312. Then, did you use the expression, "I could not stop in time"?—No, I did not make that remark, because, as I stated before, when the brake failed to act, if the brake had acted I could have stopped twice in that distance, and when I found the failure of the brake I did all I could to stop and alarm the station and the guard.

313. That telegram does not quote a word about the brake: did you say anything about the brake to Mr. Stringleman?—I could not state what I said. It was only a few minutes when I went in and out again.

314. If you knew that at the time, is it credible that you would not have mentioned it to Mr. Stringleman?—We do not always do so until we make out a report of anything.

315. *Mr. Pendleton.*] Is there anything more you would like to say?—No.

316. *Dr. Giles.*] Can you tell us the first person to whom you mentioned the brake as having been the cause of the accident? When did you first say that?—I could not say who was the first person I mentioned the brake to.

317. When was the first time you mentioned it?—I think the first time was in the written report. I do not remember saying much until that.

318. When was that written?—On the 13th March.

319. To whom was the report made?—To the Locomotive Foreman, Christchurch.

WILLIAM HOOD GAW, District Traffic Manager, sworn and examined.

320. *Mr. Pendleton.*] This is the original telegram sent presumably by you to the General Manager, I think, on the 13th March:—"Rakaia collision: The driver of the second special, who at first stated that he found the brake defective on approaching Rakaia, now admits brake all right and acting properly." Was that sent by you?—Yes. I got the information from Mr. Beattie, who had examined Carter that morning, and I wired it to the head office at once.

ALFRED LUTHER BEATTIE, Locomotive Engineer for the Hurunui-Bluff Section, sworn and examined.

321. *Mr. Pendleton.*] You have just heard portion of a telegram read which was sent by Mr. Gaw to the General Manager, and you have also, no doubt, heard Carter say that he did not make that statement. You have also heard Mr. Gaw state that he got the information from you. Will you kindly state what the basis of the information is?—Perhaps I had better begin from the time I arrived at Rakaia. One of my first actions after arriving at Rakaia was as soon as possible to see Driver Carter, and to ask him for his explanation of how the accident occurred.

322. When did the interview take place?—About twenty minutes after the time of the accident—say, within half an hour. Driver Carter, in his explanation to me, in effect stated that he thought his brakes did not hold as well as he would have expected, and the reason was the alleged slippery or greasy state of the rails, which prevented the brake-blocks from holding or gripping so firmly as he would have expected. Nothing was said to me at that time about any defect in the brake itself—merely that the brake-blocks did not grip so firmly, on account of the greasy state of the rails, as he would have anticipated. I remained at Rakaia, and on the Monday I had Carter before me first thing. The accident was on the Saturday. On Monday, the 13th, I saw the engine, and satisfied myself that the brakes were in perfectly good working-order. I had Carter before me, and I took down from him this statement, which I produce. Each page of this was read over clearly and distinctly word for word by me to Carter before he was asked to sign it.

323. Has he signed each page?—He has signed each page in my presence, and before he signed he had ample opportunity to read it over if he so desired.

Driver Carter: This was after I was suspended.

Witness: I might say he was suspended. The following is the statement: "Christchurch, 13/3/99. Charles Henry Carter stated: I am a first-grade engineman, located at Christchurch. I was driving Baldwin U Locomotive No. 284 on night of 11th instant, bringing excursion from Ashburton. Mine was the second half of a big excursion. The first half left Ashburton at about 6.5 p.m., and my train followed at about 6.31 p.m. I had seventeen total on, I think. Very wet—pouring. On approaching Rakaia Station I 'shut off' at the usual place for the class of train I had on—that is, the bottom of the dip, about half a mile south of the station. I had previously eased at the preceding down-grade to save any jerking of train. When I shut off we were going at about thirty miles an hour. I had been doing my best to make time after leaving late away from Ashburton, so as to avoid delaying No. 21 at Rakaia, where we were to cross. Just coming up the rise out of the dip my mate had his screw-brake on, and before reaching top of rise I put on my air-brake very gently. As I was coming up this rise, and nearly to top of it, I saw three red lights ahead, and judged them to be the tail-lights of the preceding train, which I knew had also to cross No. 21 at Rakaia. I judged that these lights were away beyond the north end of Rakaia platform, because they looked very dull and distant. I thought I had a clear road up to the platform, and whistled for a platform-signal, but did not get one. Then, finding my train had not reduced in speed as much as it should have done, I applied the air-brake full on, 'emergency' position. Called fireman to pull up the rod which applies air-brake to tender, and I whistled for guard's brakes, giving three separate calls of three short whistles each. I opened the sand, and found train was not slowing down as much as she ought to have done, and could not feel any assistance from the van, for I can tell at almost any time when guard's brake is put on. I was not aware Guard Climpson had missed his passage and was not on train. He is a guard I can always depend upon, and I could not understand how it was that he did not put on his brake. Had van-brake been properly applied directly I called for it, there would have been no trouble in stopping the train in time to avert collision. My engine-wheels were not skidding. I looked over to see if they were. I have previously noticed that with a dashing rain the sediment washes up from ballast on to rail, and brake has very little effect. I have known where