

1909.  
NEW ZEALAND.

# PUBLIC PETITIONS A TO L COMMITTEE:

REPORT ON THE PETITION OF FRANK BARTON, OF WELLINGTON (No. 582); TOGETHER  
WITH MINUTES OF EVIDENCE.

MR. DAVEY, CHAIRMAN.

*Report brought up on the 28th December, 1909, and ordered to be printed.*

## ORDER OF REFERENCE.

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

FRIDAY, THE 8TH DAY OF OCTOBER, 1909.

*Ordered*, "That a Committee be appointed, consisting of ten members, to consider all petitions from A to L that may be referred to it by the Petitions Classification Committee, to classify and prepare abstracts of such petitions in such form and manner as shall appear to it best suited to convey to this House all requisite information respecting their contents, and to report the same from time to time to this House, and to have power to report its opinions and observations thereon to this House; also to have power to call for persons and papers; three to be a quorum: the Committee to consist of Mr. Davey, Mr. Dillon, Hon. Mr. T. Y. Duncan, Mr. Fisher, Mr. Hine, Mr. Macdonald, Mr. Newman, Mr. Smith, Mr. E. H. Taylor, and the mover."—(Hon. Mr. R. McKENZIE.)

## REPORT.

No. 582.—Petition of FRANK BARTON, of Wellington.

PETITIONER prays for compassionate allowance on account of injuries received through alleged negligence of a State Coal-mine wagon-driver.

I am directed to report that this Committee recommends that a compassionate allowance of £350 should be paid by the Government to the Public Trustee, in trust, to invest the same for the benefit of the petitioner, and, in the event of the agreement between the petitioner and the South British Insurance Company being handed to the Minister of Finance, that the said sum of £350, or the investments representing the same, be paid over to the petitioner.

28th December, 1909.

T. H. DAVEY, Chairman.

## MINUTES OF EVIDENCE.

TUESDAY, 21ST DECEMBER, 1909.

Mr. WRIGHT, M.P., examined. (No. 1.)

*Witness*: I wish to say, Mr. Chairman and gentlemen, that Barton is here, and will be prepared to give evidence with regard to his petition. With reference to the departmental reply read by the Secretary of this Committee, I want to point out that, because the car struck the lorry at the back part of it, as suggested there, it does not follow that the driver of the lorry was not to blame. The rule of the road in Wellington is that, when a tram is coming and the motorman rings the gong to warn the drivers of vehicles, the driver is supposed to wait to let the car go by. What took place was that the steam lorry was coming from Tory Street and the tram from Island Bay. The motorman rang his gong, and the lorry evidently came across the line. The driver of the latter did not ease his pace, and had very nearly crossed. If he had got across he would have cleared the tram. Now, the tram-driver saw there was likely to be an accident. He shut off his power, and did all he could to stop the car. When he struck the lorry the car was almost at a standstill. These are the facts, and if they can be proved, the driver of the lorry was to blame, because he should have waited and allowed the tram to pass in the usual way. The city by-laws make it clear that no vehicle of any kind must attempt to block the line. The tram has the right of the road, and no driver must interfere with it.