as much training as if he had been trained there at first?—No, but he would need a considerable amount of training.

73. Do you know that in training for the air brake, which is a new thing, it takes eight hours to pick it up?—It would take considerably over eight hours for a man to work the air brake properly

74. You consider that we do not give enough time?—You can learn to operate an air brake, but not properly, with only eight hours' training

75. Are you aware that the Sydney tramwaymen have an Appeal Board on the lines we are asking for, and have had it for many years?—I forget what the constitution of their Appeal Board is. I believe they have an Appeal Board.

76. With reference to the car report-book, did I understand that you had a car report-book in previous years?—Yes. That is, one with bound leaves.

77 How long has that been dispensed with?—Some time—I could not say exactly

78. How long is it since the Cuba Street accident took place—Hancock's case—is it two years?—Somewhere about that.

79. Was it not subsequent to the Cuba Street accident that the bound volume was dispensed with and the loose leaves instituted?—I could not say from memory

80. *Hon. Mr R. McKenzie.*] You say it is about two years since the Cuba Street accident occurred?—I am not quite sure about it.

81. If you are recalled here to produce definite evidence on that point, you will be able to give that information to the Committee?—Yes.

82 What are your principal objections to clause 3, "Inspection"?—I think it is quite unnecessary

83. Have you read the report of the last Royal Commission on Tramways?—I have seen it.

84. Before I come to that, were you one of the Royal Commission that reported on the Auckland trams?—Yes.

85. And you condemned the brake system there very strongly?—Yes.

86. If you look at page 6 of the report of the last Commission, under the head "Weighing of Cars," you will see in the second paragraph, "At Auckland, car No. 75 was found to weigh, when empty, 36,736 lb., as against 24,080 lb., its reputed weight, an excess of 52 per cent."?—Yes.

87 You know the system of brakes on the Auckland cars?—Yes.

88. Do you think that car would be a safe one to run on the Auckland tramway system?—When I was up there and tested the cars I considered the brakes were not strong enough.

89 You did not weigh the cars?—No.

90. My question is, If this car weighed when empty 36,736 lb. and was braked for 24,080 lb., do you think it was a safe car to run on the College Hill line?—The brakes would be rather weak, I should think.

91 If you were manager of the Auckland tramways, and knew that it was braked for 24,080 lb., would you run that car yourself?—It is a very hard question to answer.

92. I know it is a very hard question, but at the same time I want it answered?—I will put it in this way: that I would not have cared to run the Auckland cars with the brakes in the same condition as they were when I was up there.

93 That is a general case, and what I am putting to you is a specific case: If you were manager of the Auckland tramways would you consider yourself justified in running this particular car up College Hill or to Parnell? You know what the grades are?—I should be inclined certainly to strengthen the brakes.

94. Do you mean to inform the Committee that you would not take the responsibility of running that particular car until you had strengthened the brakes?—Yes.

95. In a case of that kind, if nothing is done, do you not think the Government should have the right to step in and say the car should not run until it was properly braked?—That is to say, the Government should have that power?

96. Yes?—They have that power now, I think.

97 As a matter of fact, we have not; but whether we have it or not, is it your opinion that we should have it?—Yes.

98. In that case, you recognize that the Government should have the power of inspection provided for in clause 3, and providing that it is used reasonably?—Yes, I say the Government have the power of inspection.

99. However, it is your opinion that we should have the power, whether we have it or not?—Yes.

100. You approve of the powers given in subclauses (*a*), (*b*), and (*c*) of clause 5?—I object to the clauses. With regard to (*a*), I say the Government have all the power now With regard to (*b*), I think the licensing of such carriages should be left in the hands of the Corporation, and the same with (*c*).

101 The Government license your carriages now?—They pass them every year

102. You cannot run them until they are passed?—No.

103 What about (*c*)?—With regard to (*c*), the Government have already prescribed the maximum number of passengers that may be carried on one route here; and that is on the Brooklyn line. But I do not think it is necessary that they should prescribe the maximum number of passengers that may be carried on other routes.

104. Take your palace and Hong Kong cars your conductors have to walk along on the outside footboard?—Yes.

105 Has it come within your knowledge that they even carry passengers on the footboards?—The conductors have strict orders that no passengers are to be allowed to stand on the footboard.

106. Has it ever been reported to you that passengers are carried on the footboard?—Not as a general rule. I have known cases where people have been standing on the footboard and have been ordered off.

107 Do you get them off?—I cannot recall any particular case.

108. Have you ever heard of accidents occurring to passengers or conductors through standing on the footboard?—There have been one or two cases where a conductor has knocked against some one who has been leaning out of the doorway, and has fallen off.

109 Do you think the Government ought to have power to prevent passengers being carried on the footboard, and to penalize any one who insisted on sitting or standing on the footboard?—The City Corporation already do that.

110. Have you power to take them to Court and punish them?—I would rather you put that question to Mr O'Shea. I believe we have. I consider we have power

111 Have you ever known of a case where the Wellington City Council prosecuted any one for standing on the footboard?—I do not think so.

112 Do you think the Government or the police ought to have power to prosecute such people, or to stop the car and make them get off?—The police already have that power, I believe, if the conductor applies to them.

113. Do you think the Government should have the power to order you to have other cars and to do away with those footboards altogether?—In Wellington you could hardly run any other type of car which would be convenient to the public. It is certainly more dangerous than a car in which a conductor has room to get about amongst the passengers.

114. Do you think the Government should have power to make the cars safe in that respect?—No, I do not think the danger is sufficient to warrant the Government interfering They use the same type of car in Sydney, and they are building others practically of the same type now

115. What clear space have you on the footboard of your cars if a lorry is going along on one side?—There is just enough room to pass, that is all.

116. And if a conductor or passenger is standing on the footboard he runs considerable risk of being knocked off?—Yes, but the motorman always rings his gong to warn the conductor when he is going to pass a cart or dray

117 You admit there is always a heavy risk when a conductor or passenger is standing on the footboard?—Yes, a risk, but not a heavy risk.

118. Now, with regard to subclause (*d*) of clause 5, the speed-limit?—That is already dealt with in our Order in Council.

119 I know, but do you exceed the speed-limit laid down in your Order in Council on any of your runs?—Undoubtedly, I should say in certain parts we do.

120. To run your ordinary time-table service the motormen have to overrun the speed-limit?—No, but they do it undoubtedly

121 Have you any speed-indicators on any of your cars?—Not for the use of the motormen. We have one speed-indicator, which we use for testing cars. We have not had it very long

122. You are having it so that the motormen can see what speed they are running at?—No. We got the instrument out for testing the cars.

123. Do you think it would be better and would increase the margin of safety to the public and motormen to have those speed-indicators?—Yes.

124. If any tramway concern refused to have a speed-indicator, do you think the Government should have the power to enforce it?—I take it that the owners of the tramways themselves would look into anything like that.

125 But they have not done it?—The speed-indicators, so far as we know about them here, are not altogether too reliable for constant work.

126. Are they better than no speed-indicator?—Yes.

127 Then, if they are better than no speed-indicator, should any person controlling a tramway system refuse to put them on? Do you think the Government ought to have the right to make them put them on?—I think that is a matter that should be left to the municipalities themselves.

128. If they refused, do you think the Government should have the power to insist on their being put on?—That is a matter which the Government should not take up at all. It is a matter for the owners of the tramways.

129 In the event of the Auckland, Christchurch, or Wellington tramway-owners refusing to put speed-indicators on their cars, do you think the Government should have the power to compel them?—No, I do not think it is necessary

130 You said it would increase the margin of safety both for the general public and the employees?—No, I said it would be better for the motormen on the cars to have them, but I do not think it would increase the margin of safety I should prefer to have the speed-indicators on the cars if the motormen could see what speed they were travelling at, but if a motorman is a good motorman, it would not increase the margin of safety

131 I am not going to pick out good motormen from bad motormen, I speak of the average motorman?—With the average motorman I do not see that this device would make it any safer

132 Then, if you say it would be no safer, why do you say it would be better on than off?—It would be better if you had it, because the motorman could see what speed he was travelling at, and could keep within his speed-limits.

133. If the people controlling the tramways refuse to put them on, should the Government not have power to compel them to do so?—No, I do not think it should, because I do not see how it makes the car any safer

134. Do you approve of the pressure-gauge on steam-boilers?—Yes.

135 Before we had the Inspection of Machinery Act in New Zealand, any one could use a steam-boiler without a pressure-gauge: would you approve of that?—No.

136. You have a precisely analogous case in connection with the speed-indicator on your cars?—No. I say the presence or absence of a speed-indicator would not affect the car, but the presence or absence of a steam-pressure gauge would affect the safety of a boiler

137 Take one of your cars coming from Brooklyn suppose one of the brakes missed, and the car started to get an excessive speed up, would not the excessive speed be shown by the indicator, and show to the motorman what action he ought to take?—No, he would know very well if his car was going too fast without a speed-indicator

138. How would he know?—He is on the car, and knows when he is going beyond his proper speed.

139 There is nothing to show him?—There is plenty to show him.

140. Do you admit that a speed-indicator is an advantage to a car?—Yes.

141 Under subclause (*e*) of clause 5 I think you stated that the public safety was sufficiently provided for by the Corporation?—Yes.

142 That is, by the management?—Yes, and the Government regulations.

143 Are you aware of the number of accidents they have had on the Auckland system during the last eight years?—No, sir

144. They had thirty-four fatal accidents, six serious accidents, and six slight accidents. During the same period you had only eleven fatal accidents in Wellington. If you consider the public safety is sufficiently provided for already by the management and the Government regulations, is there any reason, in your opinion, why there should be more accidents on the Auckland tramway system than on the Wellington tramway system?—Well, the Auckland brakes were weak for the cars, and in the Wellington system we had the magnetic brake, which is the most powerful brake you can get.

145 If you consider the Auckland brakes were responsible for that number of accidents, do you think the Government should have power to step in and say that those brakes must be dispensed with or improved?—Yes, but the Government have the power, have they not?

146. That is only after an accident occurs, not before. Subclause (2) of clause 5—what is your objection to that?—My opinion is that the Government have got sufficient power to provide for the regulations, and I think it is quite unnecessary to put that in

147. How many Orders in Council have you got?—Six.

148. Have you the same speed-limits in all of them?—No, I think we have an increased speed on the Miramar line.

149 What is your speed-limit to Karori?—I think it is twelve miles an hour

150 Suppose you found it advisable or to your advantage to increase that speed-limit to fifteen miles an hour, as you have on other sections, do you think the Government should have power to amend your Order in Council to give you the increased limit?—Yes, it is pretty reasonable, I suppose.

151 Now take clause 6 You inquire into all complaints at the present time in the first instance?—Yes.

152. And you employ the men?—Yes.

153 And if the men disagree with your decision they appeal to the Tramways Committee or the City Council, who are really their employers?—Yes.

154. Do you not consider they should have an appeal outside of their employers?—No, decidedly not.

155. I suppose you know something of the Public Service Appeal Board?—No.

156. Do you know anything of the working of the Railway Appeal Board?—No, I do not know the constitution of it.

157 You know there are such Boards?—Yes.

158. Is there any reason why your men should only have an appeal to their employers while in our service they have an appeal to the head of the Department?—What is the constitution of the Appeal Board you are referring to?

159. The constitution is precisely similar to that proposed in the Bill—that is, that the men appoint one member of the Board, the Corporation appoint another member, and the two combined appoint a third?—I do not think the power of dismissing a man should be taken out of the hands of the City Council.

160. It is not a question of dismissing them, it is a question of giving them the right to bring their case before an impartial tribunal?—I think the Tramways Committee is an impartial tribunal.

161 Have you any strong objections to this Board?—Yes.

162 On what grounds?—Because it means divided authority I think that, instead of weakening the authority of municipalities, their powers should be strengthened.

163. In many cases men in private employ have the right to take their cases to Court. A sailor on board a ship is not tried by the captain or the officers of the ship?—I am not acquainted with ships' procedure.

164. You object because it takes the power out of your hands?—It takes the power out of the hands of the municipalities.

165 And out of the hands of the Manager as well?—It would take a certain amount of power out of the hands of the Manager.

166. With regard to clause 2, what is your system of training your men before you make them motormen?—A conductor is put through a course of training in the shed in the use of the controller; he is also taught the various parts of the equipment, and after that he is put out with a motorman for a certain period of time. When the motorman reckons that the recruit is sufficiently forward, he reports about it, and the man is put through an examination. Mr Cable generally conducts the examination.

167 How long do you keep your men as conductors before you train them as motormen—what is the usual period?—It is a pretty long time now

168. A couple of years?—It would probably be more than that now

169. It would vary with different men?—Not so much that. Fresh motormen are only trained as we require them, and there are not many men leaving the service, and consequently the time the men have to serve as conductors is rather a long one.

170. What would you consider a fair and reasonable period a conductor should be kept on before being allowed to become a motorman?—About two or three years' experience as a conductor would be plenty

171 If clause 2 of this Bill were amended in the direction that a man going up for a certificate must show proof that he has served two years as a conductor, and also has had practical experience as a motorman before he applies to the Board, or before the Board could give him a certificate, would you have any objection to that?—I do not think it is necessary I think the present arrangement is quite good enough.

172. It might be satisfactory from the Manager's point of view, but not from the men's?—What is their objection?

173. You know that before a man gets a certificate as an engine-driver he must prove that he has had some reasonable training before being allowed to go up for examination?—Yes.

174. It is the same with an officer on board a ship, and with mine-managers or battery-managers. Before a man can get a certificate he must have worked five years in a mine. The same principle is applied here. They must prove service and competency before being allowed to come up. Would you have any objection then?—Yes.

175. Why?—I do not think it is necessary. I consider the present arrangement is better

176. Is your present arrangement not a somewhat haphazard arrangement?—No.

177 Suppose a man leaves here, would he be likely to get employment in Auckland or Christchurch?—I suppose he would stand his chance.

178. If there was a vacancy, would they be likely to employ him?—I think so.

179. Supposing a man came from Auckland or Dunedin, and you had a vacancy here, and that man applied to you, would you be likely to employ him?—No, because every man joining our service must join as a conductor That is to say, motormen can only be made from conductors.

180. Have you sent any clerks out of your office as motormen?—Yes, but they receive the same training as a student motorman.

181. What is that?—That is the training a man gets before he is made a motorman.

182. What does it amount to?—I think there were two or three clerks appointed. They had the same training as the motormen.

183. I want something definite?—They were put on with other motormen. First of all they were instructed in the use of the controller in the sheds, and they were taught the equipment.

184. Were they conductors?—No.

185. You told me just now that you would not employ a man that had not been a conductor?—I said we cannot according to our agreement with the union. A man has to join the service as a conductor before he can become a motorman.

186. How long has the agreement been in existence?—Two years come October

187 And since that you have not been able to employ any man outside?—We have not used these men as emergency men for the past two years.

188. *Mr Bollard.*] Do you think that under the examination conducted by the Government the examiners would be in as good a position as the municipality to find out whether they would make efficient motormen or not?—No, I think the examinations are better conducted by the municipality

189. You think you have a better opportunity of ascertaining the nerve and stamina of each man?—Yes.

190. What do you think would be the effect on the discipline if the Government set up an Appeal Board?—Bad.

191 *Mr Poole*] Would you be in favour of the Government granting a certificate of competency after an examination if, prior to that, the applicant carried a recommendation from the company or the system that he had worked under regarding his service and qualifications?—No; I am against the granting of certificates by the Government at all.

192. *Mr Luke.*] Do you not think there is a danger, providing the cars are installed with speed-indicators, of the motorman being led astray in watching the speed-indicator and the impetus of the car, and that it would tend to a greater number of accidents than happen at the present time?—No, I think the speed-indicators could be put in a convenient position for observation.

193. You do not think that, a man having his mind taken off through having to look at the indicator, it would tend to danger and more accidents?—I do not think so.

194. The present system of appeal that you have is satisfactory to the men, is it not?—I think so.

195. Have you any objection to the Appeal Board being set up by the Council, and to the men being represented on the Appeal Board?—So long as the Council manage the business themselves I see no objection to any Appeal Board they should set up, but I do not think the Government should set up an Appeal Board for the Corporation.

196. As a matter of fact, there have been cases before the Tramways Committee where the management has not been sustained as against the men?—Yes.

197 The Minister asked you questions in reference to the danger to conductors when standing on the side entrance to the cars. Is there not more danger with the cars here than there is in any other city?—Yes, owing to the narrowness of the streets. The motorman rings the gong to warn the conductor

198. Is it not almost the universal practice now to make that kind of car?—In Sydney they are using them. In the Old Country they use mostly the top-deck cars.

199 Are you aware that in New York they use this kind of car in the summer-time?—Yes.

200. The Minister (Hon. Mr R. McKenzie) says they are a different kind of streets to those in Wellington, but some parts of Broadway are no wider than Willis Street, and the traffic there is enormous Are you aware that in some of the States the cars are boxed longitudinally?—No. The danger, of course, arises from the narrowness of the streets.

201 In your opinion it would be a dangerous thing to give the Government the right to come in and cause the municipality to remodel the whole of their cars simply at the desire of the Minister who might happen to be in charge—it would be disastrous, would it not?—Yes.

202 In reference to the conditions the Government desire as to licensing cars: they are passed now by the Public Works Department at the initiation of the undertaking, are they not?—Yes.

203. The Department does not interfere with the overcrowding, does it?—No.

204. Could you finance the present undertaking if there was a limitation put on the number of passengers carried?—If we limited the number of passengers to be carried on the cars it would turn the small profit we are now making into a loss.

205 As a matter of fact, at rush hours it would impose inconvenient conditions on the public, and interfere largely with the financial position of the undertaking?—Yes, it would.

206 And in your opinion this dual control would not tend to the public safety?—No.

207 Is there any reason to think that the Minister of Public Works would bring into being an engineer with greater capacity and knowledge than those who now control the tramway undertakings—I mean, in the matter of inspection? Do you think that the managing engineers of the Wellington, Christchurch, and Dunedin tramway concerns have special abilities which have been grounded into them by special experience?—Yes.

208. Do you think the officer the Government might appoint for the purpose would be likely to have had the same opportunity of having been grounded in the experience and knowledge that accrue from managing such tramway undertakings?—He might be.

209 Do you think he would be as competent to carry out the system, to look after it, and to inspect it?—Yes. A man can always be replaced.

210. My point is this Would such an inspecting officer be better qualified to determine what is right in connection with the tramway undertakings than the man who is running the tramway?—He might be.

211 Would you be able to go to Auckland, Christchurch, or Dunedin, and put your finger on certain defects or suggest better conditions simply by a casual inspection of the undertaking?—I should not like to say

212. Would you be any better able to do so than the local Engineer or the Manager?—No, I do not think so.

213. You would be a stronger man, and the better engineer to say what was required, if you had experience of running the undertaking?—That would be a great help, certainly

214. Are you satisfied with the system of brakes we have in connection with the city tramways? Yes.

215 After the evidence tendered in Auckland are you of opinion that everything is provided for here to insure public safety?—Yes, I think everything is. Of course, as fresh things come out we study them, and if we consider them of any use we adopt them.

216. Are your brakes systematically inspected?—Yes.

217 *Mr McLaren.*] You take the motormen from the conductors?—Yes.

218. After what period of service are the men allowed to go up for examination?—It varies, as I have explained.

219 Take the average—what is the length of time?—The average at the present time would perhaps be four or five years, but at an earlier period of the service some of the men would have been conductors for only a very short time. When we first started, men were made motormen after serving for six months as conductors.

220. When the men have undergone their training examination, do you consider they should receive a certificate of competency?—It is unnecessary

221 Do you regard the position of motorman as one of considerable responsibilities?—Yes.

222 In regard to the safety of the public?—Yes.

223 And also of their fellow-employees?—Yes.

224. Would you consider the services of a motorman equally responsible to those of a driver of a locomotive engine?—Yes.

225. Why do you think that men who have undergone an examination and training for a motorman should not be certificated?—Because it is quite unnecessary

226. You say that under the present agreement with the Tramways Union the men must be taken from the conductors to fill the positions of motormen?—Yes.

227 That agreement only applies to one service?—That is all.

228. Where there is no such agreement in existence, what protection have the men who have been trained and examined against the competition of those who can be brought in to take charge without any such training?—That is not the system we have here.

229. When clerks were taken from the office to act on an emergency as motormen what period of training did those men undergo?—They went through practically the same course of training as the motormen did themselves—that was, they would be shown the car-equipment, taught to use the controllers, and be taken out with a motorman.

230. Those clerks were not at any time employed as conductors?—No.

231 They were simply put on as student motormen for a period?—Yes.

232. After what length of time?—They would probably be in training for about a month, or over; because the motormen would work an eight-hours shift right through in training, but when these clerks were trained they used to put in three or four hours every night, if I remember rightly Their training was spread over a long interval of time, because they did not put in eight hours a day as the student motormen did.

233. Did they have any training in the sheds?—Yes.

234. To what extent?—Exactly the same as the other men.

235. Now, with regard to the question of the Appeal Board: Do you consider the right of appeal that the men at present have to the Tramways Committee interferes with your management or control?—No.

236. Would it interfere any more with your control if the men had a representative of their own on that Appeal Board?—Well, I take it that that is a matter for the Council to decide, not me.

237 Can you see any reason why you should consider it would interfere with your control if the men had their own representative on the Appeal Board?—I think the Appeal Board as constituted at present is the proper Board.

238. Why? Is it because you consider the men have some representation there now?—The men have no representation on the Board, but are represented by the secretary of their union in an appeal case.

239. Do you support the present system on account of the men having a certain amount of representation as citizens through the Councillors? Where there is no kind of appeal in existence do you think the Government should have the right to demand that an Appeal Board should be set up?—I do not think the Government should interfere with the outside bodies. Let them manage their own business.

240. Your general objection to the Bill is that you consider it is interfering with the powers of the municipalities?—Yes.

241 And you think the whole of the service should be in the hands of the municipality?—Yes.

242. Where cars are being run, such as have been described, with footboards, and accidents occur, do you think the tramways authorities should have the right to continue that system of car to the danger of their employees?—I consider they should be allowed to run on. There is danger in everything You can hardly undertake any work without danger, and I do not consider it is especially dangerous for conductors, although it certainly is dangerous to some extent.

243 *Mr T E Taylor*] Have any recommendations you have ever made to your Council for improved equipment been refused?—No.

244. Has every application you have ever made for improved appliances been granted by the Council?—Yes.

245. Have there been any occasions in connection with your management of the tramways when you would have welcomed the assistance of outside arbitrary powers to enforce your desires against your employers?—No.

246. You never felt your powers were restricted in any way in anything you considered to be necessary for the public safety?—No.

247 In connection with the car report-book: you keep loose leaves—would it not be possible to keep a bound book, and make a counterfoil loose sheet, and only allow the bound book to be seen on appeal by the men? The reason you have the loose sheet is because you are afraid the men would look at the book in order to cover their own misconduct?—It need not be misconduct.

248. But they might frame their complaints in connection with some previous complaint—is that not your fear?—No. It is what happened.

249. Would that not meet the case, if the bound book were to be produced in the event of a case going before the Appeal Board?—All these loose sheets are kept.

250. Are you not aware that a few have gone astray on occasions?—No, I have never heard of such a case.

251 Is it your contention, generally, that the public safety and the reasonable requirements of the traffic are looked after as thoroughly by the official heads of the tramway systems as they could possibly be by any one appointed by the Government?—Yes.

252. *Mr. Mackenzie.*] You said that if a car was insufficiently braked it would be a proper thing to exercise some power under this Bill. I do not ask you to say it is so, but if that power already exists, then in your opinion there is no need for this Bill, and no other reason?—No.

253. *Mr Bollard.*] In the case of a private company carrying on a tramway undertaking, do you think the Government ought to have power to set up an Appeal Board?—No.

254. Why?—Because I think people should be allowed to carry out their own business.

255. *Hon. Mr R. McKenzie.*] In reply to Mr Taylor you stated that your general contention was that the tramway systems were as well looked after now as they could be by any Government inspection?—Yes.

256. Do you remember my travelling in car No. 75 in Auckland, and asking you whether, if you were manager, you would allow that car to run with those brakes on?—No, I would not.

257 How do you make both those statements read?—Mr. Taylor said 'generally"

258. You examined the Auckland tramway system about two years ago?—Yes.

259 And you recommended many alterations then?—Yes. The brakes in Auckland, I understand, have been much improved since the time we were there.

260. But the brakes are the same?—There is no radical alteration made in the brakes.

261 Supposing you were appointed Government Inspector of Tramways throughout this country, with your past experience is there anything you would recommend as an improvement, say, on the Auckland system?—Of course, you can very often go into another system and introduce your own system, or you might give advice.

262. A Government Inspector would be a free agent and could express a free opinion?—Yes.

263 Acting as a free agent, was there anything that you could recommend from your experience at the time you examined it?—There was.

264. In reply to Mr. McLaren you said you did not consider a motorman, after he had put in the necessary time, was entitled to a certificate?—I said it was not necessary

265 Do you consider it necessary to give a blacksmith a certificate after he has served his time?—I should not think it necessary When a motorman leaves the service he gets a certificate—a certificate stating that he has served as a motorman for so long

266. When Mr. Luke trains a blacksmith he gives him a certificate saying that he is a qualified blacksmith, and it is the same with the bootmaker?—The men do get certificates when they leave us.

267 Your statement just now was that you did not consider it necessary?—Not when the man was in the service. The question Mr McLaren asked me was whether a man should receive a certificate, and I said "No, I do not think it necessary" These men get certificates when they leave us.

268. Have you ever refused a man a certificate?—No, but we have a special form if the man is unsatisfactory That is, we do not state anything further than that he has served so long.

269. You stated that the present appeal in Wellington is satisfactory to the men?—I said the present appeal was satisfactory

270. *Mr O'Shea.*] In reference to what Mr Luke and the Hon. Mr McKenzie asked you, you know there are four different large tramway centres in the Dominion?—Yes.

271 Wellington and Dunedin use the same kind of brakes, in Christchurch they use the air brake, and in Auckland the slipper brake and hand-brake. There are three leading officials in each centre who have separate work and line of occupation: do you think it is possible that any one man appointed by the Government could go through the Dominion and have the same knowledge and ability that these twelve men have combined together? Do you think it possible for the Government to get such a man even at £2,000 a year?—I think it is possible to get such a man. You cannot say that a man cannot be replaced.

272 Could you get a man equal in knowledge to the combined knowledge of those twelve men?—I should not like to say you could not.

273. The Commissioners put it in this way: "In these circumstances, the Commissioners are of opinion that if further legislation, necessitating closer inspection, be introduced, it is desirable that any inspector appointed should be an electrical engineer of high qualifications and extended experience of tramway-working, whose professional status should be such that his assistance would be welcomed by executive tramway engineers." How much would it cost to get a man like that?—I could not tell you.

274. *Mr McLaren.*] You know that certificates are granted in such services as locomotive-driving, engines and boilers, and for seamanship: do you know of any service where the certificate is granted only when the man is leaving his employ?—No.

275. You know of no such instance?—I cannot call one to mind.

276. In the case of a man leaving the tramway service and getting a record that he had only been so long in the service, would not that certificate indicate that he had not been properly trained and examined? It would simply indicate that he had been employed?—Yes. If he was in the service as a motorman, and left, the certificate of service would appear on it, the time the man had served as an ordinary conductor, a first-class conductor, as an ordinary motorman, and as a first-class motorman, and it could state whether his conduct was good, and the reason why he left the service. That, surely, is a sufficient certificate for anything A man would not be employed as a motorman unless he was properly trained.

277 May not the testimonial merely stating that the man has served so long indicate that his services were unsatisfactory—or hint at that?—If a man is unsatisfactory he is dismissed, but he still gets his certificate of service. This is a different form from the other one, and no mention is made on this one of his conduct. It merely states that he has served so long.

MATTHEW CABLE examined. (No. 23.)

1 *Mr O'Shea.*] You are Assistant Engineer to the Wellington City Tramways and Electric Lighting Department?—Yes.

2. How long have you been Assistant Engineer and Manager of the Electric Lighting and Tramway Department?—Since May, 1907.

3. What previous experience have you had in electrical tramways?—I was Assistant Engineer at Reading, England, for the period of twelve months. Previous to that I was an engineer in the same service for two years and a half, and had experience with the Brompton and Kensington Electric Supply Company, London, and also at Siemens Bros., Woolwich.

4. You have had about twelve years' experience in the electrical working of tramways?—Yes.

5. You have knowledge of the tramway systems at Wellington, Christchurch, Dunedin, and Auckland?—Yes, the four principal systems.

6. And you attended the last Brakes Commission in Christchurch and Dunedin?—Yes.

7 You saw the tests made there, and examined the plant and equipment thoroughly?—Yes.

8. You have read this Bill?—Yes.

9 From what you know of the Christchurch, Wellington, and Dunedin systems, is there any necessity for this Bill?—I see no necessity for it.

10. Do you think the Government interference that this Bill sanctions is going in any way to promote the safety or convenience of the public?—No.

11 What do you think will be the effect of a Government certificate being granted to motormen?—It is not necessary so far as Wellington is concerned.

12. You personally conduct the examinations of the men here?—Yes.

13. Will you tell us the procedure you go through in deciding whether a man is fit to be a motorman or not?—A conductor entering the service is ranked as third class, and after twelve months' service, if he has a good record, he is promoted to train for a motorman. After he has had some experience in driving and when he considers he is fit to handle a car in the case of an emergency, he notifies the Traffic Superintendent, and the latter gives him an examination on a car This examination is only to qualify him to handle a car in a case of emergency—he does not receive a license. If he passes the examination he is put on as a second-class conductor When we require second-class motormen we appoint the senior second-class conductors, and put them through a severe course of training, which generally lasts for a period of three weeks. The man drives a car in traffic, and goes over the principal routes with a picked motorman, he receives instructions at the car-sheds in a room fitted up for the purpose, and all the apparatus is explained to him by one of the officials. He also goes through some instruction in applying brakes when a car is running backwards down a hill, and so on. When the Motor Instructor considers the man has received the necessary instruction he fills in a certificate. This certificate is first addressed to the Motor Instructor, asking him to give the man a course of instruction, and he reports to the Engineer and Manager the result. [Form put in.] The student motorman also signs the form after the words, "I acknowledge to have been thoroughly instructed in all the duties of a motorman."

14. Then you conduct a personal examination of the man?—Yes. I only take two men on a car at a time. A man is tested both on the flat and on our steepest grade with the various brakes. After I have completed the examination of the men on the road I take them into the car-shed and give them a theoretical examination, which to a great extent is to make sure that they understand the details of the equipment, so that in the case of a defect showing itself, such as a burnt-out motor, they know exactly what to do. This is done to minimize delays on the road. If a man passes both the theoretical and practical examination I indorse the form, and state that he is fit to be placed on the list of first-class conductors. A first-class conductor is available to go on as a motorman or as a conductor These first-class conductors may act alternately as motormen or conductors for six months or more, and during this time we have opportunities of seeing how they behave, and if satisfactory we promote them to fill vacancies in the list of motormen.

15. During the whole of the time a man is a first-class conductor he is under your personal supervision and that of the Traffic Superintendent, and traffic and other inspectors?—Yes.

16. And you keep close scrutiny on his character all the time?—Yes.

17 Do you think the Government could carry out an examination similar to that?—They could certainly carry out an examination, but their Inspector would not have any actual knowledge of the man's fitness. A man must have nerve and good judgment. If we have a man twelve months in the service as a conductor we have opportunities of judging what the man is like which a Board of Examiners could not have. Perhaps there is no class of work which reveals a man's characteristics so well as in a tramway service. I consider this a most important point, and in the case of a Government examination, their official would be totally ignorant of an applicant's temperament—he would be simply able to pass him on his knowledge. We know that there is a percentage of men who are totally unfitted to be motormen, and we have conductors in our service who are quite unsuitable for the position of motormen

18. What have you to say with regard to clause 3?—In the Report of Municipal Tramways of Great Britain they specially point out that "The supervision of the training of drivers should, where practicable, be done by one man, in order to secure uniformity Periodical testing (medical and practical) of men is a necessity of safety" In the first place, under this clause this uniformity could not be obtained. I understand the certificate would be uniform for New Zealand. Well, it would be impossible to have this uniformity of training unless you had a Government man set apart to do all the training. Before leaving London I visited the North Metropolitan system, and I found that they were carrying out a periodical examination of their drivers, and removing men who lacked efficiency It would be necessary for the Corporation here to remove a man if found unsuitable even if he held a Government certificate.

19 Can you tell us why these men want Government certificates?—It is clearly set out in the evidence of the motormen before the Committee which reported on the last Bill. I understand that they realize that the present examination is a very stringent one, and provides for an ample degree of public safety, but they say it is possible under the present system for the management to disrate them, whereas, if they have Government certificates, it will be impossible for the Corporations to interfere with them. With our present system of dealing with the men we are in a position to reduce them in rank, to give them a temporary reduction, and perhaps to suspend them. With regard to reduction, the men feel it very keenly; but, once a man is reduced, he takes very good care in the majority of cases not to commit himself again. My opinion is that this is one of the chief factors in minimizing the number of accidents in Wellington.

20. Do you think the issue of these Government certificates would militate against the discipline in your service?—Yes. I am sure you could not get the same degree of safety

21 Dealing with clause 3, "Inspection of tramways," what have you to say about that? What have you to say to these words: "to meet the reasonable requirements of the traffic"? Do you think the Ministers should have that power?—That clause gives immense power, especially in New Zealand. In England there is no rush of traffic to be compared with that of the colonies. It would be practically impossible to provide sufficient seating-accommodation at every hour of the day, such as a crowd coming from the opera, or on holidays when there is anything special going on. In order to enable you to do so you would have to keep a large number of cars stored in the town.

22 Do you think the municipality or the Minister is the better able to judge of what is necessary to meet the reasonable requirements of the traffic?—I should consider the municipality the best judge so far as Wellington is concerned.

23. There is nothing wrong with clause 4, is there?—I see no objection to that clause.

24. What have you to say about clause 5, subclause (*a*)?—It appears to me to be unnecessary

25 You have a system of inspection of your own?—Yes, a very rigid inspection.

26. Is it efficient?—Yes.

27 Could the Minister establish any system of inspection equally efficient without having the same staff as you have at the car-shed?—No, I think not.

28. Subclause (*b*), "Providing for the licensing of carriages," and subclause (*c*), "Prescribing the maximum number of passengers that may be carried on any carriage on any particular route or grade" If our present system of loading at rush hours were hampered at all by Ministerial interference, would it not affect the finances of the Corporation?—It would be impossible to make the service pay We should practically have to double the number of cars if passengers were to be provided with seats on every occasion

29. You would either have to increase the fares, strike a rate, or lower the wages?—We should have to both increase the fares and lower the wages.

30. Or strike a rate?—That is so.

31. What have you to say as to subsection (*d*)? That is already provided for in New Zealand, is it not?—Yes.

32. Is it, in your opinion, right that the Minister should have power to vary the speed-limits once an Order in Council is granted?—I think not. The conditions remain the same in any particular grade.

33 Supposing your speed-limit was ten miles an hour on a certain route, and it was reduced to eight miles, it would probably require another car to be put on, would it not?—That is so.

34. If you were contemplating laying out a tramway for a city, would you not base your calculations as to the number of cars you would have to run on the speed-limit set out in the Order in Council?—Yes, that is so.

35. And your report to the Council would be based on the figures given in the Order in Council?—Yes.

36. That would be the financial basis on which your fares, and so on, would be established?—Yes.

37 Then, what have you to say about subclause (2) of clause 5, which states that these regulations shall override the Order in Council? In your opinion is it right that an Order in Council should be interfered with?—No, not after it comes into force.

38. When that Order in Council is dealt with it goes before the Public Works Department, the Electric Telegraph Department, and the Crown Law Office?—Yes, so far as I understand. I am not acquainted with the exact routine.

39. You know that all the ability the Government Departments can afford is applied to discuss the Order in Council before it is granted?—I believe so.

40. What have you to say with respect to the Appeal Board?—Speaking from a Wellington point of view, I see no necessity at all for it. The Tramways Committee of the Corporation form the Appeal Board for Wellington. My experience has been that the men practically in all instances receive the benefit of the doubt, and from my point of view I think the members of the committee err on the side of leniency

41 Do you think the establishment of an outside Appeal Board is going to affect your discipline and general control of the tramways?—Certainly

42. Do you know of any such Appeal Board in existence anywhere, where the third party has to be appointed by an outsider?—No. I know the Cape Government have power to step in, but only in the case of an accident.

43 You know that there is the Government Railway Appeal Board?—Yes, but I am not too familiar with its workings.

44. There the Minister keeps control of the Appeal Board with the right of veto?—As far as I am aware, he has that power.

45. Clause 7, "Plans, &c., to accompany application for Order": That is the existing practice, is it not?—That is so.

46. Clause 9, "Car report-book": What is your view on that?—We have introduced the loose sheet, and it has been a great improvement in the reports as to the nature and working of the cars. Under the old system it frequently happened in the case of men who paid little attention to the working of their cars—and, unfortunately, there is a considerable number of such men in every service—that they simply looked up the previous report on signing off, and made a similar entry We found in many cases that a car would be booked up with some slight weakness every day for a week perhaps, until some man who took an interest in his work and was observant would make a different entry Every evening when the cars are running into the shed, from 11 o'clock to half past 12, the car-shed foreman is waiting for particulars of defects, in order to allot the work to his various repair-men. When the book was in force it was necessary for him to wait either until all the cars were in, or to go over to the book and try to obtain the information while the motormen were making their entries, and it frequently occurred that friction arose, and the repair staff were unduly delayed. It is most essential that the repair staff and traffic staff should be independent, and there should be no necessity for them coming into contact. Under the present system, immediately the sheet is filled up it is removed by the car-shed foreman In the morning the man who repairs the car puts his initials to the sheet, and the Car-shed Superintendent looks through all the sheets after 9 a.m., and sees that everything has been properly attended to. In the case of the book, it was necessary for the Car-shed Superintendent to remove it to his office for inspection, and frequently a motorman taking in a car would be unable to make an entry If the book was required at the head office a special messenger was generally sent down with it, and he would wait for the official to deal with the case, and perhaps the best part of the forenoon would be wasted. During this time the motormen would either be making entries on loose pieces of paper or omitting to report their cars. We are opening our Thorndon shed shortly, and it would mean in that case that the book would have to be sent up from Thorndon to Newtown in order that the Superintendent could inspect it, or that he would have to make a trip down to Thorndon himself to inspect it there. It is most essential that the men should give clear and distinct statements of defects in cars. We know that the present system has greatly improved the nature of the reports. A man frequently writes "Crook" against a car, and when the man in the car-shed receives this report he has to examine the whole of the car thoroughly, whereas if he were notified that some particular thing was out of order he could get to the trouble at once. The present system tends to a higher efficiency We have certainly found the reports to be much better, because when a motorman goes to a blank sheet with nothing to refer to it makes him think, and he gets into the habit of paying more attention to the working of his car I might say that motormen have in the past made statements that in some cases after entries were made the defects were not attended to. Now, under our present system, the Car-shed Superintendent realizes his responsibility, and takes very good care that no car is allowed to go out with any defect. He also realizes that in the case of any accident or inquiry these sheets can be called for The sheets are all numbered and filed, and if a motorman or the secretary of the union has any good reason to ask to see them, we have no objection to them examining them, and in case of any inquiry these sheets would be open for inspection.

47 It has been stated that this loose-sheet system was started after the Cuba Street accident, for the purpose apparently of preventing men getting information as to the condition of cars prior to accidents. Is there any possible truth in that?—It was introduced over a year ago, but not for any such reason whatever I might say that in the English systems that I have had experience of there generally was an official stationed at the entrance to the depot, and he asked each motorman if he had anything to report against his car That system is not so good as the present system, because we compel every man to make an entry, and to state whether the car is in good order or otherwise.

48. This loose-leaf system is pretty generally adopted throughout New Zealand?—Yes, and we shall probably improve on our present system by introducing a sheet for each car

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TUESDAY, 30TH AUGUST, 1910.

MATTHEW CABLE further examined. (No. 23.)

1 *Mr O Shea.*] Mr Richardson was questioned about speed-indicators, Mr Cable: what is your opinion about the use of those machines on tram-cars?—My views are identical with the recommendation of the Board of Trade, that every system should have several cars fitted with indicators to give the motormen some idea of speeds.

2 That is the opinion of the last Brakes Commission?—Yes.

3. Do you consider that these speed-indicators should be used regularly on the car?—No. In the first place there is no suitable instrument in the market. About eighteen months ago one of the leading firms of Great Britain sent out a notification that they had a suitable instrument, and we wrote Home in July last to our representative in London, who is a member of one of the largest firms of consulting electrical engineers in Great Britain, asking him about it. He immediately took the matter up with the makers of these instruments, and they were prepared at that time—at the end of last August—to supply an instrument when he wrote from London; but the following mail we received a letter, dated the 1st October, in which he states that they wrote him as follows: "With reference to your letter of the 21st September, we are sorry to have kept you so long waiting in this whole matter, but we have been experimenting with a good many speedometers on

tram-cars, and we write now to say that at the present moment we are not prepared to supply them. The difficulties of the driving mechanism are so great that we do not feel justified in supplying any equipment of the sort until we have more evidence about the sets still being carried out." Our representative made further inquiries of another firm, and they were prepared to supply instruments. Immediately on receipt of his communication we wrote asking him to send two, and they arrived here early this year. These instruments were used in all the tests which the Commission made in Christchurch and Dunedin. After the tests were carried out at Christchurch the indicators were tested at the Canterbury College, and it was found that they were three miles out at a certain speed. We wrote to London pointing out this incorrectness, and they sent a reply stating that practically they could do nothing better with that type of instrument, which, I may say, was of the magneto type. But they stated they were prepared to supply an instrument driven by a belt. We have written stating that a belt arrangement would not be suitable for our purpose. It might meet ordinary testing cases, but it would be almost impossible to keep a belting apparatus in perfect order I am aware that speed-indicators are fitted to motor-cars.

4. *Mr T E Taylor.*] From the axle?—In some instances they are connected to the axles with flexible shafts, and in that case, of course, the shafts are very short. A motor-car has wheels which are cushioned, and it is very different to the work required in a tram-car Even if we had a reliable instrument it would not remain reliable for any length of time—the heavy jar would simply knock the instrument out. It would be necessary to recalibrate the instrument at frequent intervals, and we should have to keep a skilled man on the staff to do nothing else but this. In regard to the particular instruments we have at present, we wish to keep them for testing purposes. When putting students through their examinations recently I have had the indicator fitted on the car to give them some idea of speeds. Further, if you put indicators on the cars you would still have reckless motormen—men who take risks late at night, when it is impossible to watch them. To prevent that sort of thing it would be necessary to fit speed-recording instruments on cars. I am aware that there are first-class instruments on the market, such as the Boyer Speed-recorder, and I believe the Railway Department has some in use. The price would be about £90 per car, in order to provide an indication and record at both ends of the car. Recently in a number of English systems meters have been adopted with a view to checking the motormen, and in recent technical journals a large amount of space is occupied by writers dealing with these meters, and the saving of current they effect. In some instances it is stated that the current is reduced by 13 per cent. We have just received one in Wellington of the latest type, and the whole of the instrument is carried on springs inside a case. They fully appreciate the difficulties in getting an instrument that will stand the severe jars which occur on a tram-car

5. *Mr O'Shea.*] If these are put on every car in the ordinary working, what will be the effect on the car and on the motorman?—In the first place, the speed-limit in Wellington is fifteen miles; and I should like to state that in London at the present moment—that is, the London County Council and the United Tramways system—also the Leeds tramways, Rochdale, Nottingham, and a host of other systems I could mention and have the particulars of—the Board of Trade allows sixteen miles an hour As you are aware, the Board of Trade is very particular regarding public safety, and allows no risk whatever in those large cities. When you take into consideration parts of London, such as the Old Kent Road, and, apart from the immense traffic, the greasy state of the roads—as you are no doubt aware the Kent gardeners convey their produce up the Old Kent Road, and it is generally in a very greasy condition—surely in places like Wellington—especially clear of the heart of the city—the speed-limit should be something more than fifteen miles.

6. Do you consider we have a very stringent speed-regulation to work under?—Yes. In Manners Street we are supposed to run at six miles an hour Now, any one with an elementary knowledge of tramway equipment must be aware that there are only two speeds which a car will run on the flat. The attempt, therefore, to arrive at these varying rates of speed would mean that the motorman would be continually switching on and off, which would be ruinous to the equipment, greatly increase the consumption of current, and at the same time be very disturbing to the passengers, for the simple reason that the speed would be rising and falling in the attempt to get down to the various stipulated speeds. There is another point I will quote a London paper, the *Tramway and Railway World* for February of this year, dealing with attempts to limit speeds: "There is no need to elaborate the many obvious ways in which tramway-users are prejudiced by unnecessary speed-limits, but among the less easily discerned drawbacks is one which deserves attention, and this is the irregularity of service which must necessarily result when a limit of speed which is fixed too low is rigidly enforced. Under such conditions all cars will be run at the full speed between stopping-places. The impatience of the passengers demands no less. But should any car be momentarily delayed owing to some accident or obstruction, its headway is permanently increased for the remainder of its journey, because it is disabled from reducing its headway to the proper distance by temporarily increasing its speed. Having now a larger headway, it is likely to find more passengers awaiting it, and to be stopped more frequently and, as the headway of the succeeding car becomes less, opposite conditions must apply until the two are running close together at a speed, stops included, which is less than would obtain if distances had been kept. Thus the cars tend to go by in groups. Irregularity of service must always mean loss of time to the customers of a tramway; and the sight of tram-cars passing in groups is a frequent cause of sarcastic comment on the part of bystanders, usually directed at the management, when often it is due to the conditions under which the management is unfortunately compelled to work." In Wellington that has been particularly the case, and we have had frequent complaints from members of the Tramways Committee about cars tending to bunch, while in drawing up time-tables we have been greatly inconvenienced by trying to obviate this. For instance, we have to arrange that, as far as possible, every regular car leaving Lambton Quay Station is spaced at about two-minute intervals. Then when the cars reach the Royal Oak corner we have again to consider the cars that

are running through to Jervois Quay and Lambton Quay, and arrange for the cars to be spaced again. In doing this we have in some cases to allow time at the termini which would be better spent in the running, and this alone causes a great deal of inconvenience and expense. On a wet night the trouble is greatly accentuated, especially in the case of decker cars, when there is only one exit. The great difficulty, in my opinion, is not in the speeds, which are necessarily due to the time-tables, but ever since I have been here the difficulty has been to prevent men running ahead of time; and the Corporation, with a view of doing this, have been put to considerable expense in providing Bundy recording-clocks. At the present moment we have half a dozen of these clocks, which cost over £25 each, and we have one man working on the records alone, independent of the man who removes the records and winds the clocks. The difficulty has not been in men running late, because I know of no instance of a man having been reprimanded for being behind time, but our records are full of instances of men having been warned and cautioned for running ahead of time. In outlying districts men at night take these risks. I have a record here—it was not brought for this purpose, but it is the case of a man driving at an excessive speed down Constable Street. The car ran down there at a terrific pace, and the Inspector happened to be there and saw it. No Government inspector could prevent this, because you would never get a Government inspector to go out late at night to watch these cars. It is a case of strong discipline.

7 I take it that from your point of view the speed-limits in the Order in Council are very low, and that you never caution or punish a man for running behind time?—That is so.

8. Do you think the presence of these speed-indicators on the front of the cars would endanger the lives of the public?—There is this point to be considered: Many of the motormen would get into the habit of gazing at the face of the indicator rather than keeping a good lookout in front of their cars.

9. Would it not be a danger if any motorman might be looking at the clock, whereas, if his gaze was in front of him, he might avoid an accident?—Yes, we have had occurrences where, if a man's attention had been distracted for an instant, there would have been fatal accidents.

10. Do you know that Judge Williams has laid it down that it is the duty of motormen to keep watching ahead all the time?—I am not aware of that, but I think anything to distract the motorman's attention is to be strongly condemned.

11 What, in your opinion, would it cost the Department to carry out the provisions of this Bill?—Taking it for granted that a highly trained man is to be appointed, such as an engineer having had experience as a Board of Trade Inspector or a manager of a first-class English system, the Government would not secure his services under £1,500 a year The man who went out from England to Johannesburg to manage the tramways there got £1,500. Allowing £1,000 purely for office and travelling-expenses, the appointment of an inspector would cost the Department £2,500 annually

12 How many cars are there in New Zealand?—There are not 270 electric cars in the whole of New Zealand, and I should say there are not more than 200 cars running a full day's service of eighteen hours.

13. How many have we in Wellington?—We have probably seventy-two at rush hours. This means, therefore, that you would have to deduct £12 annually from the revenue of each car to go to the support of this official inspection. In the case of systems like those of Leeds and Sheffield, they have 270 cars, and they are comparatively small systems in England. If you consider the system around Manchester, the Corporation alone has 600, and in the streets of Manchester you will also see the Salford and Oldham cars passing through the city in accordance with the through-running arrangements which exist there, and I have no recollection of a single serious accident happening in that great centre—a result which I put down to the fact that strong discipline is maintained there.

14. *Mr. T E. Taylor*] Sixteen miles is the Board of Trade limit?—I am not certain about Manchester The London County Council were allowed to increase the speed to sixteen miles a few years ago.

15. *Mr O'Shea.*] I understand that the London County Council has instituted an Appeal Board: have you any information on that?—Last year the London County Council brought out a scheme of conciliation and arbitration for the settlement of questions affecting their tramway employees. I have particulars of it in the *Light Railway and Tramway Journal* for December, 1909. Boards are set up for the different departments, and deal with all questions relating to wages, labour, and the conditions under which the men work, but it is distinctly set out that these Conciliation Boards will not interfere with the management or discipline of the system.

16. Are you from time to time making improvements in your plant and in your permanent-way?—Yes, in all directions. Recently there was an instance where I considered a danger existed. Up to recently there was no stop outside of Kilbirnie at the top of Pirie Street. The Public Works Department did not require a stop, and there was no stop of any description there. I was aware that cars ran out of the tunnel at a rather high rate of speed down the Pirie Street grade, which is 1 in 12, and therefore recommended to Mr Richardson that a compulsory stop should be placed at the top of the hill, just where the cars come out at the tunnel, in order that the brakes should be tested before commencing the descent. A fortnight ago, or a little over, we removed the centre poles at the Basin Reserve to allow a free avenue leading to the new residence of the Governor and to minimize the liability of accidents to vehicular traffic. That was carried out at the expense of the department. Span-wire construction has just been introduced along Thorndon Quay, and we are moving the whole of the centre poles along Oriental Bay. To remove these poles represents hundreds of pounds. At the time the Brakes Commission sat we had no information practically about the new skidding-proof arrangement. But during the time the Commission was sitting in Auckland the first paper dealing with the subject was being read in London before the Institute of Electrical Engineers. Immediately on my return to Wellington from Dunedin—on the very day—

I received a paper from London containing a brief abstract of this paper That was on a Friday, and on the Monday we cabled to London asking for a set of these solenoids to be sent out. They are due in Wellington to-day, and we intend to test them immediately. If satisfactory we shall install them on all our large cars.

17 As a matter of fact, there is nothing which comes out in the technical magazines that is any advance in tramway machinery which is not tested in Wellington?—Nothing that seems to be a decided improvement.

18. *Mr Rosser*] I understood you to say on Thursday morning, Mr Cable, that before a man is taken into your service he is required to have a good character? Yes.

19. How far back do you require the character?—We have no stipulated period. We generally require two or three references from people of standing

20. Not so far as the Auckland company requires, which is ten years?—No; if a man's papers are satisfactory, that is all we require.

21. Seeing that you require a good character from a man, is it not fair to the man that he should have an Appeal Board in order that he can protect his character?—No, I think not. It is not necessary, in my opinion. If only total abstainers were allowed to handle cars in the Dominion, as is the case on some systems in America, the number of appeals here would be reduced.

22. That might be so in America?—Here is a case where a letter was sent recently to the Town Clerk by the secretary of the Tramways Union stating that he was directed to state that the executive had decided to appeal against the decision of the Tramways Committee not to reinstate a certain conductor, and the following is an extract from Mr Richardson's report on the case in question: When Inspector ——— boarded a Thorndon Quay car shortly after ——— on the ——— instant, he found Conductor ——— in a state of intoxication, and quite incapable of looking after his car The Inspector took charge of the car The conductor admitted next day that he had been intoxicated and incapable."

23 That is not the usual character of your appeals?—Leaving out the last committee meeting, I think the previous committee meeting must have been occupied three hours with a case in which a conductor allowed a woman to ride about in his car without collecting a fare. The officers of the department—the Traffic Superintendent, Mr Richardson, and myself—have a great deal of work in dealing with these appeals. Very often there are reports and plans to get ready, and as a result we have no leisure to attend to important engineering matters, in consequence of our time being occupied dealing with these cases.

24. We do not wish you to waste your time over such matters, and if one of our representatives were on the Appeal Board, men of that description would receive very short shrift?—In the particular case referred to, the Tramways Committee spent two solid hours over it.

25. Do you not think it is only fair to a man who has been unjustly accused to have an independent tribunal to consider his case?—No, for the simple reason that I do not consider the officers unjustly charge any man.

26 I notice you say that it would be impossible to remove a man with a Government certificate—that is, if this Bill goes through in which a motorman receives a certificate by service or examination: is there any difficulty in removing one of your firemen in your power-house who has a driver's certificate?—If the Government refused to take away the man s certificate it would be practically impossible to dispense with that man.

27 Have you ever dispensed with any of your firemen in the power-house?—I am not aware of any case since I have been here.

28. Do you think it would be possible to do so if they have a Government certificate? Supposing a man was lazy, would you dismiss him?—I have been referring to qualifications.

29 In what way is the setting-up of an outside Appeal Board going to affect the discipline of the service? Give me your opinion based on your experience?—Say there was the case of an accident: these appeals are practically inquiries: you would have a motorman and a layman perhaps sitting on that appeal.

30. With a third person?—I am taking him as a layman Take the case of one—the motorman who gave evidence before the Committee dealing with the last Bill. That particular motorman on the night of the Cuba Street accident pointed out to me that brake-failures were practically unavoidable, and stated that even Lord Kelvin had said that electricity might be right at one moment and fail the next. I do not think that a man holding such ideas is fit to sit on an Appeal Board which has to deal with accidents.

31 That is the only way in which it would affect the discipline of the service?—I am of opinion that it would practically break down all discipline.

32. You say you know of no Appeal Board in existence are you not aware of one in Sydney on the same lines as is proposed in this Bill?—At present?

33. Yes?—I understand they had a conference over the recent strike. There it is a Government tramway system, which is a very different thing from a municipal undertaking

34. There is a representative of the employees, one from the Government, and a third person to act as Chairman?—Their system is practically the same as the Government Railways here.

35. Then you are aware that there is an Appeal Board in Sydney?—I was not aware of that on Thursday

36. You consider that the loose sheet is a great improvement in connection with the car-reports?—Yes, I do.

37 Is there any connection between the book being taken away and superseded by loose leaves and the Cuba Street accident, or is it a coincidence?—It is a coincidence. The alteration was in view previously We intend to do away with the present system as soon as the Thorndon Car-station is finished, and we shall then have a single sheet for each car In Wellington a man takes out a car at 6 o'clock. The car is running until, say, 9 30, and a meal-relief man comes on. He takes the car, say, up till 10.30. Another straight-shift man then takes the car until, probably,

3 o'clock, when a straight-shift man takes it over until the change of shift about 7 p.m., when an afternoon-meal relief man takes the car over for an hour, and then another straight-shift man continues the car, perhaps, until 11.30. Now, with the present system you have only one entry for the morning shift, and that is by the man at 3 o'clock, and one for the evening shift, when the car enters the shed about midnight. In Wellington we are losing hundreds of pounds annually due to small defects, such as broken windows, steps, and so on, which are never reported, and it is practically impossible to discover who is responsible for the damage. The men may break a piece off the step of a car or the glass shield, and never report it.

38. It is their place to report it?—Yes; but if it is a small thing he says that no one has noticed it, and he will not report it. Under the single-sheet system the man who takes the car over will take very good care that anything like this is reported.

39. Do you remember whether you got that idea from Auckland—that is, the bound book?—Yes, it was introduced in Auckland first.

40. And now you are following Auckland's example with the loose sheet?—It is the same idea; we see the advantages of it.

41 Have you ever had applications from the union to be allowed to look up the records on the loose sheets?—I have no recollection of it.

42 Was there not a case where Inspector Forbes reported a conductor?—I never heard of Inspector Forbes in my time.

43. Well, an employee in your service?—There is a Conductor Forbes.

44. He reported a man named Anderson, and the union asked to see the record, and it was refused?—I do not remember

45 You said in your evidence last week that if a motorman or secretary of the union asked for these sheets they would be shown?—That was dealing with defect-sheets, but not with irregularity-reports. We are only too glad to show them for good reasons.

46. How with regard to speeds: I notice that you stated you put in an extra compulsory stop at Pirie Street?—Yes.

47 Do you allow any more time for the through journey?—None whatever

48 Does not that show that there should be some regulation as to the speed?—I removed a compulsory stop lower down, which I considered to be unnecessary

49 Take the Kilbirnie run: there was an hour allowed to the terminus before they went on to Lyall Bay?—Yes.

50. The extension would be about a mile and a quarter?—Fifty chains. The car spent the time at the terminus before. Generally six or seven minutes were spent there.

51 I understand the standing-time was four minutes, and they have no more time allowed?—No. There is a clock at the terminus there, and I can prove by the records that the cars have sufficient time.

52 Take the Newtown Station to the Government Station. This time was twenty-five minutes. The time has not been increased, while seventeen stops have been made compulsory?—Half a dozen request stops along Lambton Quay have been changed to compulsory stops.

53. Did you increase the time for those?—No. The car stands fully five minutes up at Newtown, and the same time at Karori

54. Mr Richardson in cross-examination by one of the members of the Committee admitted that there was just room for a lorry to pass in Willis Street, and that the motormen gonged the conductors to look after themselves: is that a regulation, or is it purely voluntary on the part of the motormen?—There is no definite regulation about that, but the men use their common-sense.

55. It has been set forth here in evidence that the mere fact of a man having a Government certificate in Auckland would not entitle him to drive in Christchurch or Wellington?—That is so. If a man came to-day from Dunedin, in the first instance he would not be allowed to enter the service. Assuming, however, that he did, six years would elapse before he became motorman, and his certificate would then not be worth the paper it was written on.

56. It has been put to us that a man is not competent by reason of holding the Government certificate to drive in another system is it not a fact that Motorman Cross came from Auckland, and within an hour was on duty on the regular traffic in Wellington?—I do not know anything about that. Cross was in the service when I came here.

57 With reference to cars being overcrowded, are you satisfied with the present position—that is, with the strain on your equipment?—Yes, the cars are strongly built, and the motors are of sufficient capacity to carry the overload.

58. On the 27th July of last year car No. 9 was booked up for a weak magnetic brake?—Yes.

59 Is it not a fact that she came out on the 24th December, the day before Christmas, with no alteration? She was hung up for all those months in the depot?—I certainly would not believe that statement.

60. And when she came out she had the same defects as when she went in: does it not speak for better supervision over the rolling-stock?—I do not believe the statement. I never heard of a car remaining in the sheds for six months for a defect.

61. On the 25th July of this year car No. 64 was taken out without a king-bolt and quadrant, and ran to the Manawatu Station before it was discovered?—I know nothing about that.

62. Then, the Brooklyn accident may have been caused by something of that sort?—No, it was nothing of that description whatever

63. A similar accident might be caused, and no record be made of it?—If the car went out it was due to the man taking it out when he had no right to do so

64. If a man was dismissed for an accident which might have taken place with car No. 64, do you not think he should have some tribunal before which he might bring evidence to prove

his innocence?—If a man was instructed to take a car out of the shed and it was proved that the car was defective, no action would be taken against that man.

65 *Hon. Mr R McKenzie*] You say that if a man took a car out that had no king-bolt and quadrant, and proved his innocence, he would not be punished?—If instructed to take the car out, no.

66. Immediately before that you said, if the car was taken out he would?—I did not say the man would be punished.

67 Do you allow men to take out any car they like?—No. I know nothing about this case of car No. 64.

68. If it is proved to the satisfaction of the Committee that a case like this did occur, do you think the Committee would be warranted in wanting the inspection?—No. The Government inspection would not prevent that sort of thing

69 You say you do not allow your men to jump on any car they like, and to take them out without authority?—That is so. The official may have made a mistake in the case mentioned.

70. Was it not his duty to see that no man took the car out?—It was his duty

71 Coming to clause 2, motormen's certificate, you have a system of examination before you allow them to drive?—Yes.

72 If that same system was put into the Bill, would you have any objection to the Government carrying out the examination?—Yes, because a Government official has no idea of a man's qualifications beyond his knowledge.

73. Supposing you, an electrical engineer on the trams, give a conductor a certificate to that effect before he could go before the Board of Examination at all—that is, he must prove competency and service?—That would mean that I should carry out a preliminary examination If I gave him a certificate I think it would be sufficient.

74. Would you have any objection if the Bill were amended in that way?—I suppose the Tramways Department would have to pay for these certificates.

75 It is not a question of payment, it is a question of a man going before the Board of Examiners to see if he was competent, and had served as a conductor for a certain time?—I say there would be no necessity for a further examination

76. My question is, would you have any objection to it if the Bill were amended in that way?—Would the Government have power to take the certificate from him?

77 That is understood, but first of all we have to give it to him?—Yes, I have objections. I could set them down for you.

78. What would be your objection then?—I can see complications arising

79 What are the complications?—It would take some little time to give you a full reply, but I hold a strong opinion that it is quite unnecessary

80. I understand from your evidence that you were a marine engineer?—Yes, I obtained a certificate some thirteen or fourteen years ago.

81 Where did you serve your time?—At Port Chalmers.

82 Could you show your certificate?—When I went up for examination I had to show proof that I had had the necessary experience.

83. Is not this in the same position?—There is no comparison, it appears to me.

84. If it is necessary for an engineer going up for a certificate to prove that he has had some experience before he is allowed to be examined, should the same not hold for a motorman?—No.

85 On board steamers you are under your superior officers?—The certificate you have to bring forward proves that you have had experience in handling machinery, and if a motorman had to be responsible for the whole of the upkeep of a car from one year to another I could see the necessity for this certificate.

86. If these provisions were inserted in the Bill, what would be your objection? It is like a third engineer going up for a marine service certificate. Say a Board of Management was appointed like Mr Alexander and yourself and one or two others, do you not think that would be a competent Board to deal with these matters?—Yes, but I doubt very much whether you would pick out the engineers from the tram services of New Zealand to act in that capacity

87 Why?—I very much doubt it.

88. It would be no more trouble than in the case of the Inspection of Machinery Act or the Mining Act?—But the employers would be acting as examiners. In the case you are mentioning, if you were selecting officials from the tramway undertakings, it would be a Board of the men's employers, and the men would resent that.

89 Do you not think that Professor Scott would be a good man on that Board?—As far as the theoretical examination goes he would be, but he has not had an extended experience with tramway-working There are a lot of points in connection with the handling of cars which can only be acquired through experience.

90. Have you ever known clerks to be taken out of the Corporation office to act as motormen?—At the time I came here there were a number of men trained as emergency men They were thoroughly trained and examined. But that arrangement is done away with.

91 In busy times, such as a holiday time, has it come to your knowledge that men were put on to drive who had no training at all?—No.

92. You have heard of clerks being put on?—Yes; that was about a couple of years ago. They had to go out with a motorman to learn to handle a car in the usual way In not a single instance did an accident happen. They were thoroughly trained. That is a thing of the past now

93. What period do you think necessary for training?—Now we give every man, after being twelve months in the service, a training, so that he may be able to handle a car in case of emer-

gency He does not receive a license for that. When it is necessary to train a man to act as a motorman he spends generally three weeks on the car daily, and is paid full time. He is put on the road with an experienced motorman.

94. If a man got a Government certificate, do you think it would be impossible to remove him?—In Wellington, unless the Government took his certificate away

95. Where does the impossibility come in?—The Tramways Committee would be almost sure to retain men while they possessed certificates.

96. If you took a case before the Appeal Board because the man had made a serious blunder, do you think the Appeal Board would sustain him?—As I pointed out to Mr Rosser, I think they would, speaking from experience. As a general rule, employees are not fitted to deal with an appeal or an inquiry into an accident.

97 Then, you consider that the appeal to the employers now is thoroughly satisfactory?—I do.

98. Have you had many appeals against your decisions?—Yes, frequently Cases of men being under the influence of drink, or cases of dishonesty, should not go before the Appeal Board.

99 Are the complaints made to you or to Mr Richardson?—Mr Richardson generally

100. If a man has to be suspended or dismissed, who deals with that?—I deal with small matters, and report serious cases to Mr Richardson.

101 And if they have any dissatisfaction with Mr Richardson s decision the men go to the Tramways Committee?—They apply to the Town Clerk.

102. How many are there on the Tramways Committee?—Seven, I think.

103 Your men are not satisfied with that Appeal Board, are they?—In view of them applying for another Appeal Board I should think not.

104. Is it a fair inference that the Tramways Committee would be more ready to dismiss a motorman, even if he was not really to blame, than Mr Richardson and Mr Cable, who are the leading men on the tramway system?—I think that is an instance that would never crop up.

105. I am only taking it as an assumption?—In my opinion, the Tramways Committee generally give the men the benefit of every doubt, and they would not dismiss a man if the management was at fault.

106 When you were a marine engineer, to whom would you have to appeal, supposing your conduct had to be dealt with?—I was trained as a marine engineer, but did not follow it up. I only took the certificate in case I might require it at any time.

107 Do you think the marine engineers in Wellington would like to have the certificates of all their men dealt with by their employers?—That is a very peculiar question

108. It has a very great bearing on this question?—An engineer of a steamer has to have years and years of training, and you cannot compare the two services.

109 Say that a man was driving a small donkey engine?—You might have a man who was the owner of a sawmill. He would have no knowledge of the position, and would not be able to decide in the case of an accident, but the Corporation is different. There the officials are kept for the purpose of advising their Council.

110. Take clause 3, the inspection of tramways Is there much overcrowding on your cars? There is a good deal during rush hours and during the holiday season.

111 What do you mean by 'a good deal ?—We carry as many as can get in a palace car

112. Is it possible to get 100 per cent. more?—If you take the seating-capacity as being a full load, we carry more.

113 I want to look upon the full load as what a car is licensed to carry?—You accommodate so many passengers.

114. If you have a car licensed to carry, say, sixty passengers, would it be possible to get 150 passengers on that car?—No. I would say you would be able to get 100 There have been instances, perhaps, of more.

115. On steep grades do you think the cars would be safely braked on a greasy rail?—We have no steep grades with greasy rails.

116. What about the Brooklyn line?—There is no traffic on that line—it is blocked to the public. The line has always a clean rail.

117 Is it not a fact that conductors insist upon a number of the passengers leaving the cars before they go up the hill?—That is according to the regulations.

118. How do you account for them making the passengers leave the car—I am referring to overcrowding of passengers?—We only permit the full seating-capacity to be carried at Brooklyn. That is according to the Public Works regulation

119 That is as far as you know?—Yes. Some of the conductors may during crush hours permit a few passengers to sit on the knees of others.

120. Did you not apply to be allowed to carry more passengers?—The ratepayers of Brooklyn applied to you, I believe.

121 The City Council applied to the Government to be allowed to carry strap-hangers?—There is more width between the seats on certain of the Brooklyn cars than there is in the other cars running on other lines. I see no objection to four passengers standing on those cars.

122 If it has been proved that a car licensed to carry sixty passengers has carried 150, do you think that should be stopped?—A hundred and fifty would be excessive.

123 Do you think it should be stopped?—I certainly would not allow overcrowding to that extent. We do not allow passengers on our back platforms.

124. I suppose you read the report of the last Tramways Commission with regard to brakes? Yes.

125. Would you mind looking at page 6 of the report, about the centre of the page, under the heading "Weighing of Cars"?—Yes.

126. Read about the Auckland car there?—I am aware that there was an excess of weight.

127 If that car was braked to its reputed weight, do you think it was safe?—It was adequately braked. I should consider the car, if fitted with the air brakes and hand-brakes, to be adequately braked. This is what Motorman Rogers said at Auckland before the Royal Commission, according to page 28 of the report Speaking entirely of car 75, as the motorman, I desire nothing more satisfactory than the brakes on that car My experience is that I have never had any trouble with her I have never had any trouble, and am thoroughly satisfied with those brakes. I should be satisfied to drive any car similarly fitted in Auckland or suburbs, taking any part—that is, the air brake and the track brake. The track brake is a very good brake on grades. We use it on down grades. It would stop the car anywhere, you have command of her all the time." On page 29 of the Brake Report, in Motorman Taylor's evidence, is another reference to this car: "I consider the best type of track brake is the type that is on No. 75."

128. Do you mind reading on page 11, at the bottom of the page—you say that the brake was satisfactory?—The Commissioners say, '(*a*. That they are of opinion that, having regard to the grades of the Auckland tramways and the conditions under which traffic is there conducted, the brakes already adopted are not suitable, efficient, nor sufficient for use on these tramways. Underestimation of the weight of the cars has led to their being equipped with brakes of insufficient power and capacity A far larger amount of physical force than was apparently anticipated is required for their application. The brake-gear is too light in scantling and too insecure in anchorage to safely and effectively transmit the larger force. That the cars are too heavy, speeds too high, and gradients too severe for hand-power to be alone relied on for actuating the brakes.' This particular car was fitted with air brakes.

129. Are you aware that the levers on that car had to be lengthened?—For the track brake, not the hand-brake.

130 Do you mind reading paragraph (*b*) on page 12 of the report?—"That, having regard to the following matters—the reliability, independence of traction equipment, smoothness of working, and efficiency at all attainable speeds of the pneumatic wheel-brake; the simplicity, reliability, and complete independence of the mechanical track brake, the capacity of a combination of these two brakes, comparative ease with which an installation of such can be made; and, on the other hand, to the limit in the speed at which the magnetic brake is effective; the want of experience of the devices now introduced to overcome this disability, the unsuitability of the electrical equipment and undergear of the Auckland cars for the application of the magnetic brake, and the estimated excessive cost thereof, and also to the comparatively small difference in the stopping-power of the two systems—they are of opinion that the safety and convenience of the public will be insured.'

131 The Commissioners having found that these brakes were insufficient, do you think the Government should have power to step in and insist on suitable brakes being put on for the safety of the people?—I understand they are doing that now

132 Do you think there should be power to compel them to do it?—I understand you have the power, as far as my knowledge goes.

133 I am asking you whether you think we should have the power, whether we have it or not?—Certainly, to see that the cars are properly braked.

134. Do you think your magnetic brake is effective under a three-miles speed?—Not at dead-slow speeds.

135 Do you consider there is a perfectly safe margin at over twenty miles an hour?—Not at present. There will be, though, very shortly

136. Take the speed-indicators you have in Wellington?—We have one set.

137 Are they useful for the purpose?—To give a man an idea of speeds, yes.

138. Do you think it would be an advantage on other systems if they were insisted on?—I should think it would be a good idea if you could get a reliable instrument. If you could get a good instrument out, I think every system would go in for them. They do not cost much. Personally I see no objection to the paragraph respecting indicators in the Brakes Commission's report.

139 Your speed-limits in your Order in Council are generally fifteen miles?—In the city, and eighteen miles in Miramar

140. Do you ever exceed that?—Yes, I should say frequently they do.

141 With your knowledge?—The point is this The cars running along Jervois Quay go in parallel, and they must therefore go more than fifteen miles. The motors are all standard, and you could not stick rigidly to the speed-limit.

142 Supposing you were limited to fifteen miles and you went up to twenty-five or thirty miles?—I should consider that up to twenty miles on the flats at Miramar would be quite safe.

143. Would you consider it right for your men to run down Rintoul Street at a fast rate?—I am very particular about limiting speed on grades.

144. Have you ever had excessive rates on the Rintoul Street line reported to you?—Yes, and the matter was taken up very sharply with the man, and he was reduced to conductor

145. In the case of reports being made against that man again, would you dismiss him?—Yes.

146. Are the motormen compelled to run to time?—No.

147 You are quite certain?—Quite certain. Between 5 and 6 o'clock the cars begin to lag a little, but the motormen are always anxious to get in before 7 o'clock for their meal-reliefs, and they make up time a little then. I have no recollection of dealing with a man who has run behind time.

148. Take the line to Island Bay, you have so-many stoppages?—Yes.

149 How many?—I cannot tell you the number.

150. You allow so-much for each stoppage?—Yes. Most of them are request stops. They rarely stop at every one.

151 Supposing you are carrying 150 people in a car licensed to carry sixty, is there sufficient time?—The car would lag a bit.

152 If a man states, and his statement is corroborated, that it is impossible to keep the time, what have you to say?—I admit that.

153. Do you not think it would be a fair thing in the public interest to give reasonable time to allow the men to properly attend to their work?—The men have any amount of time except for a short time at rush hours. On the Newtown-to-Karori route they generally spend at least five minutes at both termini every trip.

154. Could you not arrange for that five minutes to be spread over the whole system?—They are generally running ahead of time as it is.

155 What is the cause of the accidents that occur?—The majority are caused through people alighting while the cars are in motion.

156 You said in your evidence that it was almost entirely due to the fault of the motorman?—That had nothing to do with accidents of that class.

157 There was a statement made by you before the Royal Commission that in almost every case it was the fault of the motorman?—That had reference to collisions and runaways.

158. Is it not a fact that accidents may occur if your men are coasting at two miles or two miles and a half an hour?—There is no chance of accidents when a car is only going two miles an hour, for the car can be pulled up suddenly with the hand-brake.

159. What about five miles an hour?—There is no danger at low speeds.

160. Would your brakes always be reliable?—There is no necessity for any man to run above twenty miles an hour

161 In answer to Mr O'Shea you said it would cost the Government £1,500 a year to get a good man to take charge of the inspection provided for under this Bill?—Yes.

162 Would you mind stating what your salary is?—Four hundred and twenty-five pounds.

163. Do you feel competent to carry out the duties of this position?—I dare say I could carry them out, but I do not know whether I should give satisfaction to the men I was taking it for granted that you would import a man from England for the position, such as the man I referred to who went out to Johannesburg I should think you would require a new man altogether to give satisfaction to everybody

164. Subclause (*a*) of clause 5: You said you did not think it would be possible to improve on your system. Is there not an inspection of boilers?—In the case of boiler-inspection it is very different, because a boiler after the inspection goes into commission, and in many instances is never examined until the twelve months has elapsed. It is impossible to examine a boiler all the year round, but in the case of a tram-car all the vital parts are continually under inspection, and even if your inspector were to inspect the car to-morrow, there would be no guarantee that in three months' time that car would be fit for traffic unless there was proper inspection going on in the shed in regard to it continuously

165. Take a car with 52 per cent. over its reputed weight and underbraked: If that car is overloaded another 50 per cent. do you think it would be a very safe car for the people in the street?—It seems to me that that is a matter for the Public Works Department. It was their place to see that the car had brakes fit for the work to be performed.

166. Do you not think the Government should have the power to step in in such a case as that?—That particular car, I understand, is amply braked.

167 The Royal Commission says it is not?—I differ from them there. I should say that car was amply braked from the evidence of the motorman

168. If that motorman had had an independent Board to appeal to, do you think he would have given that evidence at all?—I do not understand you.

169. He might be intimidated?—I think the evidence was given from the union's point of view

170. It was given in his examination?—Yes, when cross-examined by Mr Rosser

171 Do you think he would have given the same evidence if there had been an independent Board of Appeal?—So far as that car is concerned, I think the evidence would have been identical in any case. It seems to be a clear statement.

172 Did your motormen in Wellington give any evidence before that Commission?—No, and we took no exception to them giving evidence.

173 They proposed to give evidence at one time?—I believe they intended to give evidence.

174. Do you know the reason why they did not?—We took no exception to them giving evidence, and understood until the last minute that they were coming down to do so.

175. You consider that it would disorganize your service if the men got this Appeal Board?—It would ruin discipline. The union are now appealing that the man who was found in a car on Thorndon Quay in a state of intoxication should go back into the service. The president of the union would be almost sure to be the representative on the Board of Appeal.

176 Of course, we have only your *ex parte* statement as to that man s case?—All the evidence is here. The union's secretary stated to the Mayor that if he had known the particulars of this man's record he would not have come down to the committee. Now, if they were to allow appeals like that, there could be no discipline.

177 Do you think an independent Board of Appeal would allow a man like that to go back into the service, providing you proved what you have stated?—The representative of the men on the Board would be one of the management officials of the union—the president, probably

178. Take the case of an engineer in the Railway service, where they have an Appeal Board: do you think that Appeal Board would send a man like that to take charge of a locomotive?—I am taking the view that the Chairman would probably take the side of the men.

179. In reference to subclause (2) of clause 5 You made a statement that when an Order in Council was once granted it should not afterwards be altered?—I understand that it is not possible to alter it.

180. Do you find it necessary to increase the speed on your tramways at any time? Supposing the population increased in a certain district in your service, and you are limited to, say, twelve miles an hour, what would you do?—We should have to put on an extra car We do that on the Aro Street run at rush hours.

181 If you wanted your speed increased, do you think it would be necessary to alter your Order in Council in that respect?—I suppose we should have to seek to get it amended if we wanted a higher speed.

182. You would not object to your Order in Council being amended in that case?—No.

183 Coming to your loose sheets in your car report-book: You stated that it was arranged to have the report-book changed to loose leaves before the Cuba Street accident took place?—Yes; I discussed it with the Superintendent early in the year

184. Do you report to Mr Richardson or to the Tramways Committee?—I took it up with Mr Richardson. I sent my reports to Mr Richardson.

185. They are all written reports?—Generally

186. Have you ever made a written application to have that system altered before the Cuba Street accident?—I do not send in written reports on small things like that.

187 You do not recollect having made a report with regard to that recommendation?—No.

188. Do you know if Mr Richardson made that recommendation to the City Council or the Tramways Committee?—I do not think we have anything on record with regard to that, so far as my recollection goes. There is nothing in connection with the Cuba Street accident that would have any bearing on this matter The car in that case was in first-class order I should like to say that when before the Committee dealing with the last Bill Mr Rosser referred to cars with characters,' but this could not apply where you are continually changing the equipment of one car with another. It might be so in the case of the cars in Auckland with the mechanical track brake, but the vital parts of our electrical equipment are continually being changed, so that our cars have no "characters.'

189 Your principal objection to the car report-book was that it caused delay?—Yes, and I brought up the advantages of the present system.

190. You have a leaf for each car, have you not?—Not at present for every car. That is the Auckland system. We are going to adopt that, but at present we have a loose sheet which is filled up as the men sign off.

191 Is there anything to prevent you adopting a separate report-book for each car?—You could never work on a system like that. The men sign off at Thorndon at noon, and you would have to have the books removed to Newtown in the evening It would be impossible for the Car Superintendent to examine all the books. It would certainly not be workable.

192 What do you do with your loose leaves?—Every sheet is numbered, and filed away There was a sheet the other day that was blank, and I immediately took the matter up.

193 You have plenty of headings on your loose sheets: have you one present?—I believe Mr Richardson has one with him. [Car report-sheet produced.]

194. If the car-book referred to in this Bill were in the same form, it would only be a matter of inconvenience to have it in the form of a book?—Yes, but there is the point I mentioned before, of a man looking up the previous sheets

195 I suppose you are aware that if a bank-manager, or shipowner, or merchant is called upon to produce any books, he has to bring those books forward?—I am. I want the men to make proper reports of the cars—of what they find to-day, not what other men found the day before.

196. If there was anything wrong with a particular car, would it not be an advantage for the men to know that? There are some brakes that do not work so well as others?—If there is anything to report, the car does not go out with any defect. It is docked, and will not go out until repairs are carried out.

197 If the car mentioned by Mr. Rosser went out, do you not think your Inspector ought to have been punished?—It would have been taken up very strongly with him if we had known about it.

198. *Mr Bollard.*] Are you aware that engine-drivers require to have a certificate before they are permitted to drive on the railways?—Yes.

199 And the guards have to go through an examination?—I do not know that the guards do, but I suppose it is the same as with our conductors.

200. Have you ever heard of accidents on the railway?—I have.

201 Some serious ones?—Yes.

202. Do you not think a Commission should be set up, or an Appeal Board, to try the officers, and to inquire into the whole of the management?—I should say that there are high officials in the Government service capable of making inquiries and reporting to the Minister

203. You have heard a good deal about independent Boards: do you not think an independent Board should be appointed for the Railways, to inquire into the causes of accidents?—It would soon break down discipline if you had officials dealing with other officials.

204. You think there would be no necessity to get outside people to inquire into cases of negligence, and so on?—You would soon set up an inquiry in the case of accidents, such as they are now holding in Victoria. In the case of a serious accident the public would demand a public inquiry

205 You have never heard of any independent Board being set up to inquire into railway accidents?—I do not know of any.

206. Supposing your conductors were examined and licensed by the Government, do you think the safety of the public and the equipment would be better looked after than if it was under your own management?—I do not. Certainly there would be no improvement so far as Wellington is concerned. When once you begin to take responsibility off officials you must allow that the officials will not take so much interest in their work.

207 The fact that the City Council is running the tramways, and has so much life and property in its hands, makes it take the greatest possible precaution to guard against accident?—The Corporation takes every precaution.

208 Are not a great many of the accidents caused by the carelessness of the people?—Yes. Every day we have accidents through people getting on and off the cars when in motion, in the case of ladies especially Up to now we have not taken proceedings against ladies, but we shall have to do so if there is not an improvement. In America they are taking up the instruction of children in regard to keeping clear of the cars. They realize the difficulty in teaching grown-up people, and are educating the children. The consequence is that there have been very few accidents to children in the towns where this instruction has been introduced.

209 You are of opinion that if an outside Appeal Board were set up, men employed in the tramway service would get more fair play with regard to their grievances in the matter of suspensions and dismissals?—I do not say more fair play They might probably be reinstated when they ought not to be. The Tramways Committee are very fair in the treatment of the men.

210. You think the alterations proposed in this Tramways Amendment Bill would be of no benefit whatever to your service?—I am certain they would not.

211 *Mr McLaren.*] With regard to clause 2 Do you understand by that that there would be one Board of Examiners for the whole of the services of the Dominion?—I should take it to be that, but I realize that there would be a big difficulty in carrying it out. I understand that under the Machinery Act there are officials in each centre.

212 If there were local Boards of Examiners, or, say, an engineer with knowledge were appointed, would that get over your objection? Say we established local examiners?—Boards in each centre?

213. Yes?—I certainly should not take the same exception if the Corporation were to be represented on the Board, because they would have an opportunity of knowing more about the men. It would be a different thing altogether from what is provided in the Bill.

214. With regard to the Appeal Board, can you tell the Committee if there is any other tramway system in the Old Country that has an Appeal Board? Do you know if the Glasgow system has an Appeal Board?—Not that I know of I know that in a great many English municipal systems the men can appeal to the committees.

215. What does the London County Council Conciliation Board or Appeal Board deal with?—It deals with general conditions of labour, wages, and some other things. It is distinctly stated that it does not deal with the management or discipline. I will put in the article dealing with these Boards.

216. You have no knowledge of the Sydney tramways system of appeal?—No, I have only seen newspaper references about it.

217 With regard to the car report-book, is there not some danger in the loose-leaf system of the leaves being mislaid or lost just at the time they are wanted?—No, the Superintendent realizes his responsibility He is very particular in getting every sheet.

218. In what way are these leaves bound up after they are filed?—He keeps them on a file at present until he gets a full month's, or a certain quantity, and fixes them up together with string or a file-pin

219 You said that the managers of the tramways system in Wellington have no objection to the investigation of these reports?—None. I am only too glad to take a case up. The traffic and car-shed staffs are separate, and act as a check on each other

220. In regard to the case of appeal you quoted, where a conductor was found to be intoxicated, is that a fair average case that goes before the committee?—I would not say it was an average case, but six weeks ago there was a similar case before the committee.

221 That was the case which you thought should be despatched quickly?—Yes. We have had a good few similar cases in the past.

222 Do you think if the employees had a representative on the Appeal Board they would not have a greater sense of responsibility in bringing forward such cases?—I think not.

223. Would not the representative of the men on the Board get to know the particulars of a case even before it came before the Appeal Board?—In connection with appeals at present the secretary of the union can come down and see the papers. He can see the whole of our case before he proceeds. The idea was to obviate unnecessary appeals.

224. Would not the executive of a union take the advice of one whom they had specially appointed as their representative, if he had some power of looking into the case before it was brought forward?—If they selected such a man the case would be different. There are men of sterling qualities in the service, but unfortunately these men rarely take leading positions in the union.

225. Would it not be proper if the representative were appointed by ballot by the whole of the members?—I take it that the present elections are by ballot.

226. Do you think the appointment of the Appeal Board would cause more appeals to eventuate than there are at the present time?—I feel sure of it, after giving it very careful consideration.

227 You do not think the special appointment of the men themselves would obviate many of these appeals?—No. These appeals have been a very serious matter with us. We sometimes spend days looking up the information and preparing the cases for the committee.

228. *Mr Luke.*] Seeing that the tramway-poles are now being taken out on a street adjacent to the Basin Reserve, and that others will be taken out right away on the Oriental Bay track, I want to know whether that does not demonstrate that it is in the working of a system that the knowledge is gained, and not by any special ability inherent in any Board that the Government might set up?—I consider that is the result of the experience that points to the necessity of these alterations.

229. Are you aware that in connection with the Railways system, although they have a Board of Appeal, the Minister has the right of veto?—Yes.

230. Are you aware that the Government were so anxious to look after the well-being of the people that they took on a dismissed conductor from the tramways service and put him into the Police service?—Conductor Willetts left our service and entered the Police Force, and is still in there.

231 What was the reason for your department dismissing that man?—He was totally unfitted for the position. In one instance we heard that he dropped a crab in a lady's bag.

232 You are of opinion that that was not a man to put in the Government service?—That is so.

233. Are you aware that in the tramways system having cars with crossed seats there is no danger to the conductor?—Not if he keeps a good lookout.

234. Do you think the motorman is a guiding principle for that?—To a certain extent.

235. Assuming that the Government get what they ask for in this Bill, do you think it would be right for them to call upon the City Council to convert all those cross-seated cars into central-passage cars?—You would practically have to scrap the lot if they did.

236. And it would exhaust the finances of the City Council if many cars had to go?—We have forty of those palace cars, that cost £1,200 each.

237 Are you aware that in Sydney and New York that is the principal car in evidence?—I understand that is so in Sydney, where they have hundreds of these cars.

238. You think there is no danger with the cars in use here at the present time?—No.

239. You have a speed-indicator merely for educational purposes, so as to enable the conductor and motorman to estimate the speed?—Yes, but I do not consider it essential.

FRIDAY, 16TH SEPTEMBER, 1910.

ROBERT FAIRE examined. (No. 24.)

1 *Mr Rosser*] What is your occupation?—Motorman, for the past six years.

2. In the employ of——?—Wellington City Council. Previously I was employed for three years as brakesman on the Kelburne service.

3. Do you hold any official position in the union at present?—Not at the present time, but I am an ex-president of the union and the federation.

4. For how many years were you president?—For twelve months vice-president and six months president.

5. And you are appointed by the union to give evidence?—I was appointed by the union to give evidence on the Tramway Bill.

6. Will you make a statement with regard to clause 2?—I have considered clause 2 in conjunction with the other members of the federation and union, and the whole of the members of our union are in favour of the clause. They think the time has arrived when all motormen should be licensed by an independent authority They consider that, taking engine-drivers as an example, and that they have to be licensed by the Government, and boiler-attendants have to be licensed, and that through these men being licensed accidents have decreased, motormen also should be licensed; and also that, the Government having control of the examinations, the examiners would be free from bias.

7 Under the present system do you consider there is uniformity of examination?—No.

8. Are you of opinion that it is possible to make the examination easy for some and hard for others?—It is quite possible under present conditions.

9. Do you consider clause 2 would remove that examination from any possible influence?—Yes.

10. Have you ever been surprised at the ease with which some men get licenses to drive compared with others?—Speaking so far as we are concerned in Wellington City, clerks have been allowed to drive cars without having had sufficient training That in itself is one example.

11 Have you known whether the caretaker at the Town Hall was put on to drive on the cars?—I cannot speak definitely on the point. I do not know.

12. Have you had any experience or knowledge of the Inspection of Machinery Act?—I have sat for examination, and received a certificate as an engine-driver

13 Do you consider, then, as a motorman, that you have a right to expect a certificate of proficiency similar to that given to you as an engine-driver?—Yes, I think it is only right. Motormen are in charge of machinery driven by their own motor-power Again, they are examined by the managers and granted certificates by the managers, and those certificates can be taken from them for any cause whatever I think it is only right that these men who have responsibility thrown upon them should have certificates given to them by the Government, and that they should not be taken from them without due cause.

14. Are you certificated as a motorman?—Yes, for twelve months.

15 That is practically a license?—Yes, it is a license.

16. Clause 3, inspection of tramways: Do you approve of that?—Yes,

17 Take clause 5, paragraph (*a*), "Providing for the periodical and other inspection of carriages used on tramways"?—I think that should be done.

18. Do you know of any cars in the Wellington system that have been entirely reconstructed and sent out into traffic without the Government officer having the right to inspect them?—I understand that if an accident occurs on a car previously passed by the Government the Government can inspect it, but it has no further right to examine the car It is just as necessary for a car to be re-examined when it has received damage as at first.

19. Take paragraph (*c*) of clause 5, "Limitation of overcrowding": Do you think that necessary?—Yes. It is only right that some independent authority should have the control of the number of passengers allowed to be carried on the cars.

20. You know the Wellington by-laws with regard to overcrowding?—There is one which throws the responsibility on the conductor, but it is never enforced.

21 Will you read No. 32 of the Wellington City Tramway By-laws?—"When any carriage, in the opinion of the conductor thereof, contains the full number of passengers, no additional person shall enter, mount, or remain in or on any such carriage after being warned by the conductor that the carriage is full, and not to do so." That was the rule I had in mind.

22. Is that by-law observed?—No, for this reason: that if a conductor attempted in any way to interfere with a passenger boarding a car if in his estimation every berth was full, the conductor would in all probability be reported for insolence. You have only to say two words to some people and you are had up for insolence straight away; and it is considered a rather serious charge. Generally speaking, the public's word is taken in preference to that of the man.

23. Take your combination car, how many is that licensed to seat?—Forty-eight passengers.

24. Have you any idea of the number you have carried on a car like that?—I have seen as many as 120.

25. Do you consider that rather too much?—Yes.

26. Do you know when that was?—I could not give you the exact date, but I think it was on the 2nd July of this year

27 Was that at a rush time?—Yes. It was at a football match, and it was on the Newtown run between Cuba Street and Vivian Street corner and Rintoul Street. That is only one of many that I recorded.

28. Was it that the conductor's blocks showed that 120 tickets had been sold between Veitch and Allan's corner and Rintoul Street, or that 120 passengers were on the car at one time?—A hundred and twenty passengers at one time. We have shilling cards and concession tickets, which do not show on the conductor's way-bill.

29. What would you consider to be a fair margin for what we call strap-hangers in Auckland? Do you approve of carrying strap-hangers?—I think people should be allowed to stand, but not to crowd the cars to excess, and there should be ample room left for people to get in and out and for the conductor to swing his body in and out.

30. Have you footboards on your cars?—Yes.

31 Have you seen passengers riding on footboards?—Not for any great distance.

32. What about the conductor?—He has to use it to collect his fares.

33. Is there a great margin of road between Willis Street and Cuba Street if you are passing a lorry?—No. With a lorry or Corporation dray, for instance, if it is right up against the kerbing in Manners Street, the space between it and a palace or combination car step is only about four inches, and less than that in some places.

34. Have you had any instances of conductors being swept off through collisions?—Yes, several. We have had one death as a result of injuries received by Mr Walsh. He was a motorman, and was reduced to the grade of conductor through a collision. He was out conducting when he was swept off a car in Manners Street. He was sent to the hospital, and was there for a number of weeks. Finally he came out, but was never right again, and died about two years later

35. Was he ill all that time?—On and off. He was doing light work, and worried about it.

36. Have you any later instance?—Another case was that of Conductor Rollins, who was dragged off a car in Cuba Street. He was only off work for four hours.

37 Are there any other cases that you can call to mind?—There have been several others, but I cannot bring them to mind.

38. It has been stated in evidence that the motormen warned the conductors by gonging when about to pass a lorry: have you had any instructions to that effect?—Motormen generally protect their mates by gonging and seeing that their conductors are clear That is a duty they take upon themselves. It is understood between the motorman and the conductor that if the motorman rings his gong violently there is an obstruction on the side. There might, of course, be an obstruction in front, but the conductor generally looks around.

39. There is nothing in the regulations about that?—No.

40. With regard to paragraph (*d*) of clause 5, prescribing the limit of speed: do you know if that is prescribed in the Order in Council?—Yes, it is prescribed in the Order in Council, but never carried out. The Order in Council stipulates fifteen miles an hour, I am led to understand, but the speed is over fifteen miles an hour on all the routes.

41 Have you ever seen the Order in Council?—No.

42. Then it is only what you have heard?—Not altogether, but from the evidence given on the Brakes Commission.

43. Does the limit of speed you are supposed to go permit you to run your schedule time according to the time-table?—No.

44. Can you give any idea to the Committee as to how long ago it is since the time was fixed for certain journeys?—There has been practically no reconstruction of the time-table since the cars started six years ago, with this exception: that on the Newtown-to-Karori trip when it was

opened it was found necessary to allow five minutes' standing-time at the Gardens and five minutes' standing-time at Newtown; but the time-table was not altered in any shape or form. It was still twenty-five minutes for the run to the Government Railway-station, but the standing-time was put on the end of it.

45. That is one of the earliest lines opened?—Yes.

46. Since then there have been other lines opened?—Yes; Lyall Bay, Brooklyn, Miramar, and Seatoun lines have been opened.

47 Does that mean that there are more cars running?—Certainly.

48. And is there liable to be more stoppages with these extra cars than there were six years ago?—There is more delay, because you are working part of the distance on a single track, and sometimes have to wait on a loop for a car to pass.

49 Has there been any alteration in your stops during that time?—Yes, when the line was first put down there were stops laid down, and when there was nobody wanting to get on or off you would run right through, but since then several of the stopping-places have been made compulsory stops. I believe, in the old days there were seven compulsory stops between the Government Station and Newtown, now there are sixteen. Nine have been changed into compulsory stops. That means, of course, a reduction in the running-time.

50. Do you sometimes have to wait on loops?—Yes.

51 Do you have to wait a minute or two minutes?—One minute or two minutes and sometimes half a minute. The average is a minute.

52 Does that mean, when you take the time for waiting at loops and compulsory stops, that you have to do the distance quicker between those stops?—That is so.

53. Have you ever asked for an increased running-time?—Yes, through the union, on several occasions, especially on the Wallace Street and Aro Street runs, and recently on the Island Bay run.

54. Has any extension of time been granted?—No.

55 Take the Kilbirnie run has there been an extension on that?—Yes, the line has been extended to something under a mile, I believe. It would be about a mile and a half for the two journeys there and back.

56. Has there been any more time allowed for that extra distance?—No. The cars that were running to Kilbirnie had four minutes' standing-time, and this time is taken up to run to Lyall Bay and back.

57 What time had Miramar?—When it was first opened the cars used to run round Lambton Quay, and were allowed forty-five minutes each way That was for both Seatoun and Miramar This time was subsequently reduced by ten minutes for the round journey, which allowed forty minutes each way, and it was thought at the time that they would not be able to do the journey around Lambton Quay So they ran them by Jervois Quay to give them an opportunity of keeping the time with the reduction of five minutes each way. Subsequently they sent the cars round Lambton Quay without allowing any additional time.

58. So that the five minutes taken off on the single journey to allow the cars to go round Jervois Quay was never extended when they went back to their original route?—That is so.

59. With regard to paragraph (*e*) of clause 5, do you approve of that provision for the use of proper appliances on carriages to insure the safety and convenience of passengers and employees? Yes.

60. I believe your cars are pretty well found in that respect?—Yes.

61 You have glass fronts?—Yes.

62. And motormen's seats and side blinds?—Yes.

63. Have you a rear blind for the comfort of the motorman or the safety of the traffic?—Yes, for the safety of the traffic. It is to enable the motorman to see through the shield. It is to give him a dark background.

64. Clause 6, the Appeal Board: Are you in favour of that clause?—Yes, I am strongly in favour of the Appeal Board.

65. Who has the power of dismissal in your service?—At the present time the Engineer, I believe. In some cases I understand the Tramways Committee decides. In the event of an Engineer dismissing a man, appeal is allowed to the Tramways Committee. The Tramways Committee is composed of City Councillors to conduct the affairs of the tramways. It is not a fair appeal, inasmuch as if the Engineer dismisses a man and the Tramways Committee reinstates him, it goes to show to a certain extent want of confidence in their Engineer Again, it is hardly fair that the men who control the tramways should hear an appeal against dismissal, because it is somewhat similar to a person taking a case to a Court, losing it, and getting an appeal, and going back to the same Judge to have his case retried.

66. Do you think that the provision for one representative on each side and an independent Chairman is a fair thing to ask for?—I do not think anybody could suggest a fairer Board.

67 It has been stated here that the workers' representative on that Appeal Board, if it came into force, might be the president of the union: do you think that would absolutely follow? —No, I think it would rather not follow, because the president of the union would be influenced by the fear of losing his employ Personally I would far sooner see an outside man appointed under that clause.

68. That would be optional under the clause?—Yes.

69. Do you consider your officers compare favourably with the officers of other unions?—Yes. The president of our union holds office for twelve months. The union has been in existence for six years, and during that time three at least of our ex-presidents have held, or are now holding, important positions in the Traffic Department, and the treasurer of the union also. Speaking personally, I am an ex-president of the union and ex-vice-president, and I am not ashamed of my record in the City Council's employ during my six-years term, and I do not think that any other man's

record will compare much more favourably than mine. Mr Cooper, a vice-president, is now holding the position of Superintendent Timekeeper Mr. McGillivray held the position of Traffic Inspector, and Mr Costen held that of Inspector and, later on, Timekeeper Another officer—ex-treasurer—of the union was Motor Instructor, and subsequently he was reduced for retrenchment purposes, and is now holding the position of Despatcher; so that there are four past officials holding important positions, and I make the fifth.

70. Have you been reported for any breach of the regulations?—During the whole of the six years I have been employed in the service I have never been censured for any misconduct so far as my work is concerned. During that time I have only had two accidents, and for them I was exonerated from all blame. During the whole of my experience I have only had two accidents.

71 Supposing it did follow that the president of the union was put in the position, do you think there would be any danger of the wrong man being chosen?—I do not know

72. With regard to the car report-book, clause 9: You have the loose-leaf system here?—Yes, it is in vogue at the present time.

73. Before that what did you have?—We had the fixed book, and the books were always open for inspection. Any motorman could look up the past records for three years back.

74. Do you consider the open book a good system?—Yes. At the present time these loose leaves go through so many hands that they are liable to be lost, and it might happen that a leaf bearing on an accident might become lost.

75. When did the bound book give way to the loose-leaf system? Have you any idea how long it has been in operation?—Somewhere about twelve months. It was brought in shortly after the Cuba Street accident. That was where the car got away from the motorman through the alleged defective brakes.

76. Was the evidence of that book brought into the inquiry?—Yes, inasmuch as the motorman stated that he reported a car previously for the brakes failing at Karori. This report could not be found at the office at first, but he looked in the book for it at Newtown, and found it, and showed where he had booked the car up. He showed it to some official, and since then the books have not been seen.

77. Since then the loose leaf has been adopted?—Yes.

78. Do you consider it would be better for a motorman, before he takes his car out in the morning, to know whether it has been put in good order?—Yes, I think he should know it—it is only right that he should have an opportunity of testing it thoroughly before he leaves. He should know whether the car had been booked up for any defects before, not only for his own benefit, but for the benefit of the passengers.

79. Can you do that under the present system?—No.

80. Do you think there would be any danger under the old book system of lazy men taking the opinions of previous drivers with regard to cars, and not recording their own opinions?—No, I do not think so.

81. Have cars gone out with defects not remedied which have been booked up, to your knowledge?—I do not know about not remedied, but I know that cars have been booked up repeatedly for the same faults night after night.

82. When Mr Cable was being examined here I gave him an instance of a car, and I will quote it to you On the 25th July, 1910, car No. 64 was taken out without a king-bolt and a quadrant on the bogey, and ran to the Manawatu Station before the defect was discovered?—I heard of that. I think it is correct.

83. Do you know of any other cars that have been sent out when they were not in a proper condition?—I did hear of a car leaving the shed and getting as far as the Newtown terminus without brake-chains being on it.

84. Can you say when that was?—It is not long ago.

85. Do you know whether the union has any access now to the records of a car?—Not that I am aware of.

86. Do you consider that they should have access to the records?—Yes, the leaves should be open for inspection by any employee of the tramway They should not be taken away from the room in which they are put. At present they are taken to the Shed Superintendent's office. That should not be allowed.

87 Is there any system of intimidation in the service at all?—I do not think there is any system of intimidation.

88. Were you appointed by the union as one of the deputation which waited on the Minister of Public Works a short time ago?—Yes.

89. When was that?—At the end of June or the beginning of July

90. What was that on?—This Tramway Bill. It was to ask the Minister to introduce the Tramway Bill this session, with some of the clauses in this Bill.

91 How many were there on the deputation?—Seven.

92. Did that deputation wait on the Minister?—Yes.

93. Do you remember a fortnight ago to-day—Friday?—Yes.

94. Were you sent for to go to the office?—Yes. Four of us who gave evidence on the deputation to the Minister were sent for

95. Who were they?—Mr Sutherland (the president), Mr Timms, Motorman Moir, and myself We received a communication from the Superintendent of Traffic that we had to report at the Engineer's office at 10 a.m. on the following morning. We went there at 10 o'clock and he was not there, and we were told to get back at 11 He called me in, and had a copy or extract from the *Dominion* of the 2nd July This extract was underlined with red ink from the beginning to the end of the column, and he asked me to read it. I replied that I had already read the matter, and knew about it. He said, "I want you particularly to read that down." He said,

"Did that actually take place before the Minister?" He said he wanted a reply "Yes" or "No," and I objected to the procedure, and pointed out to Mr Richardson that it was not a fair thing to ask us individually, Yes or No, whether that took place before the Minister He said again he wanted 'Yes" or "No," and I asked him what would be the consequences of my answer if I answered "Yes" or "No." He said that was his business, and I said that I objected to the whole procedure, but that that was a summary of what took place before the Minister He again asked me, "Yes" or "No," and I again answered that it was a summary of what took place before the Minister I went outside and told the other members what had taken place, and they went in and answered "Yes" also.

96. Do you consider that that was a proper position to put you in, as a delegate and mouthpiece of the union on a deputation to the Minister?—No, but it was the first time, to my knowledge of Mr Richardson, of a like thing happening, and I would not have believed it if anybody else had told me he would have adopted such tactics.

97 Do you think it is likely to have the effect of limiting free speech on the part of employees?—Undoubtedly

98. Is there anything else you would like to add to your statements?—No.

TUESDAY, 20TH SEPTEMBER, 1910.

ROBERT FAIRE further examined. (No. 24.)

1 *Mr O'Shea.*] In reference to clause 2 of the Bill, is the Wellington method of training motormen satisfactory?—In some respects, yes.

2 Are there any inefficient motormen on the cars here?—I cannot say that there are.

3. Do you think it is necessary, then, to have a Government examination?—Yes, for the protection of the motorman.

4. Why?—Simply because it is possible, should a serious accident take place in which the equipment may be to blame, for a motorman to have the blame fastened on him. It is necessary to put the blame where it belongs. A motorman, if examined by the Government, would, if an inquiry was held, have to show cause as to whether he should lose his certificate or not.

5. But if you are passed by your own management and have a certificate of competency, do you not think that is much more valuable to you?—But they can take the certificate away for any reason they may think fit.

6. They could still dismiss you, even with a Government certificate?—But they would have to show cause or be liable for damages.

7 They could give you a week's or a fortnight's notice?—They would have to give due cause.

8. Could they not now dismiss you with due cause?—Yes, and we should have no claim at the present time.

9 I think you said in your evidence last year that if you had a Government certificate it would be better, because the Corporation would try to get out of paying damages?—Yes.

10. Do you not think that is rather a wild statement?—No. It is quite natural in the event of an accident that the Corporation would endeavour to shelter themselves by casting the blame on the motorman to save themselves from damages.

11. Do you think it would make any difference, if there was an accident, whether it was through a defective brake or the fault of the motorman? Supposing it was the fault of the equipment in one case and the fault of the motorman in the other, do you think the Court would differentiate in the damages?—No.

12 Does it not strike you that in civil actions your troubles are our troubles, and that we have to protect both parties?—I think if the accident could be put down to the motorman the damages would not be so much as if it were due to faulty equipment.

13. Have we ever put up the defence that an accident was due to the motorman, and not to the equipment?—There was only one case in which the Corporation had an accident case in Court—that at Brooklyn.

14. Did we say anything in Court about the motorman?—That is more than I can say

15. You do not know that we pleaded liability and settled the cases out of Court?—That is the only case that I know of which was taken to Court.

16. Do you know as a matter of fact that the latest practice amongst the best tramway services is to require periodical examinations of the motormen?—I understand that is correct.

17 Is there any provision in this Bill for periodical examinations by the Government?—I understand there is a clause that certificates shall be granted for periods not less than five years. I take it that the Government reserves the right of re-examination when they think it necessary

18. Where is that clause?—[After looking through the Bill] I cannot find it. I must be confusing it with another Bill.

19 Look at subclause (3) of clause 2 do you think the Government certificate is necessary in the interests of public safety?—Yes.

20. Do you not think that every motorman ought to undergo the examination for the certificate?—Not every motorman, because those who are already driving have proved that they are capable of having a service certificate granted to them, and it is only following the lines of the Inspection of Machinery Act in the licensing of engine-drivers.

21 There is no reason why, if a wrong thing is contained in the Inspection of Machinery Act, it should be inserted in this Bill?—No.

22 Do you not think it is necessary that every motorman should undergo an examination?—Some of these men have been driving for five or six years, and surely such men do not require to undergo an examination

23. Would that not apply to any other man coming into the service after you?—Yes, but the men at the present time would have no protection, inasmuch as there is no company or Corporation owning or controlling tramways who recognizes the responsibility under which motormen work. In fact, they pooh-poohed it, and Mr Hislop, the late Mayor, stated that all that a motorman had to do was to turn on a handle and turn it off again at the psychological moment. That is how they treat the liabilities or responsibilities of a motorman.

24. Was not Mr Hislop the best man that you motormen had in the Council?—I think so.

25. Do you think this Government certificate is going to help you in the case of an accident?—I think it will.

26. Do you think if you get the Government brand on you you will be transmuted into new men?—Without the broad arrow yes.

27 Does it not strike you, seeing that the Minister does not require motormen in the service to undergo the examination, that the effect of the Bill will be not to preserve the safety of the public, but to make you fellows a close corporation?—No, I cannot see it in that light. I cannot see any ground for thinking so.

28. Do you not think this Bill is on a par with Mr Sidey's Musicians Bill of last year?—I do not know anything about Mr Sidey's Musicians Bill.

29. You have talked about the Government's inspection: do you think it is right that the Minister should dictate to the City Corporation of Wellington as to what are the reasonable requirements of the traffic?—I think it is necessary, where the public safety is concerned, that an independent person should have the control over the licensing of the men and over the cars and the travelling public, and suchlike things.

30. Do you mean to assert that the Minister is independent?—I think so.

31 Do you think if he were independent he would have brought in this Bill at the suggestion of the motormen of New Zealand?—I do not understand the question.

32. You know the regulations with regard to overcrowding in Auckland?—I believe they are allowed to carry some passengers standing

33. I tell you that they are limited to a maximum of 25 per cent. over the seating-capacity, and that tramway is run by a company?—Yes.

34. The company has had very serious trouble with its men, has it not?—In the past, yes.

35. And it is also not in too good favour with the City Council?—I do not know

36. Do you know that if there is one passenger over the limit the men will not start the car?—I do not know that.

37 If such a thing were done in Wellington, what would happen?—If such a thing were done at the present time in Wellington the conductor doing it would probably be dismissed.

38. Do you think the public would stand it?—Yes, for this reason: It has been repeatedly pointed out in the *Evening Post* that the overcrowding in Wellington is excessive, and that it would be far better in the interests of the public and the service if the overcrowding were done away with.

39. That is the opinion of the *Evening Post?*—That is the opinion of the public as voiced by the *Evening Post*. I consider the overcrowding in the city here is excessive at times, and it would be far better, both in the interests of the public and the men working on the cars, and also the Corporation, that the overcrowding should be limited.

40. Supposing you had prevented the overcrowding when going to the Athletic Park on Saturday, do you think the public would stand it?—If it had been done at first there would be no trouble, but even if the practice were stopped the public would drop down to it, and there would be no trouble after a time.

41 Do you know that double the number of passengers travel on the cars to Newtown on Saturdays as compared with other times?—No.

42. Supposing somebody got a chill through having to wait for a car?—A man like that should not go to a football match.

43. Do you think if a man got killed through taking a chill the Government would keep his family?—No.

44. Supposing you had to remain in a shelter-shed at Seatoun or other places, and there was no room for you?—The Corporation could put up sheds large enough to shelter the passengers there.

45 Have you considered the Bill from the financial side?—No.

46. Have you ever considered that the Corporation would have to lower the wages, raise the fares, or strike a rate if the Bill were passed?—I have thought carefully over the matter, and have come to the conclusion that if the overcrowding were limited a farthing per head of the travelling population would cover the cost.

47 Do you think it is right that the Government should propose to impose on the Dominion a Department which will cost anything from £2,000 to £7,000 a year, when the State has lately introduced the death duties and a large system of defence? Have you considered the point?—I am not a politician, and have not considered that.

48. You have an Appeal Board in the City Council?—Yes.

49 Has that Appeal Board ever allowed any appeals?—Yes.

50. I think you have said it is not a fair Appeal Board because if they allowed appeals from the Manager they would be showing a want of confidence in him?—I said that if the Manager dismissed a man who went to the Tramways Committee for a decision, if the Committee upheld him it would show a want of confidence in their Manager

51 Has it not happened that an appeal has been upheld in Wellington?—Yes.

52. And did it show a want of confidence in the management?—In one particular case, that of Conductor Miles, the man was dismissed for issuing what is called a crook ticket on a Brooklyn car, and his discharge stated that he was dismissed for malicious practices. Evidence was brought

by the union before the Tramways Committee that these tickets are issued with printers' errors, and further evidence was brought by the person who received the ticket which showed that the conductor tore that ticket off the block. After hearing this evidence the Tramways Committee decided to reinstate the man. That is the one case which I remember distinctly

53. Was that evidence brought before the Manager?—No, the man was dismissed before that evidence was called.

54. And the Manager quite agreed with the decision of the Committee?—Yes.

55. Do you think the Tramways Committee is a fair Board of Appeal?—No.

56. Why?—Because they practically control the tramways, and I do not see how men controlling tramways can have an independent say in connection with inquiries.

57 Then you think the person to be appointed by the Minister would be better, although he would know nothing about your local conditions?—Even if such a man were appointed, which is doubtful, inasmuch as both parties would have representatives, his decision would be impartial after hearing the evidence.

58. Do you not think the Appeal Board proposed will have a great effect on the discipline?—None whatever I think it will be better for both parties.

59. Do you not think, if there is an independent Appeal Board, if a man is dismissed and is in the wrong he will go scheming around and upsetting the service until his appeal is held?—You cannot blame him if he thinks he is wrongfully dismissed.

60. Have you heard of Costen's appeal?—I have heard of it.

61 Do you know that it was on the day of his appeal that car No. 64 was allowed out of the shed?—No, I do not know it.

62. Do you know that the staff in the shed was completely disorganized on the day that Costen had his appeal before the Committee?—I am not aware of that.

63 With regard to the question of speed-limits, do you assert that you run at a speed of thirty miles on the Karori line?—No—a man would be mad to come down the hill from Karori to the Gardens at such a rate, but we run from Karori to the Gardens late on easy traffic trips.

64. Do you know the Island Bay workers' car? Have you ever driven on it?—Yes, some years ago.

65. Do you think it is possible to run that car within the speed-limit fixed by the Order in Council, and be only one minute late?—No, it is impossible.

66. Do you think it is possible to run eight minutes ahead of time on the Island Bay line?—Yes—that is, on the easy running-time, when an extra ten minutes is allowed, as on Saturday night, when they get an extra car

67 What is the general treatment of the men here?—The general treatment is good.

68. About this car report-book do you believe in the book or the single-leaf system?—I believe in the fixed-leaf book.

69. If all the tramway-managers in New Zealand say that the loose-leaf system is increasing the accuracy and the efficiency of the reports, will you contradict them?—I cannot contradict them, because I do not know

70. Your idea is that a man should be able to look up the book before he books up a car, in case of an accident?—That is not my idea at all. My idea is that the book should be available at any time, because it would help to fasten the blame on the right shoulders, whether the accident was due to the motorman or the equipment. With the fixed book it is possible to trace the records of the cars for any length of time back.

71 Would you be satisfied if there was a provision made that all the reports should be bound up in a book or filed?—No. There are cases in this city where these leaves have been so heavily perforated that pages have been seen all over the shed.

72 Is there not a danger of these books disappearing?—No. The old books were in use for years. They were lying about the time office for the men to see them, and it was only after the Cuba Street accident that the use of the books was stopped.

73. Do you know that it was only two days after the accident when the single-leaf system was started?—The cause of it was that the motormen had looked up this book.

74. If I tell you that it was only two days after the accident that the loose leaf was started, will you still adhere to your statement that it was only introduced to defeat the motormen?—No, I could not say that.

75. You made mention of a car going out without a brake-chain on it?—No.

76. What did you say about the chain, then?—I said I heard of it, but knew nothing definitely about it.

77 You motormen get fifteen minutes' time to examine your car?—In some cases.

78. When are you not allowed fifteen minutes?—There are broken shifts, when the men only get five minutes.

79 You are supposed to examine your cars?—We are supposed to examine the controllers, the brakes, and the switches.

80. If the brake was not attached to the chain the motorman should have discovered it?—Yes—that is, provided he had a quarter of an hour to examine it, but if he only had five minutes the car is supposed to have been examined for him, and it was not so in that case.

81 I think you mentioned that the Brooklyn car was not tested before it went out?—I said it was not necessary for it to be inspected again.

82. *Mr Myers*] You have spoken in favour of the Appeal Board, have you not?—Yes.

83. Supposing there is to be an Appeal Board, would you be satisfied if the Arbitration Court was the Appeal Board?—No; I am not prepared to answer that question, because it is a matter which would rest with the federation,

84. Would you personally be satisfied to see the Arbitration Court appointed as a permanent Appeal Board?—I cannot answer that question, as I have never considered who should constitute it.

85. You would prefer not to answer the question?—Yes, because I have not considered that aspect of the case. It is a new one altogether It is a question that requires thinking out, and I am not prepared to give an offhand answer

86. If you are to have an Appeal Board, do you not think that would be fairest?—No, I think the Appeal Board proposed by the Bill is absolutely the fairest and best.

87. Do you not think the Chairman of the Board should have a permanent appointment?—No, I do not.

88. I suggest to you that if there is to be an Appeal Board the Stipendiary Magistrate of the tramway district, failing the Arbitration Court, would be the best Chairman. What do you think of that?—I think the provision in the Bill insures the best type of Appeal Board that could be got, and the provision made for the Chairman, I think, is a fair one.

89 Of course, you know the Judges and Magistrates are constantly sifting evidence, and adjudicating upon all kinds of disputes?—Yes.

90. Under the provisions for the Appeal Board in this Bill you know that it is extremely probable that you would get a person as Chairman who would not be accustomed to sifting evidence?—That is probable.

91 Do you not think, if there is to be an Appeal Board at all, that there should be at least one man on the Board—the Chairman—accustomed to sifting evidence and deciding on matters after hearing evidence?—I do not know that it is absolutely necessary He would hear the evidence of both parties.

92. I think this Appeal Board has been asked for by the Federation of Tramway Employees?—Yes, the whole of the tramway employees in New Zealand.

93 Are you one of them?—I am a past president of the federation.

94. And clause 6 is what you want?—Yes.

95. And yet you say you have not considered the question of the Arbitration Court being the Appeal Board, or of a Stipendiary Magistrate being its Chairman?—No, I am quite satisfied with the provisions in the Bill.

96. Would you agree to this: Under this Bill, failing an agreement between the appointed members of the Board a Chairman has to be appointed by the Minister: would you consent to substitute a Judge of the Supreme Court for the Minister as the person to appoint the Chairman of the Board?—I think the provisions of the Bill as a whole are quite sound, and, failing the appointment of the Chairman by the two representatives, I think the Government should have the power of appointing the Chairman.

97 Would you personally be prepared to agree to the Chairman of the Board being appointed, if the appointed members could not agree, by the Judge of the Supreme Court of the district instead of the Minister?—Personally I do not care what the Appeal Board is or its Chairman, because I have nothing to fear in connection with my own work.

98. With regard to the system of reporting defects: Supposing provision were made whereby the men could be assured that the daily sheets were filed and bound separately for each car, would you not be satisfied with that?—Providing that the union had a copy of each leaf as it was filed. It is absolutely necessary for the protection of the men, and the public as well, that copies of these leaves should be placed in the hands of the men as well as the Manager

99 Why do you think it is necessary for the union to have a copy, so long as these sheets are kept filed and are available for inspection if necessary?—Because it would be quite possible, in the event of the men not having a copy, for them to be denied the right to see the sheet.

100 I am asking you to assume that the sheets are kept filed and available for inspection. What is the necessity, I ask you, for copies to be supplied to the union?—There would be no necessity so long as they had an absolute right of inspection—a guarantee that the sheets would not be defaced or torn. Another thing is that it is an easy matter to rub out the lead pencil, and put "O.K." or anything else in.

101 Do you think men capable of managing tramways would do such a thing?—They think the men are capable of doing it, and I do not see why we should consider them above suspicion.

102 *Mr McLaren.*] Dealing with the loose leaves first, do you think, if the loose-leaf system was continued, the leaves are liable to be tampered with?—They could be tampered with.

103 In reply to Mr. Myers you said you approved of the Appeal Board as at present proposed?—Yes.

104. Is there anything in the Bill to prevent the Minister, if he liked, appointing a Stipendiary Magistrate as Chairman?—Nothing whatever

105. In the case of an accident, and considering the technicalities in connection with the tramways system, would it be necessary to appoint a man who would know more about the technicalities than a Stipendiary Magistrate?—Yes, I think it would. A man who understood tramway matters would be far better for the purpose than a Stipendiary Magistrate.

106. Mr Myers asked you whether a Judge of the Supreme Court should not have the appointment of the Chairman instead of the Minister: do you not think the Minister, who has an officer to advise him in case of an accident, would be better able to find out the qualifications of the Chairman than the Judge of the Supreme Court?—I think so.

107 Coming to clause 5, overcrowding in Wellington: Is it a common occurrence to have overcrowding here?—It is common, especially on Saturday afternoons, when there are football-matches, and on Saturday evenings.

108. What do you call "overcrowding"?—When a car is so full that no one else can get on it.

109. You made a statement that a car licensed to carry forty-eight, coming from the Athletic Park, carried 120?—Yes; it came out in argument.

110. If it has been denied in evidence, and it has been stated that it was impossible to carry 120 on a car licensed for forty-eight, what is your opinion?—My statement of that case was perfectly true.

111 Were you conducting?—I was motorman.

112. Then you are satisfied as to the number?—Yes, within one or two.

113. Is it a common thing to see six or eight poeple on the motorman's platform?—No, it is very infrequent. The department is strict about the platform riding, and tries to discountenance it.

114. In the case referred to at the Athletic Park, how many would be standing on the platform?—There were only two, and they were officials of the Corporation.

115. How do the staff and the management get on together?—Fairly well, taking it as a whole.

116. You were one of the deputation, with several members of Parliament, which waited on the Minister in connection with the Bill at the beginning of the session?—Yes.

117 Were inquiries as to that made by the management?—Yes. I was had up, and a copy of the proceedings, as reported in the *Dominion*, were laid on the table. I said it was a summary of what took place before the Minister, and I repeated it. I have already stated what took place at the meeting in the office.

118. Was that a fair report in the newspaper of what took place?—It was a fair report, but did not contain everything

119 It was an impartial report?—Yes.

120. There was nothing secret about that deputation?—No.

121 There must have been twenty-five people present at it?—Yes.

122. Were you away on that matter in your own time or the Corporation's time?—In my own time.

123 Did you look upon that as a piece of intimidation or browbeating?—It looked like it. It was the first time in my experience that anything of a like nature had occurred. I think it was done with a view of getting to know what evidence was to be brought forward, or to prevent evidence coming from us.

124. You look upon it as a bit of browbeating?—It was something like that.

125. Is that a common occurrence here?—No, it is the first thing of the kind that has ever happened as far as I am concerned.

126. You refer to the speed-limits on the Karori and Gardens trams is it possible to keep the time-limit?—Not under heavy-traffic conditions. Usually the car coming from Karori is two minutes late when it arrives at the Gardens. That is in the usual running-time. They are allowed ten minutes, and they usually take twelve minutes.

127 Is there any spare time at the Gardens when they get there?—No; they are limited to eight minutes to the station then the running-time from Karori is ten minutes to the Gardens, and the running-time from the Gardens to the station is ten minutes—twenty minutes in all.

128. If a copy of the loose-leaf report was sent to the secretary of the union every morning, would that be satisfactory?—It would be hardly satisfactory, inasmuch as the leaves, being sent out, are liable to be lost. There is hardly any fear of that with a fixed book.

129 Were you here when the Cuba Street accident took place?—Yes. I have been in the employ of the Corporation for the last six years.

130. Do you think there was any connection between the Cuba Street accident and the doing-away with the book system in Wellington?—It struck me that there was a coincidence about the matter

131 You think that the book system was done away with to prejudice the case against the motorman concerned in the Cuba Street accident?—No, I do not think they did it for the purpose of robbing the motorman of his defence, but I think it was done to prevent a motorman getting a defence in the future.

132 My question was whether it was done to prejudice his case?—No, I do not think so, but it was for future accidents.

133. Would that be the effect of it?—I think so, if a motorman is not able to obtain this knowledge.

134. Do you mean to convey the impression to the Committee that under the loose-leaf system a motorman cannot get as good a defence as with the fixed book?—That is what I wanted to convey

135. Do you know whether this Bill was in any way prompted by the union?—Yes, inasmuch as the Bill has been before the conference and federation of the whole of the unions. It has been before the conference since it was published, and it was unanimously agreed upon by the whole of the tramwaymen.

136. That was after the Bill was printed?—Yes. The old Bill was before the conference, and it was then that they asked you to have the clause reinserted. That was after last year's Bill was printed.

137 Was everything practically in last year's Bill that is in this Bill?—No. Last year's Bill had no provision for licensing the motormen, no provision for the repairs-book, and no provision for the Board of Appeal. I gave evidence on the Bill, and there were none of these provisions, and we suggested that these provisions should be incorporated.

138. You are speaking of the Bill of 1907?—That has the licensing of the motormen, but no Appeal Board.

139 This Bill was drafted before you saw me about it?—I did not know that.

140. *Mr Poole.*] Do you not think this Bill would have a useful application on every tramway system if it were placed on the statute-book?—Undoubtedly

141 Therefore you are not of opinion that it is introduced to deal with the alleged Auckland irregularities?—No.

142 *Mr Rosser*] I want to make clear a certain fact is it not a fact that the union considered this Bill after it was printed?—Yes, I think so.

143. What was the first intimation of the Bill you had? Did you know anything about a Tramways Bill before Mr McGowan's Bill was placed before the public?—No.

WALTER WHYTE examined. (No. 25.)

1 *Mr Rosser*] What is your employment?—Motorman on the Wellington Corporation Tramways.

2 How long have you been a motorman in Wellington?—Since the inauguration of the electric service.

3. I believe you previously drove on the horse-cars?—That is so.

4. Are you a member of the Wellington Union?—Yes.

5. You have been appointed to give evidence before this Committee on the Bill?—Yes.

6. Will you give the Committee your reason for approving of clause 2, the Government certificates, as concisely as possible?—The public safety would be absolutely the first thing I would not say for a moment that the motormen in Wellington I am acquainted with are incompetent, but there is no guarantee that men sometimes would get out that were incompetent. Such a man might be able to drive a car down the street, but if he got into a corner, or something went wrong with his hand-brake or controller, he would not know what to do. That is the reason why there should be an examination.

7 Briefly, would it increase his knowledge of the theory?—Yes. The theory would be very necessary for this reason: If something went wrong with my controller, I should know what it was. I might be coming down from Brooklyn when something was the matter, and I should know what to do with my controller That would help a man so far as the controller is concerned. As far as the hand-brake is concerned, something might bind there, and he might know how to rectify it if he had a sound knowledge of the theory of the brake; but if he had a very poor training he would simply get into a fluster and would try several things.

8. You have two motors, have you not?—Yes.

9. Have you had cases where one motor has gone wrong, and you had to go to the end of the car and propel with one motor alone?—It would not be necessary If your controller at one end became deranged you might have to go to the other end. I had a case of that.

10. Is it not to the advantage of the motorman that he should know the construction of his controllers and his motors, so as to run a better service?—Yes, very much so.

11. Have you ever had any experience of men who have had a car simply disabled because they were not well enough up in theory to know what was the matter with the car?—Yes, I have seen a Motor Inspector having to take a car to the shed because he did not know what was wrong with it. That was my car

12 Did you ever know a car on the Island Bay run on which, if the motorman had had a more efficient training, he would have been able to cope with the traffic better than he did—Spence's case?—I do not remember that case. There were two Spences in the service. J Spence is a man who is not in the service now It would apply to his case. All his brakes failed and his motors burned out. A more efficient knowledge of the cars would have enabled him, I dare say—I am not sure of it—to stop his car quicker than he did. His car simply stopped for lack of momentum. She got slower and slower until she stopped.

13. About how long ago is that?—I could not give you the date, but I dare say it could be ascertained. It was about three years ago.

14. Do you consider that in the present examinations by the Corporation officials there is any uniformity?—There are three different grades.

15 In each grade does each motorman have to pass the same examination practically, or is it made easier for some than for others?—I am inclined to think it is made easier for some than for others.

16. Do you think the Government examination before a Board of Examiners would remove any suspicion of favouritism?—Yes, without a doubt.

17 Do you think a motorman who got a certificate after a Government examination would be competent to drive on any electric system, apart from knowing the road, or, say, going from an air brake to a magnetic brake, or *vice versa?*—A man driving on an electric car would adapt himself to any car. When we got the Dick-Kerr controller we adapted ourselves to it right away, and so it would be with the brakes.

18. Do you know of any men who have got into the Wellington service and have driven with a brake straight away without any additional training?—Yes.

19. Do any instances occur to your mind?—Yes, lots. One that may seem most striking is that of Inspector Cross.

20. Where did he come from?—Auckland. I think all the training he had was about half an hour

21 Was that when the service was first started or after it had been established?—Some time afterwards.

22. Did he prove his efficiency?—Yes, there was nothing wrong.

23. Have you been in Auckland?—No.

24. Have you ascertained what brakes they have in Auckland?—Yes.

25 What are they?—Track and hand brakes.

26. Motorman Cross practically in an hour made himself familiar with the magnetic brake?—Yes. He might have been thoroughly familiar with the brake before he came here.

27. Do you know of other cases?—Yes.

28. What about Costin?—Yes, he had about a quarter of an hour in the sheds, and the trip down as far as the Basin on a box car I think Mr. Wright, the Engineer, then put him through. That was when the service was starting

29. Where did he come from?—From Brisbane to Auckland, and from Auckland to Wellington.

30. Do you know of any others?—Yes, Hilder, who came from Sydney, and McKay, who, I think, also came from Sydney

31 Did you know Deybourne?—Yes, he came from Sydney, and Paton also came from Sydney Hefferman, I think, came from Melbourne and Sydney

32 Do you remember a man named Aldred coming from Auckland?—Yes. The men who came from the other side came before the service started. They did go through some form of examination and instruction They were hanging over for about a fortnight. There were seven, and Peoples. He was not an experienced man, and so was put through a course of instruction and examination. These men were hanging about for some time, and went through some instruction, and were passed by Mr Wright.

34. What about your despatcher, Motorman Little?—He was one of those who opened the service. He came from Brisbane.

35. Do you know any men who have gone away from your service to others?—Yes. Lang went to Wanganui, Carroll went to Wanganui, Johnstone went to Christchurch, I think. Clough went to Wanganui, and there was another man who also went to Wanganui

36. Who was that—Thomas?—No, he went to Wanganui in a different capacity—as Inspector When the service started here first we had a different instruction from that we received later When I was instructed first it was different from the instruction a man received later, and receives now. The service had not been opened very long, and I knew very little about an electric car. I cut off my power at Taranaki Street, and when I came along to the Opera House at Winder's Corner the car would not start. I tried several things which gave me no relief, so I went on to the Post Office, which was the terminus then, and declined to take any passengers. One of the Motor Inspectors got on the car, but neither of us could ascertain what was wrong with it until we got into the sheds. Had I the knowledge I have now I could have fixed that car in one or two minutes. I had to drive from the wrong end of the car, which is dangerous.

37 Is that an argument for the Government examination?—Yes. I would not make any charge against the present instruction.

38. Clause 3, inspection of tramways: Have you any opinion upon that?—Yes. I would not make any charge about the system not being properly inspected, but certainly it would prevent anything like faulty inspection, and the appliances on the car might be improved for such a grade as Brooklyn, and the sand-gear would come under the head of "appliances." The sand-gear is not too good at the present time. It has been improved since the service was opened, but I think it was owing to the representations of the union that it was altered.

39 Do you think the cars are perfectly equipped now with regard to the sand-gear?—No.

40. What is wrong with it?—On curves the sand-pipe does not follow the rail, and going round a curve the sand-pipe is away from the rail altogether. One of them would be about 6 in. off the rail. In the Luxford Street curve I should say the sand would be 4 in. or 6 in. away from the rail.

41 The effect of that would be that you would have no sand on the rail at all?—No sand on the rail at all, and I have a very sorry experience of the effect through not getting sand on the curves.

42 Do you wish to give that experience?—Very much, because there was very nearly a serious accident. The Aro Street line junctions with the line in Willis Street. There is a compulsory stop just before you turn the curve, and there is a back wind at this corner that collects matter, and the rail is always dirty and greasy In addition to this the curve was oiled by the trackmen. On this particular night I stopped at the compulsory stop and let the car go, and was trying to pick up a car coming up I could not stop, although I had no power on. The other car had a straight rail, and was getting sand. As I was going on to the rail at the junction it was just a matter of inches whether I ran into the car or the other car got enough space to pass me. There were about 6 ft. or 8 ft. of straight rail on which the sand was effective, and I just struck the other car about an eighth of an inch, and grazed a bit of the beading If I could have got sand round the curve I could have stopped the car efficiently

43. Your opinion is that the sand-gear is not efficient?—It is not quite efficient.

44. Does the sand come down from the well?—It is some distance away.

45. With regard to the position of sand-punches on the platform: are they uniform?—No.

46. Do you consider that there should be a uniform position for the sand-punches on the platform?—I think that is very important.

47 Do you have much time, as a motorman, to find the sand-punch when you want it?—Not when you get into a corner, I can assure you.

48. Do you consider that the inspection of the equipment by a Government officer would bring about uniformity?—Yes; I think the representations made to any official when the service is inaugurated would certainly bring about uniformity

49. Take clause 5, paragraph (*d*), with regard to speed: Do you think there is sufficient time now for the time-table to be run?—On some runs, no.

50. Do you drive on the Lyall Bay run?—On all of them.

51. Do you consider there is enough time allowed on that run?—No.

52 What about the Island Bay run?—That is too fast for safety

53. What about the Wallace Street and Aro Street runs?—Those are two of the worst for speed.

54. You have loops on those lines?—Yes.

55. Does the present time-allowance lead to racing from loop to loop and going too fast?—Yes.

56. Supposing there was a double line on those routes, do you consider the time-allowance would be sufficient for the run?—Yes, for ordinary times.

57 Then, may we take it that it is the waiting on the loops that causes you to travel fast between the loops to make up for the waiting—does that meet your explanation?—Yes.

58. Take clause 6, the Appeal Board: Are you in favour of that provision?—Yes.

59. Why?—In the first place I think the management ought to be the first to consent to this in justice to those they have under them. If I were to appeal from the decision of my employer, and it was proved that he was wrong in inflicting punishment on me, then as a man he ought to be the first to acknowledge that he had been doing an injustice to me, and if his judgment were right, and I was wrong in what I had done, and the decision was upheld by an Appeal Board, then it would be a confirmation of the Manager's judgment, and would remove any ill feeling that might exist between the management and the employees, because the employees would feel sore if they thought any of their number were severly dealt with, and would acknowledge the judgment of the Manager if it were proved to be correct.

60. Is there any possibility of favouritism in a municipally owned tramway in regard to promotions?—Yes.

61 Do you think the proposed Appeal Board would remove any possibility of favouritism in the matter of promotion?—Yes, it would be a very good thing

62. Are you satisfied with the present system?—No.

63. Why are you not satisfied with regard to the present hearing of appeals?—The most vital point is that our representative is not there to help to form the decision, and the appeal we have to-day may not be in existence to-morrow. The power we have to appeal at the present time may be taken away from us. We did not always have it.

64. Would you not be satisfied if the offender and official were absent from the deliberations of the committee, provided the Manager was absent also?—Yes. I should not be absolutely satisfied, but it would be a very great improvement.

65 While the committee is deliberating, is it not a fact that the motorman is not in the room, while the Manager is present?—Yes; that is the source of the distrust in the whole service.

66 With regard to clause 9, the report-book: Do you approve of that clause?—Yes.

67. Would you rather have the old system of the fixed book or the present system of loose leaves?—The old book, as it is a matter of confidence between the men and the employers, if nothing else.

68. Do you think a man should have the right to inspect the record of the car he is taking out?—Yes, very much so.

69. Do you think it is right that a motorman should be able to see whether the defects booked up by him previously on that car have been remedied?—Yes.

70. Have you ever known of conflict of opinion between a motorman and the car-shed men as to whether a defect has been remedied or not?—I have.

71 Do you think a bound book, where you could see whether the car-shed hand had signed it or not as having been attended to, would prevent that?—Yes, it would have a tendency to do so, but it would not altogether relieve it

72. Is there anything else you would like to add to your examination?—On this particular point I would say, with regard to the fixed-leaf book, that a man might bring in his car, and if there was something wrong he would look over the book to see what some one else had written down, and he would say, "That is exactly what is wrong with my car" That would assist the management to come to some conclusion. If there was nothing wrong with his car when it came into the shed, for the life of me I cannot see why he would look up the report-book for a defect to book up his car with. I cannot for the life of me see what would induce him to do so.

73 *Mr O'Shea.*] You said in reference to clause 2 that the public safety was absolutely the first thing?—Yes.

74. Is that clause necessary in the interests of the public safety?—Yes. I think every man should undergo a Government examination, and I see no objection to his undergoing it in the same way as engineers and masters of ships have to do.

75 Have you ever heard of Government certificates being wrongly given?—Yes, I believe I remember one.

76. Seeing that the public safety is the first thing, and that every motorman ought to undergo a Government examination, do you not think that subclause (3) should go on to say that motormen in the service for twelve months shall get a certificate after examination?—No. In inaugurating any system it is usual to take things as they stand.

77 You are driving a machine which, when loaded, weighs 20 tons: do you not think, if it is necessary for men who come after you to be examined by the Government, it is necessary for all of you to be examined by the Government?—No. Men have a sort of vested interest in their jobs, the same as business men have vested interests, and it is the same in everything—employers and owners have certain concessions.

78. Do you not think that those who own the tramways have sufficient responsibility to cause them to put you through a thorough examination?—In answer to Mr Rosser I said that if I had had as much knowledge when I started in the service as I have now I should have acted differently The instruction that has been given since the first Instructor's time has been very efficient, and the examination that Mr Richardson and Mr. Cable gives us is also very efficient, and I think we are given every chance. But it does not follow that we are always going to have that, or that we are always going to have Instructors. We are asking for this examination as a permanent thing

79 Do you not think the Corporation's liability in the event of accidents is a sufficient safeguard?—Why was it not when the service was first started?

80. It has taken six or seven years to work up to the present point—there are improvements going on from day to day?—Yes.

81 Does it not strike you that this Government interference is not going to be based on that experience? Mr Richardson has had six years' experience in the service, and Mr Cable has had three: they know the local conditions. Do you think the Government is going to catch up to these men's experience in a few minutes in the matter of examinations?—They would see to it that men of Mr Richardson's or Mr Cable's experience were appointed for the purpose.

82 Is it not unnecessary to have a duplication of the work?—No, it would be a guarantee of efficiency if this examination took place.

83. Who is going to pay for all this?—I would pay for my certificate if necessary There would be no objection on the part of the men to pay for them, I think.

84. With regard to clause 3, do you think the Minister is in a position to judge of the reasonable requirements of the traffic, or any engineer who might be appointed by him?—Possibly the engineer would be a practical man. It may be that the member who is elected to Parliament or elected to Cabinet might be a practical man and a tramway engineer On the other hand, if he is not he will appoint a man who is an engineer

85 Mr Alexander, of Dunedin, has told us in evidence that it takes months and months of careful study to decide upon a time-table from the running point of view?—From a revenue point of view

86. Must you not consider the matter from a revenue point of view?—From the view of public safety first.

87 Do you think the Minister, or any engineer appointed by him, would be in a position to understand what are the reasonable requirements of the traffic in Wellington?—Yes, and a man with a very small idea of speed, if he went a trip with me to Island Bay, or up Willis Street, or some of the other streets, would find that it would make his hair stand on end. He would soon say that we were travelling too fast.

88. Do you say it is possible to run to Island Bay with the workmen's car at 5 o'clock within the speed-limit fixed by the Order in Council, and only be one minute under time?—No. If you were running a workers' car to Island Bay and had only one minute under time you would have your hair standing on end.

89. Do you know it has been done?—No.

90. If Mr James swears that he took time with a stop-watch from the Government Station to Island Bay, would you contradict him?—Yes, unless he had a special car in front of him.

91 Do you believe that the car that comes from Karori and arrives at the Government Station at 9 o'clock a.m. can keep up to time on a mean running-speed of sixteen miles an hour?—That is a technical question. From the Gardens down to the Government Station you have a very easy run. Where you would lose time is coming from Karori to the Gardens. The schedule time from there would allow you to get to the Government Station on time.

92. Do you ever run thirty miles an hour on that run?—No, not from Karori to the Gardens. It is possible for you to get on towards twenty-five miles an hour between the Gardens and the Government Station in Tinakori Road.

93 With regard to overcrowding, do you know the conditions in Auckland?—No.

94. Fourteen strap-hangers are allowed to fifty-six people seated: do you think that would do in Wellington?—It would be very comfortable to the passengers.

95. Do you think the public would stand it, say, on a run to the Athletic Park?—I say the public would not stand Councillors who permitted it they would look for more rolling-stock.

96. Would not that mean, not only more rolling-stock, but more men?—Yes.

97 And much greater expense to the community?—Yes.

98. Would it not necessitate the men working for a few hours on Saturdays or on the occasion of a football-match? Would it not require double the number of men to carry the people in that way?—No.

99. Would there not be required about double the number of people to look after the cars?—Yes; but on the other runs there would be few or no passengers at all. You might require double the number of cars for a football-match, not double the number of cars in the service.

100. Do you think it is right that the public should be made to provide cars to suit the utmost exigencies of the traffic, or would not the public be prepared to put up rather with a little inconvenience?—I do not know that I have ever heard any one take that view. I have often heard that the City Council in the old days complained to the private concern for not putting on more cars.

101 Do you not think it would necessitate your wages being reduced, the raising of the fares, or the striking of a rate: Do you know that the City Council anticipate that?—No.

102. Do you know that, after the City Council has set aside sums for the depreciation fund and sinking fund they have very little to come and go on?—I only have public statements to go on.

103. You know that we are not making a fortune out of the tramways—that we are just making up the sinking fund?—That is all that is desired. I think it is doing as well as any other service south of the Line.

104. If it is doing as well as any service south of the Line in the matter of paying, do you not think it is a very serious thing to interfere with it in the way this Bill proposes to do?—I do not see that the Bill proposes to do it.

105 You see by clause 5, subsection (2), that the Minister can make regulations to override an Order in Council: supposing you were a private tramway-owner and had sunk half a million of money in the undertaking on the strength of the Orders in Council, how would you like the Minister to come along and revoke them at his own sweet will?—If I were an interested man I should probably buck up as well as any man, but the community have to come in as against the individual. The community would be very foolish to allow itself to be, as I said, maimed and exploited.

106. With regard to the question of the Appeal Board, you have a fair Appeal Board?—There are shortcomings in the present Appeal Board, and we have only had one or two cases under the present system. We only had this Appeal Board since Mr Wilford came into office. It is certainly an improvement on what we had previously

107. It is fair, is it not?—I will not say that.

108. They have gone to this extent: that they allow the Town Clerk to manage the appeals instead of me, so that there should be no undue advantage taken of the men, and so as to give the men every chance?—That is so.

109 Do you mean to suggest that the Minister ought to have power to compel us to put down a double line on Wallace Street or Aro Street?—This is what I should expect—that the controlling authority would either increase the time from terminus to terminus or make an allowance by which we could get through.

110. You have plenty of time over the Wallace Street run. I have seen Wallace Street cars two minutes early at the terminus?—Yes, if you have raced the other fellow for the loops. On the other hand, you might get beaten and be late. You might get to Miramar ahead of time because you have been lucky enough to beat the other fellow for the loops, and then he is late.

111 Have you ever complained to the management about the time allowed on the Wallace Street and Aro Street runs?—I have not personally It has been represented to them that the speed is too fast.

112 As a matter of fact, is not every representation that comes from the motormen kindly considered?—Yes; no one knows that more than I.

113. If there is any suggestion made as to an improvement in the permanent-way or cars, does not the employee get a bonus for it? Did not the man get a bonus for suggesting that they should have a well on the line at Courtenay Place?—Yes.

114. And at the present time the Corporation are taking out the centre poles at Oriental Bay and the Basin Reserve?—Yes, for the public safety

115. And do you not think that this outside Board of Appeal would be subversive of discipline?—No.

116. Will not the men, when making up their appeals for disratings and loss of promotion, be neglecting their work?—No.

117 Was it not through that that a car got out of the shed on the day that Costen had his appeal—or went out without the king-bolt?—Costen was reduced on the 12th, and he had nothing to do with that car

118. With regard to the car report-book: Do you suggest that the defects are not remedied in the car-shed when they are reported?—Not as a matter of practice.

119. Have you looked at this statement made by the Brakes Commission: "The Commissioners have also considered the working of the existing law, and the necessity or expediency of any new legislation in respect thereto. They have found that at Wellington, Christchurch, and Dunedin a high standard of upkeep and efficiency of equipment is maintained"?—As far as Wellington is concerned, I should say that the repairs and upkeep are very good.

120. As to this matter of the car report-book, if the management say that the present system is much more efficient, and the accuracy of the reports is better, and that they are at any time willing to let the motormen have access to the loose sheets after they have reported a car, and that they are willing to bind the sheets for each car periodically so as to preserve the records, would you then have any objection to the loose-leaf system?—Yes. My answer to Mr Rosser would apply to your question.

121 Supposing a motorman got into trouble, and "collared" one of these books—it is possible?—Yes.

122 That would be much worse than if a single sheet were taken?—You would take it for granted that he was trying to cover up a defect for that particular day He might get hold of some of the loose sheets, but so far as the book is concerned they would lose that.

123. Do you suggest that the loose-leaf system was brought in as a result of the Cuba Street accident?—I do.

124. Do you know that the loose-leaf system was introduced two days after the Cuba Street accident?—No.

125. Do you think the department could conceive the idea of the loose leaf and adopt it in two days?—Yes.

126. *Hon. Mr R McKenzie.*] You said, in answer to Mr. O'Shea, that the repairs and equipment were very good?—Yes.

127 Do you think it possible to improve on them?—Yes. I say they are good.

128. If the repairs and equipments were very good, can you give us any reason why a car could leave the shed without a king-bolt?—I qualified that "very good." It might be like all inspections.

129 If there was a Government inspection, do you think that if a car left the shed without a king-bolt some one would be punished?—I think it would be effective.

130. Do you think some one ought to be punished for it?—I do not say "punished," but I think there should be some means of checking that. It is in the same parallel as a motorman's certificate being withdrawn after an inquiry If it is proved that some one else should have superintended it, then he should have been punished.

131 If it is proved that a car left the shed without a king-bolt, do you think that some one ought to be punished for allowing it to leave?—I do.

132 Do you know if any one was punished for allowing that car to leave?—No.

133. Who would be in charge of the shed at the time, and responsible for the cars leaving the shed?—The timekeeper—that would be Mr Cooper

134. Do you know whether he was punished or reprimanded in any way for allowing that car to leave?—No.

135 Do you think he should be punished?—I think he should be checked.

136 Do you think it was a source of danger to the public to allow that car to leave?—Certainly

137 The Wellington tramways are paying very well, are they not?—According to my small knowledge of finance, I think they are paying well.

138. Have you many cases of brake-failures or of runaway cars in Wellington?—Yes. A car driven by Jim Spence got away from Duppa Street. His hand-brake was defective. The other man had been coming into town, and knew his hand-brakes were bad, and would not come over Rintoul Street, and they transferred the car because the driver was careful not to go over the hill, and the other man went up to Island Bay Unfortunately his motor got burned out, and she ran to a standstill.

139 Do you think the ignorant handling of cars is dangerous to the public?—Yes, very much so.

140. Do you think that the granting of a Government certificate would tend to more efficient handling?—Yes, and to theoretical knowledge.

141 You stated, in answer to Mr Rosser, that the present sand-gear on the Wellington cars was unsatisfactory in going round curves?—Yes.

142 Is that a source of danger to the public?—Yes, very much.

143. Do you think if there was Government inspection the sand-gear would be improved upon?—I should not like to answer that question, because it is not very easy to do it.

144. Could you improve on it without it costing a great deal of money?—Yes, I think so.

145 Do you think it is possible to run from Karori to the Gardens in the time allowed without exceeding the speed-limit provided for in the Order in Council?—No.

146. The speed-limit is fifteen miles, and in order to do that run in the time allowed it is necessary for you to exceed that speed?—Yes. It all depends upon the traffic. If you get much traffic you will be late.

147 Do you think it is necessary to go as fast as thirty miles an hour on that run?—I do not know that I go as fast as thirty miles an hour In some places it is perfectly safe, in my opinion, to go very fast.

WEDNESDAY, 21ST SEPTEMBER, 1910.

WALTER WHYTE further examined. (No. 25.

1 *Mr Rosser*] In your cross-examination by Mr O'Shea you were asked where the expenses would come from to carry out the provisions of the Bill if it were passed have you seen from time to time a comparative statement made by Mr Stuart Richardson of the Wellington tramways balance-sheet and the Auckland returns?—Yes.

2 Have they been published in the Press from time to time?—Yes.

3. Have you noticed that Mr Richardson shows that if the same system of accounts were adopted in both balance-sheets the Wellington system would show more remunerative returns than Auckland?—Yes.

4. Have you any idea of the profit made in connection with the Auckland system according to the balance-sheet last year?—Yes.

5 What were the profits made on the Auckland system last year?—According to the daily Press, about £40,000.

6. Are you aware that the proportion paid to the Auckland City Council as its share amounted to, roughly, £4,000?—Yes, according to the reports in the newspapers.

7 Do you consider that if there is an increased expenditure under this Bill it could easily come out of the profits without necessitating the striking of an additional rate on the ratepayers? Yes.

8. *Mr Fraser*] What do you mean by "profits"? Do you mean profits after paying interest on capital?—There is a difference between the financing of Auckland and Wellington.

9. That is not the question put to you: you said you understood the profits were £40,000? Yes.

10. Interest has to be paid out of revenue, and therefore the £40,000 would not be net profit? —I understand the £40,000 is distributed among the shareholders in Auckland and bondholders in Wellington.

11 *Mr. O'Shea.*] You said that you were familiar with the Dick-Kerr controller: do you know that Motorman Keen had an accident to a car that had that controller on?—Yes.

12. Do you know that Dick-Kerr controllers have been taken off, and that they are all G.E. electric controllers now?—Yes.

ALEXANDER SUTHERLAND examined. (No. 26.)

1 *Mr Rosser*] You are a motorman in the employ of the Wellington Corporation tramways?—Yes.

2 How many years have you been a motorman?—Since the inception of the service, about six years and four months.

3. You then started on the electrification of the system?—Yes.

4. What is your office in the union?—President of the union at present, and president of the federated executive.

5. You have been appointed by the union and federation to attend here in your representative capacity?—That is so.

6. Has the Bill received consideration by the federation and union?—By both.

7 And are they in favour of the Bill?—Yes, and would like to see it become law

8. Many of the questions I am going to ask you have been placed on record by other witnesses, but there is one point with regard to motormen's certificates which I specially desire to put to you: Do you consider the granting of the certificates would benefit the system throughout the Dominion?—Yes. I think it is necessary that the men should be examined under Government supervision. There can be no exception taken to the Government examining these men The Union Company do not take exception to their officers being examined by the Government, and in their enterprise a tremendous amount of capital is invested. The Government also issue certificates to men in connection with boilers, where there is much property concerned, and I cannot see why any exception should be taken to the Government granting certificates in the case of motormen.

9 Do you consider the Government examination would improve the knowledge of the motormen?—It would both improve their knowledge and the class of men who were employed hereafter

10. Are you of opinion that a motorman trained in one centre would be able to work the cars in another centre?—Absolutely He might want a little coaching for a very short time with regard to the system of brakes. That might apply to the different system he was going to work on

11 Certain names have been given as instances where men who have driven in Wellington have come from other centres with little or no training?—Yes.

12 Do you know of any instances where, apart from the starting of the service, men have come into it as a going concern, and have taken up their duties as motormen?—Yes. One of the most glaring instances was that of Despatcher Cross, who came from Auckland, and started straight away without any training on the road whatever

13. How long ago is that?—I presume it would be five years ago. That is, a year after the service was started.

14. Do you know any others beside Cross?—Not to the best of my knowledge.

15. With regard to clause 5 of the Bill: What is your opinion about the overcrowding that exists in Wellington? Have you had any instances of it?—Yes, a great many Overcrowding always exists, and at the busy hours it can hardly be helped at present. It is very noticeable.

16. Have you driven cars when you have had very many on it at any one time?—Yes. I have been on a car with over ninety on it to Miramar, and on a box car carrying over sixty to Oriental Bay A box car is supposed to seat twenty. And it is a common occurrence in a car with twenty-four as its seating-capacity to see over sixty

17 The Brooklyn cars, I understand, are restricted to the seating-capacity?—Yes, absolutely

18. How long have those cars been restricted—since the Brooklyn accident?—As far as I can understand, that was the stipulation in the Order in Council after the line was opened.

19 And up to the time of the Brooklyn accident was that restriction obeyed?—Yes, because the man would be severely dealt with if it were broken. A way-bill on a particular trip showed over the number on one occasion, and I had to appear before the Traffic Department and explain how it occurred.

20 Is there any difficulty in observing that restriction at rush times on the Brooklyn cars? Yes. Extra cars are put on to relieve the congested state of the traffic.

21 And if it were carried out on the other lines, do you think extra cars could not be put on to cope with the traffic?—They could be put on in the busy hours of the day

22 Could you do it by a system of broken shifts?—I have not considered the broken-shift question, but that is the way it would have to be done. It could not be a regular service of cars.

23. When the cars are crowded, does it mean extra danger to the conductor going on the footboard?—Yes, and a passenger might fall or jump off, and say he slipped off through the overcrowding

24. Have you ever seen passengers in an overcrowded car half-way in the doorway?—Yes.

25. Does that not increase the difficulty of conductors in going along the footboard?—Undoubtedly it does.

26 What is the opinion of the union with regard to the cars with footboards? Are they averse to or in favour of them?—They are averse to them, because of the narrow streets in some parts. A man has to be exceptionally careful, and if it were not for the motorman keeping his eyes open he would be swept off more often than not.

27 Is there much space between a car and a lorry when passing in some of the streets?—There might be three or four inches for the driver of the vehicle.

28. Have you had a case where the conductor has been brushed off the footboard?—Yes.

29 And is that the reason why the union has condemned that system of car?—Yes.

30. Is there any regulation by the Corporation by which you are instructed to specially gong a conductor when passing a lorry?—No, for the simple reason that any gonging of the gong

rattles fast and furious, and the conductor may be very busy in the car getting his fares, and thinks there is a vehicle on the track and does not take much notice. If a motorman simply rang his gong the conductor might be swept off the step, and would ask why he was not warned. If the reply was that he had been gonged, he might say the motorman was warning somebody else of danger

31 There is no difference in the gonging to warn a vehicle, say, 20 yards ahead, and the conductor?—You might give a sharp gong to draw the conductor's attention, but he might be too busy at the time to notice it.

32 Now with regard to speed?—I think the speed ought to be limited in busy parts of the city

33. What do you consider are the worst lines for the excessive speeds in the Wellington service?—I would say the Island Bay and Lyall Bay lines.

34. Do you consider the time allowed for those journeys sufficient?—Not for either of them.

35 Do you have to travel at an excessive speed in order to keep to your schedule time?—Yes. We have to do it.

36. Are you expected to make up time on clear roads?—You are supposed to do it. It is not absolutely specified. There is always an amount of competition or jealousy amongst the men to make them say, If one can do it, another can do it.'

37 Is fault found with a man for not keeping his time-table?—I have not known of a man being brought to book. There is provision made for him to report his excuse on his time-book, and, as far as we know, it does not count against him, but it might be.

38. If a man is found to be a slow driver, is he liable to be reduced to the grade of a second-class motorman?—Yes, the same as a conductor They are told that they are too slow, and are reduced.

39 In your system are there two classes of runs, A and B?—Yes.

40. Do you mean that the motorman would be reduced to second class?—He would be taken off the runs for what are considered the most competent men, and put on runs for incompetent men.

41 Is there any difference in the pay for A and B runs?—No, but if a man has been in the service so long and is reckoned to be a competent driver, he loses caste.

42 Is there any difference in pay by men being reduced from first class to second class?—Yes.

43 What constitutes a first-class motorman?—He is a man who is supposed to do his own certain repairs on the road, so as not to have his car sent to the shed or to block the traffic. He gets ½d. an hour more than other men A man often drives on what is called the B route run, but at the same time there are other men driving on the same run as he who are not first-class motormen, and who have not qualified to get ½d. an hour, but they are called first-class motormen as things go.

44. You have a roster of all the men in the two different classes?—That is so.

45. Is it usual for a first-class motorman to be booked regularly on the A run?—It is not the practice, but it is done when they want to punish him for something Then he is booked up on the other rosters, but his pay does not suffer

46. His prestige suffers?—Yes.

47 With regard to the Appeal Board: What is the opinion of the union with regard to the present system of appeal? Is it satisfactory?—No, not altogether satisfactory

48. Do you consider the proposal in the Bill would be satisfactory to the men?—Yes, absolutely

49 Do you know of any cases that have been disposed of under the system in existence up to the present where you might have had a different complexion put upon them if they had been taken before such an Appeal Board as is provided for in this clause of the Bill?—Yes.

50. Can you give us an instance?—Yes. We had a man who was dismissed for dishonesty on the Brooklyn run. He was afterwards reinstated. He was conductor. He was accused of theft, and, instead of being proved absolutely guilty by the department, he had to go to the inconvenience and expense of finding witnesses and clearing his own character before he could be reinstated If it is possible to go further back for an instance, before Mr Richardson s time we had a conductor who was dismissed as a thief for selling a twopenny ticket twice over That was on the Newtown line, and, only a few weeks before, this young fellow found a sovereign on the floor of his car, and no one saw him pick it up. No one asked for the sovereign, and it went into the Council's treasury, which was a proof of his honesty, and shows that he would hardly belittle himself by taking a twopenny ticket. Had there been an appeal in that case, and the Board had heard of this, the matter would have worn a different complexion altogether, and the young fellow would not have had to leave the service without a certificate.

51 With regard to the present so-called appeals, is there any fairness in the decisions for the same offences, or is there favouritism shown?—Yes, there is favouritism.

52 Will you give evidence as to that?—Some fifteen months ago four men were disrated from the first to the second class runs for so-called furious driving Three out of the four were reduced to the second-class run for a period of one month, but the other man for the same offence was reduced for fifteen months.

53. Do you consider there was any difference in the fourth offence to merit the extra severity? —Not on the case he was charged with at the time. Four men were charged with furious driving on hilly roads, and it seemed to the majority of the men that the same punishment would have met the four cases. [Names given.]

54. Are there any other cases you can mention?—There are other cases where men have had rear-end collisions. They may have been very slight in many cases. One man got two months' reduction, other men have had three months', and others six months'

55. Do you consider there was no need for such discrepancy in the sentences?—It was thought that with men of equal record similar punishments would have satisfied the cases.

56. Do you know the names of those men?—There are many such cases, and I simply give these as an example. Some of them go off for twelve months, and some for a shorter time. The latest case was that of Dickson, a first-class conductor, who was disrated for a rear-end collision. B Wills's case was also that of a rear-end collision, and the man with the least experience has got the heaviest punishment. Wills was a motorman, and the other was a first-class conductor

57 Do you remember a report of car No. 81, by Buttars?—Yes.

58 Do you remember what he reported?—He reported that the brakes were not acting too well, that the car had a great vibration, and some other small details which required to be fixed up.

59 Was that objected to by the management?—It was objected that it should not have gone into the report-book, that he was an experienced motorman, and that it might give the lead to other motormen to book up his car, or other cars that might be defective, and it was suggested that it would have been far better to have sent in the report on this car on the No. 2 report form.

60. That was to prevent the record being put in the book to which every one had access?—Yes.

61 And No. 2 report form: where would that go?—That would go anywhere. It might go into the waste-paper basket in time.

62 When was this?—Three or four months ago, before the car went out into the traffic.

63. It has been put in evidence that a book used, and to which the motormen had access, would be meaningless because it would contain such words as "Crook," 'Chronic," "Rotten": have you known of instances of books having such entries?—I have known cars to be booked up by the same sort of report. I have had these myself; and some men, a little less patient than others, if they had a car which was bad for two or three days before, would put down the same remark about the car, such as 'Chronic,' 'Crook,' "Rotten," and state that they were "full up' of the car

64. Does that show that they were incompetent to make out their report, or that they had got tired of making reports?—They had got tired of making reports.

65 Did you form one of the deputation to the Minister of Public Works in the month of July of this year?—Yes.

66 Did you go with it on your own initiative or were you appointed by the union?—Appointed by the union.

67 How many were there of you?—I was there, also Mr. Faire, Mr Moir Mr Timms, Mr Dalton, and Mr Waters.

68. Was that deputation reported in the papers?—Yes.

69 Have you had any further communication from the Manager with reference to the deputation?—Yes, we were asked to report at head office.

70. When was that?—A fortnight ago. We were asked to report at the head office on the Friday A cutting of the newspaper was put before us, and my statement was underlined in red ink. I was asked if I had been misreported, or whether that was the statement I had made. I replied that that was the statement I had made, and I was not misreported.

71. Were you called in all together or one at a time?—Singly

72 Did you go in first or second?—I went in last.

73. Do you consider that an action like that tends to suppress free speech on the part of the employees?—Yes.

74. Do you regard it as a piece of intimidation on the part of the Corporation?—Yes.

75 Is there anything else you would like to say, or anything you want to add?—No, I do not think so.

76 *Mr O'Shea*] You complained about your treatment in being disrated for fifteen months when the other men were only disrated for three months?—Yes.

77 Do you know that you have about the worst record in the service?—I do not think so. Do you mean as a driver or conductor?

78 Were you twice drunk when on duty?—No.

79 Were you dismissed for being drunk on duty?—Once.

80. And you were reinstated?—Yes.

81 You were once reduced £1 for being drunk while on duty?—No. I suppose a doctor's certificate taken immediately after leaving a car counts. I presume you have that on the record.

82 What time was it when you were said to be drunk?—I got off the car just as I was relieved. Mr Richardson said that if I made an admission that I was under the influence of drink I should be treated leniently

83 You were reported by Inspector Pentecost on that occasion?—Yes.

84. You say that you have not enough time to take your runs on the Island Bay line?—Yes.

85 On the 20th January you were booked up for being eight minutes late?—The clock is very often wrong

86 I see that there are three pages in the record of your offences, but some of them are minor ones?—Yes.

87 You have been warned several times for entering hotels?—Yes, when other officials were there.

88. It is against the regulations if you are there in uniform, but not if you are in your ordinary clothes?—I do not know, but I have seen men warned for that.

89 Have you ever been warned for running slow?—No.

90. On the 2nd December you were booked for reckless driving: do you remember that?—Men in our department can make any charge, and it goes down on your record without your knowing anything about it.

91 Have you not been asked for an explanation of these things?—Not that I know of

92. On the 10th December, 1904, you ran late on your trip, and was asked to explain, and you gave an explanation That is your signature [record shown to witness]?—Yes.

93. On the 12th January, 1906, there is a charge of driving too fast: you must have been questioned on that?—Yes.

94. As a matter of fact, did you not get asked about every one of these charges?—No.

95. You say that the Corporation by-laws are not enforced. There was a conductor who was dismissed for dishonesty, and reinstated by the Committee—is not that so?—Yes.

96. How would you have got on if you had been left to the tender mercies of the Appeal Board with this record?—In that first case, where I was accused of drunkenness, the man who reported me has a record which would hardly stand looking into.

97 When Little found you in that condition he took the car from you?—He took the car, but if he was so satisfied about the matter why did he meet me at the door, and say 'There is your own car''? There was a little ill feeling between myself and Motorman Little over a personal matter, and he in his position had the heavy end of the stick, and could always take advantage of it.

98. On the 29th May, 1907, a report was sent in by G Crowley, motorman: that was the day when you were accused of being drunk on duty, and were dismissed?—Yes.

99. Is that statement correct?—He may have made the statement.

100. Here is a report of Ernest H. Minifie, 28th May, 1907: is Little's report correct?—No. The whole thing is based on the one report of this man because of the personal grievance existing between us, and he in his official capacity had the best of it.

101 Has Conductor Bowker a grievance against you?—He was only a new starter on the job.

102. *Mr Fraser*] You were talking about overcrowding how would the provisions under this Bill stop overcrowding? Have you considered that matter at all?—I have not considered it at all.

103. If the Government appointed inspectors to try and stop overcrowding, have you any idea of how many would have to be appointed to do the work effectively in a city like Wellington?—No, I have not considered it.

104. You say the cars with the side platforms are condemned by the union?—Yes.

105. How many cars of that character are there in the Wellington system—all the new cars?—I cannot say. All the latest additions consist of those cars.

106. I understand there are fifty-three out of eighty-one: do you think it would be right to compel the Corporation to do away with more than half of the cars they have at present?—They could not be done away with, but they might be altered materially

107 How would you alter them?—They might make them into corridor cars.

108. Do you know that before these cars were allowed to run they were sanctioned and passed by the Government?—Yes.

109. If the Bill became law, would it improve that state of affairs and enable the Government to insist upon a different class of car?—It might make them alter their views with regard to different classes of cars.

110. *Mr Rosser*] How long ago is it since you were dismissed for alleged drunkenness?—Three years and two months.

111 Do you consider that in your case you would have received fair treatment before the Board of Appeal as laid down in clause 6?—Yes, I think a different complexion would have been put upon the matter altogether

112 Do the men know what their record is by an actual inspection of the record?—No. Anything can be added to a man's record without his knowledge, and kept there for any time. A charge is kept upon his record whether he is exonerated or not.

113. Do you know of any cases where a man has been shown his record, and been startled to find that an offence for which he had been excused or exonerated was put down on his record against him?—Yes.

114. Do you consider that fair?—No Motorman Ward had a student in his care when a man was knocked down and killed in Courtenay Place. He was exonerated from all blame by the Coroner's jury, but on going to the department to see the record, it was found to be entered. While it is on his record it will carry a certain impression.

115 Are cases common knowledge among the men?—Yes.

116. *Mr O'Shea.*] Do you object to this entry: "January 13: Boy cyclist collided with car; commended"? You were commended for your action in that matter: do you object to that being in the record?—I suppose it would be a fair thing to put it in if I had been commended.

117. But do you object to that being on record?—No, I suppose one balances the other.

DUNCAN MCGILLIVRAY examined. (No. 27)

1. *Mr O'Shea.* You are an Inspector employed by the City Corporation of Wellington?—That is so.

2 You have been a motorman?—Yes.

3. You have also been president of the Tramways Union?—I have.

4. Do you consider there is sufficient time allowed on the Aro Street and Willis Street runs under the present time-tables?—Yes. My best answer is this: To give a fairly liberal estimate, the cars generally have two minutes in Wallace Street and three minutes at the Government Station as standing-time, and I think that is sufficient.

5. The Miramar line is always supposed to be a fast line? will you give as an instance what occurred last night?—Yes: a man left fourteen minutes late at the Government Station, and got back from the return trip two minutes ahead of his leaving-time. The reason for his being late was that he was blocked on the road.

6 You went out one day, and took an accurate note of the speeds on certain routes: what routes were they?—Island Bay, Wallace Street, and Karori.

7 Can you tell us what results you found? These are the results from Island Bay, are they not [report produced]?—Yes. The running-time allowed there is thirty-three minutes one way, and thirty-seven the other In this particular trip there were thirty stops in all made, an average of 17·7 seconds per stop. There are thirty-five stops on the run That was one way On the other way there were twenty-five stops made, averaging seventeen and a half seconds. The car arrived at Island Bay one minute late, and got back to the Government Station with two minutes to spare. You will notice that we left at 4.14, and got back at 5 22 instead of 5 24, and had two minutes to spare. I think that was a very fair run at the time of the heaviest traffic. On the Wallace Street run we left the Government Station at 4.43, arrived at Wallace Street at 4.45, had three minutes' standing-time, and left again at 4.48, getting back at 5.1 That was two minutes within the schedule time allowed for running the round trip.

8. *Mr Blow*] The time you allowed for the stops—is that the actual standing-time?—The actual standing-time. When I was taking the record, I took it when the car was getting down to a speed of three miles an hour It cannot be said to be the actual standing-time.

9 Why did you take the three miles—is that the average speed of the car?—No, not by any means.

10. What is the average speed when you are running between stops?—I should say between twelve and sixteen miles an hour—twelve miles, probably

11 Would it not have been fairer if you had taken the time when the car commenced to slow down?—I would not say that.

12 If you only took the time from the period when the car was reduced to three miles an hour there was scarcely the same loss of time between the periods of maximum speed and the speed of three miles an hour?—That must be so.

13 How much would there be?—I am not prepared to say, because I have not made any calculation.

14. I am afraid, then, that the times you have given are not of much value?—Those are the times I took.

15. *Mr Rosser*] Is it fair to give that as the average speed in taking it in the way you have done, when you know that at some time between the stops you are travelling very much faster to make up for the slowing-down and working in parallels? How long does it take to get into full speed?—Ten seconds. That is the general standard.

16. If they give less than that, there is likely to be trouble, is there not?—Yes, if they continue it.

17 Seeing that it takes so-many seconds to work into full speed from the time the man starts, and it takes so-many seconds to slow down to three miles an hour, do you consider your report a fair one as to the speeds obtained by the cars on those runs?—Yes, I do. The time I give in my report is the time actually run. I am giving the mileage.

18. Did you give us the mean time you ran at?—11⅞ miles per hour on the Wallace Street run

19 And on the Island Bay run?—Thirteen miles.

20 Have you any idea of what was your maximum speed on your Island Bay trip—the greatest speed obtained in making up this journey?—I have an idea, which I can simply give as my idea—about eighteen miles an hour

21 Who was the motorman?—Motorman Couper

22. Is he a motorman on regular work in the Corporation service?—Yes.

23 Did you have a full car?—Going to the station we had.

24. You left for Island Bay at 4.15 did you have a full car going out to the Bay?—Not all the way out.

25 Is it not a fact that your worst times are after 5 o'clock instead of before it?—In this particular run to Island Bay the traffic would be as heavy between half past 4 and 5 o'clock as afterwards, for the reason that there are a large number of ladies who come out to do their shopping, and want to get back about this time.

26 Where does your heaviest traffic come from—Berhampore?—Yes, and Luxford Street.

27 At what time did you get to Luxford Street?—About 4.33

28. Was it the same motorman as you had on the Wallace Street trip?—No, another one.

29 Did you arrive at Island Bay terminus with many passengers on the car?—We had about half a dozen.

30 Was it a full car in?—From Rintoul Street.

31 Did you have many specials ahead of you?—None.

32 Then you had a clear road?—Yes.

33. Are there many specials after 5 o'clock going out there?—Two

34. Is it not fair to say that you had all the conditions favourable with regard to making these times—that is to say, you started before 5 o'clock and had no specials ahead of you; that is an advantage, is it not?—No. If you have a special ahead of you it takes your loading

35 Do you not have to wait on the loops?—Yes, we had one at least. I cannot say that we were waiting on more than one.

36. Had you any racing for the loops on this trip?—No

37 *Mr Fraser*] Were those special trips, or were they ordinary runs in the ordinary cars going out to those places?—It was the ordinary traffic.

38. Were the motormen who took charge of those cars told anything beforehand?—Nothing whatever The motormen knew that I as standing on the cars, and that was all. Neither the motorman nor the conductor knew for what reason I was there.

39. The report, you think, is a fair index of what a particular car would be going at in going out and back again at that particular hour?—That is so. I tried to give a true and correct statement.

40. There is a certain time allowed at each end for stopping generally?—On some runs.

41 Is that time allowed at each end in order to enable the motorman to make up time, so that he can start at the right time again, or is it for any special purpose?—The man must have time to turn his pole and get his sheets in. There is a certain margin allowed for that.

42 Then they stop longer at some places than at others?—They do.

43. What is the reason for that?—There may be several reasons for it. Some cars leave at a certain time to work in at certain points.

44. I wanted to know whether the time allowed on a long run was to enable the motorman to start at the correct time on his return journey?—No.

45. That is not a factor in the case?—No.

GEORGE ERNEST JAMES examined. (No. 28.)

1 *Mr O'Shea.*] You are Traffic Inspector on the Wellington tramways?—Traffic Superintendent.

2 At my request, Mr Cable selected you to time certain cars under ordinary traffic conditions? Yes.

3 Did you do that?—I did.

4. Did the motorman and conductor know for what purpose you did it?—No.

5. These are the results of your investigations: We will take first the Island Bay workers' car at 5 14 p.m.: Will you tell the Committee how many stops there are on that route?—About thirty-three, all told.

6. How many stops did you make with this car?—Thirty, exclusive of the station.

7 What was your average length of stop?—Eleven and a half seconds.

8. Was that the actual time the car was stationary?—Not in all cases, that is the average.

9 When you take a stop do you take the time the car is actually stationary?—The time at which the car stopped and started.

10. And it came to five minutes forty-seven seconds in all?—Yes.

11 You arrived there at what time?—At 5.48, one minute late.

12. What was your average speed?—11 11 miles per hour.

13 At Kirkcaldie's you were on time?—Yes.

14. And at Courtenay Place you were two minutes late?—Yes.

15. At Rintoul Street you were two minutes late?—Yes.

16. And at Island Bay you were one minute late?—Yes.

17 Was that car fully loaded?—There were 116 tickets issued by the conductor There was an assistant conductor's tickets and concession and shilling tickets to be accounted for

18. Was the car loaded all through its route?—It had a good load from the time it started until within the last stop or two.

19. Do you think there is any severer test of the schedule time to be taken than by that car?—No, it ought to be a fairly good test.

20. Coming from Karori you took the 8.40 car?—Yes.

21 That is the busiest car in the morning?—It is one of the busiest cars.

22. You had 17 minutes 47 seconds actual running-time on the 15th September?—That is so.

23. And the stops amounted to 2 minutes 13 seconds?—Yes.

24. Your average stop was 11 seconds?—Yes.

25. Between the Gardens and the station there were seven stops, averaging 11 seconds?—Yes. Between the Gardens and Karori the average was 9 seconds per stop.

26. You left the Gardens one minute late?—Yes.

27 Were you up to time at the Government Station?—Yes.

28. What was your actual mean running-speed from Karori to the Gardens?—Exclusive of stops, twelve miles an hour

29 And from the Gardens to the Government Station, sixteen miles an hour?—Yes.

30. That car actually ran to time?—Yes.

31 You took the 4.46 car from Miramar?—Yes.

32 Is that a fair test of Miramar running?—The 4.46 car is one of the heaviest cars in the day

33. It picks up a big loading at Kilbirnie?—It is generally fully loaded from the clock at Kilbirnie.

34. This is your report There were thirty stops between Miramar and the Government Station, 12 seconds per stop; actual running-time, 31 minutes 40 seconds, exclusive of stops, at the rate of sixteen miles an hour?—Yes, for the whole distance.

35. You also took the Karori car on the 14th instant?—Yes.

36. What happened there? What were your stops? Was the run the same as the other?—Exactly the same as on the 15th, except that it was 17 minutes 30 seconds running-time, instead of 17 minutes 47 seconds, and 2½ minutes stops instead of 2 minutes 13 seconds.

37 Do you consider our schedule time is fair to the motorman and to the public?—Yes.

38. Do you ever punish the men for running under time?—For running late?

39 Yes?—I have no recollection of any man being punished for running late.

40. There has been some talk about Mr Cross, an Inspector, I understand. One witness said he was put on the handles without any preliminary training or examination, and another witness said that he was on for half a day: Can you tell us the circumstances with regard to when he was put on?—Cross had been in Wellington about a week before.

41 *The Chairman.*] On the car?—No, not on the cars; previous to his being put on

42 *Mr O'Shea.*] Tell us what training he got?—He was a past motorman from Auckland. He was passed by the doctor and examined by Motor Instructor Dunning and Mr. Richardson. He had about a day's practice on various routes, and then took up a straight shift on Constable Street. He was put on on the second day after having passed the doctor and being examined by the Motor Instructor and Mr Richardson.

43 Was he efficient?—Yes.

44. *Mr Rosser*] What type of car do you have on the Island Bay trial with the workmen?—A large double-decker

45. What are they constructed to carry seated?—One hundred and three.

46. Do you know how many tickets were sold on that trip?—One hundred and sixteen

47 Did you have many concession tickets?—That I could not say

48. Did it occur to you to note how many you had on the car at one time?—No.

49 Was it fairly crowded?—Yes.

50. What was the name of the motorman?—I have forgotten for the moment.

51. Did you have a motorman or did you drive yourself?—No, I rode on the top of the car

52 What was the name of the conductor?—Jacobson.

53. You say you had a special ahead of you?—I said nothing about a special.

54. Was there a special ahead of you?—There is a car running ahead of that one every night.

55. And does that car take up a load of passengers?—It takes the ordinary load.

56. It was the workers' car you were on that day?—Yes.

57. Were there many ladies aboard?—Not usually on the Island Bay workers' car

58. Is it not a fact that men workers are more active in getting in and out of a car than ladies, and they should take up less time at the stops?—That is probable.

59. Do many of them get off and on when the car is in motion?—I would not say that.

60. Did you notice at that time whether they did or not?—No. I was on the top of a car, as I told you.

61 In going to Island Bay are there any parts of the line where you are restricted to run not more than four miles an hour?—In Courtenay Place you are supposed to pass intersections at not more than four miles an hour

62 What about Manners Street?—That is six miles an hour through Manners Street, or supposed to be.

63. Was the six-miles-an-hour speed observed on this trip?—They ran at the usual speed.

64. What is that?—It is supposed to be six miles an hour in Manners Street.

65. Take the curves—there are seven curves?—Where?

66. On this run to Island Bay Were they taken at the regular speed, too?—I should say so. They were not taken at an excessive speed.

67 You noted that?—I did, decidedly

68. Under the special work, have you any regulations with regard to that?—The speed has to be reduced.

69. To what?—To four miles an hour

70. Was that observed?—As far as I can say, yes, decidedly

71 Then I take it that there are at least twelve places on the line where you are reduced from six miles to four miles an hour?—Yes.

72. Can you say what was the greatest speed you went at when you got to the special track at Berhampore?—No.

73. Can you say what your maximum speed was when you got fairly out on your way to Island Bay?—No, I did not test the maximum speed.

74. Take that hill up Rintoul Street: what did you go at up there?—As I tell you, I did not test the speed.

75. Have you any idea of the speed when you came back?—I have not. It was only a test for going out.

76. Take Karori run what is your regular speed, say, from the Cemetery to the tunnel—is it not four miles an hour?—No.

77 Well, from the Cemetery to the quarry, is there not a regulation speed?—There is a notice on one of the boards restricting the speed, just round one of the curves above the quarry, to seven and a half miles an hour, I think.

78. What speed have you to go through the tunnel at?—Series.

79 That is, half-speed?—Yes.

80. From the viaduct down to the Gardens: is there any regulation about that?—From just below the viaduct to the stop just about Mount Road the speed has to be reduced to four miles, but that is not right through to the Gardens—that is only for a few yards.

81. Were these speeds observed on your trial trip?—Yes.

82 Did the motorman know you were engaged on this trial?—He did not.

83 Was the car a decker?—No, it was a combination car

84. If these speeds were observed, what was the average speed—sixteen miles?—Yes.

85. Then how does it follow that with these regulations and that speed you only went sixteen miles as a maximum speed?—I said twelve miles was the average speed.

86. What was the maximum?—I did not take the maximum speed.

87 Is it not a fact that your motormen are trained to judge the speed by the poles they pass—is not that a tramway regulation?—It is a railway regulation, not a tramway regulation.

88. You cannot give us an idea of the maximum speed you attained?—It might have been eighteen miles in some places

89. With regard to Cross, is it not a fact that he went on the cars within half an hour of getting the brakes?—In the traffic, driving as a motorman?

90. Yes?—No.

91 How long did he take?—I have told you, the next day, after one full day's training.

92 Is it not necessary for any motorman to learn the route?—It would not take a practical motorman long to learn the stops on the line at that time.

93. I may take it from your showing that he was a competent motorman if he was able to go on the next day?—From the Motor Instructor's and Mr Richardson's showing I should take him to be so.

WILLIAM HIBBERD MORTON examined. (No. 29.)

1 *Mr O'Shea.*] You are City Engineer in Wellington?—Yes.

2 And have been so for nearly seven years?—I have.

3 What experience had you before in municipal matters?—I was sixteen years altogether with the Melbourne City Council, and for the greater part of that period acted as Engineering Assistant and afterwards as Assistant City Engineer

4. What is your total municipal experience?—Twenty-three years.

5. And before that you were employed in the Public Works Department in Victoria as an engineer?—Yes.

6. How many men have you under your direct control here?—At the present time I should say, roughly, about three hundred—that is, altogether

7 You look after the permanent-way for the tramways?—I construct the permanent-ways and maintain them.

8. You have constructed the permanent-ways and extensions in the case of Melrose, the Miramar Borough, and the Karori Borough?—Yes.

9 What, in your opinion, would be the effect of the granting of certificates by the Government as provided by clause 2 of the Tramways Bill? Do you think it would be any advantage to the service from your knowledge of the methods of examination?—I cannot see any object in it. As far as the certificate given by the Board of Examiners is concerned, it must fail in the first essential in determining what a motorman's qualification should be, because too much, it appears to me, has been made of the fact that a motorman obtains a certain amount of technical knowledge. That technical knowledge, in my opinion, is not such as is required for such a man as, say, an engine-driver I cannot see the object or the necessity of it as in the case of engine-drivers, because they get casual employment and must of necessity travel all over the Dominion. The same thing does not occur with regard to tramways, as a man would forfeit his seniority in one system by changing to another system. So far as the examination is concerned, it cannot bring out a man's personal qualifications—that is to say, where a man has to be relied upon to act in cases of emergency, to show presence of mind, and where his general character is such as to qualify him as a motorman, it seems to me that these qualifications can only be ascertained by those who are continually associated with him.

10. Do you think the qualifications required are anything like those of an engine-driver on a railway?—No, certainly not. He has no prime mover under his charge. His operations are like the turning-on of an electric light and turning off a tap. The engine-driver is in charge of a prime mover which may be considered an explosive.

11 Clause 3 You see that the Minister is to be allowed the right of saying what are the reasonable requirements of the traffic: do you think the Minister will be able to get an engineer that will have the same knowledge of the traffic as our Engineer, and of the business management? —Not a knowledge of the local circumstances. He might be able to get a qualified engineer to report or to give him information, but the clause in the Bill says, "any proper person to inspect any tramway from time to time." You may get one man one year and another man another year, but Ministers may change, and there may be different Ministers and different opinions from one year to another, and we should not know where on earth we should be.

12. As to clause 5, do you think there is any danger from overcrowding a car say, 50 per cent., all the brakes not acting? Take the car as 13 tons 10 cwt. if that has 103 people that is practically 6¼ tons, taking them all at 10 stone?—Yes.

13. If you had 150 people it would be another 3 tons?—Yes.

14. That would be about 22 tons 10 cwt. as against 19 or 20 tons: do you think that would make any difference with regard to braking?—It would require more work to be done by the brakes, but I should say any brakes fitted to a car—any recognized as sufficiently-powered brakes—would be capable of dealing with 23 tons.

15 Have we had any accidents due to overloading or to defective brakes?—Not that I am aware of but I do not know the whole of the details as to accidents. Only such things as are connected with the permanent-way come under my notice.

16. Do you think it is right that the Minister should take the power and control in sections 3 and 5? Do you not think those sections in the hands of the Minister could be used to absolutely deprive us of the control of our trams?—Most decidedly

17 As to the Appeal Board, could you carry on the business of the Corporation with any efficiency if you had an Appeal Board like this in your service?—We do not know where we should get to in the service. I cannot see why this particular branch of the Corporation's service should have an Appeal Board set up, as is proposed here. Why that particular branch of the service any more than any other branch of the service, whether waterworks, drainage, or any other branch of the Corporation's service? I consider that the whole of the men in the municipal service at the present time have full liberty to appeal to the members of the Council or to the particular com-

mittee which controls their operations, and I am satisfied that the members of the committee are representatives of practically all shades of opinion with regard to the questions of labour and employment, and that those men who are elected to the Council fairly represent the opinion of the general public, and that they are more competent and more likely to deal with any question regarding the employment of those under them than any outside body as proposed to be set up here. An Appeal Board of that nature must necessarily cause a considerable amount of delay in determining the results of the appeal, whereas with a Corporation the appeal can be heard promptly, and definitely decided. Undue delay after hearing appeals, in my opinion, is very detrimental to the efficiency of the service, because men are continually watching and waiting for various happenings in connection with the appeals, and trying to forecast the results. In my opinion, any question of disrating should be properly heard by fair men competent to understand the various points raised, and the matter should be dealt with promptly and finally

18. What effect do you think it would have on the discipline of the service?—For the reasons I have stated the effects would be rather disastrous.

19 Is the discipline in the Corporation service satisfactory at present?—At the present time it is satisfactory Any man in the service, no matter to what grade he belongs, has the right of appeal to the Council on any decision or anything that may happen to him, or any step taken against him by his superior or head of the department.

20. Have you had any appeals against your department?—I have not had any for a considerable time. I do not think there has been an appeal for the last two years from those who are employed under me in connection with the waterworks, drainage, casual men on various works constructed by day-labour, and right through. I do not think I have had any appeal during the last two years.

21 You have men employed under you in quarries, scavengering, both regular and casual?—Yes, both casual and regular

22 As to clause 8, which provides that the powers of the Engineer-in-Chief shall be vested in the Governor: What is your opinion of that clause? You are an engineer, and should know something about these matters?—I do not like the clause at all. It appears to me that the person who has to determine the satisfactory completion of a tramway should be an engineer The clause says any engineer or any other person may report upon any question authorizing the construction of any tramway, and that report may be acted upon or may not be acted upon It seems to me that it is practically giving the whole control not only of the tramway but of the construction of the tramway, into the hands of the Minister

23. Do you think this Bill will have the effect of introducing the tramway system into the domain of party politics?—I am very much afraid of it. It is on account of that fear that I hold the strong objection I have in connection with this Bill—that it is quite possible in connection with any dispute or any other trouble between the Corporation men and the Council that the matter may be referred to the Minister, and that the Minister—I am not reflecting upon or insinuating anything in regard to any particular Minister—may throw his weight on that particular side of party politics he thinks most advisable for the benefit of his party. It seems to me that the question of municipal management and control should be most determinedly kept out of party politics. The measure, in my opinion, is generally a retrograde measure. I read a great deal about municipal matters throughout the world, and I find that in nearly every case proposals made in connection with local government are to give additional powers to local bodies. This is the first measure of the kind, where the power is taken away from them.

24. Can you say as an engineer whether the Wellington City tramways are run well?—In my opinion they are run well. There are some things in connection with the Wellington tramways that can be improved, undoubtedly, but, taken all through, I think the Wellington tramways are exceedingly well run and exceedingly well managed, and that the Council does not do anything in the way of heaping up profits. Anything that is requested, and which is for the general comfort and general convenience of the people, the Council is only too willing to do.

25. In keeping up the permanent way, if there are any defects, is it not your practice to remedy that without referring to the Council?—Yes, unless it is a matter requiring considerable expenditure. A question of repairs is put in hand immediately

26. You are authorized to do that?—Yes, I should not hesitate to do that.

27 And we are continually trying to make improvements in our service?—We are.

28. Any suggestion made by the employees for the improvement of the system is adopted immediately?—Yes. Various suggestions from the employees have been considered, and in cases where they have not been adopted, though considered beneficial, it has been probably through a shortage of funds. There is one particular thing: Under the original Act a lot of single-track work was constructed with side poles or brackets. These things were dangerous both to the public and the conductors on the cars. The Corporation, quite voluntarily, is taking out these side poles, and putting in span-wire construction.

29 Do you think that periodical inspection by the Government would add to the efficiency of our cars?—I would not mind periodical inspection, so long as we knew the particular person who is going to be engaged on the work—not one man one time, and another man another time.

30. Do you think it would help the service?—I do not think it is essential. I think the Corporation takes every step necessary for the service.

31 If the City Corporation neglected the cars and did not effect repairs, do you not think public opinion would, in the shape of members and others, soon be down on them?—I am satisfied that the people take such an interest in these matters that the City Council would not dare to neglect anything for the safety of the public.

32. *Mr Rosser*] You stated that you were City Engineer?—Yes.

33. Are you pretty intimate with tramway matters?—I construct the permanent-ways and maintain them, and I am frequently in consultation regarding traffic with Mr Richardson.

34. Are you brought into connection with the working of the lines?—Only where we consider it possible to improve the traffic. Then Mr Richardson and I consult as to the possibility of improvement by duplicating the track or by adopting other methods.

35. That is with regard to the permanent-way, and not with regard to the running of the cars?—Not with the running of the cars.

36. You say that an engine-driver is in a different category to that of a motorman, inasmuch as he is in charge of an explosive?—Yes, he has a gas under high pressure, the generation of which he has to look after, and that in itself requires knowledge which a motorman cannot possibly have.

37 Is not a motorman in charge of a high explosive, too?—No.

38. Are you aware that the power cannot be applied except by a graduated process?—I know that perfectly well.

39. Have you considered that if the controller were passed round on to, say, the eighth notch at once, the motorman is also in charge of an explosive?—No. He might cause very serious results —very much in the same way as a man in charge of a water-supply if he were shutting down the valve on a main. If he shut it down too rapidly he would burst up the main.

40. Would he be able to shut down the valve as suddenly as a motorman could go on to the eighth notch?—No, but he could do it sufficiently rapidly to burst up the whole main.

41 You said that you would be liable to change of inspectors under clause 3, and you would have no finality?—I was speaking of the different requirements from time to time, consequent on the periodical reports.

42. Are you not liable to the same change in Managers?—No, I think not.

43. Now, with reference to the working of the car: Are you aware with a heavy load going up a grade there is a greater danger of the burning-out of the motors than with an ordinary load? Yes.

44. Then, is not the overcrowding a menace in that respect?—I am not going to suggest for one minute that overcrowding is advisable.

45. Then, I may take it that you are not in favour of indiscriminate overcrowding?—Yes, but a certain amount cannot be avoided. I do not approve of overloading, but a certain amount is unavoidable in any city tramway, wherever you go.

46. Would you have a limitation?—I think there should be a limitation, but the Corporation could well fix that limitation.

47 Have the Corporation limited it already, except in the case of Brooklyn?—The Government fixed the limit there. The Corporation have always recognized that limit; I do not think they have ever tried to avoid it.

48. Do you know of any prosecutions of passengers by the Corporation for going on the car?—No, but I believe they have been ordered off.

49. Have they gone?—Yes.

50. Has there been any prosecution of conductors for allowing overcrowding?—Not that I am aware of

51 You say that they have full liberty to appeal to the members of the Council?—Yes.

52. Do you believe in the liberty of free speech?—Yes.

53. Are you aware that the members of a deputation from the union to the Minister of Public Works have been lately called down before the management for what was said at the deputation, and in their own time?—I know nothing about that. I am speaking of men under my charge in the Corporation service, and I cannot see why there should be any differentiation between the various branches of the service.

54. Do you consider it is an infringement of the liberty of a motorman to be called to account for what he said as the mouthpiece of his union to a Minister?—If he made wrong statements I think he should be called to account.

55. Have you been present at any appeals?—Yes, I have been in the room occasionally

56. Are you aware that the men have had to wait for weeks before their appeal has been heard, and a decision given?—I cannot say I am aware of that.

57 And at their own expense?—I am not aware of that.

58. Have you any tramwaymen under your supervision in your department?—Those belonging to the Tramway Union?

59. Yes?—Yes.

60. Is it those men you refer to when you say you have had no appeals?—I refer to the whole of the men

61 Are you brought into contact with any unions in connection with other branches?—Yes, the General Labourers' Union, and the Drivers' Union, and several others.

62 Have they the right of appeal, too?—Any man in the service has the right to appeal.

63 *Hon. Mr. R McKenzie.*] I think you stated that too much had been made in connection with the knowledge and theory in the examination of witnesses here?—That is my opinion. Any one would imagine that a motorman had to go through a long course of serious study to qualify as a motorman.

64. You said that too much had been made of the knowledge of theory in the examination?—I said, in the examination of motormen

65. Where do you mean—here?—No, I meant that the Bill gives one the impression that a motorman requires extensive technical knowledge as compared with an engine-driver, who is required to pass an examination

66. Coming to clause 3 of the Bill, your reference to an increasing knowledge of theory had no reference to questions asked of witnesses before the Committee?—No, I am speaking with regard to the Bill.

67 Clause 2, motormen's certificates: You were asked your opinion about these?—I said I could not see how the Inspectors under the Machinery Act, or such persons, can determine the qualifications of motormen so well as the man who has continual charge of them, and that daily, because he cannot possibly obtain such a knowledge of the personal character of the man as the man who is immediately in charge of him can. I maintain that the technical knowledge required of the motorman is not a vast amount. I would say that a motorman is undoubtedly a man who requires great presence of mind, and to be a man of good character, and one who may be relied upon; but so far as technical qualification is concerned, necessitating examination in the same way as under the Machinery Act, I cannot see any necessity for it.

68. Do you think a motorman requires any technical knowledge at all?—Practically none that he cannot pick up inside a fortnight. He learns all he knows about it inside of a fortnight. You cannot say that a motorman requires a knowledge of electricity

69 I asked you whether he requires any technical knowledge?—He obtains a certain knowledge, such as the flow of electricity through his car That is simply usage.

70. You think he requires no technical knowledge?—I think not.

71 Do you think clerks out of your office could be put on the Wellington cars with perfect safety to the public?—No, not immediately They would require to become accustomed to, and understand the manipulation of, the controller, but that is not technical knowledge.

72. Do you know what the third emergency brake is?—Yes.

73 Do you think a man requires a knowledge of that?—There is a small amount of technical knowledge, but the man is taught it in a very short time. It is very hard to say where commonsense comes in, and technical knowledge, in a question of that kind. A man comes into the position of motorman practically without any scientific training whatever

74. I should like you to define scientific training?—A man need not necessarily have a knowledge of electricity, what it is, how it is generated, and everything in connection therewith, to be able to apply it for his uses as a motorman.

75 Supposing Mr Alexander and others say that before they allow their men to drive at all they put them under a certain amount of training?—I should call it a course of instruction with regard to the use of the handles on the car.

76. That is all you think they require?—That is my opinion

77 Which do you think has the greater responsibility, the driver of the stationary donkey-engine or the driver of a tram-car in a public street, as far as the public safety is concerned?—The man who is in a public street in charge of a car has certainly more responsibility with regard to the public safety

78. Still it is necessary for a man driving a donkey-engine to have a certificate?—Yes, because he is in charge of the prime mover (steam) under him.

79. The other man is not?—He has a knowledge of the particular application of it for the purpose for which it was required.

80. I think you said that if the Government appointed an electrical engineer he could not have the knowledge of your present engineer?—So far as the local requirements of the traffic are concerned. The Bill deals with the reasonable requirements of the traffic. That is to say, a man appointed by the Minister might recommend to the Minister that the single line to Island Bay should be duplicated.

81. Do you think if a tram-car were run a few miles along the public streets without a kingbolt, that would be safe?—No.

82. If such a thing happened, do you think the Government should have the right to step in and punish some one for it?—How would the Government stop it?

83. We should not allow a car like that to go out. Do you think the Government should have power to prevent a thing like that?—I think carelessness was shown in letting the car go out, and that the man should be punished, but that the Comporation is as well able to do that as the Government.

84. If such a thing did happen, do you think that shows proper management?—I think that if it could be proved that that was due to carelessness the man responsible should be punished.

85. So, in Wellington there is room for improvement in the management?—I do not say we are absolutely perfect.

86. That is not an answer to my question If such a thing has happened, do you say there is no room for improvement in Wellington?—Such a thing as that might happen in any city; but the thing is to see that such an example is made of the person responsible that such a thing should not happen again.

87 If such a thing did happen, and the man was made responsible, do you think there is room for improvement in the management?—I certainly say I do not think it was right.

88. Coming to the overcrowding: You stated that overcrowding to the extent of 50 per cent. in a car weighing 13 tons 10 cwt. and carrying 100 passengers—that carrying fifty more would be fairly safe?—I do not think there would be anything to be afraid of with our brakes. Fifty per cent. would only be three additional tons.

89. Suppose it applied to a car reputed to be braked for 26,000 lb., and found to be 36,000 lb., do you think that car would be safe if overloaded?—If those brakes were capable of only satisfactorily bringing up a car weighing that weight, and not being able to exert a greater effect in retarding the speed of the car, then undoubtedly the brakes would not be sufficient. If you say the brakes were sufficient for 26,000 lb., and you increased the weight up to 36,000 lb., if they were only sufficient to brake 26,000 lb. they could not be sufficient for 36,000 lb.

90. What are your cars braked for with a safe margin of loading and safety?—The cars are fitted with a brake which has been found to be sufficient by experience for the weights they have to carry

91 That is, the weight of the car plus the loading, and a considerable margin of safety?—Yes, but so far as the margin of safety is concerned, it is difficult to ascertain what should be provided. You cannot satisfactorily arrive at it mathematically. It is a question of practice and practical effect: from observation only can you get the possible result. You cannot mathematically arrive at the proper power of these brakes. The whole question has to be determined by the conditions and the peculiarities with regard to the rail at the particular time the brake is being applied. For example, you cannot bring about the same effect on a greasy rail as on a clean dry rail.

92. In calculating your brake-power, you have to deal with the normal condition?—Yes.

93. Beyond that normal condition you allow any margin you like?—I should not arrive at the value of a brake in that way—it would not be satisfactory

94. Your limit would be your electrical power, but what if you had unlimited electrical power?—If you had unlimited electrical power, you might do considerably greater harm to the car and its occupants if you applied the brake suddenly I would not judge any brake by any mathematical calculation.

95. Do you not comply with the rules?—The conditions in practical working are not exactly the same as in a test. It depends upon the conditions existing when the dynamometer is applied. The surface of the rail varies considerably—one minute you may be on a dry rail, and another minute, through rain, the surface of a rail may become greasy, and the coefficient of friction between the two rubbing-surfaces may be so altered as to make a great difference in braking-effect.

96. In all calculations made for braking tram-cars, you have always to start with the normal condition of the brakes?—You brake under normal conditions, but what I desire to show——

97. In calculating your brake-power you have always to deal with normal conditions as your basis, and to provide for abnormal conditions outside of your basis?—Yes.

98. You know the grade in Rintoul Street?—Yes.

99 If you had a car for forty-eight passengers, and had 120 on it, would you consider that car was running safely so far as the public is concerned?—I have got to say 'Yes" to that, because I have not known of any accidents, but I certainly do not agree with excessive overloading

100. Do you think the brake-power of that car would be as safe with 120 passengers as with its licensed number of forty-eight?—I must say "Yes" to that, because the practical conditions prove that the brakes have acted.

101 Suppose a woman or a child happened to be in front of that car loaded with 120, what extra length would it travel through its impetus before the car could be stopped?—In a case of that sort the car would run on further than if it had a lighter load.

102. Would you admit in a case of that kind that the car was dangerous to the people on the street?—I would say in such a case that excessive loading might be considered dangerous.

103. Taking clauses 3 and 5, I think you say those clauses would deprive the local authorities of the control of their tramways?—Yes.

104. Will you tell us how?—By the number of regulations which may be made by the Governor from time to time.

105. Have you ever met with any regulations made by the Governor in the Orders in Council, so far as tramways are concerned, that were unnecessary, or under any conditions?—No, I will not say I have, but you are going to put on hundreds of other things that are not in the Orders in Council.

106. Have you ever known any Government officer to use his authority in a harsh or unreasonable manner so far as the tramways are concerned?—We have not up to the present time.

107 What makes you think they might do it?—By the very fact of the Bill being printed and circulated.

108. Is that not really an imaginary alarm on your part?—I do not think so. It seems to me that underlying this Bill there is some object which is not covered by the Orders in Council—more particularly in those particular clauses. It may be imagination on my part, but I should like to be perfectly sure that there is no need for alarm.

109 You had no experience of unreasonable treatment?—There was not this Bill before us.

110. Coming to clause 8, you said clause 8 puts the control entirely in the hands of the Minister instead of the Engineer-in-Chief?—I did not say, instead of the Engineer-in-Chief, although I probably meant it. I certainly would prefer to deal with a professional man in matters of construction than a layman.

111 To whom do you apply for your Order for construction?—To the Minister

112 Is not the control of the construction in the hands of the Minister now?—I do not know what the position is between the Minister and the Engineer-in-Chief

113 You gave evidence on these clauses, and you stated that clause 8 put the control of the construction in the hands of the Minister?—What I was taking exception to was this: "The Governor may, if he thinks fit, require the matter to be first investigated and reported on by any engineer or other person" He may not be an engineer at all, yet he may be called upon to advise on a question with regard to the construction of the tramway

114. He might be a Commissioner—the Government might appoint a Commission?—With regard to constructional matters?

115 Yes?—We submit our plans and everything else to you for approval before you give the Order in Council: why the need of a Commission?

116. Will you read the first part of clause 8?—Yes, I have read it.

117 Supposing an Engineer-in-Chief—it does not matter who he is—has power in an Order in Council, and in the next Order in Council he has not got the power, what is your objection to those Orders in Council being brought into line in the way the Bill proposes?—May I ask why the clause is in the Bill? You grant the Order in Council as applied for by us in regard to any modifications you desire, and the Minister may at the present time approve or disapprove of the form of construction we propose to adopt.

118. We have a great many Orders in Council in which the Engineer-in-Chief is not referred to. In the earliest Orders in Council issued in Auckland—and probably it is the same here—all this power is in the hands of the Engineer-in-Chief; in the later Orders in Council it is not in the hands of the Engineer-in-Chief, but in the hands of the Governor in Council. Do you remember that we had two Royal Commissions appointed in connection with the brakes?—Yes.

119. The first Royal Commission recommended the magnetic brake, and the second Royal Commission recommended the pneumatic brake: the result is a deadlock, and the Government considers it is not a safe thing to leave this matter in the hands of any one man?—Well, so many men, so many minds, and you might be asking us to be continually changing our equipment with regard to the brakes, and I rather regret the impression created with regard to both Commissions.

120. Did you read the report of the last Commission, or the part where they recommended the appointment of an electrical engineer of high standing?—Yes.

121 Do you think, if a man like that were appointed, that his recommendations should be subject to the approval of the Engineer-in-Chief?—Not if a man of that standing were appointed. You will find that engineers are like other professional men, and you will get various opinions from them. You must have finality

122 In the event of an electrical engineer being appointed to examine and report on all matters, do you think the Government should have power to accept his report and recommendations?—I agree with that.

123. Then, what is your objection to clause 8?—It seems to me in the way it was worded that any person could be appointed to investigate any of these things. There is no particular person named, and it might be from time to time different people, consequently you would never get any one system.

124. I can see your trouble—the clause was not explained to you?—The trouble is to get the intention of the clause. It certainly is not clear to me.

125. I think you said the Board of Appeal proposed in the Bill was not required?—Yes. I cannot see why one branch of the Corporation service should be singled out for a special Appeal Board.

126. You said there were three hundred employed under your charge, and there has been no appeal for two years?—Yes.

127 Do you think if you had an independent Appeal Board you would have more?—Possibly that might be so.

128. Do you think your men would be more likely to appeal if they had an independent appeal than they would without one—I mean the men you have under your control?—I certainly think there would be more appeals. First of all, before they go to the Appeal Board, I take it they would appeal to the Council for their decision if they were not satisfied with my ruling, and afterwards they would appeal to the Appeal Board under this Bill. It is almost as bad as going Home to the Privy Council.

129. You are giving us what you think would occur with the Tramways Union, but I am asking you about the men under your own immediate control. If they had an independent Appeal Board, do you think you would have more appeals than you had during the last two years? —It would be very hard to answer that. I should be inclined to think there would be.

130. There was the question of party politics being brought in under this Bill what is the position of the Wellington City Council so far as the politics of the various members are concerned?—They are very mixed there, and it is a very good thing it is so. If the whole of the City Council happened to be members of one party, there might be trouble.

131 Do you not think the members of the City Council of Wellington are fair-minded men? —I am not troubling about the City Council; I am troubling about the Government.

132. We are dealing with the Appeal Board against decisions given by the City Council. Do you think the members of the present Wellington City Council are fair-minded and impartial men in the matter of their politics?—Yes, I do. I think they honestly try to do what is right.

133. And if this Bill passes, do you see any reason why party politics should have anything to do with it?—I am inclined to think there might be some serious trouble. It might be possible with the Appeal Board under this Bill, which practically may be constituted by the Minister—I read that the Minister practically controls the appointment of the referee on the Appeal Board—it seems to me that the Minister might be able to secure a block vote of three or four hundred tramway employees, and he might decide, whether rightly or wrongly, so as to capture that vote.

134. Do you think the politics of your tramway employees are one-sided?—In the matter I am speaking of I think they would be one-sided.

135. Do you not think they would be more inclined to consider your politics, or Mr Richardson's?—I strongly believe in a man getting fair treatment if there is any trouble, but I think the municipal tramwaymen are asking for something that they have no need to ask for

136. I asked you whether the tramway employees would not be likely to consider your politics or the poltics of Mr Richardson?—Not when they are in disagreement. I have no politics. I keep right away from them.

137 *Mr Hardy*] Do you know anything about the granting of certificates to tramwaymen? —I have nothing to do with that; Mr Richardson controls that.

138. You believe that certificates are granted to the motormen?—Yes, after satisfying Mr. Richardson of their capability

139. It is generally from practical knowledge that certificates are given?—Yes, a man's capability with regard to that particular work.

140. A practical knowledge of his work as a motorman is of more value to him than technical knowledge?—The personal knowledge of the man's characteristics. His natural temperament, in my opinion, is very much more necessary than a high ideal in connection with the use of electricity What I should like to point out is this: that a motorman requires to be a man of undoubted character, a man of good nerve, a clear-headed man, who would not lose his nerve. You might get a man who has passed the Inspector of the Machinery Department, showing a knowledge of the handles and of electricity and its application, and yet he might be a man who should not be intrusted with that position.

141. Then you really think that practical knowledge is of more value than technical knowledge, if a technical knowledge is not backed up with nerve and good judgment?—That is it exactly I consider they cannot be too careful in the selection of motormen

142. Then you think the tramway-manager is quite able to judge the qualifications of the men?—That is my opinion, and I do not see how any person can be better able.

143. Supposing an accident takes place and some lives are lost, who are responsible?—I take it the Corporation is responsible.

144. The Corporation would have to pay the bill?—Yes.

145. Then, in the event of an incapable motorman being employed, the Corporation would have to pay?—Yes, that liability is not removed from it.

146. Then you think that, having to pay the bill, they should have the responsibility of appointing the officer?—Most decidedly

147 You are working under Orders in Council?—Yes.

148 As to the loading of the cars and the number of passengers to be carried?—The Orders in Council do not prescribe the number of persons to be carried on the cars except in one or two instances. I think it was made a condition after the Order in Council and conditions were fixed, and after a trial of the brakes, on the line at Brooklyn.

149 You agree to carry out the spirit of the Order in Council?—Yes.

150. Supposing a tramway-manager, or yourself, did not carry out the spirit of the Order in Council?—If we omitted to do anything which was contained in the Order in Council, the Government—and I think the Minister—would let us know

151 You believe that the Government or Minister under the Order in Council has power to pull you up?—Yes, I am sure of it.

152. *Hon. Mr R McKenzie*] Before we passed the work?—No, afterwards.

153. *Mr Hardy*] Has the Government taken advantage of the Orders in Council to enforce these things?—After having passed the work originally, I do not think the Government up to the present time have called upon us to do anything with regard to improving in any way the tramway service, or with regard to taking any additional precautions for the safety of the public.

154. I presume your tramways are run on good lines?—I believe so.

155. Is the system perfect?—I would not insist that it is perfect. The management of the Corporation tramways in Wellington is good, but I would not say it is perfect. We are, without being prodded up by anybody, making improvements that we find necessary, and any suggested improvements are sent up by Mr Richardson and myself to the Tramways Committee. These recommendations are invariably given careful consideration, and in a great number of cases are given effect to.

156. You have occasional complaints about your men not carrying out their instructions?—The men in the traffic branch are under Mr Richardson's control.

157 But to all intents and purposes your Orders in Council with regard to carrying on the work are a dead-letter?—They are not a dead-letter

158. Does the Government try to enforce them?—They can if they like, but we adhere to our Orders in Council.

159. But some of those who are working for the city on the tramways sometimes do wrong, do they not?—Something will go wrong in any system.

160. Do you think the Orders in Council should be enforced?—I think the Corporation should enforce them. Certainly an Order in Council is there to be enforced.

161 But it is a dead-letter now?—I do not say that.

162. If it is not enforced, is it not a dead-letter?—In the event of anything happening steps are taken to prevent a recurrence of that particular fault.

163. As a matter of fact, the Government are doing their duty in connection with the Orders in Council?—I would not say that. I have never had, since I have been here, any complaints forwarded with regard to any particular part of the permanent-way of the tramway service which required to be altered or remodelled, or anything of that sort. The Government may examine these things unknown to me, and see that they are kept right.

164. But when accidents occur or trouble takes place, does the Government step in?—Yes; all the accidents are reported to the Public Works Department—to the Minister—for his information. The information is conveyed as promptly as possible—in some cases I think it has been wired to him. It is conveyed with a view of allowing the Minister to satisfy himself as to the cause of the accident.

165. If we presume that the Government does not do its duty with regard to the Orders in Council, is there any necessity to make fresh resolutions by Act of Parliament?—I cannot say that.

166. *Mr O'Shea.*] This is the Corporation's report about car No. 64, with reference to the car going out without a king-bolt [produced]. Does not the question of punishment depend upon the circumstances?—Entirely

167 Are there any circumstances in that report to prevent the punishment of anybody because the man had been disrated?—Yes.

168. You have been asked if you were present at appeals: do you think it is a fair hearing that the men get?—I do. I think it is absolutely fair The Tramways Committee give up a lot of their time in trying to come to a proper solution of these things, and I find that if they have any doubt they give the man the benefit of it. There is a straight-out desire on the part of the members of the City Council to do their duty in regard to tramway-management, and practically with all things municipal. Sometimes I hear people question that, but I am satisfied that they are doing it, and that you could not get a fairer lot of men to deal with matters of the nature referred to.

169. You have been asked whether those men who made statements to the Minister stated what was authentic, or whether being called in to explain was intimidation: I want to ask you whether the act of members of the union waiting on the Tramways Committee with regard to evidence given by Mr Cable before this Committee was not something like intimidation?—It struck me as remarkable that evidence given before this Committee should be referred to by members of the union within a day or two. I do not know anything about the etiquette in connection with the Committee, but it struck me that evidence given here should not be made available to people outside.

170. *Mr Hardy*] Do you know that such a thing has happened?—Yes.

171 *Hon. Mr R. McKenzie.*] You said that the Government have the power of inspection until the tramway is approved and the rolling-stock is passed?—Yes.

172. Do you know that there is no power of inspection in the Orders in Council after the line is opened and passed, except in cases of accident?—I would not be quite sure of that, but I understand that the Government has power We give the Government continually returns with regard to what we do, with regard to the Telegraph Department, and matters at the electrical station.

173 You interfere with their telegraph-wires?—We send in reports.

174. In answer to Mr Hardy you said that the Government had power to inspect at any time?—I have always understood that the Government had power to inspect.

175. How did you understand that?—I have always been of that opinion right from the very inception.

176. The real position is that you cannot say?—That is so.

177 After every accident you have to give particulars?—Yes; that is done by the Town Clerk.

178. It is the Manager who communicates with me?—It may depend upon where it is. It might be the Manager in Auckland or the Board in Christchurch, but in our case it is the Town Clerk.

179 We have the power of inspection after every accident if we like to use it?—Yes.

180. Do you know whether a Government officer inspects your tramways and appliances after every accident?—I know he did at the time of the Brooklyn accident, but I cannot say whether he does so in every case.

181 Do you know whether the Government has a representative at every inquest?—I cannot tell you that.

THURSDAY, 22ND SEPTEMBER, 1910.

JOHN HENRY TIMMS examined. (No. 30.)

1 *Mr Rosser*] What is your occupation?—Conductor in the employ of the Wellington Corporation's tramway service.

2 Are you a member of the Tramways Federated Council?—Yes.

3. What experience have you had as a tramway employee?—Six years in New Zealand.

4. You are a conductor at present?—Yes.

5. How long have you been a conductor in the Wellington service?—Three years and three months.

6. Previous to that what was your experience?—I was in the Christchurch service as engine-driver and motorman.

7 How long were you employed as a motorman?—About six months.

8. And as engine-driver?—Two years and a half

9. Had you any previous experience to that?—Not in any tramway service.

10. You have been appointed by the federation to give evidence on this Bill?—Yes.

11. I understand you have a written statement to make?—Yes. I may say first of all that I am in favour of this Bill because I am under the impression that by the passing of this Bill into law it will considerably better the conditions of both the public and the employees, of whom there are something over twelve hundred in the tramway services in this Dominion. It has been inferred that the reason for the employees supporting this Bill is that they are actuated by antagonistic feelings towards their employers. Generally speaking, I may say that there is no desire on our part to harass or embarrass the different managements in any way; but we see in this Bill a chance to alleviate to some extent the disabilities which we at present work under, and it will also minimize the dangers by which we are surrounded. Some of the clauses I do not pretend to have studied, as they do not directly concern us, so that I will confine myself to those which are likely to benefit ourselves and the public the most. In the first place, I am in favour of the Government examination of motormen, and, although I am a conductor at present, I am the holder of a locomotive-engine driver's certificate, and also a motorman's certificate issued by the Christchurch Tramway Board; so you see I have had experience in both capacities. Now, gentlemen, I cannot

see where the granting of a certificate to motormen is going to make them less efficient than they are at present, but I am of the opinion that it is going to better their conditions, and give them a status and protection in their employ which they have not got at the present time. Everybody who has been in Christchurch has seen the steam-locomotive and electric car working side by side. They would have seen them doing practically the same work. They are driven by their own motive power equally under the control of their respective drivers, and they are in consequence running the same risks. Then why should it not follow that a motorman should also undergo Government examination as well as an engine-driver, and so be subject to the same protection? The Government are undoubtedly taking the right step in endeavouring to place them on the same level. But I contend that the motorman is at a disadvantage compared with the engine-driver, because the motorman never knows when he is gong to lose his power, as it is not directly under his control, whereas with a locomotive engine the driver has the gauge in front of him, and can vary his power to suit his requirements. Then, again, I maintain that the motorman runs a much greater risk than the ordinary railway locomotive-engine driver, by reason of his having to travel through streets sometimes crowded with vehicular and pedestrian traffic, while the railway locomotive is mostly fenced off. Another thing is that it does not follow that, because a man holds a certificate issued by the Government, the local bodies will be compelled to allow that man to drive, and so I fail to see any logical reason why tramway authorities should object to the issue of a Government certificate if they have the welfare of their employees at heart. The feeling of a great number of the men is that the authorities look upon them simply as a bit of machinery, a sort of missing link between the power and setting the car in motion, and that the management seem to take no notice whatever of other conditions under which the men work so long as the work is done. As I said before, there is a general feeling among the employees that there would be a distinct advantage in having a Government certificate. Now, I should like to draw your attention to a type of car used in electric-car services known as the side-step car It is essential for the good of the various services and the general well-being of all concerned that electric cars should be built to provide the minimum amount of danger to the public and employee alike. The side-step cars are really the reverse of what is required, for, instead of providing the minimum amount of danger to men working them, it provides the maximum. The conductor's work has to be done while he is standing on these side steps. It may rain, hail, snow, or blow—the conductor has to face it—the car travelling at the rate of perhaps twenty miles an hour or more, and the conductor hanging on by the grip of two or three fingers, while the car oftentimes is loaded to excess. Overloading goes on in all the towns. But we ask you, gentlemen, whether it is fair that men should have to work this class of car under these conditions. We say most emphatically No. A conductor often gets wet through during the first trip or two on a wet day, and it is of frequent occurrence on these side-step cars, and so he has to go about in wet clothes all day long What is likely to be the after-effects of frequent wettings? It means that his health will be seriously impaired. He is liable to contract some chronic complaint which will mean in the end that he will have to seek the support of some charitable institution. It has struck me recently that it would be a wise plan to get a doctor's evidence as to what he considered was the cause of electric-car workers' complaints, with the idea of getting some sort of remedy Besides quoting two or three fatalities as the cause of working cars of this description, I can quote several minor accidents which might have been attended with fatal results. Several accidents have occurred during a very recent period—in fact, since the 4th July no fewer than three or four men have been more or less injured through falling off, or being bumped by some vehicle. Let me crave your favour, then, gentlemen, on behalf of the Federated Tramway Employees of this Dominion, and ask you to approach the Government with a view of pressure being brought to bear on tramway authorities to build only such cars as will provide the minimum amount of danger to the men working them. It would also reduce the indiscriminate jumping on and off which is of everyday occurrence on the part of the public, and which is a source of annoyance to conductors, and has already been the cause of death. You will also understand that it is absolutely impossible for a conductor to look after six doors at once, so that passengers can and do defy the conductor with impunity While I am talking about types of cars, I should like to remind you that there are at the present time other electric-tram services being installed throughout the Dominion, and I wish to emphasize the fact that the Government would be doing a kind action if it would see to it that these services are equipped with rolling-stock which when constructed would provide the minimum amount of danger to those working them. I mentioned just now that overloading goes on, more or less, wherever electric-car services are run, and which I think should be regulated by some independent authority Auckland is peculiarly situated with respect to this matter, and overloading to excess is not permitted by the union. Here in Wellington, and in Christchurch and Dunedin, it is a frequent occurrence to see almost twice the number of passengers in a car that there is seating-accommodation for Overloading to excess on rough tracks and down grades is extremely dangerous both to the public and the employees. In braking a car loaded in this way it must cause a tremendous strain on the equipment, and it would be hard to imagine what the consequences would be in the event of the brake-gear giving way on a down grade. The result would be a panic, naturally, probably resulting in death. I think that in itself is quite sufficient reason why overloading should be restricted, and I maintain that this can only be done by some independent authority determining the maximum number of passengers that should be carried on any particular type of car The next matter I wish to refer to is the car report-book. This is naturally a bone of contention with the motormen, and we should, as the evidence will show, prefer to have a fixed-leaf car report-book. As I say this concerns the motormen, and in consequence I have had to use it. I refer to the time I was motorman in Christchurch, and especially to the time when a slight mishap occurred at the bottom of Colombo Street, near Moorhouse Avenue, and which was the cause of my dismissal, for a time at least. Now, this particular car No. 11, well known since the time of which I am speaking

among Christchurch motormen for the trouble it has been causing, had been booked up for at least a fortnight at this particular time, and reported for bad brakes, and the repairers seemed to be at a loss to find where the fault lay Motormen had stated that they could not stop the car when loaded, and the brakes were bad, and made suchlike reports; and I have been informed that it is only quite recently that the cause of all the trouble has been found and rectified. And this after running years in traffic, but not before a large number of motormen had cause to regret its failures. You will therefore see the advantage to an employee in being able to hunt up the previous record of a car he has had trouble with, and it seems to be only fair that a man should be able to trace the record of a car before and after an accident. If the work in the shed is above reproach, and will bear inspection if necessary, why should the management object to a fixed-leaf book? At the time I refer to we had a fixed-leaf book, and so I was able to obtain a record of this car's reported defects, and which would have stood me in good stead had I been given an opportunity of stating my case before the Board. However, that privilege was not allowed me. Now, Mr Chairman and gentlemen, some one must be to blame for defective equipment being allowed to run so long before the fault is found out, and I am of the opinion—and I am not alone in this—that a man applying for such a responsible position as an electric-car-shed foreman or superintendent should be required to submit reasonable qualifications to the Government, because there seems to be a feeling that men are placed in these positions simply by influence, and the consequence is that they make themselves acquainted with the requirements at the expense of other men. I think the Hon. Mr McKenzie would be doing the right thing if he could see his way to insert a clause in this Bill on the lines I have suggested, because to my mind a car-shed superintendent occupies one of the most important and responsible positions in an electric-car service. With regard to the proposed Appeal Board, I think it goes without saying that every man should be entitled to what is termed British fair play and justice. That it does not always obtain goes without saying, as some of us know to our cost. Some men are dismissed on the least pretext; others, again, can do a considerable amount of damage, and still hold their positions. Why this discrimination? How is it that so long as the men do equally good work there should be this distinction in penalizing them when a mishap occurs? That these differences do obtain can be proved by the citing of several cases in one service alone. There are only two words in any vocabulary wherewith I can express the reason for it, and those are "prejudice" and "favouritism"; and I want to tell you in the simple language of the worker how our conditions are varied by bias and favouritism. When the Tramway Board took over the old Christchurch Company, I, with other engine-drivers, was taken over also; and when Addington was electrified I qualified for a motorman's certificate (which I have here), and was put on to the Addington run. While there I met with a mishap through the brakes failing to act on a certain car—to wit, No. 11, already mentioned. The air brake was apparently too weak to bring the car to a standstill even when applied as an emergency The consequence was that my car and another collided. The matter was duly reported, and I was told that I should not be wanted at the end of the week. I was not allowed to give any explanation, and, although I visited the Chairman and explained the whole of the circumstances to him—pointing out that I had looked up the record of the car and had found that it had been reported with bad brakes for a whole fortnight—he gave me no encouragement. I then asked for an inquiry He said, "There was an inquiry, and your car was proved to be where it should not have been." I replied, "Granted, but there are extenuating circumstances in the case, over which I had no control, which I wanted to explain, because it would have put a different complexion on the whole affair" However, to cut a long story short, I was denied the inquiry I wanted, and which every British subject should get; but I vowed I would interview other members of the Board to see if they also were parties to such a decision. Just at this juncture, however, the New Zealand Electrical Construction Company, which had the contract for electrifying the Christchurch service, wanted an engine-driver to haul metal along the Board's lines. I was given the job, the company having previously got permission for me to drive one of the Board's engines for the purpose. I was working for the construction company as long as the engine was required, which was about six months. Having some leisure time again after this, I thought I would carry out my resolve to interview the individual members of the Board, to ascertain if the mishap I have mentioned was dealt with by the Board. None of them knew anything about it, and I was advised to write to the Board and ask for my case to be opened. I did so, and the result was that I was sent for by the Traffic Superintendent, and told to come back to work. I never asked for any explanation, and received none; and this shows conclusively that there must have been some peculiarities in connection with my case. An Appeal Board would do away with such questionable tactics. I was put on again to haul metal, the Tramway Board having decided to make the Burwood Extension themselves, and when the section was ready for traffic I was employed to assist in running it. Some months after, I was dismissed again for a trifling mishap which I proved conclusively was not my fault. This happened at the corner of Stanmore Road and Worcester Street. I was rounding the corner when I noticed a cloud of dust making towards me at a great pace, and I pulled up as quickly as possible. By this time an electric car three minutes behind time made its appearance, and, apparently to make up for lost time, was travelling at a tremendous pace—in fact, so fast that he could not pull up at the stopping-place, but went right across Stanmore Road before doing so, although there was a passenger there waiting to board his car Had the electric car pulled up at its proper place there would have been no mishap In coming over the stopping-place his car just touched a bag of coke which was hanging over the cab of my engine, and having the steam reversed, I shot back very quickly Having touched ever so lightly, we had, of course, to send in our usual reports. We both stated that our cars were still. I was told, as in the former case, that I was not wanted any longer I waited on the Chairman of the Staff Committee and explained the whole affair, and he advised me to lodge an appeal, saying that if I could prove that my engine was still there would be nothing more said about it. At that inquiry the motorman

and myself were the first to go in, and our reports were read before us. I was asked if I had anything to add, and if I still claimed that my engine was still. I stated that my report was true, and I was asked if I wanted to question the motorman. I asked him if he was quite sure that he was stopped when the bump occurred, and he admitted that he was moving, but he thought the engine was moving too. An engine-driver was asked by the Traffic Superintendent if he did not think that, if an engine with a bag of coke hanging over the cab in front were to strike an electric car, the bag of coke would act like a pneumatic cushion, and the engine bound back in consequence. Just fancy, gentlemen, a bag of coke being crushed between two vehicles acting like a pneumatic cushion! The answer was 'Certainly not. Now, if that was not the question of a biassed mind I do not know what you would call it. The passenger who was waiting for the car was called, and asked to give his version of the affair He was asked, among other questions, if he could swear that the engine was perfectly still, and he said he could—the engine was absolutely still. I was asked then if I had anything to say I simply asked them to consider that the motorman, after putting in his report that he was still, had admitted that he was moving at the time, and that the passenger had without any hesitation said the engine was dead still. And yet, in the face of proven facts, and the assurance from the Chairman that if my car was proved to be still there would be no dismissal, I received a note a few days after stating that the Staff Committee could not uphold my appeal. Do you wonder then, gentlemen, that we should welcome an Appeal Board which would do away with such so-called justice as this! Another important matter is the question of uniformity of car-equipment, and especially in connection with that which the motorman has to use in the efficient working of his car It is absolutely essential for the expeditious working of the brakes in particular that everything which the motorman has to manipulate should be in a uniform position, so that the working becomes a source of second nature, and he does not have to be looking down for the sand-punch when he wants his eyes in front of him. I consider, myself, that all canopy switches should be within easy reach of any motorman, instead of being placed above his reach, and directly overhead, which is a very awkward position, as it is impossible for him to use the third emergency brake without first being able to knock out the switch.

12 It has been reported in evidence here by the Christchurch management that you are a reckless driver, and that you are known under the name of "Hell-fire Jack" have you ever heard of that?—I have not heard of it.

13 Is it a common name to apply to any man who drives faster than others?—I have heard it applied in Wellington to many men on electric cars, and also to traction-drivers.

14. Do you consider that you drove recklessly?—I never got into trouble for it. If I drove fast it was owing to their time-table. The other drivers had to drive at the same speed when on the same route.

15. Have you ever had to drive on a line that took a roundabout route while another line was being constructed?—Yes, the Woolston run, when Lower High Street was under construction We had to deviate at the clock-tower, go down Manchester Street, along the South Belt, up Fitzgerald Avenue, to connect with the Ferry Road. This I estimate would be about half a mile longer than the old route, but we had to do the run in the same time.

16. What were you driving then?—A steam locomotive-engine.

17 Do you consider that fast driving so long as you kept free from accidents, was countenanced by the management?—Yes. We had to adhere to the time-table, and if we could not run to it we should be put off. That was what I was told. I was put on the Woolston run in place of another driver because he could not run the time-table.

18. Who told you that?—Mr Wood, the late Traffic Superintendent. When Papanui run was under construction I was driving the engine between the Square and St. Albans, about a mile and three-quarters. I had to run back sometimes from St. Albans to the Square at a very fast speed, because I was due to leave the Square again almost before leaving St. Albans, and so as to run as near the old time-table as possible I had to come back as fast as I could consistent with safety with two trailers and no conductor on some particular trips. I mentioned to Mr Wood that the running was too fast. He said that if I could not do it he must get some one else that could.

19. It has been stated that you were dismissed, and practically reinstated because of sympathy for you when you were out of work?—I was not out of work, so I do not know where the sympathy came in.

20. Is it not a fact that as soon as you were put off the passenger service you went on to drive an engine?—Yes, with the New Zealand Electrical Construction Company, immediately after It did not give me time to hunt up the other members of the Board.

21 How long were you at that job?—Six months.

22 Where did you then go?—As soon as I had finished that I had a few days to spare, and I went and interviewed other members of the Board. Through my sending to the Board and asking them to open my case they sent for the Traffic Superintendent, and I went on for the Board driving an engine.

23 How long after that was it that you were dismissed finally?—I was some few months hauling metal for the Tramway Board, and was then put on the traffic. I was there some months before my final dismissal. That was in April, 1907, so that there were twelve months between the two dismissals.

24. In the meantime did you consider that you had any claim on the Board for back wages?—Yes. The Tramway Board when they took us over paid us 1½d. an hour less than the award rates. We took our money under protest. We drew up a petition and sent it to the Board, asking them to pay us full wages. They would not take any notice of this, and finally the union took the case up and got a breach of award against them. After the Court had decided that they had committed a breach they paid us the 1s. 3d per hour

25 What did it come to?—My back pay came to £12 11s. 9d. I had to get that through a lawyer, and I had a good deal of trouble to get it. We had to threaten to summon them before they sent the cheque.

26 Do you consider that it was because of your action in prosecuting your just claim that your dismissal was brought about?—I am under the impression that that was so from what I have heard. I feel that I was sorted out, by the way I was treated, as one to get dismissed because I endeavoured to get this back pay

27 Are you certain of that in your own mind?—Yes, that was the reason I was put off.

28 Since you have been in the Wellington service have you had a good record as a conductor? Yes.

29 *Mr O'Shea.*] Do you say that there is any favouritism in the Wellington service?—I do not know anything about that. I am not saying anything about the Wellington service.

30. Do you say that any shed superintendent in Christchurch, Wellington, or Dunedin has been appointed through favouritism?—I am under the impression that that is so in Christchurch.

31 Do you know Professor Scott and Mr Beattie stated that the equipment and the repairs were thoroughly well done? Do you think that is inconsistent with your statement?—I do not think so. I referred only to one instance, car No. 11 Other instances could be mentioned.

32 Those Commissioners state that they found that at Wellington, Christchurch, and Dunedin a high standard of upkeep and efficiency of equipment is maintained do you think that is not correct?—I am judging by car No. 11 in Christchurch. I say that if those in charge could not find the fault in that case something must be wrong

33. Do you not think that Professor Scott and Mr Beattie are more likely to form an unbiassed opinion than you are?—They had no practical work down there.

34. Was not Mr Scott in charge of the Addington Workshops before?—Yes, I believe so.

35 Do you know Mr Beattie is Locomotive Engineer for the Railway Department?—Yes.

36. Do you not think those men would know more than you?—Mr Beattie and Mr Scott with the time at their disposal could only take a casual glance at things. I could not compare myself with those gentlemen, who are necessarily experts.

37 Do you know that Mr Beattie and Mr Scott, as professional men, would not make a statement like that without having sufficient grounds for so doing?—They would make their statements about things as they found them.

38. Do you think they would make a statement to the general public as a Royal Commission of that nature without having examined the facts?—I suppose they would from their own standpoint.

39. Do you not think their standpoint as leading engineers of this Dominion is much superior to yours?—They have more theoretical knowledge.

40 Do you not think they have had more practical knowledge?—I do not know what practical experience they have had.

41 Do you know anything about the Appeal Board in Wellington?—No, I have not had anything to do with any appeals taken to the managers here.

42 Mr Thomson stated that you were taken on again in Christchurch to give you another chance: will you deny that?—I do deny it. That is from their own point of view I asked them to give me a chance to show reasons for my failure to stop car No. 11, but they would not give me any inquiry The Traffic Superintendent sent for me, and simply said I want you to come back to work. That was after I had seen the other members of the Board and they had advised me to send a letter asking for an inquiry They would not reconsider the case, but told Mr Wood to put me on again

43. When you were dismissed the last time, did you know what the Traffic Inspector's report was?—I did not hear any statements at all. His version was not made in my hearing It would not have suited the management to allow the employee to question the Traffic Superintendent.

44. You were dismissed?—Yes.

45. You did not tell the management of the Wellington tramways that when you came here? What reason had I to tell them that? I showed them the recommendation I had from Mr Wood, along with others I have here, extending years back, and which I am not ashamed of

46. About the certificates: Do you think every motorman should have to undergo a Government examination before being allowed to drive?—Yes. It might not be absolutely necessary, but he should have one.

47 Do you think every motorman should undergo this examination?—Yes, unless he had been driving twelve months.

48. Then do you think subclause (3) of the Bill ought to be struck out?—No, I do not want it struck out.

49. That is because it would touch you. You are not satisfied to submit yourself to the Government examination, even although it would improve the public?—I am quite willing to undergo an examination.

50. Then why do you think that subclause (3) of clause 2 should be in?—I see no advantage in deleting it.

51 You are quite prepared to shed the last drop of your brother's blood, but not your own?—I cannot see the drift of your question We are all endeavouring to better our conditions—that is what we are aiming at.

52 You say it should not be deleted—why?—Why should it not apply to a motorman as much as to an engine-driver?

53 I am discussing the public safety You say it is unnecessary to put motormen through that examination?—Not so long as they show their efficiency by length of service and qualification.

54. Do you not think it should be done with motormen who come after you, as before you, or do you think you are a particular class of men? Why should they not qualify the same as other men?—I could not say

55 Do you think, if the Government grant certificates to men to drive cars, they will take over the responsibility for accidents caused by those men?—I do not see why they should any more than at the present time.

56. Do you know that the first consideration in connection with a motorman is nerve, and character, and his ability to keep his head generally?—Yes, he needs to be a man of nerve, especially when driving in the streets as the motormen have to do.

57 How are you going to find that out—by a Government examination?—That I cannot say I could not cite a case under present conditions where a man had been failed for want of those qualifications.

58. You have talked about the difference between an engine-driver and a motorman: the motorman is not in control of a prime mover like the engine-driver, who makes his own steam?—Yes, that is so.

59. And is in charge of a highly dangerous locomotive which he is driving It takes years and years of experience?—In some cases it does.

60. How long does it take to get a certificate on the railway?—A locomotive-driver has the same certificate as I have. Six months' work about an engine will qualify him to go up for examination.

61 When you are on a railway locomotive you are out in the backblocks on your own, and you require to have knowledge of every part of your engine?—Yes, a fair amount of knowledge.

62. Further, engine-drivers that are certificated by the Government, if they are in charge of stationary engines, are all over the country employed by private employers?—Yes.

63. And there is no means of their being examined by their employers?—Their employers are not always qualified.

64. Is not the municipality qualified to examine their own men?—They have examined them so far

65 There is not much transferring of one man from one part of the service to another?—Not at the present time.

66. And, so far as you know, the same conditions will continue—the giving of promotions, as far as you can, to your own men throughout the service?—I suppose that does apply

67 You have been talking about overloading, and the union in Auckland have stopped it; but you know that the tramway concern there is run by a company, and not by the public?—That is so.

68. Do you think the public would stand the same interference from motormen and conductors in Wellington, Christchurch, and Dunedin, and in Auckland also, when they own the cars themselves?—I do not see why not. Take Brooklyn, for instance.

69. You know that there is a lot of dissatisfaction in Brooklyn amongst some of the people because the Minister has decided that there shall be no strap-hangers?—I have heard of no grievance lately

70. Have you considered this Bill from the financial point of view?—I cannot say I have gone into the thing at all particularly

71 You spoke about overcrowding on down grades: have you ever considered the relative difference it would make to one of our biggest cars if it had to carry 150 instead of 100?—Any one must admit that there must be a tremendous amount more weight to stop, consequently more strain on the brake-gear

72. Do you know the weight of a car?—No.

73. Take it at 14 tons. Do you know what 100 people would weigh?—It just depends on their size.

74. Take them at 10 stone each: that is 6 tons. So that a car loaded to its seating-capacity would weigh 20 tons, and if it had 50 more people on it it would weigh 3 more tons, and instead of 20 tons it woud be 23 tons: has it ever occurred to you to work it out in that way?—No. I was talking about overcrowding and the dangers attending it.

75 In all these things do you not think the management is able to work out a problem like that?—I should give them credit for being able to do so.

76. Do you not think the management and City Council here are doing all they possibly can to provide for the safety and convenience of the public and at the same time meet expenses and pay the men good wages?—I do not know what they are doing.

77 Have you known any improvements to be effected in the Wellington service lately?—Yes; an extra car is put on now and again, especially since the Tramway Bill has been mooted.

78. Do you know that one of the employees the other day got £5 for suggesting an alteration in the position of a cut-out?—I did hear something of that.

79 Do you know that a man got a reward for suggesting that a pit should be placed on the permanent-way in Coutenay Place, in order to allow defects in a car to be effected without taking them back to the shed?—I know there is a pit.

80. Do you know that we have a system of rewarding the employees for suggestions?—I did not know that.

81 You know that rewards have been given for suggestions?—I believe so.

82. With regard to palace cars, what cars run best to time at rush times or on wet nights?—I do not know

83. If Mr Thompson, of Christchurch, says that you were dismissed for your general unsatisfactory conduct, will you still state that it was because of the claim you made?—That is my impression, and I believe that was the cause of it.

84. You are in the habit of shaking things up amongst the men?—I have never caused any trouble that I know of

85. Well, say, unrest?—I am not an agitator, if that is what you mean.

86. *Mr A K S Mackenzie.*] When did you leave Christchurch?—Three years ago last April.

87 That is, April, 1907?—Yes; that was directly after my last dismissal.

88. You referred to car No. 11 that was the car in Christchurch on which you say the brakes were bad?—Yes.

89 And you say the cause was lately discovered?—It might be within twelve months. They had been bad for two or three years.

90. Do you know a motorman in Christchurch named Grammar?—Yes.

91 Would you be surprised to learn that on December 9, 1908, he booked that car up as O K.''?—That may be. That was two years and nine months only after my mishap

92 And would you be surprised to hear that a fortnight after that various motormen booked it up as all right?—Certainly not.

93. Then your statement is foundationless?—This car's brakes would not act except under certain conditions, and those conditions vary when lightly or heavily loaded.

94. If all the other men say that the car was "O K.," you would contradict them?—No, I would not.

95 They were right then?—So far as their conditions were concerned. The car would brake all right when not heavily weighted.

96 If it were booked up one day as "O K.," and the next day as "O K.,' and McNaught said it was booked up by him as "O K. on the 5th December, and then again on the 6th December by a motorman named Cook: he booked the car up as "O K." The report goes on for weeks the same. On the 7th December, 1906, the car was booked up "Trolley-brake running stiff"; the following day, 'Mixed up", by J H. Porter, "O.K.', on the following day it was booked up by Motorman Hardy-Johnstone as "Blind down in the cabin." The following day it was booked up by W Lewis as "O.K." And the following day it was booked up as "O K.' by J Welsh?—Yes, I am not going to contradict them. My statement refers to April, 1906

97 *Mr Rosser*] Subclause (3) of clause 2: You know there is a provision for granting tickets to men who have already served for a certain period—service certificate?—Yes, that is so.

98. Do you consider that a man who has proved his efficiency for five or six years as a motorman should be entitled to a certificate of service the same as an engine-driver?—I certainly think he should.

99 Has he not proved his efficiency and experience?—That is the light in which they look upon the engine-drivers' service certificate.

100 Do you think it is necessary then, in the interests of public safety, to examine a man who has already proved his efficiency?—I do not think there is any necessity for that if he is qualified, and has shown that he is an experienced man.

(At this stage of the hearing the old fixed car report-books, as used in the Christchurch service before the adoption of the single-leaf system, and which were said to have mysteriously disappeared, were put in.)

MATTHEW CABLE re-examined. (No. 31)

1 *Mr O'Shea*] I stated that Mr Whyte had made a statement about a Brooklyn car, but I find it is Mr Faire. He said the car had been inspected by the Public Works Department after the accident?—The car, No. 55, was first passed for traffic in March, 1907 prior to my arrival in New Zealand. The accident happened early in May. The car was seriously damaged, and it was some months before it was ready for traffic again. It was inspected and tested by the Public Works Department early in August, and we have a certificate signed by Mr Blow giving us permission to run the car, dated August 2, 1907

2. There has been a suggestion made by Sutherland that he has been unfairly treated in comparison with three men named Wilkinson, Dowding, and Gibson?—Wilkinson and Gibson were reported for running ahead of time at Brooklyn prior to their meal relief This was taken up, and they were reduced. This is the report "Gibson arrived at Manners Street seven minutes after the time he was due to leave Brooklyn terminus." He was reduced to a second-class run for two months. The cases are identical both for Gibson and Wilkinson The Tramway Union appealed against these decisions. The cases were taken before the committee, and both were upheld.

3. What was Dowding's case?—He had a collision in May of last year At that time we were running two cars together to give a ten-minutes service, in place of a five-minutes service, at rush hours, as at present. The accident happened late on Saturday night. The two cars were entering a loop, and Dowding's slightly bumped the car in front. The man held an exceptionally good record. He was suspended for two days, and reduced to second-class runs for two months.

4. Mr Sutherland was reduced from the first-class to a second-class run about the same time?—Motorman Sutherland was reported for reckless driving one night by the Motor Instructor I was communicated with by telephone, and I myself witnessed the man driving at a reckless rate down Hopper Street. Some time later I boarded the car at Wallace Street, as I happened to reside there at that time, and was going into town. I was unaware of the name of the motorman who was driving The car was started in a very abrupt manner, and at every stop on the way down to the Town Hall I was astounded at the manner in which the car was started. Our acceleration in Wellington is exceptional. Mr Kneeshaw commented on the high rate of acceleration as compared with that of Sydney I must say I was surprised when I found that Sutherland was in charge of the car. The matter was taken up the following day, and he was reduced.

5. Are the management personally satisfied that there was no comparison between the offences of Wilkinson, Gibson, and Dowding, and that of Sutherland?—Absolutely The two records when compared will show the difference between the two men, Dowding and Sutherland. [Records put in.]

6. There is a man called Coburn: have you any record as to his case?—No; it happened in Mr Wright's time, five years ago, and at that time there was no system of records.

7 Sutherland also stated that there were two cases, those of Dixon and Wills, where the man who had the least experience was punished more than the man who had the more experience. There are two Wills's?—K. Dixon had a collision near the Thorndon office in May last. He was a first-class conductor, and had been driving, off and on, for three months. The car he ran into had been standing away from the stopping-place, and he approached at high speed and struck it on a slight up grade. In dealing with this case I took into consideration the fact that he was a young motorman, and that it was advisable to deal severely with a case like that.

8. Do you think it advisable to deal severely the first time—why?—Because the man does not feel it so keenly to be reduced back to the position of conductor as if he had been acting as a motorman for a long time.

9 Is it not likely also to insure that he would be more reliable in future, if he is taken up sharply?—Yes, I find from my experience that this is so.

10 Now, as to those other two men?—R. J Wills was driving along Kent Terrace. The car ahead of him stopped suddenly to allow a Miramar car to come out of Elizabeth Street, and Wills gave it a slight bump. Wills ought to have permitted a fair headway There was no damage done in this case. In the previous case, that of Dixon, the car was slightly damaged. In Wills's case I had to take into consideration the facts that the man had been driving about twelve months, and his record as a motorman was clean.

11 There were certain alleviating circumstances?—Yes; I have stated that the car ahead was stopped suddenly

12 What was his punishment?—Two months as second-class conductor In the case of N I. Wills, which happened in May last, Wills touched a car which was standing at the Rintoul Street clock. No damage resulted. He had been a motorman for some time, and evidence was brought forward to prove that the rail was greasy in that case. He was reduced for one month as a second-class conductor

13 Do you consider that, on reconsideration of these matters, the punishment inflicted was fair and proportionate?—I consider the punishments were considerate, and any man of unbiassed mind must agree with that opinion. I spend a great deal of time on these matters. The men are always watching the decisions, and every case is considered on its merits. The men may not know all the facts. If a man had been driving for some time and has a good record we must allow something for that.

14. Take car 64 It has been stated that this car went out without a king-bolt and with great danger to the public. Will you state what took place?—This car, on Sunday, the 24th July, 1910, came in with a broken quadrant. The car was put in the hands of the repair gang on the Monday morning. The draw-pin and quadrant were removed.

15. The draw-pin, I understand, does not perform the same functions as a king-bolt in a four-wheel vehicle?—Not exactly The leading man in charge of the work omitted to put a board on the car when the men ceased work at noon. Owing to some misunderstanding on the part of the time office official a motorman was instructed to take the car out. When this motorman reached the car-sheds gates he noticed that the car was not running freely He mentioned the matter to a first-class motorman there, but the latter appeared to think it was of no consequence. By this time one of the shed employees noticed that the car had been sent out. He ran to the terminus with a view to getting the car brought back. Being unable to do so he communicated with the time office. A telephone communication was sent to Winder's corner, but unfortunately the car was not stopped until it reached Lambton Station. It was immediately returned to the shed without passengers. Unfortunately, neither the timekeeper nor the motorman reported the matter at the time, and the management were not aware of the case until Mr Rosser brought it out in cross-examination.

16 There has been a little friction up in that car-shed?—There had been up to the 20th July

17 That was the day Costin had his appeal to the committee?—That afternoon

18 He was working in the shed?—He was in charge of the time office when the car returned.

19 And he did not report it. He was removed from the time office and put on as a motorman?—Yes, and there had been complaints about the working of the time office.

20. I want you to show to the Committee how the absence of the king-bolt would not endanger the safety of the public?—[Model of car with king-bolt produced, and action explained.] Working one way there would have been no inconvenience or danger, worked the other way the bogie would have been kept in position by two brackets in front, and if those brackets failed the brakes would automatically be put on

21 Do you think the Government inspection would have prevented that car going out?—No. It is a thing that might happen in the best-managed concern It was carelessness, undoubtedly

22 As a personal question, something will go wrong at times with motormen and conductors? Yes. The shedmen were responsible in this case.

23. Now, as to car No. 9: This case was mentioned by Mr Rosser This car on the 23rd July, 1909, was reported for being weak on certain notches of the magnetic brake. The car was sent into the shed, and the Superintendent gave it a thorough examination. He found that not only was it necessary to overhaul the trucks, but the roof of the car and the stairs required to be removed, and the brakes thoroughly overhauled. The car was kept as a stand-by job, and it was

not until December that the car was repainted and ready for traffic. First-class Motorman Hilder took the car out to test it. When he returned he reported the car O K.' in every respect. This car went into traffic on the 28th December, and remained on the road until near midnight. The motorman who took the car in at midnight reported, "Floor broken on B end platform; seat will not hold.' It appears that one of the junior motormen, prior to 3 o'clock that same day booked the magnetic brake weak on the first four notches.

24. Was the car inspected?—It was inspected that night, and it has since been running continuously, except when a new armature was installed recently These statements about weaknesses are greatly a matter of opinion. A man takes a car first thing in the morning, and changes over to another after his meal relief The second car may not respond on the same notch to the same extent, and he considers it weak. It is advisable that they should report it, but it does not necessarily indicate any defect.

25 Take car 79: This is the one that went out without a chain on the brake?—This was a case that was never reported by the motorman The Inspector found out about a fortnight later what had happened. This car, it appears, had been under an overhaul, and at noon a motorman was instructed to take the car out. The motorman did not test his brakes.

26. Is he supposed to do that?—In every case, and time is allowed. In this case the man was on meal relief, but he would arrive at Newtown at a quarter to 12, and the car was not due out until five minutes to 12 The car was taken to the shed-door before it was noticed that the chain at one end was missing.

27 Do you know how any Government inspection is going to stop that?—No That again was carelessness on the part of the shed hand. It was taken up sharply There are a large number of men in the shed, and they have frequently to be dealt with the same as the traffic staff. Men are frequently cautioned by the Shed Superintendent for not paying proper attention to their work. It is not as though there were one official who could be responsible for every car

28. There has been a suggestion that Mr Richardson asked Mr Faire and other employees for an explanation with regard to reports in the newspapers of statements made by them to the Minister will you tell the Committee what took place?—The matter came up before the committee in reference to statements which appeared in the local Press, relating to a deputation of the men to the Minister Mr Richardson was instructed to submit a report, and this is his report: 'Acting on your instructions to submit a report dealing with the statements made by employees of this department when they waited upon the Minister of Public Works on the 4th ultimo, I beg to state that I wrote to the Under-Secretary of the Public Works Department requesting to be supplied with a copy of the official evidence taken on that occasion The following reply was received from the Assistant Under-Secretary of the Public Works Department I am directed by the Minister to inform you that no evidence is taken, and that it is not customary to supply copies of reports of representations made to Ministers by deputations to corporations or private individuals.' In view of the above I am compelled to rely upon the accounts of the interview which appeared in the three local papers, and below I give extracts of statements alleged to have been used by Motormen Sutherland and Faire. The statements are added from each of the newspapers. The closing clause of Mr Richardson's report says, "Those statements about the speeds of cars are gross misrepresentations. I have to recommend that the men be called upon by the committee for an explanation." When this report was submitted, some of the members could hardly credit that statements had been made that the cars ran from Clyde Quay to Lambton Quay at thirty miles an hour Mr Richardson was instructed by the committee at the following meeting to interview the men, and ask if the statements were correct. On the 2nd September he submitted a report that he had taken the matter up, and the men had admitted that they had made the statements. I challenge any man in the service to run a car, stopping at all the stops, at thirty miles an hour from Courtenay Place to Lambton Station

29 In your experience, has there ever been any tampering with your records?—No; I am very particular about the records. I introduced the present system when I came from England. Prior to that they had rather a loose system.

30. Is there any tampering with the loose leaves?—None whatever

31 Could you carry out your system with the same efficiency if you had fixed car report-books?—No.

32. Motormen have talked about it being necessary to have a knowledge of theory—Mr Whyte mentioned it: Is it essential that motormen should know anything about construction of the motors and controllers?—No, not for driving a car

33 How long would they have to be in the repair-shop to acquire that knowledge?—Unless under a good instructor I doubt if a man could do it in six months. A man like Mr Whyte has a comprehensive knowledge of the controller He is of a mechanical turn of mind, and has picked up a lot more than the average motorman

34. It has been stated that the Manager of your service is present while the committee considers its decisions; is that correct?—Not now The Manager and officials leave the room.

35. As to the sand-gear, what have you to say as to the remarks that it goes off the track at curves?—The sand-gear is as perfect as can be obtained.

36. I understand that there is no sand-gear for use on bogie trucks that will stand sharp curves?—I am not aware of any

37 Does your management endeavour in every case to obtain the best possible equipment?—Yes, we are continually watching for later developments.

38. With regard to non-skidding attachments, have you any of those?—We have, and also speedometers.

39. It was stated that Walsh was killed by being knocked off a car?—The man was in bad health at the time, and when I arrived here he was at Rotorua. He told me that he could not stand the decker cars.

40. With regard to complaints about excessive speed on the Aro Street run what happens there about 5 or 6 o'clock?—An extra car is put on.

41 With regard to the Miramar service, was anything done there?—We put in an extra set of points to facilitate the cars getting away from the station, and also allowed the cars to go through the tunnel in parallel speed.

42 The speed-limit on outward-bound cars was increased?—Yes, they can go through in parallel.

43 That is slightly up grade?—Yes, about 1 in 20.

44. There has been some talk about Hefferman, Power, and Little: when did they come on?—When the service commenced.

45 What have you to say about Paton and Little?—Paton had been in the service at Perth, and was a Motor Instructor at Dunedin

46. How does Paton stand in the service as a motorman?—Second to none.

47 And Little?—He had considerable experience in Australia, and carries out all the tests for the Public Works Department here.

48. What do you think of him as a motorman?—He is an exceptionally good motorman.

49 Do you think the Appeal Board will affect your discipline?—I have already stated that it will break discipline down.

50. *Mr A S K Mackenzie*] Are you of opinion that there is necessity for any system of examination of motormen beyond that given by the corporations or owners of the tramways?—I do not think there is any necessity

51 Having regard to Mr McLaren's suggestion that there should be a Government Examination Board in each centre, and your statement that this would minimize your objection, would you be satisfied to put on another man who had been proved to be efficient in another centre?—No, I would sooner examine him myself

52 No matter how efficient he might be as a motorman, you would prefer him to serve as a conductor first?—Yes.

53. *Mr Rosser*] Are you aware that when you quoted those records the men do not admit that they are fair records?—Every one of those cases has been taken up with the men. The papers are here.

54. Do you put down on a man's record, say, as a conductor, such trivial complaints as that he whistles with his mouth instead of with an ordinary whistle?—Not now, I believe it was done in some cases.

55 Is it not a fact that it is possible to buy the bone whistles used in the Wellington service in the shops?—I am not aware of it.

56 Is it not a fact that some of the conductors have recognized that it is much safer to use their own peculiar whistle than the Corporation's?—I think there would be a bigger risk if that was permitted.

57 With regard to car No. 64, do you consider that that car sent out without a king-bolt and with the quadrant broken, was in a condition that was safe for a load of passengers?—I have stated that nothing could have happened. The car was not in proper running-order, and should not have been sent out.

58. Would you make a practice of sending out such a car?—Certainly not. It was not properly equipped.

59 It has been stated that the motorman should have examined that car before he took it out?—Not that car I do not blame the motorman for taking the car out, but when he found it running a little roughly he should have taken it back to the shed.

60. Would it not affect the running of the car in taking the points, and cross-overs, and curves?—I say there would be no danger, but the car would run very stiff.

61 Is it not a fact that when the car was taken back by the motorman the floor of the car was torn up by the action of the car?—I am not aware of it.

62 Coming to the deputation to the Minister were you present when the men were called down before Mr Richardson?—No.

63 You say that it is not essential that a motorman should know the construction of the motors?—It is not essential.

64. Does it increase the efficiency of a motorman if he knows something about the construction of the motors?—It would increase his efficiency if he had that knowledge.

65. Now, in reference to the appeal The Manager now has to leave the room while the committee's deliberation is on: how long has that been in force?—Since the present Mayor came into office, in May

66. Do you consider your sand-gear is efficient?—Yes.

67 What distance does the sand-pipe come down in advance of the wheels?—In come cars about 2 ft., and in others more, perhaps.

68. What would be the greatest?—In single-truck cars it might be up to 3 ft.

69 If I said it was 4 ft. in advance of the wheels should I be placing the distance too great?—I would not contradict you with regard to some of the single-truck cars.

70. Is it not on the fixed car—not on the bogies—that the greatest danger exists of the sand not coming on the line?—Yes, the sand-pipes on the single-truck cars swing out more.

71 The bogie trucks take the curves better?—Yes.

72. What distance do you consider it is, when the pipe is 4 ft. in advance of the wheels, that the sand cannot be distributed?—Some distance off the rail, I admit.

73. Six inches?—I dare say

74. Is it not essential for the efficient braking of a car that the sand should be shot on to the rail?—Not so essential on curves, because there is the friction due to the flange of the wheels grinding against the groove of the rail.

75. Not on curves on a down grade?—There is still the friction of the wheels in the rail-groove.

76. Would it not affect the efficiency on a down grade to have the sand on the rail?—It would increase the efficiency

77 With regard to Mr Little, do you know where he came from?—He is a native of South Australia, I think. I cannot say where he came from prior to entering this service.

78. If he came from South Australia, that would be before the electrification of the tramways there?—I understand he had had experience in New South Wales.

79 Is the magnetic brake in operation in New South Wales?—They had a certain number of their cars fitted with magnetic brakes.

80. Then he would come from the air brake to your magnetic-brake system?—They have had magnetic brakes in New South Wales for some years.

81 Would you say that he had had training there on the magnetic brake?—I could not say that.

82 *Mr O'Shea*] Do you know whether he is efficient on the magnetic brake?—I know of no man who can handle the magnetic brake more efficiently than Mr Little.

REMUERA EVIDENCE.

WEDNESDAY, 21ST SEPTEMBER, 1910.

ERNIE BOND examined. (No 32.)

1 *Mr Rosser*] What are you?—A member of the Remuera Road Board.

2 You desire to give evidence on this Bill for the Committee?—Yes.

3. Have you considered the Bill?—I have heard something of it, I have not considered it. There has been considerable trouble between our Board and the tramway company, and, being down here, I thought perhaps I could give the Committee some assistance with regard to what I know about the trams running to Remuera.

4. Does your Road Board come closely in contact with the Auckland Tramway Company?—Repeatedly

5. The tramway goes through your district?—It ends in our district.

6. Will you make a short statement as to whether you are in favour of the Bill, and why?—It is simply this: that, the company being a large one, and our Board being a small local body, oftentimes pressure is brought to bear

7 *Mr O'Shea.*] Pressure is brought to bear on members of the Board?—Yes. On one occasion I was the only member of the Board with regard to running the buses in Victoria Avenue, which was agreed to in the delegation deed. I was the only one who insisted on it, being in a minority on the Board. That was some years ago. In consequence the ratepayers asked the Government to intervene, and eventually, I think, spoke to the tramway directors. There was a meeting between the people of Victoria Avenue and the tramway company. I was at that meeting, and the company agreed to do what the people wanted, but I do not think that, except for the intervention of Dr Findlay, the Victoria Avenue people would have had their buses running down there. It is my opinion, as a member of the local body, that a strong central power is needed to see that the contracts entered into with the local body are carried out, where powerful companies are concerned I might say that at the present time it is difficult to get in the trams. I was at the corner of a street when four trams were going to Remuera, and we were trying to get into them like wild beasts. On the fourth one I managed to get in. There were a couple of doctors and lawyers, and even the editor of the *Herald* was there. Four times he was turned off, and I do not know whether he got away in the fifth car The doctors got on to me, and said, "Is this the way you are looking after our interests with regard to cars going to and from Remuera?" That is the state of things, and I should be very sorry indeed to see the control of the trams going out of the hands of the Government. There is a certain amount of feeling that you are an obstructionist when you are standing up to protect the people in connection with the agreement between the tramway company and the local body When I go back the local body has deputed me to see them with the tramway company, and I have been deputed times without number to see into this matter, which has been going on for four or five years. I hope the Government are going to bring in a Bill to buy out the company, to run the tramways in the interests of the people instead of private interests.

8 Do you consider that the company are doing their best to meet the requirements of the public in your district?—I do not consider they are doing so honestly I consider they are doing their best in the interests of the shareholders of the company

9 Was there to be a bus service down Victoria Avenue?—That was part of our agreement—that in consideration of our assenting to the line they agreed to have a bus to meet every tram.

10 Have they kept to that agreement?—No There is now a provisional agreement for three years not yet signed They have to give notice when they are going to terminate it, when it has to revert back to the old deed of delegation

11. Clause 5 of the Bill, section (1), subsection (*c*), prescribes the number of passengers that may be carried in any carriage or on any particular route or grade do you consider that that

is a clause that should be in the power of the Government to operate?—Most certainly Sometimes you are packed like sheep, and I have had to stand for miles. I think the Government should have power to step in to see that people are properly and comfortably carried.

12. Do you consider there are sufficient cars running at Remuera to meet the requirements at rush times?—Certainly not, and as a business concern I would run it quite differently, because I would provide for the public in the way I contracted to do, to carry them comfortably.

13 I understand the racecourse is in your district?—The Ellerslie Racecourse.

14. How do you fare on race days with regard to the convenience of the passengers?—We fare very badly indeed. I was going to see Mr Walklate with reference to that. Some people have to walk from the threepenny section to the fourpeeny section for the possibility of getting to town.

15. In giving evidence here do you consider that you are being backed up by the people of your district?—I do.

16. With regard to prescribing the limit of speed at which any carriage may travel on any particular route or grade Do you travel frequently over Parnell Rise to town?—Yes.

17 Do you consider the time allowed is sufficient to travel at a proper speed during rush times?—Certainly not. I might say that in the course of many interviews the motormen and conductors have asked me to ask the tramway company—not letting their names be known in the matter—to give them a few minutes' more time. They told me that they had twenty-six minutes in which to go to Auckland, and had twenty-four stopping-places. I do not know the exact length, but I should think it would be about four miles. They said they felt as if they were almost collapsing at the speed they had to go.

18. Is it a double or single line?—A portion of it only is double, but I understand they are going to double the line practically right through.

19 You have been brought very intimately into connection with the tramway company in your representative capacity?—Yes.

20. And you are giving your own opinion now?—Yes, and I hope the Government will do something to relieve the tension caused by the continual agitation of the tramway company to provide more cars and better accommodation.

21 *Mr Myers*] Has this Bill been before your Board?—No, only what has appeared in the newspapers. But, coming down to Wellington, I thought I should like to assist the Government and work strongly in favour of it.

22 Have you seen the Bill yourself?—No.

23. Before coming here, you did not know what the contents of the Bill were?—Only what I have seen in the newspapers.

24. You are not down here expressly to give evidence?—No.

25. So that the people of your district did not know that you were going to give evidence?—No.

26. Do you say that you were backed up by the people of your district in the opinions you are expressing here to-day?—Most certainly.

27 Is it not a fact that on the Remuera Road Board you are in a minority of one?—No, I am in a majority most certainly

28. Is it not a fact that at the present time you are in a minority of one on the Road Board so far as the relations between the Board and the tramway company are concerned?—No, certainly not, on most matters in connection with the tramway company I am in a majority I might point out that I am deputed to see the tramway company in connection with the matter when I am able to get home, to ask them to provide larger cars.

29. You said that you were not a minority of one?—Some time ago, when I was speaking about the agitation in Victoria Avenue, I was, but the Board has come round to my way of seeing things.

30. Do you say that the attitude of the Board as a whole towards the tramway company is the same as it was four years ago?—No, they are now trying to keep the company up to their agreement with the Board. They now see differently, and that it is necessary as representatives of the people that they should keep the tramway company up to their deed of agreement.

31 And they are trying to do that through you?—Yes.

32 If they are trying to do their duty, do you want the Government to come in and take the control out of the hands of the Board?—Yes. There is no doubt in my mind the tramway company took part in the election.

33. Is the Committee to understand that you are representing the views of the Board when you say you desire that the control of your tramway district should be taken out of the hands of the Board and put in the hands of the Government?—That has not been brought up before the Board. I was not deputed in reference to this matter, because it did not come up before the Board.

34. Then we may take it that your views are the views of a private citizen?—No, as a member of the Board.

35 As a member of the Board, but not voicing the opinion of the Board, but your own opinion?—That has not been discussed yet. I know most members of the Board, and I am certain that one member has got on the Board through causing Dr. Findlay to be written to about this matter.

36. Why did you not, as a member of the Board holding these strong views, get the Bill before the Board for consideration?—I heard that there was an inquiry to be held, through the newspapers.

37 Do you mean to say that you had not heard that there was a Bill before the Committee on this subject?—I have seen certain information in the newspapers, but I was not really aware of what it was. I heard there was an agitation, and that the Government were going to attempt

to take control, and see that the tramway company carried out their obligations to the various local bodies. And when I heard that the Committee was sitting, I was very desirous to strengthen the hands of the Government from my own point of view I think it is highly necessary

38. Did you not know that the Bill was under the consideration of the Auckland City Council?—I heard of the agitation, and looked upon it as an agitation from persons interested as shareholders in the tramway company to get into such a position that the Government could not interfere with them.

39 That does not answer my question Did you not know that the Auckland City Council had the Bill under consideration, and had passed a resolution to oppose it strenuously?—I believe something did come up before the City Council, but I looked upon it that part of the City Council was interested in some way I considered that the City Council were doing something against the interests of the people

40. You have no confidence then in the Auckland City Council?—Very little indeed. Some members I consider are all right.

41 Have you any confidence in the other municipalities or kindred bodies round Auckland?—Certainly, when there is not a strong company interested

42 Supposing that the local bodies in the neighbourhood of Auckland owned these tramways?—It would be a proper thing, but when there is a strong company there is a great deal of wire-pulling

43 Then you are in favour of the municipalization of the tramways?—I am in favour, not exactly of municipalization, but of most of these things belonging to the people.

44. Supposing the Remuera Road Board owned the tramways within its district, do you think the Road Board would be competent to look after the tramways itself, or do you think the Government ought to have the control?—I certainly think the Government ought to have the control, because we are too local. I think they would be run cheaper if they were all in the hands of the Government.

45 Supposing your Road Board owned the tramways in the district as a separate installation, do you think it would be competent to manage and control them?—Not so competent as a strong central body

46. To own them or control them?—Both, certainly

47 Supposing the Road Board owned its tramways, do you think that, notwithstanding your ownership, the control should be in the Government?—Yes, certainly I do, because at times in these small local bodies 'graft'' is liable to set in and the public interests to be subverted.

48. Is that not more possible in Government control?—I think it is very difficult to get any ''graft' in the Government.

49 You say that there are bad facilities for taking people to the racecourse?—They take them in such a crowded state that they ought not to be allowed to do it. The Government ought to step in and stop it. If you carried sheep in such a way the Society for the Prevention of Cruelty to Animals would step in and stop it. I have had to stand for four miles.

50. Have you seen people carried on the railway to a racecourse?—Yes.

51 Have you seen cattle-trucks ever used by passengers who have paid first-class fares?—I have not seen that. I have travelled on the railway at all times, and have generally been provided with a seat. I have seldom had to stand up I do not go to racecourses.

52 If you found the Railway Department were carrying either first- or second-class passengers in cattle-trucks to the racecourse, you would have a complaint against the Department, would you not?—I have not considered that question. I have not travelled in them.

53. You are not prepared to answer any hypothetical questions?—Is that a Latin word? Why do you not put it into English? Ask me a straightforward question If the Government cleaned the cattle-trucks and put seats in them, I would not object, but I have not seen it.

54. *Mr O'Shea*] You say it is a very bad thing to have a small local body up against a large company?—Certainly, I do.

55 Do you not think it would be better if some of the small local bodies were wiped out and put into one Council like that of Wellington?—We want to blot out ''graft' first.

56. Do you mean to say there is ''graft' in Auckland?—If you ask me if I think so, I think there is a deal of it, and I think that the suburbs are purer than the city

57 You do not believe in overcrowding?—No.

58. You complained that men were turned off the cars—could not get on several cars?—Yes.

59 There was room to stand, I suppose?—No.

60. Do you not know that the utmost number of strap-hangers allowed to be carried is fourteen in Auckland?—I do not know

61 Do you know that the Council are enforcing that by-law?—I think not. When the people are so jammed that nobody can possibly stir, and a good many cannot get on at all. I asked Mr Walklate, '' Why are you training us to be savages? ''

62 That is with an overload of fourteen on a car to seat fifty-six?—I do not care what you call it, but we could not get our foot on it, and I am a delegate when I get back, with another member of the Board, to ask for an alteration

63. Have you been to Sydney?—Yes.

64. Have you seen the Sydney trams?—Yes, I have.

65 Have you seen the overcrowding there?—I went at show time, and saw trams numbering a thousand, and I went repeatedly to the show, and never went without being able to sit down.

66. Do you know that evidence has been given on this Committee that the overcrowding there is worse than it is in New Zealand?—I would not doubt that, because I should expect a large company to bring plenty of evidence to support them Any man would try to put his case as strongly as he possibly could.

67 If Mr Thompson, of Christchurch, said he had seen a photograph with men on the roof of a tram-car in Sydney, would you contradict him?—I honestly and certainly think it shocking the way we had to shoulder our way and treat our women. It is bringing us to the state of savages.

68. Do you know that the municipalities in New Zealand have unanimously passed resolutions against this Bill? The Wellington City Council unanimously condemn the Bill?—I know nothing about that. I can only speak of the grievances that I know of I have strong faith in the central power to protect the interests of the public.

69 Do you know what the price of the company's shares is in the market of Auckland? Do you know that the £1 shares can be bought at £1 3s.?—I heard that they were paying 6 per cent.

70. Do you know that the last profits were analysed by a Wellington accountant, and that he says they are under 6 per cent.?—I am not looking at that. I say that the trams should be run properly If we have to pay more let us pay more, if it is in the hands of the local bodies. I am not against the tramway company

71 *Hon Mr R McKenzie*] You are Chairman of the Remuera Road Board?—No, I am a member

72 When was the last Board elected?—About last May, for the coming two years.

73. You were asked if you represented a majority on the Board?—Yes.

74. How long have you been a member of the Board?—This is the third time.

75. So you certainly represent and have the confidence of the majority of the people?—Yes, I consider I represent the majority of the people, not the tramway shareholders that live in the district I come from.

76. I think you said the tramway company took an active part in the election?—I cannot say they all did.

77 Do you think the management of the Auckland Tramway Company try to influence the electors in voting for the members of the Auckland City Council?—I can only give you an opinion In my opinion, most certainly

78 You were asked a question with regard to overcrowding on the Auckland tramways?—Yes.

79 Is there any limit to the overcrowding, do you think?—I can only say I am delegated by the local body because a number of professional gentlemen besides myself could not get on. I certainly say there is overcrowding.

80. Do you think they can carry as many as they can pack on to the cars?—Yes, I do.

81 You were asked whether you ever saw the railways carrying people in cattle-trucks?—I have seen that.

82 Did you notice whether the trucks were clean?—Yes, clean and nice. We have generally seen them rigged up some days before the races took place.

83. They had seats in them, and they were covered?—Yes.

84. If you have double-decked cars is there any covering over the roofs?—No, and I think they are highly dangerous.

85 When the cars are crowded, and the only place you can get is standing-room, and you go on the top of a double-decker do you not think that the passengers in a cattle-truck would be better provided for?—Yes.

86. I think you said you came over the Parnell Rise have you ever gone over in a crowded car?—Yes, and I have many times thought there would be an accident there.

87 Do you think that ought to be stopped by the Government?—I certainly do, and that the cars should go down at a less speed. I have mentioned that to the motormen, and they have said that they have had to stop so many times and had to get down by a certain time.

88. Do you know whether the Auckland City Council keeps what is known as a Traffic Inspector to prevent people getting on crowded cars?—Yes, I have seen him.

89 Has he any control outside of the city boundaries?—I do not think so, in our district.

90. Where does he generally inspect the cars to see if they are overcrowded?—Perhaps at the bottom of Queen Street or at the bottom of Wellesley Street. I have seen him at various places in the city, but I have never seen him outside those places.

91 Have you ever seen him at Parnell Rise, Karangahape Road, or the Khyber Pass Road?—Never We have applied to the directors of the tramway company about being continually inconvenienced.

92 The overcrowding generally takes place when people are leaving the city at 5 o'clock?—Yes. That is the time. Mr Walklate at our request gave us cars oftener coming to town, and we have not been so largely inconvenienced. It is going from town that the cars are packed.

93 Do you think that the ratepayers whom you represent suffer from the overcrowding?—Yes, certainly

94. Are there general complaints?—Yes. They have repeatedly complained to me, and we have repeatedly complained to the tramway company

95 You are satisfied that the people whom you represent on the Remuera Road Board suffer inconvenience and injustice through the overcrowding on the Remuera tramways?—Yes.

96. Do you think the Government ought to come to their assistance in order to stop it?—Most certainly I do.

APPENDIX.

WRITTEN STATEMENTS HANDED IN, AND ALSO SUMMING-UP ADDRESSES BY COUNSEL.

NAPIER STATEMENT (No. 1)

The King's Chambers, Wellington, 24th September, 1910.

Re *Tramways Bill.*

GENTLEMEN,—

The Napier Borough Council has obtained the sanction of its ratepayers to the raising of a loan of £35,000 for the construction of a combined electric tramway and lighting undertaking It has secured the loan, and given instructions for the necessary steps to be taken for proceeding with the scheme. The Council is strongly opposed to the legislation proposed in this Bill in respect of the following matters—

Clause 2 Certification of tram-drivers by a Government examining Board.—The Council holds that the issue of certificates is quite unnecessary, as tram-drivers are not machinery operators or engineers; that men trained on one tramway are by no means necessarily competent to drive on any tramway, as not only are physical and traffic conditions widely different, but car controllers and equipments are of several types, and, as a rule, only one type is used on an undertaking, and that no Board can under any circumstances be in a position to judge of the essential qualifications of reliability and a good clear head so well as the Council's own Engineer, who is responsible for the working of the undertaking.

Clause 3. Inspection of tramways by "any proper person," and the Minister's power to order that that person's recommendations be carried out.—The Council strongly objects to such a seriously vague description as ' any proper person," and it equally objects to such sweeping powers being given to any individual. It objects to being made liable to have to buy plant, rolling-stock, &c., without having any voice in the matter, or any real control of the expenditure. It is quite prepared at any time to satisfy recognized expert tramway engineers that its system is being maintained and operated in a safe manner for its employees and the public.

Clause 5 Regulations by Governor, and the revoking of any provisions of the authorizing Order in Council.—The Council considers that under this clause no right of management of the property bought with money which its ratepayers have borrowed and are liable for may be left to it, and that the management may virtually be vested in an authority which takes no financial responsibility It takes the strongest exception to the provisions of an authorizing Order in Council—on the strength and good faith of which money has been expended in constructing a tramway—being subject to revocation by the issue of any regulation; and it considers that this clause, if made law, will render its authorizing Order in Council not worth the paper it is printed on, while it will never know what its liabilities are from day to day

Clause 6. Appeal Boards.—The Council objects to this clause, as taking the settlement of all matters between itself and its tramway employees out of its hands, and not giving it the power of maintaining discipline on its undertaking

Clause 7 Full detailed plans and specifications to accompany applications for Orders in Council.—The Council objects to this clause as compelling it to incur an expenditure of close on £1,000 before it can send its application in to be considered. If upon the granting of the Order the Council deemed the conditions too onerous, or if for any reason whatever it decided not to proceed with the undertaking, that expenditure would be money thrown away The Council considers the plans and other particulars required by the existing law to accompany applications as amply sufficient.

Clause 9 Car report-book.—The Council intends to keep proper reports of cars according to universal practice, but it objects to being compelled to make these available to its servants other than the members of its staff for whom the reports are required. It considers that this clause, if made law, will be productive of trouble, as affording almost endless opportunities of creating unjustifiable complaints and giving publicity to them.

Clause 12 Licensing cars.—The Council protests against its powers in regard to licensing cars being taken from it, and considers that it is better qualified to judge what will best suit the conditions of its district than any outside authority

Clause 13 Section (*c*).—The Council fails to understand why it should be compelled to furnish accounts and any information that the Minister may choose to demand, and it strongly objects to such provision.

The Borough Council has duly authorized me to place its views, as set forth in this communication, before the Committee. I am, &c.,

FREDK. BLACK,
A.M.Inst.E.E., Member Tramways and Light Railways Association,
Consulting Enginer to the Council.

The Chairman and Members, Labour Bills Committee, Parliament House, Wellington

MR. YOUNG'S ADDRESS ON BEHALF OF THE CHRISTCHURCH TRAMWAY BOARD. (No. 2

Re *Tramways Bill of 1910*

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE,—

It is submitted that the conduct of tramways is purely a local business, and especially in cases where the tramway is owned by the citizens it is peculiarly a business which can be managed by the citizens themselves. Different conditions exist in different places, which are much more susceptible to local management than to control by any political power Although there are different forms of control, the control in each case is kept in the hands of the citizens themselves.

Tramways in New Zealand are apparently controlled in three ways,—

(*a.*) By the Corporations, as in Wellington and Dunedin;

(*b*) By Tramway Boards elected by the ratepayers in a district comprising several boroughs, as is the case with the Christchurch tramways,

(*c*) By a private company, to whom the Corporation delegates the power to carry on the tramway under its control, as in the case of the Auckland tramways.

As I appear for the Christchurch Tramway Board, I am leaving to counsel for the other bodies to deal with the managements other than that by the Board which I represent, and I do not intend to deal with all the details of the proposed Bill, as they will have been fully covered by counsel representing the other local bodies, and I desire principally to draw your attention to the circumstances surrounding the management by the Christchurch Tramway Board.

This Board controls tramways extending many miles outside Christchurch, and within the boundaries of several local bodies, including the Christchurch Corporation.

The tramways are controlled by a Board of nine members elected by the ratepayers of the district within which the tramway is run, and these members are elected every three years. The Board is constituted under the Christchurch Tramways Act of 1906. You will therefore see that the Board is in direct touch with the ratepayers, and has to answer to the ratepayers for its management every three years, when another election takes place.

It is universally admitted that upon this Board are found some of the very best business men in the district, including two engineers of well-known ability, and the district congratulates itself upon the present *personnel* of its Board.

It will be noted that when once tramways have been constructed it requires mostly good, sound common-sense, with some commercial ability, and a knowledge of the local requirements, to run the undertaking successfully It is always to the interest of the citizens to employ the best men, to study the convenience of the public, and to provide for the safety of the citizens, and it is the citizens themselves who are particularly well able to look after this.

The Government has provided, in Orders in Council, certain requirements in connection with the construction and maintenance of the tramways, and also has provided means by which obedience to the terms of these Orders in Council may be enforced. Sections 215 and 217 of the Public Works Act, 1908, and section 7 of the Tramways Act, 1908, give a general power of control to the Government; but clauses 30, 35, 37, and 39 of the Order in Council No. 3, under which these tramways are constructed, give ample power to the Government to see that the undertaking is kept at a proper standard, that the tramways are always in good repair and condition, that there is sufficient plant maintained, and that the business of the undertaking is carried on in a manner conducive to the public convenience. Sections 47, 48, and 49 provide a series of penalties which may be enforced against the Board if they fail to observe the terms of the Order in Council. It is therefore submitted that any further control by Government appointees is unnecessary in the public interest.

There is no demand in Christchurch for this Bill, and no voice is heard in its support except the voice of employees who wish to have some say in the management of the concern, with an object, no doubt, of further exempting themselves from the control of their employers. The Board is well able to manage the concern and the employees without any interference on the part of the latter The interests of the employees have been completely safeguarded by the industrial agreement which was made between the Board and its employees in April, 1909, which agreement, it must be noted, was come to unanimously between the Board and its employees without reference to the Arbitration Court. This agreement is most liberal in its terms towards the employees, and completely provides for their interests. The demands of the employees were entirely acceded to, and it is only now, when this agitation has commenced in another centre, that the employees in Christchurch have felt that they are loyally bound to support the employees in that centre by joining with them in demands beyond the demands which were acceded to in April, 1909

When it is remembered that the Board has raised huge loans for the purpose of its undertaking, and has had to carefully consider what plant it is justified in supplying, and the number of cars that the traffic justifies its running, in particular directions, and that to run an extra car every day for one year costs £2,920, it becomes most important that it should not be hampered by any instructions as to what cars are to be run, and in what directions, because they can only run such cars and provide such plant as their means will justify It would be an impossible position for a Government inspector to be ordering certain additional cars to be run unless he was also prepared to find the funds necessary for the running of such cars. It would be absurd for a Government official to make requisitions when the local authority has to provide the ways and means of carrying out the requisitions. The citizens can surely be trusted to manage such matters.

There is no doubt that many suburbs would like extra trams, and may have sufficient influence to get a direction from a Government official that such extra trams should be run, but only the members of the Board know whether such running would be justified, and whether some other suburb has not an equal claim to additional trams.

That the running of the Christchurch trams has been most satisfactory is evidenced by the finding of the Brakes Commission at page 12, where the Commissioners say they have found that at Wellington, Christchurch, and Dunedin the highest standard of upkeep and efficiency of equipment is maintained.

You will remember that most of the tramway employees are electors of the Tramway Board, and can always voice their views at the polls. In this way they have a sufficient say in the management of the tramways. No Government official is in touch with the demands of the citizens to the same extent as the members of the Board, and if they do not cater for the public, the public will have an opportunity every three years of finding some representatives who will cater for their demands.

An objection has been made that the Board has no labour representatives upon it; but Mr Thompson states, in his evidence, that all the members of the Board are representatives of labour One of the witnesses stated that there were several labour candidates in the field for the next election of members of the Board, and the public will, no doubt, have an opportunity of choosing these candidates at the next election, if this is what they desire.

Coming to the provisions of the Bill: The Board considers that clause 2, providing for a Government certificate for motormen, is quite unnecessary and useless. It is not skill alone that is required in motormen, but also good conduct and suitability No man is employed on the Christchurch tramways as a motorman unless he has had twelve months' experience as a conductor, the object being that the Board may have an opportunity of considering the man s habits and manners, as well as his skill. No Government certificate would dispense with the certificate of the Board, nor could the Board allow a Government certificate to take the place of their requirements.

As to clause 3, which provides for inspection by the Minister and for requisitions to be made as to the plant, the insuring of safety to the public, and the meeting of the requirements of the traffic. The Minister already has power under the clauses of the Order in Council cited above as to the inspection and repair of the plant, but the question of the reasonable requirements of the traffic the Board respectfully submits is purely a question for the citizens, and the question of additional plant as well is a question for the citizens, as it involves seriously a question of finance which can only be dealt with by the Board.

As to clause 5, providing for certain regulations to be made, the Board submits that no more power is required than that contained in the Order in Council.

It is very difficult to prescribe the maximum number of persons to be carried on any car, because so much depends upon time and circumstances. A certain amount of overcrowding on tramway-carriages, at times, is inseparable from any system of tramway-management, and, in this, the convenience and safety of the public is to be considered. There is apparently no great danger in overcrowding a tram-car inside, and there are times when it is of the greatest convenience to passengers that they should be allowed to have a passage rather than be left behind. The inconvenience to those who are sitting down is infinitesimal compared to the inconvenience which would be inflicted upon those who were refused a passage. The Government recognize this when they crowd their railway carriages and trucks on a race-day rather than leave the passengers upon a racecourse all night. It was stated in the evidence that the overcrowding in Sydney, where the trams are owned by the Government, was probably greater than in any other place in the world. It was also pointed out that the Board has made by-laws restricting the overcrowding, so that any policeman or Government official could enforce these by-laws at any time without any further power or reference to the Tramway Board, but, because of public convenience, it is not always desirable to enforce such by-laws, which are only in existence to be enforced if the public safety and convenience demand the enforcement.

The question of finance in connection with this matter also has to be considered, and in this connection you will remember that Mr Thompson quoted the remarks of a very high tramway authority in London, who stated that the revenue from strap-hangers was sufficient to make up the difference between profit and loss on the London and United Tramways. But the question of whether the tramways are to run at a loss or not is not likely to distress the tramway employees or a Government Inspector

As to subclause (2) of clause 5, the Board suggests that for the reasons given it would be very inconvenient for the regulations to override the provisions of the Order in Council under which the tramways were constructed and under which the loans were raised.

As to clause 6, which provides for an Appeal Board This is a particularly obnoxious clause to the Board, as it affects the discipline of the men. In order to run the tramways satisfactorily it is absolutely necessary that the Board should have complete and final control over its men Any appeal beyond them would be subversive in the highest degree to the discipline. Their method of discipline is described in the evidence of Mr Frank Thompson. They have a system of marking the men for merit and demerit. The Board is not wedded to this system, and if any better system is suggested they are willing to adopt it, but there must be some system by which a record can be kept of the men in respect of their conduct and ability, with a view to their promotion, or otherwise. They submit that their system works perfectly fairly amongst the men, and the men have the right to appeal to the Staff Committee, and, later to the whole Board, and are given an opportunity of appearing before the Board with the assistance of the secretary of their union as counsel.

The main objection to this is made by Mr Carter, an Auckland employee, who says that the employers favour individual men, and that the employers are not to be trusted. No satisfactory instance of any favouritism is given, and the Board suggests that it can be trusted to administer justice amongst the men. A successful appeal by any of them who had been punished, or who had not been promoted as much as they thought their merits deserved, would probably lead to the

resignation of all self-respecting men on the Board. Each member of the Board who was called, you will remember, informed you that his self-respect would not allow him to sit on the Board if his decisions with regard to the men were set aside by some other authority They submit that their position with regard to such men would be unbearable.

There are also cases that cannot be judged on ordinary judicial lines. An instance of such a case was given by Mr Thompson concerning a conductor against whom several complaints of offensive conduct had been made by ladies. After the first complaint he was moved to another line, and the complaints continued, and then to another line. It may be that no definite charge could be brought against him, but it was obvious that there was something in his manner which was offensive to lady passengers, and for this reason he was discharged. Subsequently he was charged with an offence in connection with a lady and was sentenced to imprisonment.

The Board suggests that this is a class of case in which they are the best judges of the interests of passengers and of the suitability of their conductors, and a class which no Appeal Board could adequately deal with.

As to the car report-book The Board has found, for the reasons given in the evidence, that the single sheets are much more convenient and effective, and submit that this is a detail of management which can safely be left to their judgment and experience.

There are a number of other matters as to the Appeal Board which I pass over as unimportant, and others which will already have been dealt with by my friends. But what the Board desires to impress upon the Committee is that the Government already has more control under its Order in Council than it finds it can conveniently, in the interests of the public and the undertaking, enforce, and there is no necessity for their management—which is that of the citizens—to be further interfered with by their employees or by public officers.

The members of the Board desire to thank you, sir, and the members of the Committee, for the courteous and patient hearing which has been accorded to the witnesses put forward by them.

FRIDAY, 23RD SEPTEMBER, 1910

MR. MYERS S ADDRESS ON BEHALF OF THE AUCKLAND TRAMWAY COMPANY (No 3

Mr M Myers Mr Chairman,—I said the day before yesterday that Mr Walklate would come down to Wellington so as to be present before the Committee and give evidence if required. I have been very carefully through the evidence given by the witnesses from Auckland, and, so far as I am concerned, I do not think it necessary for Mr Walklate to give further evidence, but he is here, and I tender him for examination by any member or members of the Committee who may wish to ask him questions.

The Chairman I do not think the members of the Committee wish to hear anything further from Mr Walklate.

Mr M Myers Mr Chairman, and gentlemen of the Committee,—I want, first of all, in addressing the Committee, to say a few words with regard to the attitude adopted by the Auckland Tramways Company which I represent, towards this Bill that the Committee has under consideration I want to say that that attitude is not one of uncompromising hostility to the whole Bill. We recognize that there are some clauses in the Bill to which no exception can be taken—at all events, no exception can be taken so far as the company is concerned. Some of the clauses we do consider very objectionable, others we consider objectionable in a lesser degree, and our desire is that the very objectionable clauses—and I shall refer to them later—should be deleted, and that those less objectionable should be modified in such a way as to do justice to the Government and to all parties interested.

Before I deal seriatim with the clauses of the Bill, it is necessary to make some preliminary observations as to the existing conditions and position of the Auckland Tramways Company Members of the Committee will no doubt have some general knowledge, at all events, as to the steps that are taken for the purpose of obtaining an authorizing Order by a local authority It is necessary to state those steps at this stage quite briefly, in order to show the Committee how the interests of the public are safeguarded from the very outset. First of all, it is necessary for the local authority—and it is only by the local authority that an Order can be obtained—to memorialize His Excellency the Governor to obtain the Order The application has to be referred to the Under-Secretary of the Public Works Department and his executive officers, who consider the draft Order very carefully, in order, as far as they can, to see that the interests of the public are protected. The draft is submitted also to the Engineer-in-Chief of the Dominion, and he makes such alterations as he thinks necessary, and he sees that the public are protected, from the engineering and technical point of view Then there is a reference to the Telegraph Department or Board of Control, and precautions are again taken in the interests of the public. Then there is a reference to the Crown Law Officers, to see that the draft is properly framed in legal form, before the Order in Council can be granted. So that members of the Committee will see that all precautions are taken—and I say, properly taken—before an Order can be issued in the first place. Now, having obtained the Order the local authority can do one of two things: it can either construct the tramway or delegate the authority conferred by the authorizing Order If it delegates its power it does so under a deed of delegation as authorized by the Act. In Auckland there are several different lines of tramways, which have been constructed under several Orders in Council. These Orders in Council have been obtained by the City Council of Auckland and by the local authorities of the suburban districts. All these Orders have been, when granted, delegated to the company I represent, and that company has expended upon the faith of the Orders in Council a very large sum of money, amounting to something like three-quarters

of a million While on this point I might say that the municipalities of Wellington, Dunedin, and Christchurch are practically in the same position, inasmuch as they have expended sums amounting to something like—I am not professing to give accurate figures—£550,000, £300,000, and £350,000 respectively upon the faith of Orders in Council obtained from the Government, and smaller sums have been expended by other local authorities in smaller places. Now, not only have these moneys been spent—in some cases by the people themselves as represented by the local authority, and in at least one case, in Auckland, by a company—but debentures have been issued by the local authority and by the company for large sums of money These debentures have been also issued upon the faith of the Orders in Council, because no mortgagee or any person to whom application is made for money on debentures will lend the money until he peruses carefully the documents of title, and unless he sees that these documents are in order As I have said, very large sums of money have been advanced by debenture-holders in respect of all these different tramways, and those moneys have been advanced in some cases in New Zealand, and, in some cases—perhaps in most cases—by people residing in the Old Country; and all those moneys have been advanced upon what? The answer is, upon the faith of these Orders in Council. I just want to ask at this stage—to conclude my remarks on the particular point—if now regulations are to be made by the Minister to override and set at naught those Orders in Council, as provided for in subclause (2) of clause 5 in the Bill now under consideration, what faith can people be expected to have in the solemn engagements of local bodies and of the General Government of this country?

To come to another point, it has been suggested—I do not remember, and it is immaterial, by whom—during the present inquiry that the question of the brakes in Auckland is responsible for the introduction of this Bill. Now, I dispute that, and I can prove the suggestion to be incorrect. When I say I can prove the suggestion to be incorrect, I desire to exclude from the general scope of that remark the provisions of clause 8 of the Bill, because, no doubt, the introduction of that clause is made necessary—as I shall show a little later—by the position that has arisen in Auckland. But clause 8 is one of the clauses which I shall show is not a harmful clause so far as either the interests of the public or private interests are concerned It is necessary to refer—and I shall do so as briefly as I can—to the history of the brakes question in Auckland in order to found the remark I have just made. When the tramways were installed in Auckland a certain brake system formed part of the equipment. That brake system proved to be satisfactory, but, as other installations in other parts of the country arose, and more modern equipments perhaps were installed, the question began to arise as to whether the Auckland brakes system should not be superseded. The Auckland Tramways Company has taken up one attitude consistently throughout: it has always said, and still says—and, notwithstanding some of the evidence given here, it is supported by competent authority in saying—that the brakes system at the present time is, and has been, safe and efficient. Nevertheless the company has seen certain difficulties in the way of keeping its present brake system, and for the last two years the company has been willing to install upon its system the air brake in conjunction with the track brake. In 1908 a Commission sat consisting of Mr Holmes, the Engineer-in-Chief, and Mr Stuart Richardson, and they were asked to report on certain questions. The principal question that arose was as to whether the Auckland brakes as they then existed were good enough or not, and the question as to which was the best brake did not really arise for consideration If it did arise, there was practically no evidence called on either side to assist the Commission The Commission reported that the hand-brake should be superseded by a new power-brake, and they seemed to lean in favour of the Newell magnetic brake. The company thought it was not desirable to equip the Auckland cars with the Newell magnetic brake, and in that view they were supported by the employees. The magnetic brake would have cost something like £50,000 or £60,000 to install, but, apart from any consideration of cost, the company was satisfied that it was not the best brake with which to equip the Auckland car However, the company installed two of its cars, with the consent of the Department, with the air brake, but we were then told by the Engineer-in-Chief that it was of no use to proceed to bring out any more air brakes, although we had practically placed an order for a sufficient number to fit the whole of our cars with we were told it was no use bringing any more out because the Engineer-in-Chief would not approve of them. Then, members of the Committee will remember a Tramways Amendment Bill was introduced last year, and it formed the subject of an inquiry by a special Committee of the House. Before that special Committee the company, through its manager and through myself appearing as counsel, undertook to proceed at once with the installation of air brakes upon all its cars if the Department would approve. We showed them, as we have shown now—and I venture to think the Committee will agree with me—that we have throughout endeavoured, to use a colloquial expression, to play the game to the best interests of all parties. We put our proposal before the Committee, though not in writing, and immediately afterwards, at the suggestion of the Minister, we repeated the offer in writing. However, a difficulty arise, as the Engineer-in-Chief was not prepared to approve the air brake. Then the Minister—and I desire to say, in connection with this brake question, that he has treated us fairly throughout—set up a Royal Commission consisting of Professor Scott, who was Chairman, and Mr A. L. Beattie. Those gentlemen heard evidence in Auckland, Wellington, Christchurch, and Dunedin. The evidence called was voluminous, and exhaustive tests were made of various brakes by that Commission, and the result was that the Commission reported in favour of the installation of the air brake in Auckland. That, you will see, completely justified the attitude of the Auckland company throughout. Since then difficulties have arisen I do not think the Minister will say that the company is responsible, nor is the Minister, for the difficulties that have arisen since then; but difficulties have arisen, and up to the present time the necessary approval has not been given for the installation of the air brakes. But we have made arrangements whereby, as

soon as the approval is given, an order will be placed for a sufficient number of air brakes with which to equip the whole of the Auckland cars. That is the position with regard to the air brakes. Even at the risk of wearying members of the Committee, I have thought it necessary to give shortly the history of the brake question in Auckland, because I know it has not altogether been understood—I do not mean by members of the Committee, but by others perhaps outside this Committee-room.

With regard to the provisions of the Bill, I venture to suggest that nothing but absolute necessity would justify some of the more drastic clauses in the Bill. It is submitted that any legislation that either will or may tend to reduce the functions or responsibilities of local government is to be deprecated, and one cannot help seeing and saying that the result of this Bill, if it becomes law in its present form, may conceivably introduce into local government the question of party politics—a position, I venture to submit, that ought to be avoided in the interests of everybody I venture to submit to the Committee that a local authority may well be trusted to look after its own tramways. The people in the district are well able to see, and generally are not backward in seeing, that the local authority does its duty There are elections of local bodies every two years, and consequently the people have a much stronger lever for their own protection, if the control and management of the tramways are left with the local body, than they would have if the control and management were taken out of the hands of the local body and placed in the hands of a Minister or Government Department. And I do venture respectfully to suggest to the Committee that, inasmuch as the tramways belong to the people, to take the control and management of the tramways out of the hands of the local authority is a very strange application of the doctrine or maxim, Trust the people. If the observations I have just made are true in regard to the case of a local authority, how much more pointedly do the same observations apply when the authorizing Order has been delegated to a private person or company! In such a case there is pressure upon the delegate not only from the local authority, but from the people as well, and in Auckland, as members of the Committee have seen, there has been no shyness on the part of either the local authority or the public in seeing that the company has been kept up to the mark. Reference to the question of delegation brings me to this: that there are provisions in this Bill which, I shall show a little later, conflict with some of the provisions contained in the deeds of delegation in Auckland, and usually contained in deeds of delegation under the Act. That is obviously a matter requiring attention, as, if the Bill is to pass in any form, I submit on behalf of the Auckland company that there should be provision in the Bill negativing obligations on the part of the delegate under the instrument of delegation where there is any conflict between those obligations and the provisions of the Bill.

Now in order to see whether some of the clauses—and particularly the more drastic ones—contained in the Bill are really necessary, it is desirable and necessary to ascertain what are the existing powers of the Government in regard to tramways. First of all, there is the power of inspection over practically all the work during the course of construction, for which provision is made in every Order in Council, as I shall show, and is also contained in the Public Works Act of 1908, section 213 and section 214, subsection (1). Section 213 empowers the Minister from time to time to appoint any proper person to inspect any 'railway''—and "railway" under section 209 includes a 'tramway''—and empowers any person so appointed, *at all reasonable times* to enter upon and examine any such railway, and the stations, works, and buildings, and the engines and carriages, and other rolling-stock belonging thereto. By subsection (1) of section 214 it is provided that "No railway or portion of any railway shall be opened for the public conveyance of passengers (*a*) until two months after notice in writing of the intention of opening the same has been given by the proprietors of such railway to the Minister; nor (*b*) until thirty days after notice in writing has been given by such proprietors to the Minister of the time when the said railway or portion of railway will be, in their opinion, sufficiently completed for the safe conveyance of passengers, and ready for inspection, nor (*c*) unless and until the Minister has given notice in writing to the proprietors thereof that he has received from the person appointed under section two hundred and thirteen hereof a certificate that the railway or portion thereof is safe and fit for traffic.' And subsection (2) of the same section creates very heavy daily penalties for any breach of the prohibitory provisions of subsection (1).

I have said that every Order in Council also contains provisions with regard to inspection. Take, for instance, the Auckland City Tramway Order No. 1, the first Order in Council that was issued in respect of the Auckland tramways. By clause 16 it is provided that, 'During the construction of the tramway and the execution of the works connected therewith, the Governor shall be at liberty at all reasonable times, and at the cost in all things of the Council, to direct any competent engineer to inspect such works and the undertaking, or any part thereof respectively, and upon or after such inspection may require that such additions thereto or alterations therein shall be made in such a manner as the Governor shall be advised are necessary or desirable for utility, safety, or convenient working of the tramway or undertaking" And then in clause 25 it is provided, The tramway shall be deemed to be completed for the purposes of this Order and within the meaning of the Tramways Act when the same shall be certified to be complete and fit for traffic by an engineer, to be appointed in that behalf by the Governor, such engineer to be entitled for the purpose of such certificate to inspect the tramway and undertaking, the cost of such certificate and inspection to be paid by the Council." Now, these provisions in themselves, one would think, were sufficient to protect the public up to the time of the tramway commencing its operations, but in the later Orders still more stringent provisions have been inserted. I refer now to the last Order which has been obtained in the Auckland suburbs in October, 1909, and it will be seen by the clauses that I now propose to refer to what powers the Government have on this particular point. Clause 23 says, "The local authority shall, within the period of twelve

months from the date of this Order, and before any section of the tramway included in this Order is opened for traffic, submit to the Minister full detail specifications, accompanied by plans, sections, cross-sections, and detail drawings of all the rolling-stock intended to be used on the tramway, and of the brake appliances intended to be fitted to such rolling-stock. And should the specifications and plans of such rolling-stock and brake appliances as aforesaid not be approved by the Engineer-in-Chief, they shall be amended and modified to his satisfaction as he may direct, and the rolling-stock and brake appliances shall be constructed accordingly Then, clause 25 makes provision for inspection by the Minister And it will be seen that clauses 26, 27, 29, and 30 also provide a considerable measure of protection Those clauses read as follows

"25 At any time or times during the construction of the tramway, and the execution of the works connected therewith, the Inspecting Engineer may inspect such tramway and works, and the undertaking or any part thereof respectively, and upon or after such inspection the Minister may require that such additions thereto or alterations therein (not inconsistent with any provisions of the Tramways Act or of this present Order) shall be made in such manner as he is advised are necessary or desirable for the utility, safety, or convenient working of the tramway in accordance with the system authorized by this Order

"26 No part of the works authorized by this Order shall be commenced until complete detailed plans and specifications, to the satisfaction of, and approved by, the Engineer, have been deposited at the office for the time being of the local authority and at the office of the Minister at Wellington, and such works shall be constructed and completed in accordance with such plans and specifications, and shall during the construction of the same be subject at all times to the inspection and approval of the Engineer-in-Chief

"27 The works hereby authorized shall be carried out in accordance with the deposited plans."

"29 The local authority shall from time to time and at all times comply with Part VIII of the Public Works Act, 1908, and it shall be subject to the provisions of such Part so far as the same is applicable to the tramway

"30. The tramway, or any section thereof, shall be deemed to be completed for the purpose of this Order and within the meaning of the Tramways Act when the Inspecting Engineer has certified to the Minister that the tramway or section has been faithfully constructed in accordance with the Tramways Act and as provided herein, and that the undertaking is safe and fit for traffic. For the purpose of such certificate the Inspecting Engineer shall be entitled to inspect the tramway, and all the rolling-stock intended to be used thereon, and all the works connected therewith or incidental thereto, and neither the tramway nor any section thereof shall be opened for public traffic until such certificate has been given, and no cars or other rolling-stock shall be used until the Inspecting Engineer has examined and passed the same as safe and fit for traffic."

That, sir, is the first power

Then there is another power, which is contained in sections 216 and 217 of the Public Works Act, 1908. Under those sections, wherever there has been an accident on a tramway attended with serious personal injury to the public or to any person employed on the tramway, or with serious damage to the line, appliances, rolling-stock, or plant (of which accident the General Manager of the tramway is compelled to give notice to the Minister within forty-eight hours), "the Minister may cause an inquiry to be held, in such manner as he thinks fit, and, for the purpose of preventing the recurrence of any such accident, may direct the proprietors of the tramway to make such alterations as he thinks fit in the construction or equipment of the tramway, or of the rolling-stock, plant, or machinery employed thereon or in connection therewith, or in the method of working the same, and to discontinue the working of the tramway, or the use of such rolling-stock, plant, or machinery, or the method of working the same, as the case may require, until such alteration has been made.' It will be seen that under these sections it is not necessary for the Minister, if he finds the case one where something should be done, to stop the whole tramway It is submitted that he has power under these sections to stop the running for the time being of one or more cars, and that he has the right to stop part of the working but not necessarily the whole working of the tramways. I do not overlook the fact that this power only arises when there has been an accident, but there are quite ample powers of a similar character that the Minister possesses where there has been no accident.

The next power is one of general inspection of a tramway at any time. This power is contained in sections 213 and 215 of the Public Works Act. The terms of section 213 I have already sufficiently referred to; and section 215 is as follows:—

"(1) 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 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—

"(*a*) 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, until it appears to the Governor that such opening may take place or such working may be resumed without danger to the public, or

"(*b*) Where an authorizing Order has been made under the Tramways Act, 1908, direct that the works thereby authorized shall be completed in accordance with such Order and any plan or documents mentioned therein, without suspending the traffic upon the tramway

"(2) Provided that the proprietors shall be entitled to a copy of the report on which such Order is founded,

"(3.) If any Order made by the Governor under this section is not complied with by the proprietors of any railway affected by such Order, such proprietors shall be liable to a fine not exceeding two hundred pounds for every day during which such Order is not complied with."

It is quite true, as was pointed out during the progress of this inquiry, that under these sections the Minister's power is limited to ordering the discontinuance of the whole or a specified portion of the tramway: and it may be said that the consequences of putting into operation the provisions of the Public Works Act to which I have referred may be too drastic. If that be said, then my answer is that there are ample powers in the Orders in Council themselves to enable the Government to have the tramways inspected and to see that the public are protected. I shall show by reference to some of the provisions of some of the Orders in Council that there is, in addition to the powers to which I have already referred, a power of inspection at all times, implied in every Order in Council, and as a result of this inspection there is power to impose penalties of a lesser character For instance, in the first Order in Council granted in Auckland, clause 24 provides this· 'After the construction of the tramway the Council shall at all times keep and maintain the whole of the tramway and undertaking in good repair and condition to the satisfaction of the Engineer Now, Engineer' there means the Engineer of the local body, but in the later Orders in Council there is a similar provision which compels the delegate to keep and maintain the whole of the tramway and undertaking in good order and condition to the satisfaction of the Government or an officer of the Government. Surely, sir, apart from any other consideration, if there is what really amounts to a covenant on the part of the local authority or delegate contained in the Orders in Council to keep and maintain the whole of the tramway and undertaking in good order and condition, and there is provision in the Orders in Council for a penalty in the case of breach of the provisions of the Order in Council, there must of necessity be implied in the Government a power to inspect the tramways from time to time in order to see whether the provisions of the Order in Council are being complied with. But that is not all: Clause 26 provides that "The Council shall at all times keep, use, and maintain a sufficient supply of cars, wagons, trucks, and plant of all kinds to efficiently subserve the purposes of the undertaking and secure to the public the full benefit of the tramway Clause 28 provides, "The business of the undertaking shall at all times be carried on in a manner conducive to the public convenience, and so as in the opinion of the Governor not to cause any nuisance or inconvenience to the public." And then clause 32, subclauses (*c*) and (*d*), make provision whereby, for failing to fulfil any of the requirements of the Order in Council, a penalty may be imposed or (in some cases) the Order in Council may be revoked. Now, it is quite true that in subclause (*c*) of clause 32 the penalty in the first Order in Council is not a very large one: the maximum penalty is £1 per day But in the very next Order—viz., the Auckland Suburban Order No. 1, which was granted soon after the first City Order—and in subsequent Orders that penalty is increased to £5 per day; and, apart from the penalty, there is power for the Government to revoke the Order in Council for breach of certain provisions of the statute, &c. It will be seen, as we go along, that our Orders in Council, in their provisions for the protection of the public, become more stringent; and, to take the last Order, the Suburban Order No. 5, issued last year, it will be seen by clauses 37, 39, 41, 47, 48, and 49 the interests of the public are amply protected, and protected in every conceivable way Those clauses read as follows:—

"37 The business of the undertaking shall at all times be carried on in a manner conducive to the public convenience and so as in the opinion of the Engineer-in-Chief not to cause any nuisance or inconvenience to the public.'

"39 After the construction of the tramway, the same, and all plant used therewith or thereon, and generally the undertaking, shall at all times be kept by the local authority in good repair and condition to the satisfaction of the Minister "

' 41 The local authority shall at all times keep, use, and maintain a sufficient supply of passenger-cars, wagons, trucks, and plant of all kinds to efficiently serve the purposes of the undertaking, and secure to the public the full benefit thereof "

"47 If the local authority fails or neglects to fulfil any requirements of this Order relating to the maintenance of the traffic and the securing to the public the full benefit of the undertaking, it shall be lawful for the Governor by Order in Council to impose upon the local authority a fine of £5 for every day or part of a day of such default, such fine to be recovered in any Court of competent jurisdiction by any person appointed by the Governor to recover the same.

"48. If the local authority fails or neglects to observe, perform, fulfil, or keep any of the requirements, conditions, and provisions of the Tramways Act, or any other Act for the time being in force relating to tramways, to the full intent of the same or any part thereof, or to observe any by-laws, rules, or regulations which may from time to time be made and passed under the provisions of such Acts, it shall be lawful for the Governor by Order in Council to revoke this Order Provided always that the powers of revocation or of imposing a fine vested in the Governor under this or any other clause in this Order contained shall not be exercised unless and until the Governor has first caused to be given to the local authority, or left for it at some principal or conspicuous part of the works, a notice in writing of his intention to exercise the same, and of the specific breach or breaches in respect of which the aforesaid powers are intended to be exercised, and default has been made by the local authority (after the giving or leaving of such notice) in repairing or remedying the breach complained of for the following spaces of time:—

"(*a.*) For the breach of any by-law, rule, or regulation, thirty days after the giving or leaving of such notice;

"(*b*) For any other breach, sixty days after the giving or leaving of such notice.

"49 The Governor shall be the sole judge of the fact whether the requirements of this Order have been complied with, and he may from time to time make inquiry into any matter connected therewith or arising thereunder, in such manner as he thinks fit, and his decision shall be final:

Provided always that this clause shall not affect the rights of any person or corporation in cases of damage or injury for which an action by such person or corporation may lie against the local authority."

Now, if the Committee come to the conclusion, on consideration of the points I have just been addressing myself to, that the Minister has sufficient authority under the existing law and under the Orders in Council, and if the Committee comes to the conclusion that the present legislation and Orders in Council afford sufficient safeguards for the protection of the public—and I venture to think that the Committee will come to those conclusions—then what is the need for, at all events, the more drastic provisions that I will refer to in a minute contained in this Bill? There is another point which has to be considered in connection with this aspect of the matter: The responsibility for accidents lies always on the tramway-owners, and, apart from any other consideration, we can assure the Committee that it does not pay the tramway-owners to have accidents, and the tramway-owners always endeavour to avoid them and their consequences.

I come now to the specific clauses of the Bill. With regard to clause 2 it has been suggested that there is some analogy between motormen and ships' officers and marine and other engineers. I submit with all respect that there is no real analogy between the two cases. It is necessary for the protection of the public to make provision for certificates being given after examination to shipmasters and ships' officers and engineers, because the business of shipping and other cognate businesses are generally owned by private individuals or companies, and it would never do to allow each private individual or company to be the judge of what was necessary for the safety of the public. But here in the question of tramways there is municipal ownership except where the authority has been delegated, and where there is a delegation of authority there is what amounts to the same thing as municipal management—namely, municipal control—and in such a case the submission is that the public safety may well be left to the local authority and the people themselves. After all, how can it be said that the provisions of clause 2 really concern the question of public safety at all? Surely, if anything has been shown and proved beyond doubt before this Committee, it is that on all the systems of tramways in New Zealand the proprietors take the utmost care to see that only qualified men shall be allowed to drive the cars, and they do that not only for the protection of the public, but for their own protection as well; because, if they allow incompetent men to drive the cars they may be cast in damages in consequence of the negligence of their servants. It does seem to me, and I submit to the Committee, that the certificate is unnecessary for the protection of the public, and, if unnecessary from that point of view, from what point of view can it be said that the Government certificate is necessary? I venture to put it to the Committee that nothing that can be called evidence has been brought to show that any incompetent men have been employed as motormen on any system in New Zealand, and as far as Auckland is concerned—and it is Auckland that I am particularly interested in—the evidence with regard to Houghton shows that the officers of the tramway company in Auckland are fair to the men, and have due regard for the public safety Houghton was examined no fewer than three times, and it is too absurd for any one to come and suggest, as Mr Carter suggested, that Mr. Brennand, a man high in the service of the Auckland Tramway Company, and a man who, to use Carter's own words, is "a fine fellow and an honourable man, could be so base as to allow himself to be influenced by the man named Rockland—that is Carter's suggestion—who is much lower in the service than Brennand himself, for the purpose of doing Houghton some injustice. One or two other similar suggestions were made, but I am not going to waste the time of the Committee by answering them. How are the candidates to be examined for their certificates? Are they to be examined in writing? That will not do, because it is not theory that is required, but practical acquaintance with the work. The personal element—I suggest it has been proved beyond question—the personal element of the man himself—is what counts, and the question of personal fitness is the true test—and indeed the only test—of the efficiency of a motorman. If that is so, an examination in writing will certainly not do Is the examination to be oral? If so, that is going to be inconvenient, because men may require to be examined weekly, and perhaps in some cases daily Take, for instance, the case of a Christmas or Carnival week rush: It may be that men are required more or less urgently Are they to wait until the Board of Examiners can be collected together from different parts of the country for the purpose of putting the candidates through a general practical examination? And what is the use of the practical examination if the Committee comes—as they must be forced to come—to the conclusion that every conceivable precaution is now taken in the tramways services to see that none but competent men are employed to drive cars? And—certificate or no certificate—the tramway-manager must be satisfied of a man's competency before he allows him to drive a car on his system, and I cannot help suggesting to the Committee that it would be likely to lead to trouble if the management declined to employ a man who came along and said, 'I have a Government certificate and I am entitled to employment, it is all nonsense for you to say I am not a competent man to drive a car because I have a Government certificate. Now, the Government does not take any responsibility for the consequences of a driver's acts—the responsibility rests with the management. Then, there is another point in connection with clause 2, and that is, under the Bill as it stands there would be dual control, because in Auckland the licenses are issued by the City Council to the men Now, if a man has to submit to a Government examination and has to have a Government certificate, then, in order that there should be no dual control, I submit there should be a provision in the Bill that local licenses shall no longer be necessary. Then, with regard to subclause (6) of clause 2, it should be provided that the employer should only be liable where a man, to the employer's knowledge, has no certificate—because conceivably a man might come forward and produce a certificate which was not his own. Under the Bill as it stands the promoters of the tramway might in such a case be liable, and that would not be fair, because they can only exercise ordinary precautions; and supposing a man named Smith produces a certificate obtained by Jones, and goes by the name

of Jones, he is not the certificated person, and if it were found out he would be liable, and so also would be the owners. I suggest, therefore, that the word 'knowingly' should be inserted between the word 'is" and "employed, in line 9, in subclause (6) of clause 2.

I come now to the provisions of clause 3, and I respectfully submit that I have shown by an analysis of the existing law and the provisions of the Orders in Council that, so far as the question of public safety is concerned, the provisions of clause 3 are unnecessary Of course, I quite admit that the consideration of the public safety must be paramount. But my point is that the public safety is already amply protected by the existing law and by the provisions of the Orders in Council. With regard to the power that this clause seeks to give to the Minister in respect of the *reasonable requirements of the traffic*, no words of mine can be too strong by way of protest against such a provision. See what it means! It would practically give the Minister—of course, I am speaking quite impersonally; it is a question of principle that I am dealing with only—the provisions of subclause (2) of clause 3 would practically give to the Minister the control of all the tramways in New Zealand. Under this provision he could come along to the Wellington Corporation and say, 'You have eighty cars running: it is not enough, you require 150." The Corporation say, 'But we know the contrary We have been running our tramways for some years, and we have been carefully looking at and judging the requirements of the traffic, and we are satisfied that eighty cars are sufficient.' The Minister could say, under clause 2, "I do not care what you think, you must put on seventy more cars." They say, We have not got the money" His reply is, 'What do I care about the money? You must find it. And if they do not find the money and the cars, then the City Corporation of Wellington would be subject to a fine, after the expiration of the time fixed by the Minister, of £20 a day during non-compliance. Then the Minister might say, You must find those seventy cars within six months", and if the Corporation say that that is impossible, the Minister has power to reply, 'I do not care what you say or think, you must find the money for the cars, and you must have the cars runniug within the period I have fixed. The Minister, under subclause (2) of clause 3, could also insist on the alteration of the gauge of a tramway—there is nothing to stop him. He could insist on the duplication of all the lines on a system, and from his decision, whatever it may be, there is no appeal to any tribunal—there is no appeal whatsoever from the Minister's decision. But, supposing the Minister is not unreasonable in his requirements, even then difficulty and confusion are likely to be caused, where there has been a delegation of the authorizing Order by the duality of control, as will be seen at once when I refer to certain provisions in the deeds of delegation I am referring to only one deed, but the provisions in all the deeds are practically identical. Take, for instance, the first deed of delegation given by the City of Auckland to the Auckland Tramways Company Under that deed the promoters—that is, the company—covenant 'to observe, perform, fulfil, and keep all the conditions, provisions, and requirements of the said Order in Council, and whether the same are thereby directed to be observed or performed by the said body corporate or the City Council of Auckland or by its delegates. They also covenant that they will from time to time, and at all times, find and provide, use and maintain to the satisfaction of the said body corporate a sufficient number and quantity of passenger-cars, wagons, plant, and materials to subserve the purposes of the undertaking, the construction and fittings of the said cars and wagons to be subject to the approval of the said body corporate or officer for the time being appointed by them for such purpose, and will in the construction and execution of the undertaking well and truly observe, perform, fulfil, and keep all and every the conditions and provisions of the said Order in Council and of any amendments thereof mutually agreed upon as aforesaid, and of these presents, and which on the part of the promoters ought to be observed, performed, and fulfilled and kept according to the true intent and meaning of the said Order in Council, or any amendment thereof agreed upon as aforesaid, and of these presents." Now, supposing this clause 3 is passed, and the City Corporation called upon the Auckland company to provide ten more cars, and the Minister came along and said, Under the powers conferred upon me by the Bill I call upon the company to provide only five more cars, ' what position is the company in? Whom is the company to obey the Minister, or the City Corporation, or both? The Committee will see the nature of the difficulty, and that is only one of them that might arise. And, as my learned friend Mr. O'Shea points out to me, the local authority may require one type of car and the Minister may require another, so that if this Bill passes in anything like its present form, the Committee will see how necessary it is—as I have pointed out and desire to emphasize—to make provision that the obligations of any deed of delegation shall no longer exist where those obligations are in conflict with the provisions of this Bill.

To clause 4 of the Bill no objection whatever is raised, but there are some objections—to certain parts, at all events—to clause 5. Here, again, taking subparagraphs *a*) and (*b*) of clause 5, difficulties would arise from dual control. That will be seen by reference to the deeds of delegation, all of which provide that 'the cars, carriages, conductors and other persons having charge of and using the tramway, shall be subject in all respects to the provisions of all by-laws of the body corporate for the regulation of public traffic, and the promoters shall pay such license fees for such cars, carriages, conductors and other persons as the body corporate may ordain"; and also that 'the promoters shall and will use the tramway subject to the rules and regulations mentioned and contained in the Order in Council and to the Tramways Act and to such by-laws, rules, and regulations as the body corporate have made or may from time to time make for the regulation of public traffic in the City of Auckland under any present or future Municipal Act or Acts, and also to such other regulations as may be requisite and necessary, and made by the said body corporate, or required by them to be made by the said promoters, for efficiently working the undertaking and the said tramway ' I do not want to be misunderstood with regard to the provisions of paragraphs (*a*) and (*b*). So far as the Auckland Tramways Company is concerned, it really does not mind whether the inspection and licensing of

carriages are attended to by the Government or the local body The local bodies, of course, object strongly to the power being taken out of their hands. But what the company says is this: that there should be only one licensing authority, and not two. It is quite satisfied that the licensing should remain as it is now, but if the licensing is to be done by the Government, then the company says that it ought to be exempted from having to go to the local body as well for licenses. As to paragraphs (*c*) and (*d*)—dealing with the questions of overcrowding and speed—those are matters which I suggest might well be left to the local body So far as overcrowding is concerned, the provisions of paragraph (*c*) do not really affect the Auckland company at all, because—as I think has been amply proved by the witnesses who have been called—there is no objectionable overcrowding in the city and suburbs of Auckland. As to the question of speed, some of the Auckland Orders in Council contain a speed-limit, and that limit is fifteen miles, and, in regard to other Orders in Council, where there is no speed-limit fixed, the local authority itself and the people may, I suggest, be intrusted to attend to the matter themselves. Two Auckland witnesses, Mr Carter and Mr Richardson, said, if I remember rightly, that in Auckland cars went at a speed sometimes of thirty to forty miles an hour Well, statements of that kind are, it seems to me, rhetorical exaggerations, and that is shown by the tests recently made by the Royal Commission The Commission put the cars in Auckland to the severest possible test. As I understand the position, they sent certain cars down College Hill with all the brakes up, and with the full current on, so that the cars were going at the very top of their speed, and the speed they attained was nothing like the speed that Mr Carter and Mr Richardson say is attained by the cars in ordinary working-conditions. Then, again, there is a provision in the Orders in Council—and this affects the question of speed—that every time-table fixed by the company shall be subject to the approval of the body corporate, and that the company shall not lay down or make any passing-places unless in positions previously approved by the body corporate. Now, if there is to be this provision in the Bill, there must, I submit, in all fairness be a provision modifying the company's obligations to make its time-table and its passing-places subject to the approval of the body corporate. I come now to paragraph (*e*) of clause 5 Here, again, we have a provision made whereby regulations can be made by the Government for the *convenience* of passengers, and so on What I have already said with regard to clause 3 applies equally to this paragraph so far as concerns the question of convenience; and, indeed, what I have said in regard to clause 3 on the question of public safety also applies to this paragraph I am now referring to.

Subclause (2) of clause 5, I submit, *must* be deleted. I submit that that clause is a most unjust one. It provides, "If any such regulation is inconsistent with the provisions of any Order in Council authorizing the construction and working of any tramway, then the regulation shall prevail, and the inconsistent provision in the authorizing Order shall be deemed to be revoked. I have already pointed out that very large sums of money have been expended upon the faith of Orders in Council, and if they are to be revoked by regulations in this way—well, I submit it is a very serious matter indeed, and it is not likely to do this Dominion any credit either beyond or within the borders of the country And the subsection is not necessary; because, if regulations are made, so long as they are made carefully, and the provisions under which they are made are carefully framed, I submit that the penalty that is provided for by paragraph (*f*) of subsection 1) is in itself a sufficient sanction to compel the performance of the regulation.

I come now sir, to clause 6, and with clause 6 I take paragraph (*g*) (because it also deals with the Appeal Board) of subclause (1) of clause 5; and I submit that if these provisions come into operation and obtain the force of law, they are going to be subversive of all discipline. I submit that discipline cannot exist as it ought to exist if the control of employees is taken out of the hands of the employer And what is the use of the provision of paragraph (*e*) of clause 32 of the Second Schedule to the Tramways Act, 1908, which gives the local authority power to make by-laws for the conduct, and for the punishment of misconduct, of persons employed in or about a tramway if the Board of Appeal is going to have power to override everything the local authority may do? If clause 6 passes into law, the result might be at any time to force upon an employer a man in whom he has no confidence whatever All the provisions of clause 6 seem to me to be but the thin end of a wedge. If the men employed in a tramway service are to be entitled to a right of appeal, why should not the men employed in electric-light works have the same right? Why not men employed in gasworks, factories, or in any private employment of any kind? On the question of the Appeal Board it will be remembered that Mr Carter gave evidence, and he said—and no doubt he believed he was correct in saying it—that a similar system existed in Sydney But reference to the New South Wales Act shows that his statement is incorrect. The Appeal Board in Sydney consists, if I remember rightly, of six members in all, with a quorum of three, and only one of all the members is elected by the men, and he is elected by ballot of all the men in the service, all the other members of the Board being representatives of the employers, the General Government. So that the system in Sydney is quite different from that proposed by clause 6 of this Bill. And it must be remembered that in Sydney the tramways are under the control of the Government, and not, as here, under the control of municipalities, and in one case at least of a company All the tramway-owners, apparently, from the attitude taken up before this Committee, object most strenuously to the provisions of this clause. If, however, there is to be an Appeal Board at all, why should it not be the Arbitration Court? Surely, if there is to be a Board of this kind, a tribunal of this kind, the Court which has been set up by Parliament to investigate all labour matters should be the body to hear disputes of this kind. Failing that, why should not the Chairman of the Board be a judicial officer—a Judge of the Supreme Court if you like, and, failing that, the Stipendiary Magistrate of the tramway district? Of course, it must not be assumed for a moment that I am advocating a Board of Appeal so constituted. I protest most strongly against any Appeal Board at all; but, if there is to be an Appeal Board, then I say it should not be constituted as is provided for in clause 6, but constitued preferably

by the Arbitration Court, or, failing that, it should be constituted so as that a judicial officer such as the Stipendiary Magistrate of the tramway district should be the Chairman. Then, in any case it is clear that clause 6 goes a long way too far. If there is to be an Appeal Board at all, if the principle laid down in clause 6 is to be applied at all, I submit it should be applied only to dismissals, and not to disratings, and questions of promotion, and the other matters mentioned in the clause. No matter how promotion is granted, there is bound to be a great deal of discontent, and I cannot help thinking that the discontent would be no less after a decision by an Appeal Board than without such decision at all. It is only natural there should be such discontent, and I do not see how you are going to avoid it. It is submitted that the clause should in no event go further than to provide for appeals against dismissals, but I submit it should not go even to that length, but should be struck out without hesitation.

We have no objection to clause 7, and, so far as clause 8 is concerned, the view the Auckland Tramways Company takes is that such a clause can do no harm and might do a considerable amount of good. Perhaps it is best to illustrate the use to which clause 8 might be put by reference to the brake question in Auckland. As I pointed out in commencing my address, the Engineer-in-Chief does not, apparently, like the air brake. He is entitled, of course, to his opinion; but since his opinion was given, the question has been submitted to a Royal Commission consisting of two very competent men They took evidence, and they came to a conclusion. Now, under the Orders in Council as they stand there is no power in the Minister, unless the Engineer-in-Chief agrees, to give effect to the recommendations of the Royal Commission. Clause 8 therefore can certainly do no harm, and may do a great deal of good At all events, by the presence of the clause, any such deadlock as might have existed or may now exist with regard to the Auckland brake question could be satisfactorily and finally disposed of

Clause 9 deals with the question of car report-books, and the evidence upon that question has been so fully given that I do not desire to elaborate it. I want to say just one word, however, about the attitude of Mr Carter, who was called as a witness from Auckland to support the provisions of clause 9 The Committee will remember that, little by little, in cross-examination, every ground of objection made by Mr Carter to the present loose-leaf system in Auckland was cut from beneath his feet, and that, when every objection was taken away from him and it was suggested to him that he ought to waive his objection considering that all the tramway-managers in the Dominion thought it was more convenient to adopt the loose-leaf system, he still said he objected, and would not waive his objection. It is very difficult to deal with men like that, but I submit that the loose-leaf system adopted in Auckland is the best system that has been devised so far, and the system which is most conducive to obtaining fair and honest reports from the men employed on the tramway systems.

As to clause 10, there is no objection except that there may have to be some consequential amendments in the clause with regard to the cancellation of certificates in the event of the Committee striking out or altering the provisions of clause 2

Clause 11 does not concern the parties at present before this Committee.

Clause 12 takes away from the local authority the power of licensing carriages, and confers it upon the Minister There, again, the deeds of delegation provide that licenses shall be obtained from the local authority in accordance with the by-laws, and if the provisions of clause 12 were to pass—they are strongly objected to by Mr O'Shea and other counsel—but if they are to pass, then it will be necessary to make that provision in the Bill to which I have already referred—namely, that where the obligations of a delegate under a deed of delegation are in conflict with the provisions of the Bill they shall cease to have operation.

That is all I have to say with regard to the Bill as it stands, but there are two clauses which I am going to submit to the Committee, and which I suggest should be inserted in the Bill. These are clauses which are the result of most careful consideration, and I venture to think they will meet with the approval of the learned counsel who are appearing in other interests, and also with the approval of the workers. One clause is this: "Notwithstanding any provision in the principal Act or in any other Act, or in any authorizing Order, or deed, or agreement of delegation, it shall be lawful for the promoters of a tramway to run 'minimum-fare cars'—that is to say, special cars carrying exclusively passengers over two or more sections at one fare for the whole journey: Provided that such fare shall not exceed the aggregate of the fares chargeable under the authorizing Order for the sections comprised in such journey" Let me tell the Committee why I propose that section. Take, say, the City of Auckland at the present time: it is very often a matter of great convenience to the people that cars called 'minimum-fare cars" should be run from the city to, say, such a place as Onehunga, and to places where sports are going on, and it is desirable that passengers should be conveyed to those places at the lowest minimum fare. Now, running those special cars does not affect the ordinary traffic, but what happens is this that numbers of the public jump on the cars and decline to pay the minimum fare. They will not wait half a minute for another car, and they put every one to the greatest inconvenience. It is simply selfishness on their part, and we want to avoid that, and my submission, if this section is passed, is that it will overcome all those difficulties. It will mean this: that a car may run, say, from the Railway-station in Wellington to the Athletic Park, and if a person wants to go to Island Bay or to Cuba Street he cannot get on that car unless he is prepared to pay the special fare for the journey It does not hurt him, because if he waits half a minute or a minute he can get the ordinary car, but if he is not prepared to wait for the ordinary car he ought not to be allowed to inconvenience the large number of people who want to go to a special place of amusement. These observations are all equally applicable to the special cars known as "workers' cars." The fact that such cars are used generally by the public and cannot under existing arrangements be kept exclusively for long-distance passengers and workers causes great inconvenience to those workers who are desirous of getting to, and going home from, their work, and also causes inconvenience to the conductors of

the cars and to the long-distance passengers. I therefore ask the Committee to consider and recommend the passing of the provisions of this section that I propose.

There is another section I would ask the Committee to consider, and that is this under clause 18 of the Second Schedule to the Tramways Act, 1908, the promoters of a tramway have the power to run feeder-lines and conductors, &c., along roads;- but supposing there are three districts, two large ones connected at one end or at both ends, but separated elsewhere by a small narrow district, and there is a system of tramways in operation in those two larger districts, it may be a very convenient thing that the promoters should have the right to run feeders through the intermediate district, and I suggest the addition to clause 18 of the following paragraph: Such powers may be exercised for the purposes of the convenient working of any tramway whether heretofore constructed or hereafter to be constructed, in, over, along, or across any road, whether upon the route of the tramway specified in the authorizing Order or not, and also, with the consent of the Governor, and upon such terms and conditions as the Governor may prescribe, in, over, along, or across any road in the district of any adjacent local authority " That would give the Governor power to prescribe the rental (if any) to be paid to the local authority of the intermediate district, and generally to provide proper conditions.

That concludes all I have to say, and I desire to thank the Committee for the patient and courteous manner in which they have listened throughout the whole of the inquiry to the evidence given, and to the address I have just delivered—probably to a somewhat wearying length. If I have in any way wearied the Committee, either in the questions I have put to witnesses or in my address, the importance of the issues involved must be my excuse. The proceedings have certainly been long, and I do hope that the presence of counsel representing all the various interests will have been of assistance to the Committee in arriving at their conclusions.

FRIDAY 23RD SEPTEMBER, 1910.

(No. 4.)

Mr O'Shea Mr Chairman and members of the Committee,—In the first place, I thoroughly indorse and agree with the exposition given by Mr Myers of the law as contained in sections 216 and 217 of the Public Works Act, and of the powers given by the Minister in the various Orders in Council. I also agree that those powers give the Minister everything he wants so far as the control of the tramway is concerned. Certainly, in one respect, the remedy given for defective equipment is cumbrous, inasmuch as the Minister, if he has not in the first place provided for its efficiency in the Order in Council, must hold up the whole tramway I have no objection to the penalty clause as contained in subclause (*c*), but I do object to the Minister providing for powers which at the present time he has not got, and which are very far in excess of his previous powers, and are unnecessary I have no objection, as I say, to the Minister getting a sufficient penalty but I do object to him, under a cloak, getting power to substitute and destroy our power

There are two points on which I thoroughly disagree with Mr Myers. He says, to a certain extent he finds the control irksome, whether by the Minister or by the local body, and therefore he says he does not care who is going to issue the licenses. I do not think he has shown his usual sagacity in regard to this matter His company is paying the local body some £250 a year, and if that licensing is to be done by the Minister the tramway company will have to pay license fees to the Government, and it is apparent that by taking over the licensing of the cars the Government are going to get the cost of administering this Bill out of the tramway-owners. Instead of their having to pay £250 under this Bill for licenses, we shall all have to pay £2 000 or £3,000 for the upkeep of the Department the Government is going to create. That is coming out of the funds of the Wellington, Christchurch, and Dunedin City Corporations. As to clause 8, it has been pointed out where Auckland got the benefit through the Brakes Commission overriding the opinion of the Engineer-in-Chief, and the same might occur if the Minister were partial to the air brake. I would point out that the inhabitants of Brooklyn are suffering under a serious disability at the present time, because they are not allowed on that line to carry strap-hangers at all. It is the opinion of our Engineer that that would not be attended by any danger to the public, but the Minister held a different opinion. That is an obvious illustration in regard to Mr Myers's contention that what suited him might not suit everybody

Mr Morton, who is described as one of the best engineers south of the Line, said he would be unable to carry on the work of his departments sufficiently if the control of these were in the hands of the Minister; and I am going to show that my attitude is that the very position occupied by the Minster renders that Minister or the Government incapable of acting in a judicial manner As to clause 2, I have already said that it is unnecessary, and that it will create a close corporation. I have pointed out, I think, with absolute certainty, to the Committee, that subclause (3) of clause 2 stultifies the section, and shows that it is not necessary If a man has driven a car for twelve months in 1911, and is competent, then a man who has driven a car for twelve months in 1912 must be competent. Now, if an epidemic or a strike occurs, are the tramways to be hung up from time to time and the people inconvenienced owing to sufficient motormen not being certificated. You have heard all about the real qualifications of a motorman, and Mr Morton, who is a man of great judgment and experience, has backed up the statements of all the other managers that the present system is sufficient. To hear the workers talk one would think that they all required a certificate equal to that of a B.Sc. Mr Morton said that the duties of a motorman were more like those of a man who had to turn on a water-cock—all they had to do was to turn on the electricity although he admitted that if it were turned on too quickly damage might result. I think Mr Morton's view was one of the most sensible put before the Committee. As to the requirements of

the traffic, with all due deference to the Minister I can only say that his staff will never be in a position to meet the reasonable requirements of the traffic.

Hon. Mr R McKenzie If the words "reasonable requirements of the traffic were deleted, would you have any objection then to the clause?

Mr O'Shea: If that amendment is made I will say nothing more with regard to that clause, I cannot object to it. We admit that the Minister has the power of inspection already, and I would be satisfied if the clause provided that the person appointed should be a qualified engineer or tramway expert.

Coming to clause 5 As to subclause (1), paragraph (*a*), I submit that the inspection as carried out at present by the various tramway-owners is absolutely efficient, and that the Minister has perfect power in the present Orders in Council to inspect. Certain charges were made against us with respect to cars 64, 9, and 79, but Mr Cable's evidence positively disproved the allegations as made.

With regard to paragraph (*c*), dealing with overcrowding, I have to say that this is a very serious question to us. Wellington is a long-drawn-out, herring-gutted place—if I may be allowed to use the expression. It is enclosed on one side by the Town Belt and on the other side by the sea, and the various suburbs are at large distances from the centre of the city The people live at the seaside resorts, and large numbers are carried at holiday seasons to such places as Seatoun, Miramar, the Athletic Park, and Island Bay There is no shelter for those people there in the event of a storm or bad weather coming on, and if there is going to be any limit made beyond what is absolutely required for the public safety, a serious position is going to be created. It is the same in rush times. We have to go long distances for our fares because the people live so far away, but if they get concessions in their fares, surely they should put up with a little inconvenience. It is obvious that if we had to provide seats for all the people picked up in the city at rush times we could never take them to or from the Athletic Park or suburbs, and the result would be that, instead of our tramway undertaking being a strong concern, in which good wages are paid, and from the profits of which from time to time certain sums go to the depreciation fund and the sinking fund, and improvements are made for increased efficiency, we should have a broken-down concern altogether I put it to the Committee that if any harsh regulations are put into force it will mean the smashing of the municipal concerns in New Zealand. The Dunedin system cannot and will not pay unless it is given very great elasticity in this respect. I speak more in the interests of the Dunedin system than for the Wellington system in this respect, because in Dunedin they have not got the traffic that we have in Wellington. There it is only during the last year or so that a profit has been made, and it is only by careful watching that an improvement has been effected. That has been due to the present Manager Mr Alexander, whose efforts are so much appreciated in Dunedin that he is practically master of the tramways. If you interfere I think you would be doing a great injustice to the community No doubt the public safety is the first thing to be considered; but if we are going to have public safety made a bogey of, and unreasonable regulations introduced for the public safety on these systems, on which the public safety is thoroughly conserved, the financial position of these undertakings is going to be upset. It would be far better to do away with them at once.

In Wellington we submit we have the best brakes in New Zealand, and they are admitted to be thoroughly efficient. Our sand-gear has been improved; we have put glass fronts, motormen's seats, and side blinds for motormen on our cars, and a wood panel or darkened window behind the motorman so that his view will not be interfered with by the light behind. At Oriental Bay and Island Bay we have done away with the centre-pole system, and at various places we have altered the cut-outs to provide for the convenience of the public. We have improved the curves at Winder's corner and outside the Loan and Mercantile Company's buildings, and put an inspection-pit in at Courtenay Place. When the Order in Council was passed authorizing the construction, facing-points were authorized, and on being found dangerous they were taken up and scrapped and trailer-points substituted at all places where there is direct connection between double lines. This is a case where facing-points were sanctioned by the Government. These are improvements which I know personally have been done, but they are only a few of a number of similar improvements on which we have been working for years and years.

I would also refer the Committee to the report of the Brakes Commission with regard to the efficiency of the equipment and repair system in Wellington, Christchurch, and Dunedin. There have been charges made by our motormen. I do not wish to say anything harsh about them, but I would point out to the Committee that these men have not come here in any generous spirit, and that their remarks have been throughout characterized by exaggeration and unconscious bias. Charges of favouritism have been made, and insinuations put on record, but I think Mr Cable's evidence given yesterday clearly shows that the charges were unfounded. There were some ancient charges made of which we had no record, but I think all the charges dealing with matters which have occurred during the last five years were disproved. With regard to car 81 Motorman Buttars sent in a report about the car, and it is alleged that he was told that he should not report in that way in future The suggestion was that the management wanted to cloak something, but, as a matter of fact, the car has been passed by the Government, and is now running on the Brooklyn line.

Now, as to the provision providing for the regulations overriding an Order in Council Mr. Myers has touched effectively on that point, but I would point out to the Committee that the only really private concern in New Zealand is the Auckland Tramway Company, which has a diminishing asset, and you can buy its £1 shares for £1 3s., which shows that the concern is no Waihi. I have had occasion to deal with the Wadestown line now under construction, and it has been proposed that a local bank here should raise the loan required in London. The solicitor for the bank, however stated that he would not give us a certificate until everything was in order, and until he had seen the Order in Council signed by the Government. Now, that solicitor does not consider that the franchise is going to be repealed to-morrow, otherwise he would not give us the certificate which is necessary to raise the money, and it is obvious that if Orders in Council are

going to be set aside in the way proposed, the credit of the Dominion will suffer As to paragraph (*c*), I do not think the present position should be altered, but my remarks on that matter apply equally to paragraphs (*a*) and (*b*).

Nearly all the powers taken by the Minister in this Bill are judicial—they are not administrative. He is going to set right the regulations, to set aside the franchise, and he is going to act in a judicial capacity between the tramways-owners and the public. I consider, without wishing to be offensive in any way, that the Ministry are incapable, by their very constitution, of carrying out these functions. In the English Education Act of 1902 provided and non-provided schools are dealt with, and there was a non-provided school in Swansea, a Welsh town where most of the inhabitants are Nonconformists and Liberals, and the Swansea County Borough was the controlling authority of the schools. As a matter of fact, they starved this non-provided school, which was an English Church school, in their endeavour to make it come in as a provided schol. The matter was referred to the Board of Examiners, and they sent down Mr Hamilton, K.C., to report. The Board of Education, which is the English Cabinet, upheld the Swansea Borough. The case came before the King's Bench on *certiorari* and mandamus, and on appeal before Mr Cozens-Hardie (Master of the Rolls), Lord Justice Farwell, and Lord Justice Buckley, three members of the greatest and ablest Court of Appeal that has ever been known in England. That Court of Appeal upheld the decision of the King's Bench. This Court is one of the greatest Courts in the British Empire—a Court almost as great as the Privy Council, and it upheld the King's Bench, and both Courts were unanimous in deciding against what was decided by the Cabinet. I hold no brief for any political party, but I do say that no judicial function should vest in any political party, and I am therefore against the Minister in regard to the Appeal Board which is set up by this Bill. Mr Myers's remarks were full of wisdom and sound sense on this point, and must, I think, so appear to the Committee. I have gone into this matter very carefully myself, and I sincerely hope and trust that the Committee will, in the interests of the community, indorse what we have both said with regard to it. I would point out to the Committee the great financial responsibility undertaken by the promoters of these tramways. Every one of these systems is a living organism, and is it right that the Minister should come in and tear up this living organism? is it right that he should have the power by ordering new cars, for instance, to upset our calculations in regard to our expenditure and time-tables? If so, is he going to pay the piper in case of serious accident?

Then I want to point out how dangerous it is to reduce our responsibility by dual control. The Government is very careful to avoid dual control in connection with its own undertakings. The Public Works Department builds the railway first and then hands it on to the Railway Department, and they each keep off the other's toes. If you are gong to diminish the authority of the men managing the different systems, I would point out what the Brakes Committee said in extolling their zeal and capacity; but take away their responsibility, and you ruin them. I would further point out that the only evidence brought forward in favour of the Bill has been that tendered by the employees, or, rather, by the members of the unions. Against that we have had the opinions of the various engineers and managers and other tramwaymen, and we have had protests against the Bill from the various municipalities, the municipal associations, employers' associations, and outside engineers.

The financial result, if this Bill passes, will be that the municipalities will either have to lower the wages of the employees, raise the fares, or strike a rate, and I hope the Government will take the responsibility for all the odium if they pass the Bill. The Wellington City Council pays good wages, and its permanent-way is not only kept in repair, but is improved from time to time, for it is recognized that these are things that must be looked after I would point out that the Government in its Address to the Throne seemed to indicate an extension of local government, and yet this Bill aims the greatest possible blow at local government in one of its largest spheres of operation—that is, in operating and controlling the traffic in the city

Then, there has been some talk about the municipal franchise not being so large as the Government franchise. I have been nearly seven years in Wellington as City Solicitor, and have no hesitation in saying that the municipal franchise is larger than the parliamentary franchise. There is a provision in the Municipal Corporations Act stating that if any person says that he has got the necessary qualifications the Town Clerk must put him on the roll. In this connection I should just like to quote to you a few figures compiled this week. The number of people on the municipal roll is 32,102; on the Miramar roll there are 1,069, on the Onslow roll, 1,000. The figures for Johnsonville and the Makara Council I have not been able to get, but I believe there are about 1,500. The number on the Parliamentary rolls for the districts mentioned—Wellington South, Wellington East, Wellington Central, Wellington North, and Wellington Suburbs—is 37,882, so that there are as many on the municipal rolls as on the parliamentary rolls. There is a difference of only about 800 in favour of the parliamentary roll in a number of 37,000.

As regards the Appeal Board, Mr. Myers has given you very strong arguments, and I ask you to take Mr Morton's opinion as to what would be the effect of it, and he said he could not run his service with such a Board. I want the employees to understand this that if there is to be a Government Appeal Board it will mean blood all the time. The men may be treated kindly by the Council, but it will be the same as it was with car 64, when we heard the Minister ask in this room, "Would it not have been right that somebody were punished for that?" And that will be what will happen with the Appeal Board every time. I want to warn the men that it will be a case of the spider and the fly, and that their last case will be worse than their first.

I would finally ask the Committee to very carefully consider the evidence given by Mr Morton, Mr Cable, and Mr Thompson, as the considered opinions of experts. In reference to the Kingsland accident, I have read the Press Association's reports. Carter said the motorman told him that he did not understand the third emergency brake, but under examination at the inquest the motorman was asked, and answered as follows:—

"Mr Markell examined you?—Yes.

"Did he ask you about the use of the emergency brake?—I cannot say that he did.

"It is not often used?—Which emergency brake do you mean?

"The small emergency brake?—I have used it, I suppose, about a dozen times.
"The extreme emergency brake: have you ever used that?—No, never
"*Did you know how to use it?—Yes, I did.*
"*Are you quite sure?—Yes*"

And yet Mr Carter said the motorman told him that he did not know that third emergency brake. I bring that out to show the extreme inaccuracy of the man. I wish to say that the municipalities I represent, and the adjacent local bodies, are absolutely and totally against this Bill.

As regards Mr Myers's proposed amendments, they may be of some use, and I am not going to object to them, but I do not think it is wise to deal with tramway matters in a Bill which is such a menace to the rights and privileges of the public of New Zealand. I also wish to say that we are quite under control at the present time. The management is under the control of the Corporation, and the Corporation is under the control of the public, and both the Corporation and the management are under the control of the Supreme Court, and if there are any accidents they will be visited by the utmost penalties being cast upon them. You may say that people will have to be killed first, but I contend that the fear of the Supreme Court's decisions will be regarded as much more important than any regulations which the Government can introduce.

With the Committee's consent I will put in Mr Young's address. I have not addressed myself to the car report-book, because I think the Committee must be satisfied that, after seeing the books themselves produced yesterday, the loose-leaf system is infinitely preferable.

TUESDAY, 27TH SEPTEMBER, 1910

(No. 5.

Mr Rosser Mr Chairman and gentlemen,—After such a lengthy hearing this Bill has had before the Committee, it would not be seemly on my part to take up the time of the Committee in analysing all the evidence that has been given to such a great extent. I propose, therefore, just to deal with the general questions that have been brought up during this inquiry It has been declared several times during the course of this inquiry, especially by Mr O'Shea, that the tramways unions—and he particularized the Auckland Tramway Union—are the instigators of this Bill. It is not so. We cannot even pretend to assume such credit. To me the position is this that the Hon. Mr McGowan's Bill of 1907 was brought down and sent forth to the public without any foreknowledge on the part of the unions, and that the Hon Mr McKenzie brought down the Bill of last year—1909—in which some of the features in Mr McGowan's Bill were embodied and others incorporated. The Hon Mr McKenzie's Bill met with a very favourable reception at the hands of the tramway employees, and, indeed, by the workers generally At that time I was an officer of the Auckland Trades and Labour Council, besides being the secretary of the Auckland Tramways Union, and I remember that resolutions approving of the Bill were passed not only by the Auckland Trades and Labour Council, but also by other Trades and Labour Councils throughout the Dominion. The Bill was brought down in the interests of public safety, and I cannot conceive of any higher principle to bring forward any measure upon than that of public safety We have been accused, if not directly, at least inferentially, of leading the Government in this matter I should be very sorry indeed, gentlemen—and I think you would, knowing the Minister of Public Works as you do—I should be very sorry indeed for the man who attempted to lead the Hon. Mr McKenzie by the nose on any matter, I think his office would not be a sinecure. The last Bill and Mr McGowan's Bill formed the basis of discussion for several days at the Tramways Federation Conference held in Christchurch last February The Bills were carefully gone through, and the Conference offered several suggestions to the Minister, some of which have been embodied in the Bill of this session. There is nothing unconstitutional in submitting the wants of any particular section of the community to the Minister in charge of a Bill. It is done by all sections of the community The farmers, and the merchants, and the shipmasters have all been consulted at some time or other upon the provisions of any measure in which their interests were involved; and, in fact, if a Minister or a Government were to place a Bill before the public without consulting the best interests, and in some cases the wishes, of that portion of the community affected by the measure, I think it would be liable to the charge of forcing the measure upon the public. It would be termed an ill-digested measure, and something not wanted by the people concerned; but no charge of that description can be laid against the Minister in bringing forward this Bill. We, however, repudiate most strenuously any imputation that we have attempted to lead the Minister or the Government in this particular measure. The dominant idea of the Bill is public safety, and this has been very caustically referred to by Mr O'Shea in his cross-examination of the witnesses, but Mr Myers, with his keen insight into legal matters, has practically admitted this in his summing up and closing address on Friday, he admitted that the safety of life and limb should be the first consideration in a measure of this description We believe that is as it should be, that public safety should always be placed before expenditure and profits. In the first place, there is clause 2, dealing with the certificates to motormen The evidence brought forward from the unions, and, indeed, the evidence from the other side, has gone to prove that it is absolutely to increase the efficiency of men who are in control of machines in overcrowded streets, which may, in the hands of inefficient motormen, at any moment become instruments of danger It has been shown by evidence—the evidence of Mr Carter, who was intimately concerned in the Kingsland accident—that inefficiency was the main cause of the Kingsland accident, and Mr Carter showed that the man who was the driver of that car (Mr Carter took him home that evening) admitted to him that he knew nothing at all about such an important provision for public safety as the administration of the "third emergency"

Mr O'Shea: The motorman swore in the Court that he did know about it.

Mr Rosser What he swore in Court I have nothing to do with. We know from Mr Carter's evidence that there were not twenty men in the service who knew anything about the application of the "third emergency" Indeed, these men were examined by Mr Carey, the engineer at the time, who was not proficient in it himself, and he learnt to drive a car after he had been appointed to the position of engineer to the company But the accident produced greater knowledge, and the "third emergency" became known to all the other motormen. I submit, gentlemen, that we should not have to wait for an accident to increase a man's efficiency Prevention is better than cure, and we believe the Government is doing the right thing in endeavouring to increase the efficiency of the motormen by bringing down this particular clause in the Bill. Mr Cable, in his cross-examination, said, "it is not absolutely essential for a motorman to know the construction of his car", but later on, in answer to a question by myself, he said "it would increase his efficiency" Mr Morton, City Engineer of Wellington—by the way, not a tramway expert, but an engineer in whose efficiency I have the highest confidence as an engineer—came here to give evidence—practically expert evidence—upon this tramway measure and tramway matters generally He gave a voluntary opinion that a motorman could be compared to a turncock turning on the water in the street mains, and yet he admitted that a motorman had more responsibility in a crowded street than a stationary-engine driver I would put his opinion against the opinions of men like Mr Alexander, Mr Richardson, Mr. Pearce, and others, all of whom had a higher conception of a motorman's position than Mr Morton had; and this clause will make for a more theoretical training, and, added to the practical knowledge, must have the effect of turning out more efficient motormen. We should have uniformity of examinations. It has been shown in several cases that the examinations in the past have not been uniform in character, and that it is possible for favouritism to creep in If it is considered desirable by a manager that a certain man should get employment as a motorman, it is possible to make the examination easy, and so, on the contrary, a man who is not wanted can get an examination made so severe that he is blocked, and has no possibility of becoming a motorman Mr Houghton's case was cited by Mr Carter as an instance, and I have since communicated with Auckland, and have found that on the car on which Houghton was examined——

The Chairman: That has not come out in evidence.

Mr Rosser It was shown in evidence that on the car on which Houghton was examined there were two other persons besides Mr Brennand—they were Inspector Rockland and Inspector Morris, and Mr Carter and Mr. Richardson both showed that there was something done to the motors that Houghton could not understand, and he therefore failed in his examination. Now, Mr Carter showed that Mr Houghton had been partially trained by himself, and was a careful, sober, trustworthy man, who would have made a good motorman. I say, therefore, that under the Bill, with an independent Board of Examiners such as is provided for under the Inspection of Machinery Act for engine-drivers, there would be a uniformity of examination for men, who would have an equal chance of becoming proficient and of rising in their profession. No man ever becomes a conductor with the idea of staying as a conductor, he hopes to rise to the position of a motorman, and then on to an inspectorship. In fact, it may be said of him that he carries the highest positions in his pocket when he enters the tramway service, and yet there are men who are compelled to remain on the lowest rung of the ladder simply because there is no fairness or uniformity in the examination. It has been stated that employers would be compelled to employ a motorman because he has a Government certificate; but it has been shown that it is not compulsory to give an engine-driver a job because he possesses a Government certificate. The employers have the choice of engine-drivers, but the man who is engaged must be in possession of a Government certificate of efficiency, and so it would be in this case. It is a bogey raised by the opponents of the Bill, and will not bear scrutiny for a moment. With regard to subclause (2) of clause 2, providing for a service certificate, we believe that to be right, and the provisions of the Machinery Act are sufficient grounds to go upon in introducing this clause. Men who have proved their efficiency as motormen are entitled to a certificate of service, so that they can start fair with the others; but in future it is only right that motormen coming into the service should undergo an examination in order to get a certificate of competency Then, I take clause 3, inspection of tramways, and the power of the Minister to order anything to be done in the interests of public safety at any time. This is a most important clause, and I draw my conclusions mostly from the Auckland system.

Mr O'Shea We do not object to that. It is "to meet the reasonable requirements of the traffic" that we object to.

Mr Rosser In the Auckland system—and I draw my conclusions mostly from the Auckland system, because of my five years' close acquaintanceship with the Auckland Union—we have found there has been an absolute need for something like this provision in the past. We have been governed by awards which have been in some cases practically ignored by the Auckland company There was an award made in June—

Mr. Myers. Is this evidence? Mr Rosser, in addressing the Committe, ought not to give evidence.

Mr Rosser: Can I not speak in regard to facts and awards in existence? In the Auckland award of June, 1908, there was a provision made for seats to accommodate the motormen, and this was after the request for seats had been granted in the south. The Wellington motormen had seats, and the request in Auckland for seats was granted in the award, but no move was made to obey that award for weeks. It took twenty-one weeks to equip eighty cars—and that came out in evidence—with a wooden disc and a hollow iron pipe. Why, sir, we have had some big engineering difficulties, we have the big dam at the waterworks, but they pale into insignificance when compared with the effort made by the whole force of the company to turn out eighty seats in twenty-one weeks. I think it is a thing to be proud of—they were not finished until October Take the glass fronts provided for in the last agreement: we were told that we should have the glass fronts. Auckland, notwithstanding its balmy climate, in the winter-time is subject to very severe storms, and it is necessary, even in Auckland, that the motormen should be protected while

travelling at high rates of speed. Those glass fronts were agreed upon in February, 1908, and they are not finished yet, and one reason, we are told, is that they were short of timber in Auckland. Can you imagine that, in a place like Auckland! They were short of timber! It required 100 ft. of ¾ in. stuff for the framing, and yet in a timber province like that of Auckland the company ran short of timber, and the result is that the deckers are not fitted with glass fronts yet, and during the past winter the men have been working without any protection. I mention these things to show that there is an absolute necessity for the provision in this Bill, so that an independent authority or unbiassed person shall have the right to say whether or not demands made by the men are reasonable and shall be carried out. Now take the brakes The hand-brakes have long been complained of by the men In fact, it was one of the causes set forth for Dr McArthur's special inquiry to go into, and a Royal Commission was appointed to go into the question. The company admitted that their brakes were not efficient, and Mr Myers was careful to say at the second Commission that, while not admitting the inefficiency of the brakes, they were quite prepared to put in air brakes if required to do so by the Government. The first Commission showed that the brakes were not efficient, and the result has been that two Commissions had declared that the brakes are not efficient for the purpose, and a more effective brake should be installed. I am willing to admit that the Christchurch motormen are the best-treated in the Dominion. They have a cab in front of the car closed in with glass all round, and they are protected against the weather not only in front, but also on the sides of the car The Wellington men also have glass fronts with side curtains for stormy weather Dunedin also are well protected. But in Auckland we have a very meagre glass front, not even extending to the whole width, and no side curtains. This is one of the grievances that the men have which we hope will be rectified if the Bill goes through, and we have an independent authority to appeal to for the protection of the motorman. In the summing up of my friend Mr Myers we had this argument adduced: that the Government might say that eighty cars were not enough for the service—"You must put more on", while the company might say there were sufficient. Mr Myers is looking ahead, but we can look back in Auckland, and see that there has been a constant struggle between the Auckland City Council on the one hand and the company on the other in this connection, the City Council having said that eighty cars were not enough and the company saying they were. Under the deed of delegation a clause has been put in to compel the company to comply with the wishes of the City Council, and this has had to be put into operation before extra cars have been granted. Now, there is no margin in Auckland for the holiday or race traffic, and cars have to be taken from one time-table or more to suit the requirements of the race traffic. Up to quite lately there was no margin of boiler-power, but this has been rectified, and extra boilers and engines have been put in the power-house. It should be within the province of a Government Inspector to say whether or not the public are sufficiently catered for, by an increase in the number of cars or in an alteration in the permanent-way When I say "permanent-way,' I do not refer to another bogey brought forward, that it would be within the province of this Inspector to alter the gauge. This is one of those "hypothetical" questions that staggered our Remuera friend, the member of a local body I say there is no danger under this Bill of any Government or Minister, unless for very good reasons, ordering such a thing as that. They would ride for a fall if they did, and even the Minister or Government is dependent upon the public for support. It is a bogey brought forward, and arguing from extremes, for such cases are never likely to happen. Wellington needs this independent supervision also, as has been shown by the evidence. One case I was able to bring forward, because the witness knew of it, and that was in reference to car No. 64, which has shown that there is urgent necessity for an independent supervisor even in the much-lauded Wellington service; and I could have brought forward half a dozen other cases.

Mr O'Shea: I object to this. They brought up every trivial thing they could think of against us.

Mr. Rosser: Pardon me; I could have brought witnesses, but it was objected to. Car 64, of happy memory, was not dangerous according to Mr Cable, and yet it was not safe for a load of passengers. I fail to see how a car sent out in that condition can be said to be not dangerous. Mr. Cable said in examination that it was not dangerous, but he would not send it out as a regular thing. What was wrong with the car was this: that the car was under repairs, and there was a board placed upon it "Not to go out," and the pole was tied down. Some one removed the board and untied the pole, and she was sent out for rush traffic. After the motorman left the shed some one woke up and telephoned to the other end to stop him, but it was too late. Now, the absence of the king-bolt and a broken quadrant is a very serious matter in connection with a car, and practically what happened was this: There is a saddle plate under the car; under that saddle plate is a pin called a saddle pin, a few inches in length, and these cars are so adjusted for braking that very little—an inch or half an inch—will make all the difference in the braking. If the bogie slips forward the saddle pin comes up in the centre of the saddle plate, and when the bogie is negotiating a curve the car comes straight on, and the pin slides up and is forced down upon the plate. When it gets into the straight again, the effect of the pin brings it back into the centre. When the bogie slips forward it strained the bogie-chain, and the saddle pin slipped up at the back, and there is was immovable. But the chains were rigid and the brakes were applied, and a result was that it pushed the floor of the car up, and it went down to the station in that position. How many passengers were on it I have no means of ascertaining, but they took the car back empty The car went back with the brakes hard on, and when they were taken off they were blue with the heat that had been generated. The car had been driven in parallel until the wheels had ground sufficiently into the brake-shoes, and when the car went back to the depot she was practically free. If you can tell me that a car like that, offering to take passengers on the way down, is not dangerous for traffic, all that I can say is that I cannot conceive it possible. Mr Cable was asked about this car when he was examined on the 30th August, and after looking into the matter for twenty-two days he was re-examined, and all he could say was that "it was not dangerous to traffic." Therefore I come back to my main point that there is need for an independent Government Inspector to be appointed. Men then going out on the cars and endangering

their lives would have an opportunity, if they could not get any remedy from the manager—and it has been shown in evidence that matters have been reported and not remedied—of approaching their union and notifying the Minister of certain things happening, and being able to get them rectified. There are certain clauses that I do not intend to touch upon, as they are purely machinery clauses, but I wish to say a few words with regard to paragraph (*c*) of clause 5, prescribing the number of passengers to be carried. I want to remind you that Auckland tramwaymen have been sent to the Supreme Court for trial on charges of manslaughter The bills have been thrown out, but still the men have been for months under suspense through not knowing during the whole of that time how their cases would go in the Supreme Court. One motorman has been prosecuted in the Stipendiary Magistrate's Court for the heinous offence of running his car past a City Councillor without stopping to pick him up Hence the uncompromising attitude of the Auckland men with regard to overcrowding. Overcrowding does not exist in Auckland now to any extent. Why? Because the men, realizing their danger, have determined to carry not one over the proper number in their cars. That is to say, some carry no strap-hangers, and others carry up to fourteen strap-hangers, but there is no man in the Auckland system who will carry over that number Even Mr Bagnall, the present Mayor, was prosecuted for refusing to leave a full car when asked to do so by the conductor The prosecution was undertaken by myself, but not until we had applied to the City Council to prosecute. But whoever heard of a City Council prosecuting one of their own number! You will have to wait until the millennium arrives before that will happen. We asked the Council to prosecute Councillor Bagnall, and the Council asked us to leave it alone. I was requested to step in as prosecutor, and it cost this recalcitrant Councillor and his son just about £10 for committing a breach of the by-laws. You will therefore understand why the Auckland men are so uncompromising in their attitude with regard to the overcrowding on the cars. I asked Mr Walklate to place a notice up in the depots instructing the men not to carry over their number, but he told me it was not his place to issue instructions, although he was not in favour of overcrowding

Mr Myers I submit that this is not evidence. It is very unfair, and Mr Rosser must see the impropriety of it, to make statements here that have not been given in evidence, and which it is impossible to rebut.

The Chairman Yes, I think you will see that, Mr Rosser

Mr Rosser I bow to your ruling, sir, but I did not interfere with either Mr Myers or Mr O'Shea in their summing-up. I do not want any favouritism or latitude at all. It has been shown in evidence that inspectors of the company have pushed passengers on the car after they have been turned off by the conductors. If I am not allowed to quote Mr Walklate's decision to me, as secretary of the union, which is my own knowledge, then I quote this to show the attitude of the company with regard to overcrowding With regard to Wellington, the overcrowding here is a disgrace to a civilized community, and I have no hesitation in saying so. Apart from my five weeks' sojourn this time in Wellington, I have been here on other occasions, and have seen what is going on as an interested spectator Wellington is the seat of Government—the place that we benighted Aucklanders should look upon as being well served as the seat of Government, and yet we have nothing to learn from your tramway-management. On Sunday we had a car where passengers were fighting for a place, and we have had it in evidence that in Rintoul Street cars have been absolutely packed with men, some of whom were riding on the footboards. I say that that should not be allowed in any city. We have had it in evidence that small box cars licensed to carry thirty-two have held sixty Now, the conductors have a great responsibility in overcrowded cars, particularly in the palace cars. On our palace cars there is a big step along which the conductor has to walk to collect his fares, and with all his watching he cannot see on a crowded car when a lady is clear of the car or on the ground, as the case may be. We have had dozens of instances where ladies have been dragged with one foot on the car and the other on the ground in Auckland. I hold, and the tramway employees hold, that where responsibilities like these are undertaken, involving, as in the case of the Onehunga accident, imprisonment for six months for manslaughter, there should be provision made that the conductor may be able to see when his passengers, and particularly the lady passengers, are clear of the car, or clear of the ground. There is a by-law—No. 32—in Wellington, but it is never observed—it is honoured in the breach and not in the observance—and we consider that such by-laws should be put into operation. The only prosecutions that have taken place in Wellington are against those unfortunate passengers who fall off the car and get damaged, and these are taken to act as a set-off against any action for compensation for damages that may follow No prosecutions have taken place against passengers for getting on a crowded car unless some one is injured or else taken to the hospital, and then it is done to get out of paying the compensation. In Christchurch there is a splendid set of by-laws in existence, but they are not in operation. The Christchurch regulations start well by giving advice to the employees as to the financial loss to which the Corporation or the Tramways Board is liable. It sets forth that from the 17th May, 1905, to the 31st March, 1909, the sum of £3,250 12s. 6d. has been paid by the Board in settling accident claims.'' Then there is an article on '' responsibility,'' and this is worthy of your attention, as it was not read out by the officers of the Christchurch Tramways Board when they gave their evidence: 'On the 10th June, 1909, a Christchurch lady visiting Auckland fell while alighting from a car, and was killed. The tramway company had to pay damages and costs amounting to nearly £1,000, and the motorman and conductor were charged with manslaughter The motorman was acquitted, and in summing up in the conductor's case the Judge said, 'The jury had a duty to discharge, and must not be led away by mere sympathy for the accused. The matter involved the safety of hundreds and thousands of persons who travelled by tram. The question the jury had to decide was this Did the conductor exercise to the reasonable extent required by law and common-sense the care in the handling of dangerous machinery necessary for the protection of the public? The necessity for doing this was fully recognized in the tramway company's rules, but a mere breach of the rules of the company would not render the accused liable unless such breach involved a breach of the common law The duty incumbent upon persons in charge of a tram-car was to so act as to *avoid all*

unnecessary danger ' '' Now, gentlemen, that is good advice, but how is it carried out in Christchurch? We have had it in evidence that there has been overcrowding on the platforms and even on the fenders at the back of the car, and on a car to seat thirty-six they have taken ninety To stand on the motorman s platform was dangerous, according to Mr Crowley The Christchurch men attempted to regulate this by approaching the Tramways Board, but how were they answered? An extract from the *Lyttelton Times* of the 9th June, 1908, admitted to be correct by Mr Pearce, reads, Mr Pearce said the men had held out a rather foolish threat in reference to enforcing the by-law relating to overcrowding, because the Board made its own by-laws, and could easily do away with that one.' That is the shameless admission on the part of the Chairman of the Board where danger to life and limb was involved. The men were afraid, somehow, that they would lose their employment, and it is a case—if I may be allowed to quote Shakespeare—of " My poverty and not my will consents. The men went away, but not because they concurred in the decision arrived at by the Board. Mr Thompson, the Manager of the Tramway Board, says—and I think wrongly and cruelly—that the responsibility and onus lies on the men. There was no prosecution attempted in Christchurch for overcrowding, and why? Because, as Mr Thompson quotes the opinion of Sir Clifton Robinson, 'the revenue from strap-hangers was sufficient to make the difference between profit and loss on the London County Council tramways.'' Mr. Thompson showed us that it would cost £3,000 a year to run an extra car, but he never told the Committee what the earning-power of that car would be for the same period; yet he admitted that the earning-power was equal to 1s. 3d., as against 9d. per car-mile for expenses. Dunedin suffers from overcrowding, too. My union was represented on the Brakes Commission, and Mr O'Shea also was there, and knows the facts of the case right through to Dunedin. Mr Alexander made rather a candid admission to the Brakes Commission when he said that there were no by-laws in regard to overcrowding in Dunedin. This has been since confirmed in evidence given before this Committee, and he stated that the capacity of their cars was only measured by the ability of the conductors to collect all the fares. This rather startled the *Evening Star*, in Dunedin, and that journal had a small article in which it stated that it was rather a startling statement, and the sooner that state of things was rectified the better it would be for the community The Minister and the tramway federation placed the public safety first, but the tramways management, in opposing this Bill, placed private profit first. It is a clear case of principle and profit, and I ask you which should obtain the first position, in your opinion, that of the safety of the public or that of the expenses of the tramway concerns and their profit. On the question of speed, independent supervision by the Government is absolutely necessary An increase of running-time has been asked for by the Auckland employees from the company and the City Council. Only as far back as February last we had a deputation to the company about this matter, and they told us they could not increase the time because it was fixed by the City Council. We then sent a deputation of motormen to the City Council, and were received by the open Council, and had a very favourable hearing, but nothing came of it, and the only conclusion I can come to is that the City Council and the company are bound up on certain lines that prevent them giving that consideration to the public that an unbiassed party would be able to give. Now, Mr Carter's forty miles an hour has been rather cavilled at by Mr Myers. Mr Carter got his basis after eight years' training in the Auckland service, with an added two and a half years' service in the Sydney service. Mr Carter was one of the representatives of the union when a car was tested on College Hill by the first Brakes Commission Mr Stuart Richardson was there, and held one of the watches, and the watch showed that we came down that hill at the rate of 39·7 miles per hour, and Mr Carter judged other speeds from that car Mr Walklate in his evidence in this room stated that it was rather a remarkable fact that motormen were good judges of speed, and that on the recent Brakes Commission a motorman had been asked to put his car at fourteen miles an hour, and the speed-indicator showed that he did it remarkably well. I say that you cannot scout the opinion of a motorman after the unsought testimony of Mr Walklate as to their efficiency in judging speed. Paul Richardson showed that from twenty-five to thirty miles an hour was frequently done down Symonds Street, and he corroborated Carter's evidence. We have had a few coroners' inquests in Auckland, and the evidence there taken also showed the speed they have to go when the motormen are making up time. Mr O'Shea brought forward Inspector McGillivray and Mr James, Traffic Superintendent of Wellington, to show the average speeds taken on certain routes last week. I place no reliance on that, because when you have specially instructed men, on a special car, on a special portion of the road, with no hindrances in the traffic, there is no comparison in such a case with a car in actual working traffic during rush times. Mr James could not even then fix the maximum speed at which he travelled on those trips. You will see how misleading that is—to take the average speed—when you consider that on the Island Bay line there are twelve places at which the motorman has to reduce his speed. It follows that there must be more than sixteen miles an hour run, as stated by the evidence. With regard to paragraph (*e*) of clause 5, this is a very important provision, dealing with proper equipment. In Wellington there is only one type of controller at present, in Auckland we have three or four types, some with eight notches and others with nine, so that the motorman going from car to car has to give a different application to get his speed. We consider there should be a uniform type. There should be a uniform position for the sand-punches. At present they are all over the motorman's platform in the same system. The sand-punch should be right under the motorman's foot—that is to say, the position in every car should be the same, so that a man may know instinctively where to put his foot, with much the same precision as an organist when he puts his foot on the pedals. The motorman has no time to look where his sand-punch is placed on his car, and Mr Homan gave us an illustration of the awkward position in which he had to stand, with one foot extended in one direction, and his arm extended in another to get the braking-power He has to stretch out to use his brake the furthest portion of his body, and at the same time he has to use a sand-punch. In Auckland we are more fortunate, but there is no uniformity, neither is there uniformity in the other centres. Gentlemen, a fractional part of a second is sometimes responsible for the loss or the saving of a life. The sand-pipes, it has been shown, are 6 ft. in advance of the wheel in Dunedin, not leading down

in front of the wheel, where the sand is wanted for retardation, and Mr Cable admitted that it was in some types of car in Wellington 4 ft. in advance; and I have shown where on curves the sand is deposited not on the rail, but outside the rail, and is therefore not of any use at the time when it is most needed. The pipes should be placed in front of the wheel, and the finding of the last Commission on the Auckland service should be carried into effect, so as to provide for a pneumatic sand-gear whereby the sand is deposited in a similar but more effective manner right on the rail. This would be provided for under paragraph (*e*), where the Government Inspector would have the right to have them placed in operation from time to time. With regard to the Appeal Board, we consider this the most important clause in the Bill. The present Appeal Boards are, to put it baldly, a farce. There is no representation of the employees; and how can you give a proper appeal when there is no representation from the class of men who are appealing from an unjust decision? In Auckland the appellant has to plead his own case against the Inspectors, who are interested parties, because the Inspectors have laid the information, and the decision appealed against is the result of that. The Inspectors are trained in every artifice in picking a man up. We had one case where I was allowed to be present, the case of Inspector Tickell against Motorman Williams. Williams was a man of few words, unassuming, and was unable to plead his case as it ought to have been pleaded, and it was not until there was a veiled threat made by the union that they would see, at any rate, that Dr McArthur's finding was carried into effect if the company did not see to it, that the case was considered, with the result that this man was exonerated. The threat was this: that the union was determined that the finding of Dr McArthur should be obeyed, and that the company should obey it, too. The Wellington Appeal Board is composed solely of Councillors, and has only been in operation since Mr Wilford came into his position as Mayor, and even now it does not provide for a representative of the men being on the Appeal Board. Intimidation exists in Wellington, and this has been shown, and cannot be objected to. Evidence has been given by Mr Faire, Mr. Sutherland, and Mr Timms, and when men who are sent as the mouthpieces of their union to state matters to the Minister are subjected to a carpeting for so doing, and giving what they believe to be the opinion of the union, I say it clearly shows that intimidation exists in Wellington. To deny to men what the whole of the Dominion possesses, the right to approach a Minister of the Crown about their own working-conditions, I say is not creditable to any service. The Christchurch and Dunedin Appeal Boards are not likely to reverse decisions against their own managers, because it would be equal to a want of confidence, and I take it that it would mean getting a fresh manager to replace the one whose decision was reversed. Practically no Appeal Board was in existence prior to 1907, therefore they are setting their houses in order to a certain extent by setting up these apologies for Appeal Boards. We have been asked whether we would take the Arbitration Court as an Appeal Board. In reply to that, I have to say that there are generally two to one against an employee in the Arbitration Court, and I speak with a very extensive knowledge of the Arbitration Court, going back as far as the time of Mr Justice Edwards as President, fourteen years ago, and I say the odds are too great against an employee. Even Mr O'Shea, as a sporting man, must admit that the odds of two to one are rather great. There is a representative of each class, and a Judge of the Supreme Court as President. In the first place, the Judge, by reason of his legal training, is conservative. He is a member of the most conservative profession in the world, and therefore must be conservative. One member of it said he was conservative because he was a Judge. Then he was conservative because his father was a Judge, and he was conceived when his father was a Judge; therefore you have the ultra-conservative.

Mr Hardy Is it not a grand thing to be conservative?

Mr. Rosser Yes, it is a grand thing, but not conservative when the march of progress is going on. It has been proved time after time that labour gets very little chance before the Arbitration Court. We have had a case where the Judge of the Arbitration Court refused to grant an award because he felt that to give an award on just lines would militate against an industry. And we say that if an industry cannot sustain fair and just conditions it is not worth going on with. We have tested the system, and found it wanting in equity to the employees. We would rather not have an Appeal Board than have the Arbitration Court, or a Stipendiary Magistrate as the Chairman of the Court. As Mr. Carter said in his evidence, rather naively, "I would want to know the Magistrate", and in that lies the crux of the whole question. We want a provision in this Bill, and it has proved to work elsewhere, and is a reasonable provision. We cannot conceive any reasonable man objecting to this proposal of one representative on each side and a Chairman to be selected by the two, and we have had instances where the Chairmen have been selected by two other parties. We have had it in Auckland, and I can instance the Board of Conciliation, where the Chairman was selected by the two representatives, and, failing that, by the Governor in Council. It has been said that it would be subversive of discipline, but we fail to see that. One man said in evidence that such a Board would confirm the manager's decision in his dismissal of a man who was in the wrong, and would satisfy him; and, on the other hand, if through want of evidence the manager had done rather an unjust thing, he ought to be satisfied that an independent tribunal had prevented a wrong being inflicted upon a worker. Now coming to the car report-book, I want to point out that we have not had many epidemics in this Dominion of ours, but there was an epidemic in 1908. It started in the north of the Dominion, and it swept away those bound books. It started with the prosecution of Motormen Low and Veart, in which the book was brought forward in evidence, and showed that the car had a bad character, and that its defects had not been remedied. One sheet has been placed before the Committee as an exhibit at this hearing The next morning, after the last of these trials, when the men went to work, they found that the book, which was a very big book, had an iron clamp on it, so that it was impossible to turn back to any of the previous leaves, but the other leaves were not clamped, and then the loose-leaf system came in. That shows clearly that the ideal loose leaf was not adopted primarily to secure better reports from the motormen, but to prevent back references. Then the epidemic spread to Wellington, and it needed something to bring it to light. there it was the Cuba Street accident which was responsible for the loose-leaf system. It spread from there to Christchurch, and it

stopped there, because Dunedin had been previously inoculated. Therefore in the three systems the bound book went out at the one particular time. We claim the right of the men to examine the records of the cars, and that is denied by Mr Walklate in his evidence here. I asked him a question, and he said, "I should want to know for what purpose the inspection was." We claim that any man going on duty on a car should be in the position, as of right, to see what condition such a dangerous piece of machinery is in. He has the right to look up his previous records if he has doubts, to see what defects he may have to contend with. We are told that we can view the records, but in my five years' experience as union secretary I have never been given to understand that the book could be inspected, but I had to adopt the "Nicodemus practice,' and go on at night: that is how I got the record placed here. The proposal for the fixed book is a reasonable one—a book for each car, and accessible at any time. With regard to the Appeal Board, I had forgotten a point I should like to mention: Three weeks ago a man was suspended from a mine in the South Island for faulty firing of a shot. An appeal was set up, and the man was reinstated, and the miners, who had ceased work in sympathy with their fellow-employee, went back to work. I take it that we ought not to require troubles of this kind to occur, and with an Appeal Board always in operation it would be a piece of machinery to prevent labour troubles. Now, with regard to copies of Orders in Council to be obtained, it has been shown that the Christchurch union applied for a copy of their Order in Council. They did not know what the provisions were that they were expected to work under, and the point most at issue was whether the employers had the right to send two or three cars out with one conductor, or whether one conductor was to be put on each car They applied to the Minister for a copy of the Order in Council, and were referred to the Tramways Board, where they were told that they could obtain a view of the Order in Council by going to the office. This offer was not availed of It is something like a student who asked his master for the loan of the bellows to blow his fire up, when he was told that if he liked to use it in his master's room he was welcome to it. In this case there is no occasion to have this state of affairs going on We have a right to get the Orders in Council upon payment, and we do not object to pay for them. This is a light provision, and will meet a great deal of trouble that may arise in the working of a system. Take the deed of delegation, and the amount of ignorance—and appalling ignorance—in regard to a deed of delegation. We ought to be able to get a copy, and yet cannot obtain it. In regard to the trouble of last year, the only way in which I could get a copy of the deed of delegation was to apply to an ex-Mayor, who had a private copy of it. These deeds of delegation should be available to the men if they are willing to pay for them. Now, with regard to the right of the Government to interfere in the interests of the community This last week I noticed a cable message from Melbourne which stated, "In the Victorian Legislative Assembly the Premier (Mr Murray) said the Government would introduce a Bill compelling the Melbourne Tramway Company to run the trams in the interests of the public as well as of the shareholders, by introducing penny sections, and making the rate uniform with the charges in other cities. Mr Murray added that an inquiry into this matter would be made before the Bill was introduced.' This shows that other Governments are alive to the necessity for making provisions in connection with tramway services. I think I am correct in saying that the concession to the Melbourne Tramway Company runs out in 1916. There are only six years to run, and yet the State puts into operation its undoubted right to interfere on behalf of the general public; and this, mind you, is not a rabid Labour Government—it is not Mr. Fisher's Government—it is a State Government of which Mr Murray is the Premier. With regard to municipal ownership, a gentleman who is well known here said to me yesterday, "The whole evil of municipal ownership is that the Corporation will not enforce their own by-laws in regard to the cars." That occurs in municipalities as well as in private companies. We consider, gentlemen, that tramway troubles will be a thing of the past if this Bill is put upon the statute-book, and we are accused in Auckland of being a very turbulent people. We have had two strikes, and I do not know how many Royal Commissions, but we look upon it that trouble will be done away with if this Tramways Bill is passed. The strikes were not against an award or against the Act, but were caused by the tyrannical administration of the officials. This has been shown in evidence both in Mr Beaston's case and Mr Herdson's case, and we ask that the Bill be placed on the statute-book in the interests both of the tramway employees and the public. To show that the local bodies are not all opposed to the Bill, we have disinterested evidence from Mr Bond, of the Remuera Road Board, and he showed us that from their standpoint they are not satisfied with the condition of affairs. The company has not endeavoured to keep to their agreement with regard to certain services running down Victoria Avenue, and wished to discontinue it; and the residents have a grievance with regard to overcrowding going to the racecourse and Mr Bond's evidence, I think, is entitled to consideration He is not alone in his opinions on the Remuera Road Board, because I am informed the ex-Chairman, Mr. Dickson, took up the same uncompromising attitude against the tramway company with regard to the tramway agreement. I quite agree with and support Mr Myers in his proposal to amend the Bill with regard to running minimum-fare cars. Mr Myers made that application on Friday, and I wish on behalf of the union to support him. Mr Myers, I am very glad to see, has been won over in this matter to our side since the start of this inqury When we started, we were told throughout the length and breadth of the land that it was a very serious thing for the Government to interfere with existing agreements, and Orders in Council, and deeds of delegation, and we took up the position that in the interests of the public this should be allowed. Now we have a Daniel come to judgment in the person of Mr Myers, who joins with us to show his perfect fairness; and it must make Mr O'Shea's position untenable in the light of Mr Myers's keen legal knowledge, when he approves of the provision that the Minister has placed in the Bill.

Mr Myers: No—that I have suggested should be placed in the Bill.

Mr Rosser The Minister has placed that provision in the Bill by giving power to go contrary to an Order in Council where necessary Mr Myers wishes to carry it a little further, and I appreciate his position. We support the proposed amendment, and consider it is only fair to the through passengers. We have had any amount of trouble with regard to enforcing this very necessary provision. We have had cars going to Onehunga filled with passengers three-fourths of

whom got out at the end of the penny sections, while through passengers have had to wait in Queen Street; and it is the same with workers' cars. I think this provision should be made applicable to the whole of the Dominion. I also support the other proposed amendment with regard to carrying the wires. In conclusion, I have to thank you, Mr Chairman and gentlemen, for your patient hearing and treatment of both the representatives of the union and myself during this inquiry We appeal to the Committee as men who have been chosen by the electors to represent all classes of the community in the highest Court in the land, and I submit that in approaching this question you will do so with the interests of the public safety uppermost in your minds. As labour men we recognize no party in this business, and we believe that you gentlemen are actuated by the highest sense of responsibility in your position here to-day, and, that being so, we trust that you will assist the Minister in placing before Parliament such a Bill as will be in the best interest of the community at large. Electric traction is only in its infancy We have electric tramway systems in Auckland, Wellington, Wanganui, Christchurch, and Dunedin. In Invercargill the system is now being pushed on actively, and will soon be in operation, and in New Plymouth they have decided to go in for electric traction. When I was in Hastings lately I saw there an advance agent who was endeavouring to treat with the Napier people for a tramway There is all the more necessity for this Bill when you contemplate the number of other systems that will be started. I ask you to consider the Bill from that standpoint, not from what it will cost the companies and the Corporations. We have been told it will cost £6,000 to carry out the provisions of this Bill, and a witness was asked by Mr O'Shea, with his guilelessness, where the money was to come from, and the witness properly said he did not care—"if it was right, it should be carried out.' It was shown that the profits of the Auckland tramways were £40,000, and that £3,900 has been paid to the Corporation as their share of the profits. Mr Stuart Richardson has placed comparisons before the public from time to time, and has shown conclusively that if the Wellington tramway accounts had been kept in the same way as the Auckland accounts, the results would have been better than those of Auckland. Well, gentlemen, I have finished, and I have to thank you for your courtesy I desire to state that we, in coming here to advocate this Bill, came, at very great expense to ourselves, to fight for a principle, and our opponents have come here, also at expense, to oppose it on behalf of the profits and expenditure of the systems. I am instructed to lay before this Committee the fact that this will cost us a large amount of money, and to ask that you will consider whether the unions, in advocating the Bill and paying their own expenses, are not actuated by a higher sense of duty than our opponents, who have come here to oppose it on behalf of their expenditure.

(No. 6.)

Mr O'Shea: In reference to these proceedings, gentlemen, I wish, on behalf of the Wellington City Council and the Dunedin City Council, to thank Mr Arnold personally for the impartial manner in which he has conducted this inquiry, and I also wish to thank him for the untiring energy and attention he has shown, as Chairman of the Committee, in attending to all matters that were brought forward in reference to the Bill. I further desire to thank the other members of the Committee for their attendance at the meetings and their attention to the evidence brought forward.

The Chairman I have to thank you, gentlemen, on behalf of the Committee, for your kind remarks and the great assistance that you have been to us during the consideration of this Bill. The Committee has sat on eighteen days, has held twenty-three meetings, which have occupied in the aggregate fifty-seven and a half hours, and we have heard no less than thirty-six witnesses, in addition to addresses of counsel. It will be necessary now to hold the matter over until the evidence is printed, which I will push on with all possible speed, so that the Bill may be considered by Parliament this session. When deliberating on the measure, the Committee will give due consideration to your representations.

(No. 7.)

NEW ZEALAND EMPLOYERS' FEDERATION.—THE TRAMWAYS BILL.—OBJECTIONS BY THE EMPLOYERS' ASSOCIATION

The following letter has been sent to the Prime Minister and the Minister of Labour :—

"Wellington, 24th August, 1910

"SIR,—

"I am directed by my Parliamentary Committee to convey to you the strong objection of the New Zealand Employers' Federation to section 6 of the Tramways Bill.

"The principle of compelling employers to give the right of appeal in dismissals, disratings, fines, or other punishments would, if generally applied, be subversive of discipline, tend to take the real control of business out of the hands of employers, and would lead to constant friction, as well as being open to abuse.

"I have to point out that Government itself realizes the difficulties which may arise in this connection, as in connection with the Railways Appeal Board the right of veto is secured by the Minister, and has on more than one occasion been exercised by him.

"My committee fears that if the clause referred to becomes law it will be the thin end of the wedge to compel employers of labour to give reasons in every case when it is necessary to discharge employees. It is therefore urged by my federation that the Government should take steps to delete the clause from the Bill.

"I am, &c.,

"WILLIAM PRYOR,

"Secretary, New Zealand Employers' Federation."

Approximate Cost of Paper.—Preparation, not given; printing (1,500 copies) £130.

By Authority: JOHN MACKAY, Government Printer, Wellington.—1910.

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