

12. *Mr. Luke.*] As a matter of fact, your opinion is this: that if there was Government inspection, that could only be a periodical inspection, and there would still be the danger of the men not exercising the power necessary?—It seems to me, as in the case of locomotives, there is always the one irreducible element of failure, and that is whether the man is always ready and in a proper frame to do his duty. It must always be so.

13. What is your opinion about the licensing of cars?—My opinion is that at the present time we have plenty of cars to carry off the traffic, but now and then they are congested. It happens that there are unexpected rushes of people at certain times, and if we were to be very strict in regard to the question of overcrowding it would mean that a lot of people would have to wait sometimes in the rain, and it would be very inconvenient; but I must say that our people in Wellington seem thoroughly satisfied with the way our cars are handled.

14. Would it not tend to an increase in the fares if you had to limit the number of passengers?—We have made the fares so low, in order to make our trams useful to the public, that if we had any interference, and were put to a large expense, my dread and the dread of the Tramway Committee is that we should have to charge the public for it.

15. And that if they were cut out in the rush hours, the trams would not be the success they are now?—Yes, that is so.

16. *Hon. Mr. R. McKenzie.*] There is a limit to the fares you can charge according to the Order in Council?—Yes, but many of our fares are below that.

17. But you cannot raise them above what is provided for?—No.

18. What is there in this Bill that you particularly object to?—There is the first part of clause 3, which gives the Minister, by Order in Council, the power to make regulations; and then there is power to interfere in the matters contained in subclauses (a), (b), (c), (d), and (e); and then, in subclause (f), the draughtsman, thinking he may not have provided for everything, makes a big scoop by saying, "Providing for such other matters as he thinks fit in order to secure the safe and convenient working of the tramway."

19. That is the saving clause?—I would point out to you, sir, that this means that after the passing of this Bill, the Minister—I do not say you will do it—but any Minister has the power to come and interfere with every regulation and everything connected with our tramways, and to dictate to us in everything. Let me put the position in a nutshell, that after the passing of this Bill the Wellington City Tramways will be as much in the hands of the Minister as this Bill is.

20. Is it not a fact that before you can run a car at all to carry passengers you have to get a license from the Government?—Unfortunately it is so.

21. The position is that you cannot run a single car without a license?—That is so.

22. And if the Government thinks it necessary that license can be cancelled at any time?—Yes.

23. Then really there is no more power in this Bill than we have already?—Subclause (f) is the vital clause, because it extends the powers to such an enormous extent.

24. Is subclause (f) the only clause that you have any strong objection to? You say that the draughtsman evidently thought he was overlooking something and put that clause in in addition to the general provisions?—No; I object to the whole of clause 2 and the whole of clause 3. I object to all those clauses.

25. You object to the whole Bill in a general way?—I object to clauses 2 and 3.

26. Why do you object to clause 2?—Because it gives the Minister the power to come in and interfere; and that is what we want to prevent. On behalf of my Corporation we want to manage the trams ourselves, and we think we have managed them very well.

27. Is it not a fact that if I like to revoke your Order in Council and refuse to give you power to carry passengers I may do so at any time?—I agree that Ministers have power to do certain things which they do not always do.

28. But if the Government found it necessary, they have power to revoke the Order in Council giving you power to carry passengers?—I submit you will never do so, and never find it necessary.

29. But we have power to do so if we found it necessary, although I do not say it would be expedient?—I have not sufficient legal knowledge to go into that matter, but before you did so I am sure I would take the very best legal advice and fight the matter on behalf of the Corporation.

30. That would be an extreme step?—Yes.

31. But still we have the power to revoke the Order in Council if it became necessary?—That may be.

32. Now, what is your objection to clause 2?—It gives you extended powers.

33. Where are the extended powers?—If it were not giving you extended powers you would not have put it there.

34. That is mere assumption. Is it not a fact that the Government Engineer has to inspect your trams and your rolling-stock before you can run them at all?—Yes, but not afterwards.

35. Well, there is no other power contained in clause 2?—This Bill gives you power to interfere not only when the tramway is in course of construction, but when it is open for traffic, and I maintain that gives you more power than you have at present.

36. There is that power under "The Public Works Act, 1908," and the word "railway" is interpreted to include "tramway." Clause 213 of the Act says, "The Minister may from time to time ten pounds." So that we already have the power under that clause?—I would submit, sir, that the Minister has his legal opinion and I have mine, and mine is very strongly expressed to the Committee in this way: that the Minister is taking extended powers under this Bill to interfere with the tramways after they are constructed.

37. But do you admit that you cannot run a single car under your system until it is passed by the Public Works Department Engineer?—Yes; but you are going to take powers under this Bill to inspect everything before and everything after. Just the other day Mr. Holmes passed the tramway to Lyell Bay, and once he passes it it is out of his control.