

Ngatira, there would be no brake-power, practically speaking, in an hour's time, and ten minutes earlier there would be very little brake-power. The engine-driver would be justified in assuming that the brake-power was all right as at the test at Putaruru, and that the air was throughout the train. If the cock was partly open to the extent of $\frac{1}{8}$ in. the high pressure would go through the train just the same. I have never heard of any kind of indicator on any kind of engine sticking. It may be possible but not probable. I cannot believe there was 35 lb. of air in guard's van as stated. If there were and it went away in a few minutes the brakes must have gone on. If the dial was stuck and misled the observer it would remain stuck. I think the men were mistaken about the 35 lb. The interval of time between interference with cock at Ngatira and the train running away would account for accident. An engineer would be perfectly justified in leaving a train on a grade of 1 in 35 for a period of ten minutes or a quarter of an hour when the Westinghouse brake had been applied from a pressure of 80 lb. The brake-power remains longer on some trains than on other trains. If the Westinghouse is in good order and condition the train could be left on the incline an hour, but I would take certain precautions even with the Westinghouse on. To put down three wagon-brakes and a van-brake was a very fair precaution. I would trust my life and the lives of other people to the Westinghouse brake. It is to be relied on all the time. If I were an engine-driver I would presume the Westinghouse was in good order, and if he so presumed he would be justified in presuming the train was safe on that incline for ten minutes or a quarter of an hour. With a train-load of people I would put down a certain number of hand-brakes as well. I would put half the brakes down at least. I would do so as an extra precaution, although I would trust the Westinghouse—that is, because I am on an incline. A driver is justified in assuming that the Westinghouse brake properly applied will hold a train on an incline of 1 in 35 for a period of half an hour. Had I been in the driver's place I would have put more hand-brakes on than he did—as a cautious man I would. I would take every precaution. After a certain period the lives of passengers would be in danger on a train left on an incline of 1 in 35 which has been charged with a 25 lb. pressure on the Westinghouse brakes before the train was disconnected. Notwithstanding I say this: I would take other precautions. I have not been a shunter, brakesman, guard, or engine-driver. When the indicator is at zero the brakes may be hard on and no air in the train-pipe. The indicator only shows what air there is in the train-pipe.

Court: I gave evidence at inquest (pages 130 to 149, inclusive). What I said before Coroner is substantially accurate. Where a train is in a perilous position, and the engine is going to be cut off from it, although I have every faith in the Westinghouse brake, I would apply at least half the available hand-brakes as an extra precaution. I approve of the Railway Rule No. 231, and of rule on page 6 of Appendix.

R. E. ROBERTSON.

Taken and sworn at Auckland, this 30th day of August, 1907, before me—CHAS. C. KETTLE, D.J.

This deponent, MICHAEL BOYLE, being sworn, saith:—

I am a bushman. I was at Ngatira about twelve months ago. I knew Guard Lowe very well. About twelve months ago I had occasion to speak to Guard Lowe about Maoris. About that time the Bartholomew Company were putting in a siding. I was standing on the platform one evening when the train came in with Guard Lowe in charge, and the Maoris were jumping from the siding on to the platform and back again. I noticed one of the boys in vaulting across the couplings put his hand on the tap, and in vaulting turned one of the taps across. I noticed this and called the guard, and said, "Jack, some of the Maori boys have interfered with the brake-taps there." He asked me which carriage and I showed him, and he fixed it up, remarking he would be half-killing some of the Maoris yet.

Prendergast: I have not been in this Court before about half past two to-day. I did not see the tap before the boy jumped, but I knew what he had done. He pulled it into a horizontal position. He caught hold of the tap with one hand, and with the other on the platform of the carriage jumped over the couplings. I knew Lowe well and knew he was a very careful and efficient officer. I know the incline in question very well, and I know by the evidence that the train was left on it. It is very hard for me to answer as to what Guard Lowe would have done had he known the train was to be left there without the engine. From what I knew of him I think he would have gone to see what was the matter if the engine was to be detached.

MICHAEL BOYLE.

Taken and sworn at Auckland, this 30th day of August, 1907, before me—CHAS. C. KETTLE, D.J.

Exhibits.—Nos. 28 to 34: Seven photographs of scene of accident and wreckage.
Inquiry adjourned until 10 a.m. on the 2nd September.

MONDAY, 2ND SEPTEMBER, 1907.

This deponent, JAMES MARCHBANKS, being sworn, saith:—

I am engineer to Manawatu Railway Company. I am a member of the Institute of Civil Engineers. I was assistant to Mr. Fulton originally, and have been in charge ten years. I was seventeen years with the company altogether. I have had experience of Westinghouse brake. I have seen it since it was installed in New Zealand. We use it on Manawatu line. We have hand-brakes on all vehicles. We have lever brakes on all four-wheel trucks, and have a hand-brake on all vans and carriages. The brakes are kept in good order and condition as far as possible, and it is essential they should be so. Assuming Westinghouse brake is kept in good order and condition and that it is worked by reliable men who understand it, I have every confidence in the brake. It is a good brake and will do all that is required of it. We have had no accidents, but occasionally some of the gear has got out of order as will happen with working-parts. The air-pump on the