

given an independent opinion. I have read the evidence. I am strongly of opinion that the train could have been caught. According to evidence at inquest the coupling was left ready for use and the bumping of the engine on the train would have placed the hook in position. Even if the engine caught the train and the Westinghouse brake could not have been connected with train they could have applied the Westinghouse brake to the engine, and reduced the speed of the train on the curve. The engine-driver would know the curves and straight lines, and endeavour not to strike the train on a curve. I have been in two accidents but not of runaway trains. I have never been concerned in a railway accident in which my conduct was brought in question. What has prompted me in this case is that I might have been a passenger on that train, and why should I run a risk of such an accident being possible.

*Prendergast*: I have not been over this line myself. It appeared in a paper a few years ago that the Westinghouse brake failed to act on a train at Glasgow or Edinburgh, and the train ran on to a street. I do not know what the cause of failure was. That was two or three years ago. I know of a place on the North British Railway where they will not use the Westinghouse, but disconnect it and apply the hand-brakes instead. That is on a grade of 1 in 30. The reason is on account of the steep grade, and they will not depend on the Westinghouse. In that instance the locomotive is taken off—possibly on account of the steep grade. I know of no other reason. Possibly it is because the locomotive is taken off that the hand-brakes are used. I do not know of the reason for disconnecting the locomotive unless it is because of the steep grade. The hand-brakes on the locomotive would hold the locomotive. The locomotives are not detached to prevent the smoke being a nuisance to passengers in the tunnel there. There is no centre grip on that grade. I have not been over the Rimutaka line. Heavy brake-vans are made and used specially on that incline on the North British line. I do not know what improvements have been made in the Westinghouse brake. The Westinghouse is intended to be used going down grades in the ordinary working of the train, but it was never intended to be the sole support of a train left uncoupled from the engine on an incline. The North British line is one which has been open some time. The Westinghouse brake has been in use over twenty years. Some of the trains at Home are fitted with the vacuum brake instead of the Westinghouse. The North British line (Queen Street Station) has been open over twenty years. I have several times seen a train overshoot a station, due to inexperience in the working of Westinghouse brake. Assuming the brake to be in perfect order and to be worked by competent experienced men, the Westinghouse is a perfect brake. Prior to starting a train the general custom is for the guard to test the Westinghouse from the van. I never saw any check used on the guard.

*Baume*: I was about twenty-two years old when I joined the railway. I joined as a shunter. Before that I came from a farm. I was a shunter a year or eighteen months. Then I was a brakesman on mineral trains. My duty was to perform shunting operations. I manipulated the brakes. There is only one brake—that on van and hand-brakes on wagons. There was no Westinghouse on those trains. During last six months of service I was passenger guard and railway detective. How long out of that six months I was detective I cannot remember. During my five years' experience I had to do with Westinghouse brake. In the five years I did not include my time as shunter. I was eighteen months shunter and three years brakesman. I was just over five years in railway service altogether. I was twenty-two years old in 1896. I was guard about twelve months and detective about twelve months. My time on railway was five years and one month. My certificate from railway shows I served from 1891 to 1896. I would be thirty-two in 1896, not twenty-two. I entered in January, 1891, and left in February, 1896, according to my certificate. My memory miscarried.

*Court*: In 1891 I became brakesman and left in 1896. During that time I was brakesman, passenger guard, and detective. I was passenger guard about twelve months. To become passenger guard I had to pass an examination before a Train Inspector.

*Baume*: My letter lays no blame on any one. I may have made a mistake in writing the letter as "Private and confidential." Referring to Home incident, the reduction of speed is imperceptible as the pilot engine catches up to the train going up an incline. The pilot engine would have no tender in front of it. In chasing a train down hill the tender in front makes no difference to the case. I read the evidence given at inquiry. The driver should have gone after the train as fast as his engines would take him, notwithstanding he had a tender in front—no lights in front—the night dark, and numerous curves on the line. The train would not gather the same impetus as an engine with steam on.

*Court*: The incident in my letter of the train being chased up an incline is different to the present case. I did not take into consideration the fact of the tender being in front of engine in this case.

W. BANNERMAN.

Taken and sworn at Auckland, this 28th day of August, 1907, before me—CHAS. C. KETTLE, D.J.

This deponent, CLIVE VIVIAN KERR, being sworn, saith:—

I am acting-fireman in service of New Zealand Railways. I have been in service about two years and a half. I have read portions of evidence given at inquiry. I read portion of *Herald's* report. No one has told me what has taken place. I was present at inquest at Rotorua. I have been acting-fireman about seven months. I remember joining Cooper's engine on the 3rd August at Putaruru. Cooper and I took over Leydon's engine there and did the shunting. I could not say what men assisted in shunting. Porters were there, but I could not recognise them in the dark. I only saw their lights, and do not know who was engaged in shunting. Three or four persons were engaged. I did none of the coupling or uncoupling. We took in water at Putaruru. After we finished shunting we picked up the van and then ran down on to the train. The other engine was up the line. A porter coupled our engine on to the van, but I could not say which porter did