

80. *The Chairman.*] Did you receive a copy of the city by-laws? Were you aware of the existence of this by-law of the Wellington City Council: "784. No motor-wagon or delivery-van shall in any part of the city proceed at a speed of more than eight miles an hour, and in Cuba Street, Manners Street, that part of Willis Street between Manners Street and Customhouse Quay, and in Lambton Quay, no motor-wagon shall proceed at a speed of more than six miles an hour. At any crossing or corner of a street throughout the city, and within fifty feet of same, speed shall be reduced to three miles an hour"—I did know there was such a by-law, but did not know exactly the wording of it.

81. Is the existence of such a by-law pointed out to you by the authorities of the tramways of the City Council?—We all understand there is such a one.

MATTHEW CABLE examined. (No. 3.)

1. *The Chairman.*] What are you?—Assistant Electrical Engineer to the Wellington City Council.

2. Will you be good enough to tell us what you know of this case?—All I know of the case is merely from the evidence of other witnesses.

3. Is the plan produced properly drawn?—It is a correct plan of the position, with the actual marks of the wheels on the wood blocking, drawn by our draughtsman, who is at present in Sydney. I was present when he was taking the measurements.

4. *Mr. Fisher.*] Do you know the width of the street?—It is about 60 ft.

5. Were you at the scene of the accident at the time?—No.

6. You know that the plan is correct?—Yes.

7. *Mr. E. H. Taylor.*] You are quite certain that the car was off the line, and you actually saw the marks yourself.—Yes.

8. *The Chairman.*] Was there any damage done to the wheels of the car?—None whatever. The forewheels of the first bogie were off the rails, but no harm whatever happened to them.

9. According to the plan, Barton would see the wagon a greater distance away than those in the wagon could see him?—Yes.

10. *Mr. Wright.*] What is the position with regard to the by-law? When a vehicle is coming full butt, are you supposed to stop your tram?—There is nothing in the Tramway by-law about such a case.

11. Generally speaking, is there not something to this effect: the driver of a vehicle must not cross the tram-line within a certain distance?—There is a regulation with regard to speed at corners and obstruction of cars.

12. *Mr. Newman.*] Is it not a general understanding that other traffic should clear out of the way of the trams?—It is a recognised rule all over the world that vehicular traffic must give way to tram-cars.

13. *Mr. Fisher.*] What is the width of Tory Street?—It is 35 ft., I should say.

14. *The Chairman.*] And you say that Courtenay Place is about a chain wide?—Yes.

15. *Mr. Newman.*] There was another car which passed this car a little before the accident?—That is so.

16. It is a crossing where they pass?—Yes; there is a double line, and the cars pass frequently at that time of the morning between Courtenay Place and Winder's corner. They pass anywhere about that place.

17. *Mr. Fisher.*] How long after the accident was it when you were on the scene?—Not until some time after.

18. You were not there when they released the steam wagon?—No.

19. As an expert, would you say the car hit the lorry or the lorry hit the car?—By the indications I would say that the lorry struck the car.

20. *The Chairman.*] How could that be? Obviously, as the front was bent back on the motor-man, the car must have struck the lorry.

21. *Mr. Fisher.*] It was really more of a graze—it was not a fair hit?—That is so.

22. Then it was a glance?—It was a sort of glance.

23. If the car had pulled up about 2 ft. short of where it stopped, there probably would have been no accident?—I cannot say that with any certainty.

24. Have you had any trouble with these steam lorries in the street?—We did have a little trouble, but I forget the particulars. The motormen complained about the men in charge of these wagons. I could look up the particulars.

25. *Mr. Macdonald.*] If the lorry were travelling eight miles an hour, would it not have shifted the car more off the line—more particularly if it were stopping at the time?—The way was off the tram-car undoubtedly.

26. In your opinion, if this lorry with 6 tons was travelling at the rate of eight miles, and the car was pulling up at the time, do you consider it would not have shifted the car further off the rails than is shown on that plan?—It would have sent it a bit further over if it were travelling eight miles an hour.

27. *Mr. Smith.*] Would the lorry have a heavy load on at that time?—It would appear so. The wagon hung there until it was released, when the wagon ran forward and smashed the box down.

28. *Mr. Duncan.*] How long was it before the wagon was released?—I do not know. When freed it ran forward and broke the pillar here [plan explained].

29. *Mr. Fisher.*] If the lorry had struck a substantial portion of the framework of the car it would have lifted it further off the rails?—Yes.

I desire the following statement to be placed on record: On the morning on which the inquiry commenced I received instructions from the Town Clerk to proceed to the House of Parliament with a plan showing the scene of Motorman Barton's collision, and, if necessary, I was to certify