

car, because the lorry had 6 tons of coal on it. (To witness): If the motor was loaded as it was when the tram-car struck it, would it not have pulled the tram-car clean off the rails?—I understand it tended to do so. It did pull the car off the rails.

48. *The Chairman.*] Do you know that of your own personal knowledge?—No, only from the evidence I have seen.

49. *Mr. Radcliffe.*] When you sued in the Supreme Court you claimed £1,500?—Yes.

50. Do you remember what firm of lawyers it was that put in the claim for you?—Mr. Wilford.

51. Do you remember that another firm of solicitors put in on your behalf a letter stating that you were willing to accept £150 in full—for medical expenses and loss of wages, £37 16s., making a total of £200—and that a letter was put into the Mines Department, agreeing to accept £200 in full satisfaction?—No.

52. *The Chairman.*] Have you that letter on your file, Mr. Radcliffe?—Yes. [Letter produced and read]: “Wellington, June 22, 1908.—The Hon. the Attorney-General, Wellington.—(Without prejudice.)—Barton v. The Crown.—SIR,—We understand that notice under ‘The Crown Suits Act, 1881,’ of his intention to bring an action for damages against the King in respect of an accident that occurred on the 28th March last, at Courtenay Place, Wellington, whereby he was injured very seriously, has been given to you by Mr. Frank Barton, of Wellington, motorman. Before filing his petition herein and taking further proceedings, Mr. Barton, for whom we are now acting, wishes us to intimate to you *without prejudice* that he is prepared to accept the sum of £150 as general damages, together with the sum of £12 12s. medical expenses, and the loss of wages for the period during which he has been totally incapacitated, amounting to about £37 16s., making in all a total of £200.—Yours faithfully, SKERRETT AND WYLIE.” Did you give these instructions?—I never understood that that letter went through to the Department. I remember going through the matter with Mr. Lynch, of the firm of Skerrett and Wylie, and I understood we were bringing that about in connection with the Workers’ Compensation Act, where I was putting through the claim just to protect myself in the meantime, while we decided what we should do with the insurance company, so as to see what arrangement could be come to with them.

53. We understand that this letter was sent prior to the agreement with the insurance company?—I do not know when it was sent.

54. *Mr. Fisher.*] Were you in the hospital then?—No.

55. *The Chairman.*] The accident occurred in March. You could not have been in the hospital?—No, I had just come out.

56. The accident occurred on the 28th March?—Yes.

57. And that letter was written on the 22nd June, and you were out of the hospital then?—Yes.

58. *Mr. Radcliffe.*] Before you saw the motor-wagon, do you remember if a tram-car passed you going in a different direction?—One had done so.

59. Would not that obstruct your view of the lorry coming up Tory Street—you would strike your gong?—I cannot remember that point. I cannot give you any definite answer, because the whole affair happened very suddenly.

60. Is there a double set of rails there?—Yes.

61. On what side was your car coming?—On the off side, with the motor between.

62. So that our wagon had crossed one set of rails and had almost got across the other set before the accident happened?—Yes.

63. So that you had a good deal of time in which to see him coming. Was the street perfectly clear?—I had passed a trap just before I saw him.

64. On which side was that?—On the left hand side.

65. Would that have obstructed your view?—It was a bit near the rail, and I just sounded my gong. [Plan explained by witness to Mr. Duncan.]

66. *Mr. Radcliffe.*] Were your brakes in proper working-order?—Yes.

67. You had no difficulty with your brakes on that car?—No.

68. Had you been driving that car all that week?—No, all that day.

69. When did you take her on?—At 7 in the morning.

70. Had you any difficulties with your brakes?—None at all.

71. Did you use just the ordinary hand-brake or the magnetic brake?—The hand-brake and the emergency.

72. How many brakes are there on that car?—Just three.

73. Can you tell the Committee how they act?—There are four brakes with the hand-brake—three magnetic brakes. The first is the emergency, which you apply at a critical moment; then there is the second emergency, which you use when the car is travelling at a slow rate of speed; and then there is the third emergency, which is used as a last resource, if everything else was to fail.

74. *Mr. Duncan.*] Any one of them is sufficient to deal with the car if in working order?—Yes.

75. *Mr. Radcliffe.*] How far would your car travel if you were pulling her up with the first emergency?—The first emergency, if in good condition, and you were travelling at a good rate of speed, would pull her up in two car-lengths comfortably.

76. Were you not approaching the stopping-place at the time?—Yes.

77. Naturally you would be riding on your brake ready to pull the car up at a second’s notice?—Not necessarily, if there was no occasion for it; unless you had occasion to stop the car for a would-be passenger.

78. Would you know if a passenger was wanting to stop?—If they did not ring a little time before to stop, you would carry them on to the next stopping-place.

79. But you would naturally expect to stop there?—No; it is not a stopping-place except by request, and most of the people at that time of day are going into the city. If they wanted to get out they would get out at the previous stopping-place, and walk this short distance. That has been my invariable experience—unless they are very tired.