

1899.

NEW ZEALAND.

RAILWAYS COMMITTEE

(REPORT OF) ON THE PETITION OF CHARLES HENRY CARTER, WITH EVIDENCE, MINUTES OF PROCEEDINGS, AND APPENDIX.

Brought up on the 3rd October, 1899, and ordered to be printed.

REPORT.

No. 177.—Petition of CHARLES HENRY CARTER, of Christchurch.

PETITIONER, who was tried for manslaughter in connection with the Rakaia railway accident, and found "Not guilty," prays that he may receive compensation for the expenses he has been put to in defending himself.

I am directed to report that, after full investigation and careful consideration of this case, the Committee have no recommendation to make.

3rd October, 1899.

WILLIAM W. TANNER, Chairman.

PETITION.

To the Honourable the Speaker and Members of the House of Representatives in Parliament assembled.

THE humble petition of CHARLES HENRY CARTER, of Christchurch, Engine-driver, humbly sheweth,—

1. That your petitioner was employed on the Government railways of New Zealand for a period of over twenty-four years, and for nearly all that period he was an engine-driver.

2. That an accident happened on 11th March last, by which the engine he was driving ran into another train, and, as a result of an inquiry by a Royal Commission, he has been dismissed.

3. That his real trial as to whether he was to blame was held in the Supreme Court, Christchurch, in May last, when the jury acquitted him.

4. That when the Royal Commissioners visited Canterbury last month he waited upon them to know whether he should require counsel to watch his case, and the Chairman replied, No, as he would only be an ordinary witness.

5. That he was only present one day when the Commissioners took evidence; was not allowed, except through the Chairman, to put questions to witnesses, but, from his inexperience and want of education, he was not able to get out in evidence the real cause of the accident—namely, imperfect air-brakes.

6. That on the same class of engines which he drove on the night, 11th March, a similar defect was manifested at Sawyer's Bay about a month prior to 11th March; also at Sefton since 11th March, and at Chain Hill, Dunedin Section. The drivers of those engines were Newlyn, Gardener, and Graham. The class of engines were known as the latest American type, and their air-brakes were of so complicated a character that, in the case of Graham running past the first distant signal, the house signal, and passed the Sawyer's Bay Station round to the home signal on the south side of the station, the air-brakes had acted all right from Oamaru on all down-grades until he was at the Upper Port Chalmers Station, when the brakes were applied, but failed to act, and but for the prompt action of the Sawyer's Bay Stationmaster in shunting Graham's engine back on to the same line a serious accident would have occurred to a train then overdue from Dunedin.

7. That in January last your petitioner complained to the Superintendent Engineer for Canterbury that his tender-brake would not act when applied, who asked him to work the levers while he looked to see if the brake applied, but it did not. We then changed places; he worked the levers, and your petitioner stood by watching to see if the brakes went on, but they did not.

8. That since the Rakaia accident in March last the slotted blocks of the air-brakes in the same class of American engine which your petitioner drove have been condemned by the department, and new solid blocks have been submitted.

9. That before and after 11th March last the engine-drivers of Dunedin have been supplied, either directly or through the library attached to the drivers' room, with drawings and books of instructions relating to the air-brakes of the American engine driven by your petitioner on the 11th March. The drivers on the Christchurch Section had not, nor had your petitioner, such privileges.

10. That none of the statements referred to in paragraphs 6 and 7, 8 and 9 of this petition were brought out by the department before the Royal Commissioners, and your petitioner was incompetent to bring out the evidence.

11. That your petitioner is a married man, with wife and ten children, eight of whom are unable to maintain themselves, the youngest being two years old.

12. That all your petitioner's little savings have been expended in his defence at the Supreme Court and maintaining his large family since 11th March last, not having received any pay since that date. He is a ruined man of fifty years of age, having served the colony for nearly a quarter of a century; never had an accident during all that time, and never had a mark of misconduct against his name in the books of the Railway or any other department of State.

13. That in England and America drawings of every part of a brake and instructions are given to every driver before allowing him to take charge of an engine. Such is not the rule in New Zealand; and for the department making experiments on an American engine, improperly fitted with an English Westinghouse brake, your petitioner has been made a scapegoat, had to spend £160 to show he was not to blame for the accident, and dismissed through the agency of an inquiry at which he had not the opportunity of putting the true state of facts before the Commissioners.

Your petitioner therefore humbly prays that your honourable House will take the foregoing into your favourable consideration, and grant to your petitioner such relief as the merits of his case seem just. And your petitioner, as in duty bound, will ever pray.

C. H. CARTER.

EXTRACTS from MINUTES of the PROCEEDINGS before the RAILWAYS COMMITTEE in connection with the Petition of Charles Henry Carter, Engine-driver, Christchurch.

Extract, 10th August, 1899.

Petition No. 177, of Charles Henry Carter, was read and considered. Mr. Taylor, who presented the petition, was present in support. After discussion, on the motion of Mr. Morrison, it was resolved to refer the petition to the Government, with the recommendation that the sum of £100 be paid to Charles Henry Carter in full payment for cost of legal expenses.

Extract, 17th August, 1899.

Petition No. 177, Charles Henry Carter, was again brought before the Committee. The Hon. Mr. Cadman gave the following notice of motion in connection with a report of the Committee agreed upon at the last meeting:—"That the report on Carter's case be rescinded, and the whole case be reopened and reheard."

Extract, 23rd August, 1899.

The Hon. Mr. Cadman's notice of motion: "That the report on Carter's case be rescinded, and the whole case be reopened and reheard," having been put to the Committee, On the motion of Mr. Morrison, It was resolved in the affirmative.

The Petition No. 177, Charles Henry Carter (to which the notice of motion referred), was therefore brought before the Committee and reconsidered.

Mr. Taylor, who presented the petition, addressed the Committee, and after him the Hon. Mr. Cadman.

Mr. Carter, having been summoned before the Committee, was then asked to give his statement of the circumstances of the case. After this he was questioned by the members of the Committee individually, the whole of the evidence being taken down in shorthand.

At 1 o'clock, the examination not having been concluded, Mr. Massey moved, That the Committee adjourn, and on the motion being put it was agreed to.

Mr. Flatman then proposed, That the Committee meet again at 10 a.m. on Thursday, the 24th instant; and Mr. Massey moved, as an amendment, That the Committee meet at 10.30 a.m.

On the amendment being put, it was resolved in the affirmative.

The Committee accordingly adjourned.

Extract, 24th August, 1899.

The adjourned consideration of the petition of Charles Henry Carter proceeded with. The railway regulations were produced, and Mr. Taylor asked Mr. Carter questions on the regulations, and after him the Hon. Mr. Cadman asked Carter questions on his replies to Mr. Taylor.

Mr. Beattie, Locomotive Engineer, then made a statement; afterwards read certain railway rules, explaining how they bore on the case in question. He then commented generally

on the evidence given by Carter before the Committee, and also gave information for the use of the Committee. Afterwards Mr. Beattie dealt with the evidence given before the Royal Commission which sat to inquire into the cause of the Rakaia railway accident. A telegram was then put in by Mr. Beattie as confirmatory evidence of a statement he had made to the Committee. (Exhibit B.)

Mr. Taylor then asked Mr. Beattie questions on behalf of Mr. Carter, and moved, That the following inquiry be made at Addington: "Whether the engine used by Carter has met with any accident since the date of the Rakaia collision, or run into and injured a stop-block at Addington and damaged the cowcatcher." (*Vide* Exhibit C.) Mr. Taylor read a letter, asked leave to put it in, and the Committee acquiesced. (Exhibit D.)

Mr. Carter asked Mr. Beattie questions.

As it was 1 o'clock, the Chairman then proposed to adjourn, and, on the motion of Mr. Morrison, it was decided to ask leave to sit at 3 p.m. the same afternoon.

The Committee met again, pursuant to order, at 3 p.m.

Mr. Carter continued to question Mr. Beattie, and afterwards members individually questioned Mr. Beattie.

The taking of evidence having concluded, the Committee proceeded to deliberate upon the proceedings.

The Chairman moved, That a final decision be come to; but Mr. Morrison moved, as an amendment, That the further consideration of the petition be held over to enable members to obtain printed copies of the evidence taken down.

Mr. Lawry supported the amendment, and Mr. Taylor also.

On the amendment being put, it was carried unanimously.

The consideration of the petition was therefore adjourned, and it was agreed that a day be fixed by the Chairman, to be decided afterwards.

The Hon. Mr. Cadman suggested that a copy of the evidence be supplied to Carter, and that he should be afforded an opportunity to go through the same with the Clerk before the next meeting. Agreed to.

Extract, 14th September, 1899.

The Hon. Mr. Cadman brought before the Committee certain official letters received in connection with the case of Petition No. 177, Charles Henry Carter, adjourned.

On the motion of Mr. Morrison, it was resolved, That the papers be received; that they be printed and circulated amongst members of the Committee.

Extract, 22nd September, 1899.

The Chairman then asked the Committee to decide upon a day for the further consideration of Petition No. 177, Charles Henry Carter, adjourned, and it was decided that the Committee should meet at 10 a.m. on Tuesday, 26th instant.

Extract, 29th September, 1899.

Petition No. 177, Charles Henry Carter, adjourned, was brought before the Committee for further consideration.

The Hon. Mr. Cadman moved the following motion: That, after full investigation and careful consideration of this case, the Committee have no recommendation to make. The Committee also desire to express their disapproval of the charges made by Carter against his fellow-employees without bringing forward some substantial proofs of the same.

Upon this, Mr. Taylor moved, as an amendment, That, in view of the fact that Carter was acquitted on a charge of manslaughter brought against him, and that the Railway Department made no specific charge against him at any time, this Committee is of opinion that he is entitled, under Rule 7 of the railway regulations, to the payment of the wages which would have accrued to him, ordinarily, during the period he was suspended.

A discussion arose, and Mr. Flatman suggested that the Hon. Mr. Cadman should only move the first part of his motion—viz., That, after full investigation and careful consideration of this case, the Committee have no recommendation to make.

This was done by leave of the Committee.

Upon Mr. Taylor's amendment being put, the Committee divided, and the names were taken down as follow:—

Ayes, 2.—Mr. Tanner, Mr. Taylor.

Noes, 6.—Mr. E. G. Allen, Hon. Mr. Cadman, Mr. Flatman, Mr. Holland, Mr. Massey, Mr. Morrison.

So it passed in the negative. Amendment lost.

The Hon. Mr. Cadman's motion—viz., That, after full investigation and careful consideration, the Committee have no recommendation to make—was then put, and, a division being called, the names were taken down as follow:—

Ayes, 5.—Mr. E. G. Allen, Hon. Mr. Cadman, Mr. Flatman, Mr. Holland, Mr. Morrison.

Noes, 3.—Mr. Lawry, Mr. Tanner, Mr. Taylor.

So it was resolved in the affirmative.

On the motion of the Hon. Mr. Cadman, it was also resolved, That the evidence and Appendix be attached to the report.

EXHIBITS.

EXHIBIT A.

John Dawson, Engine-driver, Wilson's Road, near Linwood, Christchurch.
RAILWAYS Committee, House of Representatives, require at once full particulars of amount of money received by the Carter Defence Fund, the amount paid out to date, to whom paid, and for what purpose, also the amount remaining in hand.

Reply collect.

WILLIAM W. TANNER,
Chairman, Railways Committee, H. of R.

MONEY subscribed to Carter's Relief Fund by railway employes, £261; of which £90 to Carter, £70 to lawyer, witnesses claims in full, £24; balance in hand, £76. Letter.

W. W. Tanner, M.H.R., Wellington.

JOHN DAWSON, Chairman.

EXHIBIT B.

TELEGRAM handed in by Mr. Beattie.

Re tender-brake engine two eight four: Workshop manager reports that Carter did not call his attention or report Westinghouse tender-brake unworkable to him. Foreman Evans and leading-hand B. Firth also state that the Westinghouse tender-brake was not reported unworkable to them at any time. Foreman-fitter and leading-hand further state that tender-brake was found in good working order when engine was brought into shops.

A. L. Beattie, Esq.,

CHAS. LOVEDAY.

Care of Locomotive Superintendent Railways, Wellington.

EXHIBIT C.

Has the engine used by Carter at Rakaia met with any accident since the date of the Rakaia collision, or run into and injured a stop-block at Addington, and damaged the cowcatcher?

Locomotive Superintendent, Addington.

W. W. TANNER,
Chairman, Railways Committee.

In reply Rakaia railway accident: Through the shunter's mistake in not taking stop-block off engine used by Carter ran into and damaged stop-block and cowcatcher 2nd May last. Met with no other accident here.

J. FRAME, S.M., Addington.

The Chairman, Railways Committee, Wellington.

EXHIBIT D.

LETTER handed in by Mr. Taylor, M.H.R.

DEAR HARRY,—

Timaru, Thursday, 1899.

Re telegram: You wanted a written report of Sawyer's Bay case. Leaving Palmerston on time of No. 19 R.R. goods south with two Baldwin U class engines, crossing No. 12 express at Seacliff, I may state after leaving Seacliff rain set in, and on leaving Mihiwaka tunnel I put on my tender-brake as soon as we turned the top of incline, which is a few chains from the north mouth. On getting out of the tunnel my mate said, "She's away," and looking up at the gauge she registered 90 lb., and he applied the sand. Finding this would not act I turned on the valve, and gave her more pressure. The gauge now 110, and still not acting, we tried the half-cock, but with no avail. My mate then gave three distinct whistles, repeating every few chains. Knowing we had No. 16 from Dunedin to cross at Sawyer's Bay and both booked in at the same time (1.45 p.m.), our brakes having failed we overran our distance by about thirty-four chains. Having set back to station, I must say that our brake acted very well; it went on with a jerk; pulled up quite sharp, arriving in Dunedin at 2.15 p.m., and at Dunedin the brake acted very well indeed. Harry, you have cut me short. Having a few minutes in Timaru I take this opportunity, hoping to get it away by express, so that you will get it on Friday. Hoping you are keeping well. Success Harry.

I am, yours,

A. H. ABBOTT, Fireman, Oamaru.

P.S.—Hoping this will do, if not I will give you one with ink.

MINUTES OF EVIDENCE.

WEDNESDAY, 23RD AUGUST, 1899.—Mr. W. W. TANNER, Chairman.

Mr. CHARLES HENRY CARTER, called and examined.

1. *The Chairman.*] Mr. Carter, your name is Charles Henry?—Yes.
 2. You have been an engine-driver in the service of the New Zealand Railways?—Yes.
 3. You were the driver of a train that came into collision with another at Rakaia?—Yes.
 4. You have petitioned the House?—Yes.
 5. We shall be glad to hear any statement that you have to make on the subject. You are free now to make a statement in your own words.—I was dismissed on the 19th July, and I have a family of ten, eight of whom are not working. I have one boy now that is out of work a month on account of the business he is at being slack, and he being the youngest hand they have had to put him off; and, as for my future prospects, I cannot say much for them, or how I am going to bring my family up. Having been on the railways so long, I am out of touch with all outside work.

6. *Mr. Taylor.*] How long have you been on the railways?—Between twenty-four and twenty-five years. I am a very bad hand at explaining anything properly, not having had much schooling, but I will do my best to answer any question that you wish to ask me.

The Chairman: Under the circumstances, perhaps it would be best for Mr. Taylor to elicit the evidence himself.

7. *Mr. Taylor.*] How long have you been in the Railway service?—It is between twenty-four and twenty-five years.

8. Have you been driving the greater part of that time?—Yes.

9. Have you ever had any mishaps before?—No serious accidents, nothing like that one at Rakaia.

9A. What does your official record show? Any censure?—I have been fined once or twice, but there is nothing serious attached to it, through any accidents or bad management on my part.

10. When the Royal Commission sat to inquire into the cause of the accident, did you ask whether you should be allowed to have counsel?—Yes; I went up on the day it opened and asked them how I was going to be treated—as an ordinary witness, or should I want counsel?—and the Commissioners informed me that I would not need counsel, and would be treated as an ordinary witness. The next day they sat in the Chambers and had me on my trial again, and I could not get out the evidence that I would have liked to have got out. Had I been allowed counsel things would have been quite different.

11. Who gave evidence against you at the Royal Commission? Who gave evidence reflecting upon you?—Several gave evidence there.

12. Were you allowed to ask any questions?—Only through the Commissioners.

13. There is a statement here that on an occasion prior to this accident at Rakaia the Locomotive Superintendent tested the brake that was on the engine at the time of the accident. Can you tell the Committee what the circumstances were?—I took the engine to the shops to get altered. I had drawn attention to the tender air-brake. It would not go on. Mr. Beattie pulled the lever over underneath, and told me to go up and try it. The brake would not go on. Mr. Beattie went up and I watched to see if the brake went on, but it did not. I also drew Mr. Beattie's attention to the blocks, which made the grip very severe for picking the wheels up. The sand went round the tread of the wheels instead of into the blocks to take any slush off that might be on.

14. Perhaps Mr. Carter will explain to the Committee what he means with reference to these blocks?—This is what we call the slotted block. [Blocks produced before the Committee]. This fits on the outside of the tire. When the sand is put on the rails, instead of the sand coming along into the block this is still left greasy here, if it is bad weather. When the block goes on to the tire the sand goes around on the tread of the wheel. If the block had been solid (as this one is)—a block like this when it goes on the tire if there is any grease, the grease and the sand works up underneath and take all the stuff off the tire, and makes the brake grip better. But in bad weather that slotted block is too severe; instead of having power over the wheel it leaves it very smooth. It roughs the outside but leaves the tread of the wheel very smooth. When the brake goes on it picks up gradually. Instead of the power being right across it would have more of a grip over the tire. This is the bottom [referring to the solid block—witness indicating position on blocks to the Committee.]—when it goes on it is not so severe on the tire as these narrow parts in the slotted one are.

15. What is the width of the tire of the engine-wheel?—It fits between here [witness indicating position on the block to the Committee].

16. Is this a block of the class that was in use at the time of the accident?—Yes.

17. Have these others been substituted since?—Yes, directly afterwards.

18. Had you complained, prior to the accident, about these blocks?—Yes, I said I wanted solid blocks on my engine. Mr. Beattie said it would be seen to.

19. It was not seen to till after the accident?—I saw some solid blocks. They told me that they had some down in the workshop to put on.

20. Are you sure that none were put on till after the accident?—I believe there was one put on once, but I am not sure whether there were any on at the time of the accident.

21. About the Westinghouse brake: Had you at any time any instructions as to the peculiarities of the brake—any drawings?—No drawings or no instructions. I asked Mr. Dickenson if he knew anything at all about the interior of the brake, and he said he did not.

22. Do you know whether instructions in regard to the Westinghouse brake have been issued to engine-drivers on other sections of the line?—I hear they have been in Dunedin. They had a library there, and, it is said, it contained books explaining the Westinghouse brake.

23. Do you know of any instructions with regard to the Westinghouse brakes since the accident?—No; the new solid blocks put on are longer than the old blocks.

24. Would that give a better hold?—Yes, they are not so liable to shrink on to the wheel.

25. Do you say you ought to have been stopped at Chertsey?—Yes, I ought to have been stopped at Chertsey by the stationmaster. If I had been stopped at Chertsey, and informed that the main line would have been blocked at Rakaia, it would have made all the difference, and there would have been no accident; and had it been a smart man sent out with the lamp he would have let me down the siding. There are rules that if a driver should stop short at a platform he shall not move either back or forward until he gets "Right" from the guard. In this case there was nothing done for the safety of that train. That train was left to the mercy of the train on the line; and, another thing, I had an express running behind me. I had to make as good time as possible, so that I would not delay No. 21.

26. Have you ever known of drivers being fined for not making up time?—I was fined once myself for not making up time, but I had an engine which I could not make up time with. I got fined a day's pay.

27. What is the practice of making up time?—It is done every day.

28. Was it a practice known to the drivers?—It must be known.

29. It is forbidden by the rules?—Yes; but if we acted to the rules and regulations we would have been off long ago. I have always done my best to forward the work. I think my previous record will bear being looked into. The class of engines I have had you would not find much fault with. It is a thing I have always made a great study of.

30. Were you in the first-class grade?—Yes.

31. Do you know of any similar defects having been discovered in the Westinghouse brake?—I heard of one failing to act the same as mine.

32. When the train over-ran its stopping-place?—Yes.

33. Have you any particulars of another instance?—I heard of an engine sliding from the top of Chain Hill to the bottom, where the brake went on and did not release. It would never have happened with one of these solid blocks.

34. Was any reference made before either the Supreme Court or the Royal Commission about the defects that the Westinghouse brake had been shown to have at Sawyer's Bay, Chain Hill, Styx, and Sefton?—The thing was not gone into because my lawyer said he had got sufficient evidence without that.

35. You say in America instructions are given to each engine-driver?—Each man has a book of instructions given to him both in England and America—all instructions about the brake. I have since seen a copy of the books that the men have had supplied to them.

36. In your petition to the House you said that you had been made to spend £160 to show you were not to blame and you were dismissed through the inquiry at which you had not the opportunity of refuting anything?—Yes.

37. Since the petition came to hand it has been elicited that a subscription-list of £261 19s. 1d. has been raised on your behalf?—If it had not been for my mates helping me I should have had to go to the poorhouse. I have not had the show of a job, barring the one down South, and that work I could not take on till I was done with the Government.

38. The reason you say for not taking the work at Orepuki was because you had not been dismissed from the Government service?—I was only on suspension. I asked the manager to wait for me three months, but the man that they had suited very well, and they did not want to put him off.

39. You regarded that subscription as a private one?—I could not see what it had to do with this at all. I have a family to bring up, and must have means to do it with. I am out of a job; being so long on the railways, it takes a long while to get into anything.

40. Are there any men above you in your grade on the Hurunui-Bluff line?—I do not think so.

41. Are there many older drivers?—Yes, a good few.

42. *Mr. E. G. Allen.*] Why did you not apply for your wages from the time you were suspended till you were dismissed?—Well, I asked Mr. Ronayne, and I think I wrote to him as to whether any allowance was to be made to me; and in the Supreme Court case I wrote to Mr. Ronayne to know as to what position, or how I was going to be placed, and the answer I think I got was to the effect that they could not see their way clear to remove my suspension until after the inquiry.

43. After you were dismissed you did not apply?—No, not straight.

44. You said you had been fined several times: for what were you fined?—I was fined for running a stock-train late from Timaru to Christchurch. I was fined a day's pay. I had an engine not fit for the stock-trade class, and terribly out of order. The engine was wasting more steam than actually using, but it is always a rule pretty well amongst all drivers, as long as they (the engines) will do the turn, they do not trouble about them. I did not report the engine, because I did not think there was going to be any trouble over it, or I should have reported about the engine. When I was in Timaru, driver Cochrane had to run a special with my engine and was stuck up twice going to Fairlie Creek, and coming back he told me he did not know how I was going to get on with a big load, as she was not up to much. I said, "I think we will get home all right."

45. You said that you could have given further evidence at the Royal Commission if you had had counsel. What was the nature of the evidence—similar to the evidence that you have been giving here?—Yes, similar. A lot of information I cannot explain.

46. Could you not have explained yourself without questions being put to you, like Mr. Taylor's? Could you not have explained yourself to the Royal Commission as you have done to the Committee?—I hardly understood the way you wanted the questions or what details you wanted me to go into.

47. At the time of the Rakaia accident were the rails wet?—I should say very bad. Not only that; the water was flooding over the tops of some of them.

48. Supposing your brakes had acted with the wet rails could you have prevented an accident?—I could have stopped twice at the same distance where I shut off.

49. Would not the wheels have skidded on the rails if they were wet?—That would have been the only danger.

50. It was a down train?—Yes; but still I allowed for a stop quite comfortably outside the station-limits, and if the brake had acted as before I would not have had any trouble in stopping. I know every inch of the ground. I could run over it blindfolded and stop at places.

51. Was there not fog and rain? Did not that interfere so that you thought that you were further away than you were?—There was nothing to be seen ahead.

52. Supposing you did not know exactly where you were. The distance being so short with wet rails would not the wheels have skidded, so you would have run into the train even if the brake had acted?—No; I shut off in plenty of time for being able to stop at the outside limits, but the brake did not act, and the man with the lamp was not sent out far enough. Had he been on the top of the rise and shown me the red light I would have seen him a lot sooner, and would have stopped. We did not see the light until we got close on to the van of the other train; it was a very miserable light too. The dark night was one of the worst I have ever witnessed in my life. It was blowing a fair gale, and the water rose like a mist. There were hardly any objects to be seen.

53. Would you tell the Committee, Mr. Carter, what were your qualifications as an engineer before you joined the service? Had you any knowledge of general engineering before you joined the service as a driver?—Not in the fitting-shops. I have worked at Anderson's years ago, and I have done a lot of fitting with thrashing-engines and combines. I used to frequently work amongst them for something like four or five years before I came to the railways.

54. Would you be competent now to take charge of an engine—say, a dredge?—Oh, yes; I could take charge of pretty well anything in the line of engine-work.

55. There are openings in Otago for taking charge of dredges, which you might think of?—I can do all my own necessary work on an engine.

56. *Mr. J. W. Thomson.*] You spoke of Mr. Beattie trying whether the brake would act. You say it would not act.—Yes.

57. Was that before or after?—It was before the accident, in the shops.

58. Was it the same kind of a brake?—The same engine. This brake was a tender-brake; an air-brake.

59. What I mean is, the brake would not act. You must have been very anxious?—But the brake that I spoke to Mr. Beattie about in the shops was altered in the shops, and made so that it would work afterwards. It would not act when I took the engine to Addington. I tried this brake before I went to Addington. I could not get the down-brake to work at all, and we tried it in front of Mr. Beattie, and he could see for himself that it would not work.

60. *Mr. Morrison.*] You said, in reply to Mr. Allen, that you had had some experience in fixing up threshers and combines?—I used to work for Mr. Bailey, and Mr. Jeff, and Mr. Dalmaine, and lots of other work I have done in the winter time in repairing both threshing-engines and combines. I always do my own repairing; I never waste any time.

61. You have not served your time to the engineering or fitting?—No.

62. Any experience you have got in fitting has been acquired at Anderson's?—I was working at Anderson's, but not for very long.

63. You said that, when you appeared before the Royal Commissioners, you asked them if you would be allowed counsel, and they said No; you were simply there as an ordinary witness?—Yes, simply as an ordinary witness.

64. Are you aware that the Royal Commission examined a very large number of witnesses in connection with this Rakaia accident?—Well, not a great many.

65. Did they examine a number of witnesses?—Yes, a good few.

66. You could not give us an idea of the number?—No.

67. It was an exhaustive inquiry into the cause that led up to this accident?—It was what I call a one-sided affair on me. It was all on me, and on nobody else; I was the only one suspended.

68. You say the whole of the inquiry seemed to be in the direction of bringing out evidence to convict you?—That is so.

69. How long did this Commission sit?—Not very long; only for three or four hours.

70. Altogether?—It might have been more, but I do not think it was. It was all finished early in the afternoon.

71. *Mr. J. W. Thomson.*] Only one day?—Only one day.

72. *Mr. Morrison.*] The whole enquiry finished in one day?—Only the first day they sat in chambers for a little time, and then went away and viewed the scene of the accident. It was only for a few minutes the first day. That was the day that I went and asked the Commissioners how I was going to be dealt with, and then they went away to view the spot where the accident occurred, and the next day they sat and were finished early in the afternoon.

73. Were you present all the time?—Yes.

74. And were you at full liberty to put any questions you thought necessary?—Yes, but only through the Commissioners. The Commissioners asked Gardiner, the driver, "Did not his brake fail?" and Gardiner said, "Yes," and immediately Mr. Rotherham put his hand on his shoulder and stopped him making any further statement.

75. You said, since the Rakaia accident the slotted blocks in the same class of engines have been condemned?—Yes. I saw solid blocks on the engine I drove directly afterwards.

76. You said, in reply to Mr Taylor, you were not sure whether there were not some solid blocks on the engine at the time the accident occurred?—I think they had worn off, and had been replaced with slotted blocks.

77. You would not swear there were not solid blocks on your engine at the time the accident occurred?—I would not swear, for I forget; it is so long ago.

78. Do not you think, on a serious matter of that kind, and knowing it was the failure of the air-brakes to act, and the blocks, that you would have made that one of the first things you would have seen to after the accident?—It was not the blocks; it was the air-brakes that failed.

79. I understood, in reply to Mr. Taylor, you said that a slotted block in bad weather, with wet rails, had not the same power to grip?—After running with the slotted block, when you have a long run of about sixteen miles and bad weather like on that occasion, the tires on the wheels get greased and the brake has not the same effect, on account of the sand not being able to take the slush off the tires of the wheels quickly enough. Where the solid block applies to the wheel, and with the sand on, it has the effect straight away.

80. Do not you attribute some portion of the accident to the fact of these slotted blocks being on the engine?—At the time I thought that that was the cause. Later on I found out that it could not be, because, if they had gone on at all, they would have held that train quite comfortably for the distance I had allowed. I borrowed the books and went into the interior of that brake, and could see what really was the cause of it. One of these valves stuck out. It might have taken place after I left Ashburton. When I came to stop at Rakaia that brake would not go on at all, and I could not account for it.

81. You are satisfied now, after the inquiry, that the blocks had nothing to do with the accident at all?—It was because that brake would not act. I was not well up in the brake, but, having gone through the book on the interior of the brake, I found if that brake had gone on there would have been no accident.

82. The blocks had nothing to do with the accident?—No.

83. You seem to attach some blame to the department for not supplying the drivers with drawings and books of instructions with regard to these air-brakes?—Well, we should have been instructed on these brakes before we were allowed to take charge of the engines.

84. You also say these instructions are provided for the Dunedin branch?—They have a library attached to the foreman's office in Dunedin, and they have got books of all kinds there with the brakes and all in.

85. Yet you have not that in Christchurch?—No, there was not that in my time.

86. In paragraph 12 of your petition you state, "All your petitioner's little savings have been expended on his defence at the Supreme Court." Is that correct?—Well, I am over £60 in debt now and more than that, one way and another, and only for the chaps helping me, I do not know where I should have been now, for it has been a terrible expense. There are many things which I cannot account for. We did not get receipts for everything we had, and it is considerably over the amount stated.

87. And yet, according to the returns handed in to-day, there is a balance of £76 that is to be invested in trustees for the benefit of Mrs. Carter?—That money is only allowed at £1 10s. per week until it is done; they pay the rent and allow £1 10s. a week.

88. When you make this statement about all your little savings having been expended, that is misleading to say the least?—I do not think so. It is this way: my children are out of boots, and their clothes have got bad. We have bought no clothes since the accident, and all this has to be taken into consideration. I have nothing to give for boots or anything else. It will cost a good deal to get those things.

89. Your fellow employes collected £261 19s 1d?—I have never seen the amount.

90. They paid you £73?—Yes.

91. They gave Mrs. Carter £16 18s.?—I could not explain correctly what there has been given, but the receipts will show.

92. Witnesses' expenses at trial have been £24 4s. 4d. This has also been paid out of this fund?—Yes.

93. Also a lawyer's bill to Messrs. Joynt and Andrews, £70?—Yes.

94. The balance of the money, £76 7s. 2d., is in the hands of trustees?—Yes, and £10 I paid myself; that is not in.

95. The facts of the case are these: Out of your own money, since the accident occurred on the 11th March, you have paid £10?—£10 has been paid to the lawyers, and £13 has been paid to Mr. Cresswell on the place. It was over three months before I got any money at all from the chaps.

96. You were between twenty-four and twenty-five years in the Railway employment?—Yes.

97. What wages were you receiving prior to the accident?—12s. a day prior to the accident.

98. You were receiving 12s. a day for a number of years?—For about seven or eight years. Well, then, of course I have had other accidents. I got burned out four or five years ago, and lost everything I had. My children and I were out in the streets in our night-dresses.

99. Was there no insurance?—Yes, the house and the furniture were insured, but the money had to go towards building the house again. Directly after that, one of my children was ill and died, and I had a big expense over that.

100. *Mr. Taylor.*] How many hours were you on duty on that week of the accident?—Eighty-four hours and five minutes in that week.

101. *Mr. Morrison.*] You were paid overtime, I suppose?—Yes, thirteen hours and fifteen minutes on Monday, the 6th March; thirteen hours and twenty minutes on the 7th March;

thirteen hours and fifteen minutes on the 8th March; thirteen hours and ten minutes on the 9th March; and twelve hours and forty minutes on the 10th March; and on the night of the accident I have not got the time—only for the total: eighty-four hours and five minutes.

102. *Mr. Thomson.*] What day of the week was the accident on?—On the Saturday.

103. *Mr. Taylor.*] That eighty-four hours and five minutes was made up with your working-hours and overtime?—Yes.

104. *Mr. Morrison.*] You were employed for eighty-four hours in that week?—Yes, eighty-four hours. There is one thing I am not certain about, and that is as to what time I knocked off on the Saturday night.

105. The department paid you overtime for these hours?—Yes.

106. How much?—I could hardly say. At time and a quarter I think it is.

107. Is it not a rule amongst the drivers that they like to get a little overtime?—I do not know; I was never ambitious for overtime. Thirteen hours and five minutes was quite enough for me. My time was finished on the Thursday night.

108. You said that in America and England drawings and instructions of every part of a brake are given to those in charge of an engine?—Yes, they have a place rigged up on purpose for the Westinghouse brake. They take in so many, and teach them this brake before they let them take charge of them.

109. Are you speaking from your own knowledge?—From books.

110. You have had no practical experience yourself?—No.

111. Any information you are now giving to the Committee is simply what you have read in a book?—Yes.

112. You also said that “the petitioner has been made a scapegoat.” Will you kindly give us your opinion what causes you to believe that?—I considered that after that accident took place all concerned should have been suspended and stood their trial along with me. Instead of that I was the only one pointed at. Had they all been suspended and stood their trial as I stood mine things would have been quite different.

113. What do you mean by all?—The stationmasters at Rakaia, at Chertsey, and at Ashburton. The weather has not been allowed for, and they could not understand the time I left Chertsey, and the same at Rakaia. Nothing of this has been taken into consideration at all, nor the report of the Springfield guard that caused No. 21 to be late.

114. When you use the word “all” you refer to these three stationmasters?—Yes.

115. You said you had to spend £160 to show that you were not to blame for the accident?—Yes.

116. How did you spend this?—The money that has been collected for me and my family has had to go towards clearing me of the charge brought against me.

117. The lawyers’ fees amounted to some £70?—£80; £10 I paid out of my own pocket, £70 by my mates.

118. According to your own showing you have only paid £80?—Yes, that is for the lawyers, and the witnesses’ expenses were £24.

119. That is £104?—Yes.

The Chairman: If you have receipts for £160, hand them up to me.

120. *Mr. Massey.*] You said something about your experience in repairing engines, and so forth. I suppose you simply mean adjusting bearings, and such like?—Doing any handy work like that about an engine; putting in or taking out pistons, and seeing to the spring-facing of valves: all handy work, or anything like that. I always did my own work before entering the railway service—that is, on my own engines. I used to set them for running myself when in the service.

121. Have you done anything in the way of lathe-work, for instance?—Yes.

122. You do not claim to be a mechanic?—No.

123. What is the object of that slotted groove in that casting there?—I think what they have meant by that is to wear down the outside of the tires level to the tread of the wheel that is run. The only idea I can form of it is when the brake fits right across, that brake wears the tread of the wheel the same as it does on the hinges, and I think the idea for that is to bear on the outside of the tire. When the brake is a continuous one, right through the train, this brake is the best for it. In this case there was only the engine depending on the brake-power at all. We had no other brake-power but the van, and it was not a heavy one.

124. What do you mean by air-brake?—On the guard’s van you can turn a little tap and stop the train.

125. Under the control of the guard, not the engine-driver?—The guard, if he saw danger, could stop his train immediately with the continuous brake, but we have no continuous brake in this colony, although our engines are those new Baldwins, fitted up for these new brakes.

126. Was the engine which you were driving on the night of the accident one of the engines lately imported from America?—Yes.

127. Were they fitted with the brakes?—Yes, with the English Westinghouse brakes.

128. Before coming here?—Yes.

129. Was the line, where the accident happened, level or down-hill?—It was a little down-hill. Before coming to the grade—it is like a dip coming up—about 800 yards from the station it dips off right down to the station. I do not know exactly what dip it is.

130. It was therefore necessary for you to shut off steam, and apply the brake?—Yes, that night I allowed plenty of room, and could have stopped twice, if the brake had acted.

131. What experience have you had with this particular brake?—None, beyond what I had had since their introduction.

132. How long had you been using it?—Not quite three months.

133. This is the first Westinghouse brake on which you had any practice?—I had a little experience on the N class, but not much.

134. That is an English patent, is it not?—Yes.

135. Do you think the fact of the guard being left behind had anything to do with the accident?—I am sure it had. If that guard had been there, he is one of the best guards for using his brakes, and, if he had been there, when he heard the danger whistles, he would have had his brake on in the van, and would have gone through the carriages, and had the other brakes on as well.

136. Was the guard suspended as well as yourself?—No.

137. What speed were you travelling at between Ashburton and Rakaia?—Between thirty-four and thirty-five.

138. Is that the ordinary speed?—I am not sure; that is done there sometimes.

139. Was the Stationmaster at Chertsey aware that the guard had been left behind at Ashburton?—I believe he was.

140. And did not he attempt to stop the train?—No; he gave me the "All right" signal.

141. This was an excursion train, was it not?—Yes.

142. How long were you standing at Ashburton?—Somewhere about seven hours, I think.

143. Were those seven hours included in the time you gave in?—We only get paid this way: we get paid three hours' standing, and if we stand any length of time after that we do not get paid for that.

144. Then, I understand you to say only three hours out of the time you were standing at Ashburton were included in the fourteen?—The other four hours were not included in the pay.

145. How was the time made up on that particular day?—We put down the time of the steaming, and those hours which are not the standard are deducted off. Say I am standing four hours, one hour is deducted off and we are paid for three hours.

146. Can you give us any idea of the speed of the train at the time of the impact?—About thirteen miles an hour when I struck the other train.

147. Of course you saw, a few seconds before the accident happened, that a collision was inevitable?—As soon as my brake would not act I opened the whistle straight away and whistled to the guard, and thought it would arouse the station. If there was anything blocked in the station they would be on the alert.

148. Did you reverse the engine?—Yes; I dared not put steam on because she would have taken the wheels. I kept the reverse over and she worked on back-pressure. She was drawing the air and working against her pressure. Well, I could not have reversed then, but thought if I had not reversed they would ask, "Why did you not?"

149. Reversing the engine has more effect than the application of the brake?—Yes. From the time you shut off it does not take her many seconds to go a few hundred yards, and if she had picked up the wheels the consequence would have been she would have gone so much further with greater speed before I could have released those wheels again. That would have shoved her still faster ahead. I thought that by avoiding this that it would be far better. I could have had her stopped at a very short distance further.

150. How much?—A couple of chains.

151. From the spot where the accident happened?—Yes.

152. Would you mind telling us the causes that led up to the accident?—I reckon the cause of the accident was through the brake failing. The accident would never have occurred if that brake had not failed. On the other hand, if the stationmaster at Rakaia had been on the alert he could have prevented that accident.

153. That is the stationmaster at Rakaia?—There was no provision made for the safety of that train standing at the platform and for the prevention of an accident. There was no way for me to stop my engine. There was no preparation made for the safety of that train at that station.

154. There were other contributing causes, for instance, the guard being left behind?—Yes, the guard being left behind. If I had had his assistance I am pretty well sure I could have saved the accident. He would have seen the van-brake on and passed through the carriages and put the other brakes on. If I had had only one carriage-brake on, and put on properly, that would have saved it.

155. Were there any other causes, the weather for instance?—The weather was terrific; wind and rain too.

156. Was the wind behind the train?—It was a little on the side, if anything, but had terrible pressure on the train. If it had not been for the weather where I shut off I would have had to put steam on. If there had been no wind at all I would not have had to stop where I did.

157. From what direction was the wind blowing?—South-west.

158. And what direction does the line run?—About north and south.

159. *Mr. Taylor.*] Was it not one of the worst storms that had occurred for many a day?—The worst for twenty-five years.

160. *Mr. Flatman.*] I think I understood you to say the regulations were invariably broken by the engine-drivers?—Yes.

161. In what way are they broken?—There is only one of the regulations strictly carried out, and that is with respect to signals and semaphores. That is a thing that is always carried out.

162. It is the duty of every engine-driver to carry out those regulations?—Yes, but they are never carried out. A man could not act up to them. For instance, there is one rule that states we are not supposed to go over a pair of points without seeing they are right. If we acted up to that rule leaving Christchurch with the express, what time would we get to Dunedin—if we had to make sure of every pair of points?

163. Where should the express and No. 21 have crossed on the evening of the accident at Rakaia?—At Chertsey, behind me. I should have been into Rakaia, and No. 21 should have gone on to Chertsey.

164. If you had been stopped at Chertsey would there have been greater danger to the express which was coming behind you?—No, because they have a long siding there.

165. When were you made aware of the fact that the guard was left behind at Ashburton?—After the collision. The boy that was assisting the guard came up and told me the guard was left behind. I passed a remark that I thought it was something of that kind.

166. Was it the guard's own fault or any other servant of the Railway Department that he was left behind?—Not to my knowledge. He was a pretty smart guard, but he got so hampered with the many people hanging round the carriages that he could not get on the train without the danger of knocking some of them underneath the van.

167. You have also said that at the time that you tried the brake with Mr. Beattie it did not act. Was it the tender-brake you were speaking of?—That was the tender-brake that would not act.

168. Where had this engine been running previous to the accident?—At Culverden and South.

169. There are some heavy inclines on the Culverden line, are there not?—Yes.

170. Were you ever driving the engine on the Culverden line and coming through Weka Pass?—Yes many times. I have come over it many times with the same engine.

171. And the brakes have never failed with you on the Culverden line?—No.

172. The plain-faced brake is not so severe as the slotted brake?—No it is not so severe. It does not brake like the flat-face on the tire.

173. When the Commissioners were sitting you said you were not allowed to put questions—only through the Commissioners?—Only through them.

174. Did they ever refuse to put any question on your behalf?—No.

175. You had perfect liberty to ask any question you liked through the Commissioners?—Yes.

176. *Mr. Holland.*] What is the speed you should travel at?—On the express you can travel at a speed up to thirty-six.

177. This was not an express train?—No; I think a special is termed about the same as an express.

178. You were not travelling beyond your regulation speed?—I was running between thirty-four and thirty-five. Thirty-five was the highest speed I had done.

179. *Mr. Duncan.*] What speed were your engines capable of running on that night, supposing you gave her all the steam you could. A speed-valve is set so that you cannot alter it?—Yes.

180. Suppose you had the steam blowing off, and you opened your valve and let all the steam on to your cylinders, what rate would she run at with the train you had on that night?—We could run her up to nearly fifty miles an hour if we wanted to.

181. Were you present when the brake was tried after the accident?—I brought that train home from Rakaia myself after the accident, and that brake worked all right, but it did not go on at all at Rakaia; but when I tried it afterwards it worked all right, and all the way home, and I could not account for it at all. It held all right at every station I stopped at afterwards. That train of mine was not protected, and at a station like that the least the stationmaster could have done was to have sent a man out 600 or 800 yards with fog-signals.

182. You did not see the light that night?—I saw the van-light as I was coming up. It appeared to be 700 or 800 yards further down the line. I said to my mate, "What on earth is he doing there?" but when I got two or three chains further on we ran into this other van. The night being so thick, it made the lamp and lights look very dreary and dismal, that you would actually think they were further away than what they were. I was doing my best to stop. I knew the danger I was in with the brake failing.

183. You said if the guard had been on the train and had put on the other brakes, that would have stopped the engine, supposing you had not put on the engine-brakes at all?—Yes, the guard could have stopped it as I could have done.

184. Was there such a brake on this train?—No, only the engine-brake and the usual brake on the carriages and the van—but I do not know that all of them had brakes on.

185. *The Chairman.*] The train that you were driving, what was it called; an ordinary train?—No, a special.

186. Is there any regulation that limits the speed of a train to thirty miles an hour?—I do not think there is that much difference made.

187. Do you know of any regulation that says a train like the one you were running ought not to run more than thirty miles an hour?—I do not know of any regulation to that effect.

188. You say the regulations are frequently broken without difficulty?—Every day nearly.

189. That no bother is made about it?—No trouble whatever is made about it. As long as the work goes on, all is right.

190. So long as the work is done and trains arrive up to time the officials wink at it?—Yes.

191. They allow this, and men are not reported?—As long as a man keeps time and is not reported the better he gets on.

192. Regulation or no regulation?—That is what I found it.

193. How long had those brakes been in use on your section of the line?—Somewhere about three months.

194. Did the officers give you any preliminary instructions before you were allowed to go on with those brakes?—None at all.

195. Did the men ask for any?—I asked the foreman for any information he had, and he said he had none.

196. Was there any occasion on which any driver was told to do the best he could with the brake?—Yes, I was told so; by the foreman too.

197. That he had no drawings, and that you were to do the best you could?—Yes.

198. And you were an inexperienced man with that brake, and had never used one before?—I had never used one before, though I had been on the N engines. I never have had a chance to take the brake to pieces like I would have done if I had had it a long time on.

199. Have instructions been given to the men since the accident, and have they been supplied with drawings?—I do not know since the accident. I have been off ever since.

200. You spoke of the Dunedin men having some advantage?—I heard they had great advantages over us. They had books of all descriptions, with brakes and everything else in them.

201. Have you no advantage of that kind in Christchurch?—No. We had a library once, but when the shops were shifted to Addington our library was shifted too.

202. You say the Commissioners at the inquiry did not go into the merits of the brake?—They did not trouble much over the brakes.

203. There was some case of a man driving with one of these brakes which was casually mentioned at the inquiry. The name was Gardiner?—Yes.

204. Did not Gardiner take the blame upon himself?—He was asked, "Did not his brake fail to act?" and his reply was "Yes, it did fail," and Mr. Rotherham stopped him from giving information as to the cause. Mr. Pendleton insisted on him giving the answer, and Gardiner said it was owing to the newness of the brake. If he had not been stopped he would have explained the cause.

205. Did Gardiner say the cylinder did not act smoothly?—He put it down to the newness of the air-brake.

206. Did the conduct of Mr. Rotherham at the inquiry give you the impression that the officials were anxious to suppress or conceal something?—Yes.

207. Did you immediately after the accident—within a day or so—sign a statement to the effect that the brakes were in good working order?—Yes, the brakes and everything were in perfect order as far as I was concerned before the accident.

208. That they worked well up to Rakaia?—They worked well at Ashburton while I was shunting, and everything was all right till I came to stop at Rakaia, and that brake never went on, and, of course, driving up and finding the brakes were not holding I thought some of the split-pins had come out and let some of the pins out; then I examined everything, and could not see how it could be. I am always very careful to see all my pins are correct. Then, after leaving Rakaia my brake acted all right; that is the thing I could not account for. I told Mr. Beattie when he took my statement down that I put it down to the slotted blocks and the badness of the weather, but when I went into the interior of those brakes—got books and drawings—I was made aware of the fact that one of those valves had never acted.

209. You were not aware of it at the time?—No.

210. How do you account for the brake working satisfactorily after the accident?—There are valves that work after shutting off—after shunting something must have struck this valve so that it did not drop down into its place. When I put on the brake at Rakaia the valve was out of its place, and had no effect on the cylinders.

211. On the same brake?—Yes. Well, afterwards this valve must have dropped into its place and worked all right. A man told me you might work five years without a failure, and then it might stick you up.

212. Then, you think the brake might work for five years or more without the slightest accident?—He told me the valves are liable to stick.

213. On rare occasions?—Yes. In this way: We have got double valve places; if one sticks up, the other one holds. I have known both to stick up together. That happened to me once in four years. Both my valves stuck up on a V class English engine. I had been working that one constantly. One day it stuck up, and I had a terrible job to get the valves down in their place again.

214. *Mr. Lawry.*] What means had you of communicating with the guard between the engine and the van?—Two whistles sharp, or the guard could communicate to us by putting his brake on quickly and releasing it quickly, because it jerks the engines and causes us to look back at once.

215. Do not you think there should be some better means of communication between the engine driver and the guard than that?—I think on all the trains in the Old Country there is a cord goes from the engine to the van, and that rings a bell over the driver.

216. Did you make the usual signal to the guard?—Yes, directly I found my brake did not hold, I whistled three whistles.

217. Did the boy respond?—No, I never felt any response whatever.

218. Could the boy have put on the brake?—Yes.

219. Are we to understand you attribute the accident almost entirely to the fact that the guard was left behind?—If the guard had been there and only had got one brake on besides his van-brake it would have saved the accident, because I was getting her down fast when the accident occurred.

220. *Hon. Mr. Cadman.*] You say you asked the Commissioners that you might have counsel, and if you had been enabled to have counsel things would have been quite different?—They would.

221. Did the Commissioners allow you to have some one to act for you?—I asked Mr. Ronayne for permission to let Mr. Dawson act on my behalf, but, of course, Mr. Dawson is not a lawyer.

222. He was allowed to act for you?—He could not go into the details of the questions like a lawyer would have done. He said very little.

223. Did he act for you?—He did act, but did not say much. He said it was a lawyer's place and not his, and he did not care about having anything to do with it.

224. With respect to your employment, did Mr. Ronayne advise you to accept any other employment down South?—Yes, he told me at the time of the inquiry. I wrote then, and the reply was that I had left it too long, and the other man suited very well, and they had changed managers, and did not care about parting with the man they had.

225. With respect to the grease on the block, I understood you to say the grease accumulates on the outside?—On the tire; not on the metal.

226. In driving anything, that ought to make you a little more careful in pulling up?—I was prepared for it had my brake acted.

227. With respect to brakes, you say no instructions were given how to work the brakes?—No.

228. Will you describe to the Committee how they are worked? Is it very complicated?—Yes.

229. Will you explain what is necessary for you to do to put on the brake?—Just turn the brake round. It is like winding a watch up; still people do not understand the interior of a watch without it is all explained beforehand.

230. Any boy could work that brake?—To put it on.

231. Or take it off?—He would not know where a failure might take place.

232. Still you say there is nothing required, bar learning that, to be able to work the brake to a driver of ordinary intelligence?—It is like a pump-handle. You can work it easily, but if you do not know as to how the valve works you cannot tell what is going round.

233. Do you consider all drivers should know the brakes as a feature?—Every driver should know the interior of those brakes and valves. Those valves want taking out and cleaning. They get grease on them.

234. Are the brakes only cleaned by the driver?—No.

235. Anybody, unless the driver reports the brakes want cleaning?—I have never seen it.

236. How long were you working this locomotive before the accident happened?—About three months.

237. Then, it was not strange to you at all?—I did not know the interior of the brake.

238. You felt yourself quite competent to work the brake?—Yes.

239. And to this day you do not know anything about the interior of the brake?—Not much. I do not.

240. You would not consider yourself competent to take a job in dealing with a brake of this sort without posting yourself up in the matter?—If I took charge of any engine it would be quite different. I would not have any accident occur through not knowing the exact points.

241. Supposing the Manawatu Company were to offer you a job to-morrow you would feel that you were incompetent to take that job?—I am competent.

242. You understand all about the brake, and could take charge of one of them to-morrow?—I do not know what that company's brakes are.

243. You would feel you were not competent to take charge of them?—If I had a job offered me I would get books and ask.

244. If you were offered a job to go and take charge of one of those brakes would you take it?—No.

245. You would feel you were not competent to work it?—It is hardly likely that I would take it without knowing the ins and outs.

246. Then you would refuse a job if it were offered to you?—No, I would not. I would ask for instructions as to the brake first.

247. You say you were three months working that locomotive?—I could not say as to the exact time. Of course, the engine was in the shop a little over a week between that time.

248. With respect to these brake-blocks, you say the brake-blocks have not been the cause of the accident. It has been the air-portion?—No, I thought it was the brake-blocks at first.

249. Speaking of drivers generally, you said "if we acted to the rules and regulations we would have been off long ago." Will you tell us what rules and regulations are regularly kept?—The stationmasters in bad weather are supposed to sand the rails at their stations. There is a rule that has never been acted up to.

250. Well, are there any more?—Well, I could not tell without seeing the rule-book, but could explain a lot there that is not acted up to.

251. Will you be able to let us have a list of the rules and regulations that are not acted up to?—I think all you want to do is to go and take your rule-book and ride in the trains.

252. Yes, but I am not an expert. I am asking you with respect to the question before the Committee. You said rules are broken and disregarded. I want you to give the Committee a list?—We are supposed not to make up time.

253. Are there any more?—I could not say without going through the rules and regulations. I know the rules and regulations are never carried out.

254. You have been driving some twenty-three years. Can you give us any more?—Well, I cannot bring them to mind. I know it is an old saying amongst all hands, that if the rules and regulations were carried out things would be very different to what they are now.

255. Then you mentioned something about bringing round an old locomotive, and you mentioned there is some rule about reporting these locomotives when they do not do their work right: will you explain it? Then you mentioned some locomotive that you had been in charge of, in which you said the faces of the valves were bad?—Well, this engine was a spare engine, not my own

regular one. When we get hold of a spare engine we do not take the same pride in it as we do with our own engine; as long we can take our turn out of her we do not trouble any more. In this case, of my being late, I should have gone and reported the full particulars of this engine. This I did not do, and where I blame myself was for having lost a day's pay.

256. With respect to the hours you worked, can you tell us what overtime, on an average, you made, say, during the past twelve months?—I could not tell you the time, because I have no record of it.

257. Did not you draw the money?—Yes.

258. Do you mean to say you do not know the number of hours?—No.

259. Could not you give me a rough idea? You have no idea what moneys you have received for overtime?—I have not kept any record of it.

260. You said you could not tell us what rate of pay you were receiving for overtime?—Twelve shillings per day.

261. I am speaking of the overtime?—Time and a quarter was paid as overtime.

262. Are you positive of that?—I am not positive, but I never took much notice. It was always up to the mark according to my time.

263. How did you tell it was up to the mark if you did not know what time you worked?—I cannot answer that.

264. You said you were not sure whether you received time and a quarter or not. Are you sure whether you received time and a quarter or only ordinary time for overtime?—Time and a quarter.

265. You cannot give us any accounts of the overtime you have made during the past twelve months?—No.

266. Can you give us any idea for the month previous to your suspension?—Somewhere between £15 and £16.

267. £15 or £16 for the month altogether?—Yes, but I could not say positively.

268. Well, do you think that would be a fair average for the twelve months, taking it all through?—No; every month varies.

269. Well, you could not say what you think would be a fair average?—No; it may be less one month and more the next, and so on.

270. Would not that make it a fair average?—I could not say.

271. With respect to your position: you say you are £160 out of pocket?—Yes; I am more than that. There is a lot that I have not accounted for on paper, and I am without receipts.

272. You say you have only paid yourself £10 to the lawyers?—£10 to the lawyers, and £13 or £14 to the Transfer. I was about three months up to the Supreme Court before I got any money from the chaps, and during this time I had to keep my family. I have got ten of a family, eight of whom are at home.

273. Then, if this £160 were paid to you, do not you think it should go to the people who subscribed it, and not into your pockets?—But, if a man chooses to give me a bag of "spuds" to plant in my garden, has that anything to do with my claim, loss of time, expenses, and my future and reputation, and my future work? Am I obliged to go and compete with men on the road? I am out of touch with these men's work.

274. Have you thought of those people who have been crippled and injured?—Yes, and I am very sorry for the poor people that have suffered.

275. You think you ought to get this money, and that it should not be refunded to those who gave it to you?—Well, it looks very hard to turn me out after my length of service without giving me something.

276. You said you had been working some thirteen hours' overtime; how do you make it up?—We book on at 6.50 in the morning, and at night it is generally 8 o'clock or five minutes past before we are done.

277. How many hours out of that are you not actually working?—Two hours and something at Culverden. We are not running, but, of course, are working; there is always plenty of work to do on those engines. Many a time on those engines I have brought my dinner home with me, not having had time to eat it.

278. In reply to the Chairman, you said you could not remember about the pace the trains were running at, in respect to this excursion train being a special one. Are there no regulations in respect to special trains on the pace you are to run at?—Yes.

279. What is your maximum pace for special trains?—Ordinary trains run between thirty and thirty-five and express trains run up to the speed of thirty-six miles per hour, which is allowed in the time-tables.

280. Excursion trains?—I think most excursion trains, if out till pretty late, run up to thirty-five.

281. There is no regulation for them at all?—Yes, there is a regulation.

282. Give us it from your own memory?—I cannot tell from memory. It is nearly six months since I went through the books. It is all gone from my mind.

283. Do you mean to tell the Committee, after twenty-three years' service, you cannot stand up and tell the Committee now? In running as a driver you have had regulations regarding your pace, which every man must have at his finger-ends, and after these twenty-three years' service you cannot tell me the regulation pace for a special excursion train?—We do not always study the rules and regulations.

284. I am not asking you that. What is the regulation pace for a special train?—I cannot remember.

THURSDAY, 24TH AUGUST, 1899.

Mr. CHARLES HENRY CARTER'S examination continued.

The Chairman : I think, Mr. Cadman, you were engaged in examining Mr. Carter on the petition at the time the Committee adjourned yesterday.

Hon. Mr. Cadman : The only thing is the list of the regulations that were not complied with.

1. *The Chairman*.] The officers of the department were instructed yesterday to supply you with copies of the regulations, Mr. Carter. I suppose you got them?—Yes, sir.

2. *Mr. Taylor*.] I will just ask Mr. Carter about these regulations. Rule No. 74: "When a distance-signal is at 'danger' an approaching train must be brought to a stand before passing the signal-post; and then, if the driver sees that the way in front of him is clear, he must proceed slowly and cautiously within the distance-signal, having such control of his train as to be able to stop it short of any obstruction until the rear of the train is protected by the signal. If the line is still clear ahead, the driver must proceed in like manner until reaching a home-signal, where he must stop until either the home-signal is lowered or other signal given according to Rule No. 70. In thus passing a distance-signal at 'danger' the driver must pay particular attention to the gradients, state of weather, condition of rails, and weight of his train." Is that rule obeyed?—No.

3. Were you in the habit of observing Rule 74, that provides for your bringing your train to a standstill before passing the signal-post?—No, that I have never done. I have always run inside the distance, and drew up as far as the home-signal and stopped there.

4. Do you know whether that has been a practice with other drivers?—I have never seen them. Of course, if there was a train standing inside between the home-signal and the distance-signal they would stand outside.

5. Rule 141 reads: "In addition to any circular memorandum that may be issued, special trains are to be timed on to and from all telegraph stations, and before any special train is despatched notice must be received and acknowledged, if at all practicable, by every Stationmaster on the line. Where there is not time to get written acknowledgment, the telegraph must be freely used, and the guard (if there is no guard, the driver) of special train or engine must receive written instructions from the Stationmaster who despatches the train, directing him when to leave each station and where to shunt for crossing trains." Is that rule strictly observed?—That rule was not observed on the night of the accident, or I should have been stopped at Chertsey.

6. Rule 163: "Should a passenger-train, in stopping at a station, overrun or stop short of the platform, the engine-driver must not move the train back or draw it forward until he receives instructions from the guard in charge to do so. Stationmasters, guards, and others must at once take steps to prevent passengers leaving the carriages; and as soon as the guard in charge has satisfied himself that all carriage-doors are closed and that no passenger is entering or leaving the train, he must instruct the engine-driver to put back or draw up to the platform, as may be required. The engine-driver must sound his whistle before moving the train." Is it common for trains to overrun the platforms?—Well, they do sometimes.

7. Now, as a matter of fact, on the night of the accident at Rakaia were there not two sidings available for that first excursion train to be put on to?—There were two sidings that had an outlet besides the excursion-train's—one to the right and one to the left.

8. If they had been used would the main line have been left clear?—There was plenty of standing-room there in that same yard, and the train could have backed up to the line had it not been otherwise.

9. Rule 197: "Stationmasters are required to see that rails are sanded in slippery weather, so as to prevent the engine slipping"?—That is never done; not to my knowledge.

10. Rule No. 137: "Where the block-system is not in operation, no train or engine must be allowed to follow any other train or engine on the same line within fifteen minutes"?—I cannot say if those rules are obeyed.

11. Rule 291 says: "Where the block-system is not in operation no train or engine must be allowed to follow any other train or engine on the same line within ten minutes." Which of those rules are obeyed, 291 or 137?—Sometimes one and sometimes the other.

12. Rule 317: "The speed of trains must never exceed that shown in the time-tables, nor are drivers on any account to make up lost time by increased speed." Is that rule observed?—That rule has not been carried out.

13. Is it very commonly disregarded?—Oh, yes.

14. Now, in connection with that rule, is there a practice obtaining that results in Stationmasters and engine-drivers falsifying their time when they are either early or late?—We do not book the time between each station; we book the time of departure and arrival. If we have any great delay that causes us to be late at our destination we make a report to show where the time was lost.

15. Rule 390 says: "Engine-drivers and firemen will be required to have at all times a plentiful supply of dry sand, and in addition to that in the sand-box a quantity must be dried and kept in reserve in the smoke-box of the engines ready for use. No excuse can be admitted for time lost by engines slipping." Is that rule conformed to?—No.

16. Has it ever been conformed to?—Not to my knowledge.

17. There is a rule providing for engine-drivers being supplied with written running-orders. Do you remember the number of that rule?—No.

18. Rule 11 in "Appendix to Working Time-tables": "Where a junction intervenes between the terminal points of a special or altered train, and at such junction any other train or trains enter upon that portion of the line over which a special or altered train is running, the Stationmaster at the junction must satisfy himself that the guard and engine-men of every train entering

upon the section over which the special or altered train is running have been supplied with a copy of the notice of the running of such special or altered train." Chertsey would be a junction between Ashburton and Rakaia. Do you know whether Chertsey was advised? Were telegraph wires used freely?—No.

19. Were you given any running-orders that night when leaving Ashburton?—No, only instructions to run up and back in the morning. When the alteration was made, the train being late, I had no other instructions.

20. Rule 13 in the Appendix: "Where a train commences its journey from a station within the part of the line upon which the special or altered train is running the Stationmaster at such station shall, before starting the train, satisfy himself that the guard and engine-men are supplied with a copy of the notice of the running of such special or altered train." Was that complied with at Ashburton?—Not at Ashburton. It was not.

21. There is a rule on page 6 of the Appendix: "Engine-men must have their trains under perfect control when approaching facing-points, and be prepared to stop at any moment if necessary before fouling the points. They must not draw trains over the points until satisfied that the points are correctly set. A vigilant look-out must be kept when entering stations to see how far the line ahead is clear, and the speed of the train must be regulated accordingly." Then, "Speed of trains approaching facing-points: The instruction on page 6 does not relieve the traffic- and maintenance-staff of their responsibilities for seeing that facing-points are properly and securely locked, as provided in the rules and regulations. The intention of the instruction is that engine-men should exercise judgment, and be on the alert when approaching facing-points, and at crossing- or stopping places have trains under such control as will enable them to be stopped at any time before reaching the points." Is that rule observed?—No.

22. Could it be observed without it interfering with the whole of the Railway service?—No.

23. Would it not necessitate your getting down to observe the points?—It would be very bad if we had to stop to see the points. It is right enough in the day-time when we can see them, but in bad weather it is hard to see them until we are right on to them.

24. *Hon. Mr. Cadman.*] Mr. Carter, you mentioned that the question of this time was adjusted after you came home at night between the guard and the Stationmaster?—The time on the night of the accident?

25. No, the time generally. When you came in at night the length of your time for that day was adjusted between the guard and the Stationmaster?—No; not that way. Say we are running a special from Christchurch to Timaru; we have been stopped at some stations, perhaps shunting or something like that, between ten or fifteen minutes late. We must gain and make up that time, and if we over-run the speed the guard generally marks it and throws it off as we pass, to enable us to make up our time.

26. This statement about the time affects people outside of Mr. Carter. I will ask him to quote us one or two cases where it is done, and the names of the people?—Well, that I would not like to do.

27. Oh, but I want that.—Well, it has been done on the Culverden line many times.

28. Give us the names of the guard and the Stationmaster, then?—Well, the guards are supposed to book the time between each station on their time-sheet. Well, I know for a fact at Balmoral the time has been booked away there, and made the time longer running between Balmoral and Culverden. It is down hill. There is a terrible lot of shunting before we get there; we are generally pretty late before we get to Balmoral, especially on a Saturday or a Monday. Well, we have run there from thirty-seven to thirty-eight miles an hour from there to Culverden. Well, that has been done very very often by both Guard Jones and another, and I have seen the same thing done, but, of course, I cannot say as to the names of the guards now—I forget; but I know in passing Orari and Winchester the same thing was done there one day when we were very very late, but we got in at the right time. It was a special, and the guard came and told me he had made the time right with the Stationmaster, but I forget what guard it was.

29. What was the name of the Stationmaster, then?—That I do not know.

30. What was the name of the station, then?—Orari was one, and Winchester another.

31. *Mr. Graham.*] Can you tell us about the time?—It is a good bit ago—over twelve months ago.

32. *Hon. Mr. Cadman.*] I understood you to say just now this was a regular thing?—It has been a regular thing.

33. Why go back over twelve months ago if this is regularly done?—Well, I cannot give the time because I made no notes of it, but I know it has been done.

34. Well, then, will you give us the names of a few of the guards? I want you to be quite clear on this, as I intend to call these men and hear their version. Now, give us the names of a few of them?—I could not give the names of the men, because I cannot remember the names.

35. Will you give us the names of any of the guards who have been driving with you for the last twelve months?—Well, there is one named Hobbs and another named Britton.

36. *Mr. Taylor.*] Who was your guard on the Culverden line?—I cannot remember his name just now; well, Walter Radford. He was running up there. The porter at the station used to run part of the way.

37. *The Chairman.*] What was his name?—I cannot bring to mind his name.

38. *Hon. Mr. Cadman.*] Did any of these men that you have named do this with respect to throwing off the paper?—Well, I could not say they have. I know it has been done, but do not remember correctly the man that did it.

39. You cannot tell us of any one from your knowledge?—I cannot remember the names, but know it has been done.

40. We understood you to say this is a general practice?—Well, it is a well-known fact amongst the men, but I do not know that it has ever been known outside the service.

41. Well, we want to know now?—Well, I cannot give you the exact time and the men who did it, because I do not remember that, but I know they did do it.

42. You say this is a general thing, going on day after day, yet you cannot tell us the men who did it?—I cannot bring it to mind.

43. How many years has this been going on?—A good few.

44. Still, you cannot remember one case?—I cannot bring it to mind; I kept no notes of it.

45. Cannot you remember any occurrences that obtain daily except you keep notes—anything connected with your general labour?—Anything connected with my work I kept notes of, and time, and so on.

46. You cannot remember anything unless you keep notes?—Not for a long way back.

47. How long back is this?—It is a good bit back now.

48. Well, you have forgotten, yet you can come here and tell us this—you tell us one minute you have forgotten, and yet say something that has occurred twelve months ago the next?—It has been done, but I cannot bring to mind anything.

49. *Mr. Taylor.*] Were you put on to the Culverden line for seven weeks in succession, with a view to doing away with the complaints of the public in regard to the slow running on that line?—I was for seven weeks and four days on that line.

50. *Hon. Mr. Cadman.*] Did any one tell you that; who told you that?—No one told me any more than it was said amongst the chaps that it was done for that.

51. Had there been complaints?—Yes.

52. And were you put on?—Yes, for seven weeks.

53. Was that unusual—for a man to be put on the same running for seven weeks?—It was unusual; we had very heavy loads too.

54. Did you run to time?—Yes, to time; and you might see in some of the papers where I got praised for bringing up big loads for Waikari over the hill.

55. Now, will you tell us some of the names of the chaps?—I could not bring it to mind.

56. *Mr. Graham.*] Were the chaps belonging to the service?—Yes.

57. *Hon. Mr. Cadman.*] What were they—engine-drivers, guards, or what?—It might have been both; I cannot bring it to mind. That is what I was put on there for. I had a good engine, and used to take a pride in her and keep her well, so that she could work well.

58. You have no authority in making the statement?—No.

59. Can you tell us the date when you were on this train?—No; but I have the books at home with all the running in—all that seven weeks I was on driving the engine, and I think I could tell you the coal I burnt. I kept a record of the mileage, the time, and all.

Mr. A. L. BEATTIE called and examined.

The Chairman: Mr. Cadman has called you, Mr. Beattie, to give evidence before the Committee.

Mr. Graham: Who and what is Mr. Beattie?

Witness: Mr. Chairman, I am Locomotive Engineer for the Hurunui-Bluff section of the New Zealand Railways, and am stationed at Addington. Mr. Carter has been under my jurisdiction for the last two years and a half or thereabouts. Perhaps, Mr. Chairman, I might as well begin at the beginning of the affair. On that particular day of the accident, the 11th March, I was a passenger from Dunedin by the express. On the arrival of the express at Chertsey Station I was called out of the train by the Stationmaster, and informed that an accident had occurred at Rakaia. We proceeded on in the express to Rakaia. On my arrival there I made a hasty inspection of things generally. I saw the Stationmaster and told him I was there, and that I would take all responsibility, which I did—remaining at Rakaia that night. Very shortly after my arrival I made my way to Carter, and questioned him as to how he came into the accident. I also satisfied myself that at that time Carter was sober; I had every opportunity of judging that then. That was about twenty minutes or half an hour after the accident. I also asked Carter how he came to enter the station, and he told me that he thought the previous train had made the rails slimy, and that his brake had not held—that is to say, his brakes had not held as well as he had anticipated they would hold—and he gave this as his reason for entering the station without being signalled to do so. I at that time made certain inquiries as to the condition of Carter's engine, and satisfied myself then by inquiry and inspection that the engine was in good working-order, and, having satisfied myself of that, I allowed it to go on to Christchurch with the train. On the arrival of the excursion-train which Carter was driving—viz., on its arrival in Christchurch—the foreman who was Carter's immediate superior officer boarded the engine, and replaced Carter with another driver, and took Carter away to the office to answer certain questions, so that information could be wired to Wellington to the General Manager and Locomotive Superintendent. Carter at that time gave as his reason for coming into Rakaia Station without being signalled in that he misjudged his distance. This explanation was given to the traffic-clerk, Mr. Stringleman, in the absence of Mr. Gaw. It was stated to Mr. Stringleman in the hearing of Mr. Dickenson, Running-shed Foreman. The gist of Carter's statement was this: that on seeing the lights of the standing train he thought that train was further down the station-yard than it actually was, and when he found out his mistake he could not stop in time. That was Carter's explanation to the traffic-clerk in Christchurch immediately on his arrival after accident. The explanation is sworn to by Mr. Dickenson, foreman, who heard it made. On the Sunday afternoon I got back to Christchurch, and on the Monday morning I made special inquiry. I had Carter before me. I took down from Carter his version of what had happened, and how it happened. With your per-

mission, Mr. Chairman, I had perhaps better read this statement made to me by Driver Carter—namely: “Christchurch, 13th March, 1899.—Charles Henry Carter stated: I am a first-grade engine-man 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 in “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 that 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 a train could not be pulled up in its ordinary distance on this same account. I did not think the rail would be so bad on this occasion, or would have shut off earlier and made earlier preparations for stopping. It is a side-rain which makes the rails slippery usually as described, and on Saturday night the rain was behind me—a heavy southerly gale blowing almost in line with the track. The gale would assist train towards Rakaia and help to nullify brakes. My engine-brakes were right and in good order—nothing wrong with them. Engine in splendid fettle. Addington, 14/3/99. On approaching Rakaia Station, before I applied Westinghouse air-brake, the air-pressure gauge was showing 125 lb. on the square inch. My boiler-pressure was 160 lb. at the time, and as I began to apply the Westinghouse brake, I opened the steam-valve to Westinghouse pump one additional full turn. It was previously opened five turns or thereabouts. You have to open it three turns before enough steam passes to work the air-pump. I do not usually carry more than 80 lb. to 100 lb. of air-pressure. I had 125 lb. this time. There was no special reason for this. The pump had been freshly oiled leaving Ashburton, and was working very freely; 100 lb. is ample pressure under any circumstances. It is quite enough. Directly I saw the red lights ahead I opened the sand. I had not used it between Ashburton and Rakaia. The first I saw of the red light, said to have been shown by O’Neill, was just as I ran past it, and it was a very poor light at that. I am positive that this light had not been exhibited to us in such a way as to enable us to see it before getting right up alongside. We were looking ahead for a signal from the time we came out of the dip. We saw no lights at the station until after topping the rise, or nearly up the rise, north of the dip. Then we saw the red lights of the van ahead of us faintly. Rain was coming down then in sheets, and our smoke blew right ahead of us, making it still more difficult to see ahead. I judged that O’Neill’s red light was shown about 2 chains south of the first train’s van. It was only just flashed to us as we passed. Something was sung out to us as we passed, but I could not hear what was said; storm too heavy. After we struck the van, O’Neill came up to me and said, “Oh, God, I am into this.” I promptly felt my engine brake-blocks, finding them fairly cool; tender-blocks pretty warm. I examined my engine at front end, and seeing that there was already a big crowd of people around the cars of front train, and that I could not apparently do any good, I walked back to my brake-van and felt at the blocks. They were quite cold, and by shaking the brake pull-rods I found that the brake was not “on.” I tried both sides of van, and neither side was “on.” The brake-blocks were just up to the wheels and no more. I then examined the train back to the engine. The concussion was not heavy. We felt next to nothing of it on the engine. It was just as if our engine pushed the van right into the cars beyond. My Westinghouse brake worked perfectly all the way afterwards from Rakaia to Christchurch, and was all right on arrival. My opinion is that the first special had made bad “braking-ground” for us at Rakaia—that is, the sediment and slime off their wheels made the rail much worse for us. I had expected a bad ‘braking-ground’ and shut off earlier in consequence. Directly I stopped at Rakaia I pulled out my watch, and made the time 7.15 p.m. At Ashburton, after arrival at 10.15 a.m., we did about fifteen minutes’ shunting, turned, cleaned fire, &c., and put engine in shed. I sat down on engine shortly afterwards and had my dinner. I had not then been in town. I went into town for a few minutes, got some tobacco and matches, had one glass of beer, and returned to shed, remaining there until time for train. I did some packing about engine and odd jobs about engine. I should not have gone into town if it had not been for wanting matches and tobacco. I state positively that the one glass of beer was all I had to drink that day. I do not think the other special engine-man left the shed at all. There was not the slightest sign of intoxication about any of the locomotive or traffic train-men. My mate was at shed all the time.—(Signed) C. H. CARTER. Witnessed—

A. L. Beattie, Locomotive Engineer. 14/3/99." I may say, Mr. Chairman, that when I called upon Carter for this statement I told him I was going to take it down, and that when I had taken it down I should call upon him to sign it, and before signing it it would be read over to him. He would have an opportunity of altering anything in it, but when he had got it as he thought right I should want him to sign it. Well, this statement was signed in my presence, witnessed by myself, and the evidence was taken down in the hearing of the locomotive foreman. Mr. Chairman, you have heard that statement read, and I do not think I need say very much in regard to the explanation; that explanation, as made by Carter at that time, was absolutely true. I am perfectly convinced, from my own knowledge (from then to the present moment), that the explanation given there is the absolute truth. I may say that, about a week or ten days after, Carter came to me and said that he had been thinking the matter over—in fact, I think he said it had been suggested to him—and he had come to the conclusion that perhaps his brake-blocks were not quite right, and he proposed to query those brake-blocks. I told him he was quite at liberty to question the brake-blocks, but at the same time they were perfectly right, and I thought that he was simply wasting time, and had far better stick to the truth. That question of brake-blocks being faulty was abandoned. Shortly before the Supreme Court trial it came to my knowledge a fresh defence was started—that the air-brake had failed temporarily and then recovered itself in a mysterious manner at the same time. It has had no repairs from the time it was put on the engine to the present moment—running a daily service ever since. Speaking as an expert, I may say there is not the slightest ground for believing that that air-brake failed in any shape or form. The possibilities of that brake failing are extremely remote. The Board of Trade returns show that out of 90,000,000 passenger-train miles—all trains fitted with the Westinghouse brakes—there were only four failures.

60. *Mr. Carter.*] Was that the Westinghouse brake?—Yes, the continuous brake throughout the train.

61. *Mr. Graham.*] This is in a single brake?—That is so. As I say, 90,000,000 miles were run with four failures, which is wide margin. The brake was examined in Christchurch immediately after arrival and found to be in perfect order. The real explanation of Carter's having entered the Rakaia Station without permission to enter is due to the fact that between Chertsey and Rakaia, a distance of some five miles and a quarter, Carter ran at an excessive rate of speed, and, in approaching the latter station, had not his train under proper control, in terms of instruction of page 6 of "Appendix to Working Time-table." The worse the condition of the weather the more need for the exercise of greater care. The accident was due to Engineman Carter entering Rakaia Station without permission, not only did he not receive a signal to enter the station, but he, on the contrary, received a danger-signal to stop outside. It was his duty to have had his train under such control as to have enabled him to obey that signal. It was a falling grade on which he was travelling, and he had a gale of wind and a rain-storm behind him; on a night such as that a driver would have to exercise extra care in order to judge the speed at which he was travelling. A man who was not looking out carefully and judging carefully might think he was travelling slower than he was. It was established in evidence that the speed at which that train was running between Chertsey and Rakaia was something like forty-five miles an hour in a distance of five miles and a quarter, on a down grade and on a bad night. Although the engine had the Westinghouse brake, there was no reason why Carter should not have controlled that train with his hand-brake, and a good many engines have to be so controlled. I might instance the case of the Class T engines of similar construction that have tender hand-brakes only, and no difficulty is experienced in controlling trains with them in the Christchurch District. These engines frequently haul eighty or ninety loaded wagons between Lyttelton and Christchurch. It is simply a question of applying the brake in time. If you had the best brake known to the railway world and did not put it on in time, you would have an accident. In this particular case Carter was approaching the Rakaia Railway-station at too high a rate of speed, and was unable to control his train after he found out he was so close to it. In order to support that theory, I might read a statement from the Car and Wagon Inspector for the Christchurch District. It came to my knowledge that Mr. Paterson had had some conversation with Carter. This is Mr. Paterson's letter. He says, "Further to our conversation this morning, I have to state that in conversation with Carter *re* Rakaia accident, he (Carter) told me he had missed the level-crossing between Chertsey and Rakaia, which was the only land-mark he had to go by at night, and that he had no idea he was so close to Rakaia until it was too late, and, seeing what was likely to happen, he did all mortal man could do to avoid collision, but he received no assistance—that is, from the back. This may not be exact words, but substance is same.—(Signed) L. PATERSON, Car and Wagon Inspector." That bears out the contention I have placed before the Committee: there was no reason for supposing this Westinghouse brake had failed—no reason why the train should have entered the Rakaia Railway-station without permission. Carter was in possession of the rules. There is an annual examination in rules their foreman puts them through. He satisfies himself that they are thoroughly conversant and proficient in their work, and after he is so satisfied he sends in a certificate, which is duly filed and which I have. Rule No. 86 says, "Where fixed signals are not provided, trains will be signalled by hand-signals. A red flag, or in the absence of a red flag, both arms raised above the head by day, or a red light at night, is an order to stop. Where this signal is given at a station or stopping-place the train must come to a stand outside the station limits. A green flag moved slowly sideways across the line, or one arm raised above the head by day, or a green light moved slowly sideways across the line by night, is an order to stop at the station or stopping-place. A steady green flag, or one arm held horizontally across the line by day, or a steady green light by night, is an order to go on without stopping at the station or stopping-place." Now I might point out that many of our New Zealand stations

have only one officer—in other words, are single-handed. The rule provides that the danger-signal may be exhibited on platforms, for at some stations it would be impracticable for the officer to leave his station to go several hundred yards up the line with a signal. He has to book passengers and attend to a great many different duties. He gives the signal from the platform, and it is the duty, according to the rules specifically laid down, of drivers to be prepared to stop outside station limits if they happen to get a signal to stop outside or in the absence of a signal to come in. The absence of a signal where a signal is usually exhibited is a danger-signal, and should be treated accordingly. Rule 352: "The absence of a signal at a place where a signal is ordinarily shown or a signal imperfectly exhibited must be considered a danger-signal and treated accordingly and the fact reported to the signal-man or Stationmaster." I think that shows clearly the position of the rule on the subject. There was no reason why Carter should have entered that station. There was no reason—even assuming the brake had failed—there was no reason why he should not have brought the train to a stop with the tender hand-brake provided he had been going at a reasonable rate of speed approaching the station. The fact that he had not his train under proper control is a serious breach of rule, and in this case, had disastrous results. With regard to the night being an exceptionally bad night—it was admittedly an exceptionally bad night—in the case of an exceptionally bad night it is specially laid down that a man shall be extra cautious and take extra care. The fundamental rule in this rule-book is that of the public safety, and no man has a right to endanger the travelling public. On a dark night he should have been doubly cautious. There is another rule, 354: "When approaching a junction or station the engine-driver must give the proper notice by whistle to warn the Stationmaster or signal-man of his approach, and must not, until he has seen the proper signals exhibited to proceed, run at a greater speed than will admit of his being able to stop his train before arriving at the home signal or the points and crossings protected thereby, or short of any obstructions that may exist, and he must so stop his train if the signals are against him; the engine-driver must as far as practicable have his firemen disengaged when approaching a station or junction so that he may keep a good look-out for signals." In the "Appendix to Working Time-table," which has already been before you, I think there is a rule on page 6, viz., "Speed of trains approaching facing-points: Engine-men must have their trains under perfect control when approaching facing-points, and be prepared to stop at any moment if necessary before fouling the points. They must not draw trains over the points until satisfied that the points are correctly set. A vigilant look-out must be kept when entering stations to see how far the line ahead is clear; and the speed of the train must be regulated accordingly." (See Rule 354.) That was amplified by the following instructions opposite page 6: "The instruction on page 6 does not relieve the traffic- and maintenance-staff of their responsibilities for seeing that facing-points are properly and securely locked as provided in the rules and regulations. The intention of the instruction is that engine-men should exercise judgment and be on the alert when approaching facing-points, and at crossing- and stopping-places have trains under such control as will enable them to be stopped at any time before reaching the points." That of course is borne out by the rules and regulations; in these it is strictly enjoined that you are not to enter a station without first receiving the signal to enter or proceed. On a night like the 11th March, a careful driver would have crawled up to that station very very slowly indeed, knowing he had to make a crossing there, and having the danger of not seeing ahead. One other point has been mentioned, and that is with regard to the senior guard having been left behind. Mr. Carter laid considerable stress on that, and would have you think that the cause of the accident—the approximate cause of this accident—was due to this unfortunate guard having been left behind at Ashburton. Now it has been stated that the assistant-guard who came along with train was a boy. The assistant-guard was not a boy, gentlemen; he was a young man of some twenty-three years of age. He has been in the Traffic Department since January, 1895, so you cannot say he is a boy. That man was taken on the train for the purpose of collecting the tickets, and leaving the other guard in the van. This assistant man replaced the regular man in the van, and for all practical purposes there is no reason to doubt but that he was just as efficient as a regular man would have been. There are one or two things that cropped up with regard to the evidence yesterday. Mr. Carter said—or he gave you to understand—that some restrictions were placed upon his asking questions before the Royal Commission. That was not so; he was given every opportunity to ask any questions through the Chairman. With regard to assistance for Carter; at Royal Commission, at his own request, he asked to have a driver named Dawson to assist him. Dawson is under the impression that he is very well posted on air-brake matters, and so on. The department, at Carter's own request, allowed him to have driver Dawson to assist him. Carter has also said the witnesses attended at this Royal Commission to give evidence against him. As far as is known no witnesses attended to give evidence against Carter. They were present simply to state facts within their knowledge. With regard to Carter's own engine, No. 284, in the collision, Carter has not reported, in the book for that purpose, any defect in the brake of engine in question. Engine went to shop to get cab altered, and some additions. Carter did not draw my attention to the brake-blocks which he now says made the grip very severe, nor did he draw my attention to any defect about his tender air-brake gear. The engine went into shops on the 4th January, 1899, and was sent out of shops on the 18th January, after which date Carter regularly worked the engine until the 11th March without even ever making any report as to the engine or brakes being defective. The brake-blocks were worn flat across the bottom on the 11th March, so that the groove had disappeared from portions of the blocks. That engine had not been reported to have any defects in its brakes from the time Carter first took it in December. He ran that engine forty-four separate days up to and including the day of the accident. In regard to this test Carter speaks of about the brakes not going on on the tender, of that I have not the slightest recollection; in fact, I am perfectly satisfied that he is under a misapprehension. It would not be his place to

bring the defects before me, but before the foreman; and enter them in the repair-book. The blocks Carter had on his engine were those slotted blocks. The slotted or grooved form of brake-blocks which came from the United States of America with these engines was replaced by our standard plain block as the first-mentioned became worn out. The slotted blocks that were on Carter's engine at the time of the accident were taken off after the accident, simply for the purpose of production if required at any inquiry, otherwise, being quite efficient, they would have remained on in use till worn out. I deny Carter's statement that he asked for solid blocks. The blocks that Carter had on his engine had worn so that the groove was worn out or obliterated at the bottom of the block. It was therefore a plain-surface at bottom, and those blocks could sweep the sand and the slime off as Carter claims the plain blocks would. With regard to the holding-power of brake-blocks, the point of retardation is between the brake-block and the tire. The retarding power is expressed by the pressure on the lever at the back of brake-block, therefore, with the grooved block the pressure per square inch equals 130 lb., and with the plain block 78 lb., but the total retarding pressure on the tire is identical with both blocks—namely, 6,667 lb. The reason why we adopt the standard plain block is because its life is longer, for the pressure is distributed over a larger wearing-area. It is not necessary for working this air-brake properly that drivers should know the internal construction of the brake. If the brake were to fail in service it is unlikely that the driver could do, at the moment, anything to alter it, even if he was quite familiar with every internal detail. Time would be required for taking the brake-gear to pieces for the purpose of repairing any defect. If you want a brake to prevent a collision you want it immediately. If it would take you half an hour to find out a possible defect; that would not help you to avoid that disaster. The Westinghouse pressure-brake has been in use in Christchurch District on locomotives since 1885, and the operation by the drivers of all the Westinghouse brakes is practically identical. Carter had ample experience with those brakes, and does not appear ever to have expressed himself as incompetent to manipulate them. Carter knew that after passing Chertsey (where the express had to cross No. 21 from Christchurch) that the express could not follow him from Chertsey to Rakaia without special instructions. Carter's statement that the first excursion train was left at Rakaia at the mercy of his train is incorrect. Rule No. 86 and instructions on page 6 of "Appendix to Working Time-table" provide for this. Then there was a question raised yesterday about Carter's failing to work a special train satisfactorily some years ago, and being dealt with accordingly. That I do not know. I need not inflict the whole particulars upon the Committee unless they desire it. It was adjudged Carter did not display good enginemanship on that occasion, and he was dealt with accordingly. In that connection, he mentioned in his evidence yesterday that the engine was a defective one. Now, if Carter had at any time a defective engine it was his duty to report all the defects in the book provided for that purpose. This duty should be performed at the end of each trip. To neglect to report defects known to him was not only a serious breach of rules but was also manifestly unfair to the driver who might be told off to run the same engine next day, when, if the defects were not reported by Carter, this next man might get into difficulties and trouble through his ignorance of the existence of the faults. Reference was also made yesterday of a failure of a similar air-brake at Sawyer's Bay. This took place on the 14th of December last, with a sister engine, No. 287, Class II. I do not know that I need go very deeply into the thing. It was not a brake failure, but a man failure. The driver had an efficient apparatus under his control; he allowed the air-pressure to go down to such a point that it was no longer operative. Then, when he suddenly wanted the brake, the air-pressure was not there, simply through the man's want of judgment. The man admitted that himself, and was dealt with by the department in the ordinary way. You might just as well say that a boiler is a defective boiler, or a dangerous one, because it will not make steam if you do not get it hot. This engine was in perfect working order, and the brake was in perfect working order, but the man did not pump up the air-pressure, and the consequence was that it was not there when he wanted it. *Re* this Chain Hills incident to which Mr. Carter referred as an engine sliding down the Chain Hills grade: in reply to inquiries, nobody seems to know anything about it unless it is Mr. Carter himself. There was another point cropped up yesterday, and again this morning—the question of Stationmasters sanding rails. I might premise that the rules and regulations we have on New Zealand railways were largely founded on English rules and regulations. The conditions of work are somewhat different. This rule about Stationmasters sanding rails was made in days when engines were not generally fitted with efficient sanding appliances. Nowadays all engines are fitted so that drivers can instantly apply sand at will; therefore the need for Stationmasters to sand rails does not exist. The engines are fitted with large dry sand-boxes, and do not now require to carry any reserve of sand in the smoke-boxes. Mr. Carter's contention dates back to a period when the present efficient sanding appliances were not in use. We have larger sand-boxes nowadays, and an ample supply of sand. On that particular night, Carter had amply sufficient on his engine, and which could be applied by pulling a handle. The old-fashioned way used to be by going out and sanding the rails. The sand-valve handle is close by the driver, just as he stands at the levers. There was some mention made with regard to this rule about facing points on page 6 in the "Appendix to Working Time-tables." As originally framed, it was thought railway men would understand it. Carter professed not to understand it, and got into trouble. An amended instruction was then made bringing it down to a still clearer instruction, although the original instruction was apparently clear enough. The amended instruction was then issued going into further detail. This special instruction, together with Rule No. 86, clearly and specifically provided for a train approaching Rakaia when no signals could be seen from any cause whatever an absence of the signal was to be regarded as a danger signal signal (*vide* Rule 352). Well, then, we come to another reference: the question of speeds. The speed limits are fixed by the experts as safe for the most unfavourable portions of the line between which

points such speed-limits are fixed, and it is within the knowledge of the department that the speed limit is exceeded on favourable portions of the line between such points, and the judgment of the driver is largely relied upon in selecting those portions of the line on which a speed of forty to forty-five miles an hour may safely be run. This is the usual practice everywhere. The whole of the road not having yet been relayed and strengthened, it is left to the discretion of district officers to take up the question where a driver is running at an excessive speed. District officers are constantly watching this question of speed. At present the speeds cannot be defined between narrow limits, as the work of strengthening is in progression. Then there is the point raised this morning about the alleged falsification of train time-sheets. I have been on the New Zealand railways twenty-two years. I have travelled very frequently in the guards'-vans—and I have travelled a good deal—and can only say I have seen nothing of that during my twenty-two years here. I have seen the guards making out the sheets, and have never yet seen any falsification. Personally I do not believe that statement of Carter's. Then, this matter of Carter saying that he was put on the north line to run to Culverden for seven weeks to do away with complaints that had been made of slow running: I do not know anything about that. No date was stated, and it is absolutely without my knowledge; and I think I should have known something about that. I know absolutely nothing about it; it was either prior to my coming to Christchurch, or it is untrue. Then there was some mention made with regard to Rule No. 74: "When a distant-signal is at 'danger' an approaching train must be brought to a stand before passing the signal-post, and then if the driver sees that the way in front of him is clear he must proceed slowly and cautiously within the distant-signal, having such control of his train as to be able to stop it short of any obstruction until the rear of the train is protected by the signal. If the line is still clear ahead the driver must proceed in like manner until reaching the home-signal, where he must stop until either the home-signal is lowered or other signal given according to Rule No. 70. In thus passing a distant-signal at 'danger' the driver must pay particular attention to the gradients, state of weather, condition of rails, and weight of his train." Mr. Carter explained to you carefully this morning that that instruction was not literally obeyed. It is not literally obeyed as a general thing. Where the driver sees the line clear ahead of him, he practically comes to a stand at a distant-signal. He brings his train along at such a crawl that he could stop it at a wagon's length; but, in order to save jerking the couplings, or restarting the train after it has actually come to a stop, it is a usual thing to just crawl past the post. Practically the train does stop there. If they are just crawling past a signal-post that in railway practice all over the world is considered to be observing that rule. Rule No. 141 was quoted—viz., "In addition to any circular memorandum that may be issued special trains are to be timed on to and from all telegraph-stations, and before any special train is despatched notice must be received and acknowledged, if at all practicable, by every Stationmaster on the line. Where there is not time to get written acknowledgment the telegraph must be freely used, and the guard (if there is no guard the driver) of special train or engine must receive written instructions from the Stationmaster who despatches the train directing him when to leave each station and where to shunt for crossing trains." Mr. Carter said that that rule was not observed on 11th March. I think if I show you a special train notice for that train on that date the whole thing will be clear. The whole of the instructions and particulars were printed, and this form [printed list put in] was issued to the staff on the 6th March, and that special train practically became a time-table train, and the staff must have been thoroughly conversant with it. That complies with requirements, and there is nothing whatever in this contention that that rule was not observed. Then reference was made to Rule 163: "Trains sometimes over-running platforms." Of course, that does happen occasionally; generally through some one's want of judgment, usually the driver's. Perhaps Mr. Carter has himself had more experience than most of us; but, as a general thing, it is very, very rare. Then with regard to the first "excursion" having not been put into the siding. That I do not think was necessary. There was no reason to suppose any train would enter that station or any other station without the necessary signal-permission. The fact that Carter's train entered Rakaia Station without permission was a most serious breach of all railway regulations, and the cause of a very serious disaster. If that station had been protected by a most elaborate set of signals, and every contingency provided for, but the driver had failed in his duty, the whole thing might have happened exactly in the same way. If a driver approaches a station at a rate of speed higher than he should with his train, surely something must happen. As to providing for anybody being so negligent as to run in as was done in this case, the thing would not be practicable, nor would it in many cases meet the requirements. Many sidings would not hold these big trains. Rules 138 and 291 were quoted together by Mr. Taylor. Well, I simply submit that is pure quibbling. This is a matter which is entirely within the discretion of the Traffic Manager controlling the traffic for the district. It is ruled by conditions which are special, and very likely unusual and varying for almost every train. It is ruled by the gradients, curves, size of the train, and the conditions generally. It is entirely a matter for the discretion of the Traffic Manager. It does not affect this Rakaia disaster in the remotest degree. It is absolutely extraneous. Now, there is one item of evidence I should like to emphasize here, and that is the evidence given by Mr. Danks. Now, this was the evidence given by him before the Royal Commission:—

THOMAS DANKS sworn and examined.

Mr. Pendleton.] Have you been a driver in the New Zealand service?—No; I was a driver on the Victorian railways.

How long is it since you were there?—I left in 1878.

How long had you been driving there?—Sixteen years.

Did you resign?—I resigned to come to New Zealand to start business.

Were you a passenger on either of these excursion trains?—I was a passenger on the last returning train (Carter's).

Have you any recollection of what part of the train you were in?—I was in about the fifth carriage from the engine.

Did the train start, according to your old railway experience, very quickly from Ashburton?—From my experience, it started decidedly too quick, considering the conditions of the night; it was rough and wet. They were running at a speed of from thirty to thirty-five miles an hour in less than a mile.

Was it a speed you thought too great for the line and the night, and otherwise?—It was an unsafe speed at any time, seeing the conditions of the gauge and the general character of the railway.

Did the carriages rock unusually?—No. I was in a very good carriage, and it ran more like a sledge than a railway-carriage.

As an old railway-man, you would be alert for any whistles, or would note if the steam was shut off? Can you tell us what was done? Did you observe anything at all?—As far as my recollection serves me, it appeared to be half an hour after we left Ashburton that we felt the brakes suddenly applied.

Would it be the front or the back brakes?—It appeared to be from the front. We were all put at a severe angle in the carriage; the brake was applied too strong.

Was that shortly before the collision?—It appeared to be about the intermediate time from when the whistles for the guard's brake were used until we arrived at the station.

Then, you heard the whistles for the guard's brake?—Distinctly, and made the remark to my son, who was sitting alongside me, "Jack, there's trouble brewing."

Did you form any idea of where the guard's brake was put on? Did you notice any pull from behind?—No, there was no oscillation.

Or bumping?—Or bumping of the carriages together or anything of that sort.

Pro Mr. Carter.] How could you tell what speed we were going, sitting in the carriage?—The intuitive knowledge of an engine-driver, with the pulsations, is what he has to go by in the matter of speed in the dark; and the quick-recurring noise of the joints of the wheels going over the rails gave me an idea of the speed. It is a sort of knowledge you gain through being so many years on a railway.

You felt the shock half-way between the whistles?—The brake was on before the whistling. The whistlings for the brake to be put on seemed to be about intermediate from the time the brakes were applied and the time of the shock of the collision.

Mr. Pendleton.] Was there any slackening of speed noticed by you when the whistling for the brakes occurred?—No, I only noticed the gradually retarding effect of the brake power on the train. There was just one continual pull up all the way. The entire passengers in the coach seemed to have the idea that they were being held back by the brake power.

That, I would point out, gentlemen, is evidence given by a man of some considerable experience, and a man who had no interest in the thing either one way or the other. There was a question raised yesterday with regard to a similar brake failing at Styx and Sefton. I will read you what the driver in charge of that engine said before the Royal Commission. The following questions were put to him which he replied to, viz.—

Mr. Pendleton.] Did you on approaching Rakaiā get the proper signal?—Yes, after whistling for it.

And the train was well under control?—Yes.

How did you brake the train in?—By using the tender-brake; first by getting the couplings tightened and getting the carriages together and taking the weight off it, and then using the air brake.

Pro Driver Carter.] Did you, when driving a Baldwin engine, run past two stations (Styx and Sefton) in consequence of your air-brake failing to act?—I remember running past those two stations. It was not in consequence of the air-brake failing to act; but on those occasions—it happened on the same day—it was the second day the Baldwin engine ran. It was the first day she ran with a mixed train, and the brake was not in working order and was not taken up as it should be; and it was also my fault to a certain extent. It was not due to any failure of the air-brake.

Mr. Pendleton.] You say it was partly your fault. Can you make your statement more complete by saying what part was your fault?—The brake had not got into working order.

Was it through inexperience?—No. It was rough, and the cylinders did not act smoothly.

Then with regard to Carter's working-time. Yesterday, I am afraid, the impression left on your minds would be that he was a very much overwrought man. The actual time-sheets have been sent for but are not here yet. I have a note here of what time Carter knocked off work on the Friday preceding the accident. He knocked off work at 3.25 p.m.—in the middle of the afternoon of Friday. He came on duty on Saturday at 6.40 a.m. On the Friday he came on duty at 2.45 a.m., ran the Christchurch-Ashburton in at 3.25, and did not come on next morning till nearly 7 o'clock. But the actual time-sheets will be sent up here. Carter was detained at Rakaiā through this accident and instead of arriving home on the Saturday night to time-table he did not get home till half an hour after midnight. With that excursion he ran to Ashburton, he left Christchurch at 7.45 a.m. and got to Ashburton at a quarter to 11, being fifteen or twenty minutes late—not exceeding half an hour—making it before 11 o'clock when he arrived. He could go into the engine-shed and rest there until it was time to come out and take the 6.15 train home. Well, approximately from a quarter to 11 in the morning to 6 o'clock at night the engine did not turn a wheel in Ashburton. With reference to the method of computing time, about which Carter seemed rather undecided yesterday, the time Carter comes on duty in the morning is booked and time counts from that till the time he goes off duty at night, with this proviso, that if he has to stand at a station, as Carter had to do, roughly speaking, from a quarter to 11 till 6 o'clock at night—say seven hours—without turning a wheel, the department only pays three hours of that standing-time. They think that three hours is a fair proportion for any standing-time. If a man stands three hours at a station, he is paid for the whole of it. If he stands four hours, he is paid for three hours; one hour is deducted off. Any overtime which is made beyond fifty-four hours per week is paid for at the rate of time and a quarter. On Sundays, if called upon to do Sunday duty, which is not very often, Sunday time stands on its own bottom; he is paid at the rate of time and a quarter, which is separate from the week. With regard to lodging allowance, if a driver is away from home at night, in addition to getting his ordinary day's pay, he is allowed 4s. per night for his lodging-allowance. There is one point here which Mr. Carter referred to yesterday, and in his statement he led you to suppose that he had no assistance from the guard's brake. We have it in evidence that the guard did put the brake on—that is to say, the man who was acting as guard, instead of ticket-collector. He put the brake on, and kept it on. This is the evidence given before the Royal Commission, viz. :—

JOSEPH JOHN BURROUGHS, Porter at Christchurch, sworn and examined.

Mr. Pendleton.] Did you act as assistant to Climpson on the 11th of March in running the second excursion train?—Yes.

From Christchurch to Ashburton?—Yes.

When you found the guard had been left behind, what was your action?—I started to make my way back to the van.

Did you get there?—Yes.

And then?—I did not take any action to stop the train, or anything of that sort.

Had you any notion where you were; had you got through Chertsey?—No, we had not got to Chertsey.

Did you notice anything when you went through Chertsey?—Yes; the Stationmaster with a green light showing.

Have you often run as assistant to the guard?—Yes, several times.

On that road?—Yes.

Did you at any time on the road, running from Ashburton to Rakaia, endeavour to give a signal to the driver?—Yes.

When?—After leaving Chertsey.

Why did you do that?—In the first place, an assistant-guard does not compare his special-train notice with that of the driver; and, in the second place, the guard having been left behind, I wanted to make sure that the driver understood his crossing-place.

Do I understand that your exhibition of the signal was with a view of stopping the driver?—Yes, at the next station.

Where was that?—At Rakaia.

Dr. Giles.] What signal did you use?—A green light waived sideways.

Mr. Pendleton.] You first showed that after leaving Chertsey?—Yes.

Did you get any response?—No.

Did you continue to show it?—I continued to show it.

Did you show it continuously?—Barring the time I went into the van to give the brake a turn.

What for?—Because I thought we were getting very near to Rakaia. There was a young man in the van named Fitzpatrick, one of the Committee-men. I said to him, "Give the brake a turn."

Whereabouts was this?—I could not form any opinion where it was. He said, "Which way do you turn it," and I stepped inside and got hold of the brake myself and gave it several turns, and he said, "Oh, I can do the rest," and then I saw him turn it on. I went to the door again and saw him turning it on pretty well as far as he could do, and I continued to waive the green light after that.

You knew that the train would have to stop at Rakaia?—Yes.

Then, why were you waiving a green light to the driver to stop at a station where you knew he was going to stop?—I was not aware that he knew that he had to stop. Of course, he had his special-train notice, as I had.

Do you know that Fitzpatrick put the brake on some distance from Chertsey and kept it on, or did he not?—Yes; after he had put it on he leant on it, or rested on it.

Did you continue to show the green light right into Rakaia?—Yes.

Did you at any time see any one give you any response—either a whistle, a light, or anything of the kind?—No.

Did you see O'Neill at Rakaia?—My attention was drawn to him by him singing out. He was on the opposite side of the train. He called out, and I saw his red light.

Further than that, we had it in evidence from the driver of the branch-train standing at Rakaia that he saw the brake was on in passing. It was clearly established in evidence that the guard's brake was on in this case. I have just received a telegram, Mr. Chairman. I have already denied any knowledge of my attention being called to the defective brake when Carter brought his engine into the workshops. Yesterday afternoon I telegraphed to Addington to the workshops to ascertain—first, if anybody had heard any complaint about this brake, and also if the brake was found to be defective and in need of repair while in the shops. This telegram is as follows: "A. R. Beattie, Esq., care Locomotive Superintendent Railways, Wellington.—*Re* tender-brake, engine 284. Workshop manager reports that Carter did not call his attention or report Westinghouse tender-brake unworkable to him. Foreman Evans and leading-hand B. Firth also state that the Westinghouse tender-brake was not reported unworkable to them at any time. Foreman fitter and leading-hand further state that tender-brake was found in good working order when engine was brought into shops.—CHARLES LOVEDAY." I say this statement *re* defective brake was never made to me by Carter when the engine was brought in. I think, Sir, that is all that I wish to say in regard to the matter. If there are any other points on which I can throw any further light I shall be only too glad to do so. Mr. Carter having stated yesterday that he did not consider the brake-blocks had anything to do with the accident, I do not propose to elaborate on that.

62. *Mr. Taylor.*] Has that engine been in trouble since the accident at Rakaia?—It has not.

63. Did it run into a loaded truck since the accident at Rakaia, and break the cow-catcher?—Not to my knowledge.

64. About the trouble at Sawyer's Bay with a brake. What would be sufficient air-power to make a brake act properly?—60 lb. is the minimum, and 80 lb. the proper working-power in the train-pipe.

Mr. Taylor.] I propose to read this letter, Mr. Chairman, which is dated from Timaru, viz.:—

Timaru, Thursday, 1899.

DEAR HARRY,—*Re* telegram. You wanted a report of Sawyer's Bay case. Leaving Palmerston on time of No. 19 R.R. goods south with 2 Baldwin U class engines, crossing No. 12 express at Seacliff. I may state after leaving Seacliff rain set in, and on leaving Mikiwaka Tunnel I put on my tender-brake as soon as we turned the top of incline, which is a few chains from the north mouth. On getting out of the tunnel my mate said, "She's away," and looking up at the gauge she registered 90 lb., and he applied the sand. Finding this would not act, I turned on the valve and gave her more pressure. The gauge now 110 and still not acting, we tried the half-cock, but with no avail. My mate then gave three distinct whistles, repeating every few chains. Knowing we had No. 16 from Dunedin to cross at Sawyer's Bay, and both booked in at the same time (1.45 p.m.), our brakes having failed we overran our distance by about 34 chains. Having set back to station, I must say that our brake acted very well; it went on with a jerk, pulled up quite sharp, arriving in Dunedin at 2.15 p.m., and at Dunedin the brake acted very well indeed. Harry, you have cut me short. Having a few minutes in Timaru I take this opportunity, hoping to get it away by express, so that you will get it on Friday. Hoping you are keeping well. Success, Harry.

I am, &c.,

A. H. ABBOTT, Fireman, Oamaru.

P.S.—Hoping this will do, if not I will give you one with ink.

65. *Mr. Taylor.*] Was the fireman examined in connection with the Sawyer's Bay affair or only the engine-driver?—Only the engine-driver, I think. These are the reports: "14th December, 1898.—Engine-man A. Graham reported as under: 'I beg to report overrunning points at south end at Sawyer's Bay when bringing engines U 282 and 287 from Christchurch. No damage done and no delay.' 'Re the above, I beg to further state, in addition to my report of 14th December, 1898, that the only load I had on was one American U class engine, running dead; the air-pressure was down to 40 lb., as I felt sure with that pressure that the tender-brake was sufficient power to enable me to stop at Sawyer's Bay, as I was only running about eighteen or twenty miles an hour. As I could see there was no immediate danger ahead I took no further steps to stop except applying the sand. I could have stopped easily before fouling points by reversing engine had there been any danger. Brakes worked well all the way down, and I felt sure that the 40-lb. pressure with tender-brake would have pulled them up easily at Sawyer's Bay, as I could have stopped at another part of the bank with 50 of air and tender-brake.'" I may further state, Sir, that this Fireman Abbot first ran on that type of engine, with Westinghouse brake, on one particular day. His knowledge of Westinghouse brakes is simply confined to what he saw on that particular day (his first trip).

66. It did not come out in the inquiry as to how far he overran the platform?—I understood he ran past the platform its length.

67. Would it be wrong in saying he ran 34 chains?—I could not tell you without measuring, but am not prepared to say. I know that he did run past the platform.

68. Do you know whether there was a train timed to be at the platform at the time he ran past?—No, there was not.

69. Is this man wrong in saying the 1.45 train was booked in?—There were signals both north and south. The Stationmaster would keep signal against the other; of course, there would also be the block.

70. What was the punishment meted out to the driver for that?—A fine of £1.

71. Was he recommended for suspension from driving?—Not by me.

72. Was he not recommended to be suspended from driving for six months?—He was recommended to be suspended for the offence.

73. That recommendation was not carried out?—No.

74. And the fine of £1 was substituted?—

75. Did Gardiner, on the Sefton line, report the failure of his brake?—No, not at the time.

76. Was he punished for not reporting it? Have you the papers there?—This was Gardiner's report. The thing was brought up first at the Royal Commission at the instance of Driver Dawson. He was then called upon for his explanation which was—viz: "With regard to the alleged over-running of the platforms at Styx and Sefton, brought forward to-day by J. Dawson, Sir: I beg to report for your information the running rather far with my train at the above platforms on the 19th December. The reason that this was not reported at the time: I did not consider it necessary as I did not run the van from the platform in either case, and, Sir, I would also like you to see Mr. Burnett with regard to this, as he rode with me on the above day from Papanui to Amberley." Mr. Burnett's minute on the above is as follows: "Locomotive Engineer, Addington.—I remember travelling on Driver Gardiner's engine on the 19th December. At two stations, Styx and Sefton, I think he slightly overran the platforms, the van being stopped opposite the north end of the platform. I think Gardiner told me it was his first trip with one of the new engines, and that he had not got properly into the way of working the brake. There was no overrunning sufficient to need reporting.—J. BURNETT, District Engineer."

77. Did you not say afterwards Gardiner declared that the roughness of the brake was the cause of his overrunning? Mr. Burnett suggests it was inexperience. Does not Gardiner suggest there was some roughness affecting the brake?—This is his evidence before Royal Commission: "I remember running past those two stations. It was not in consequence of the air-brake failing to act; but on those occasions—it happened on the same day—it was the second day the Baldwin ran. It was the first day she had run with a mixed train, and the brake was not in working order, and was not taken up as it should be; and it was also my fault to a certain extent. It was not due to any failure of the air-brake."

78. You said there is a speed up to forty-five miles permitted over the portions of the line that are particularly safe and being strengthened?—Yes.

79. Has the line between Rakaia and Chertsey been strengthened?—It is in first-class condition.

80. Under certain circumstances a speed of forty-five miles would not be considered wrong. Is there any evidence to show that Carter entered Rakaia at forty-five miles an hour?—No.

81. If you were running forty-five miles an hour—except on an occasion—when the weather was what it was on that particular night, would it be regarded as reckless driving?—This express speed applies to the express trains.

82. Is not the excess of speed connected with trains running to time-table?—This man was running to a time-table.

83. The mere fact of his having started from Ashburton not at the time in the table, would not that account for his running?—Not on a night like that.

84. What are the usual causes for a man exceeding the natural speed?—The usual cause is, if the business along the road is heavy on certain portions of the road he is allowed to run up to a higher rate of speed in order to pick up so much as can be safely done of time lost.

85. And if he starts late from Ashburton, would not that also be a reason for running at additional speed to try and make up the time?—It rests with a man's judgment, but not on a night like that between Chertsey and Rakaia.

86. Do you know if the guard Burroughs had ever had any experience?—He had been out several times, whether on a train like that or not I am not prepared to say.

87. Did you hear him give evidence before the Royal Commission?—Yes.

88. Do you remember what he said before the Royal Commission as to the extent of his experience in attending trains?—He says here at question No. 397, in reply to Mr. Pendleton, "Have you often run as assistant to the guard?" "Several times." Then, in question No. 398, "On that road?"—"Yes."

89. "Can you form any idea as to the pace or speed?"—He said, "No," he could not.

90. You referred to Mr. Danks's evidence, Mr. Beattie. Can you estimate fairly the speed a train is travelling at from the pulsations?—I am not an old driver.

91. But you have travelled a great deal?—I could make a shot at it.

92. Do you know whether a man can estimate it correctly in a six-wheeled, as in an ordinary eight-wheel carriage?—I consider that an old driver, with the experience that Mr. Danks said he had, could estimate the speed in any carriage, even in a bogie carriage.

93. You still rely on his estimate?—Certainly. His estimate of the speed was founded on what I should consider a reliable basis.

94. About this reporting of Carter to you of the defect in this tender-brake?—I say positively, Carter did not report that to me.

95. Do you remember having a conversation with Carter before the accident in the Addington Yards?—No, I have no recollection of it.

96. If Carter says you noted the conversation, would you say positively that he is wrong?—I simply say positively now, that I have not the slightest recollection of it. He had his own foreman, and had no business to come to me.

97. Do you never converse with engine-drivers in the yard?—Very rarely indeed.

98. What is Carter's reputation? Do you know the engine-drivers intimately?—No.

99. Do you know anything about Carter's reputation as an engine-driver prior to the accident; did you look upon him as a fast driver?—I cannot say that I have any knowledge of that.

100. What official would have the best knowledge of that?—Well I doubt whether any official would have it.

101. Supposing that a man is wanted who is known to be a man that took the best work out of his engine, who would appoint him?—The locomotive foreman would appoint him probably after consultation with me.

102. Do you remember at any time hearing complaints about the North trains not being in time?—Yes.

103. Do you remember anything being done?—Yes.

104. When the driver who made these slow trips was put off, who was put on?—A driver named Hyland and another named Coard.

105. Was that before or after the Rakaia accident that Hyland was put on?—I think it was before.

106. Would you be surprised to hear it was after?—I simply spoke from memory. I should say if it was afterwards it was very shortly afterwards.

107. Might it have been afterwards?—Yes.

108. Can you remember Carter being put on to the Culverden line?—I have no recollection.

109. Do you remember when Hyland was put on the question was raised that he had not run as fast as he might have done in making up speed?—Not to my knowledge.

110. Why was another driver taken off?—For the inefficient handling of his engine.

111. Was his offence that he was not making speed?—No.

112. What was the offence?—That he was not handling his engine as he should do.

113. What work is he doing now, still driving?—Yes.

114. Has he given satisfaction since?—Yes, in the work he is doing.

115. Have there been any complaints in making up time?—He has not been on work needing making up time.

116. Where has he been?—Running locals and making odd journeys.

117. Does the handling of an engine entail running above the maximum speed?—Certainly not.

118. Is it not understood that certain engine-drivers can do that—run above the maximum speed?—It is within our knowledge and consent; certain portions of the line are given a higher rate of speed—for the express train; beyond that I do not know.

119. Beyond that, you do not know whether speed is made up beyond express trains?—No.

120. Do you not know it is the practice of drivers to make up speed on other trains?—Not by exceeding their maximum. Of course, I may say here, for your information and the information of the Committee, it is not practicable to judge, or for a driver himself to judge, very closely all the time his exact rate of speed, nor is it very easy to observe a uniform speed when you are coming up- and down-hill. A certain amount of margin is necessarily allowed; it has to be.

121. Have you no personal knowledge of Carter's reputation prior to the accident?—I have no personal knowledge other than the records of the office.

122. Would any other officer have a more intimate knowledge than you?—I suppose Mr. Dickenson would.

123. You cannot tell us whether Carter was likely to be selected because of his reputation of being a fast runner?—I should certainly say not.

124. Would Mr. Dickenson be able to say whether he would be selected for a position of that kind?—I doubt whether he could say so.

125. I think you quoted from returns from England, where in 90,000,000 passenger-train miles there were only four failures of the Westinghouse continuous brakes?—Yes.

The Chairman: You can ask Mr. Beattie any questions you wish to now, Mr. Carter.

126. *Mr. Carter.*] When I took that engine to Addington to have the necessary alterations made, do not you remember taking notes of what I would like to have done to the engine, and do not you remember taking notice of that tender-brake that did not work, and you stooped down and pulled the lever open and asked me to get up on the engine and put the brake on?—I do not recollect that at all.

127. The engine was standing outside the Addington workshops, and you told me to go up and put the brake on after you had pulled the lever back. The brake did not go on, and then you said, "I will try it, and have a look if it goes on." You went up and tried it, and it never went on?—I have not the slightest recollection of that.

128. You took notes down of what I asked you—of what I would like to have seen to?—Why did not you report a list of these things? What was the good of taking the chance of seeing me?

129. I had just come in from Ashburton with the midday train. Mr. Dickenson asked me to take the engine away to the shops, and you were the first man that came to the engine. You took your pocketbook out and took notes down, and I mentioned there was the slotted brake-blocks; you passed some remark yourself about it?—I can be most positive in that denial. The slotted-blocks I do not disapprove of, and therefore that carries its own contradiction. I positively deny that, and that strengthens my denial of the previous occurrence.

130. At the same time, did not I say that I would like the smoke-box, and to put our own spark-rests in?—I have not a shadow of recollection of it.

131. Have you a book of the notes that you took down on that day. I think you mentioned the date?—The 4th of January was the day the engine went into the shed. I have no entry beyond the fact that I was at Christchurch.

132. Was that the book you had?—Yes.

133. You took notes of all that I asked you, and you asked me whether there were any other improvements that I would like to have done to the foot-plate?—I am afraid, Carter, that you have been dreaming. I deny that.

134. *The Chairman.*] Was there any one present besides yourself and Carter?—My fireman was there, but he was busy.

135. *Mr. Taylor.*] Was Mr. Felton there?

Mr. Carter: He came some time afterwards. Mr. Beattie was there first, then they were all there afterwards.

136. *Mr. Carter.*] About the notice that I received. I had the running-orders, before I left with that special, for Christchurch to Ashburton and back, but I consider I should have had further orders when the train arrangements were altered. I left Ashburton sixteen minutes late by my own time, and twenty minutes by the Stationmaster's time. I did not get any alteration as to the running at Chertsey?—Well, seeing that the crossing and the train-running was not altered, I do not see any need for revised running. He was still working to this crossing-place. It is not usual to give a revised time-table to a man every time he is late. It was unnecessary to give him any further instructions than he had. He was still working to the time-table he received, and the crossings were not altered.

137. Is there not a rule to this effect: when an alteration of the running is made—of a train running late—the Stationmaster should give notice as to the alterations of other trains that he has got to meet, if other trains ahead of him are delayed?—If the crossing is altered the driver would get notice; if it were not altered his previous instructions would stand good.

138. I have nothing to refer to but the rule-book. I have known times where I have had written instructions from the Stationmasters where I have had another train in front of me. I thought it would apply in my case?—In my opinion it would not apply in this case.

139. *Mr. Laury.*] What does Mr. Beattie mean by the crossing being the same. Does that apply to the locality of the crossing, or the time?—Locality, sir, the station at which the crossing is to be made.

140. Then it does not matter what time he comes to that crossing. What I mean is this: Mr. Carter said he started twenty minutes late. Would it matter if he were twenty minutes late?—Unless he got orders to the contrary he would observe that time-table on which he was working. He would have no authority to alter that without written instructions.

141. He could not be at that crossing before the stipulated time, but if he started late would it have affected the position?—No, so long as the crossing was not altered. Supposing it had been desired to make the crossing at Chertsey—you must remember there was another train crossing at Chertsey—therefore, Chertsey was preoccupied.

142. If he started twenty minutes late there would be nothing in the regulations to prevent him making up that time so as not to be twenty minutes late at the crossing?—Nothing whatever, so long as he did not exceed his maximum speed.

143. *Mr. Flatman.*] I think it has been alleged that the train that was driven by Mr. Carter ought to have stopped at Chertsey. Where would the Chertsey Stationmaster have received that information, or who would have been in authority to give that information?—The Chertsey Stationmaster did not get any instructions to stop the train.

144. There was no need to stop the train at Chertsey?—No need whatever.

145. *Mr. E. G. Allen.*] Would it not have been advisable to have stopped the train so as to tell the driver the guard had missed his passage at Ashburton?—No, not necessarily; and the mere fact of the senior guard missing his passage at Ashburton simply resulted in the junior guard taking his place in the van. It is said in the Royal Commission Report, "It is not apparent that his absence in any way led to the subsequent accident."

146. Had Carter ever been fined or reprimanded for any failure of duty previous to this accident?—Yes; he had been dealt with on previous occasions.

147. For any serious offences, or for minor offences?—Certainly minor offences as compared with the Rakaia disaster.

148. *The Chairman.*] The train was timed to leave Ashburton at 6.15 p.m.?—The first train at 6.5, and the second train at 6.15 p.m.

149. It was the second train he was driving?—Yes.

150. And it is shown to have been twenty minutes late in starting, making it 6.35 p.m.?—Yes.

151. It was also timed to reach Rakaia at 6.57—twenty-two minutes later?—Yes.

152. The distance is, how much?—Seventeen miles.

153. And the petitioner had no instructions to be later at Rakaia, although he started twenty minutes late from Ashburton? The time-table still held good—to make Rakaia at 6.57; so far as he knew, to do seventeen miles in twenty-two minutes?—Oh, no. I may say, Mr. Chairman, in elucidation of that, that the time allowed for that train to run from Ashburton to Rakaia was forty-two minutes.

154. How is that set out in the time-table?—6.15 to 6.57 equals forty-two minutes.

155. Of which twenty had gone before he had started?—Yes; but I might also remark to do the distance of seventeen miles in forty-two minutes would be an average rate of speed of $24\frac{1}{2}$ miles an hour.

156. That is so if he had the forty-two minutes, but he had only half that space of time?—Yes.

157. What was to be his conduct without any modified instruction?—The rate of speed on that particular portion of the line for ordinary trains is thirty miles an hour—maximum rate of speed. He was quite at liberty to extend his speed from this time-table speed, from twenty-four to thirty miles an hour, which would have enabled him to pick up a certain amount of time. That was practically within his rights. His speed would have been slightly accelerated up to the maximum rate by reason of his being late.

158. He was free to increase his speed up to the limit you speak of?—Yes.

159. That would have reduced his lost time on reaching Rakaia?—Yes.

160. *Re* the use of the brakes. Is the acquirement of a knowledge in the use of the brakes comparatively easy?—The manipulation of the brakes is perfectly easy. It is taught to a young fireman in a very, very, short time; the actual application of the brake is simply turning a lever round. What you want is a little judgment in judicious handling.

161. You have a driver named Dawson?—Yes.

162. Is he using engines of this kind, fitted with brakes of this type?—He is.

163. You said, "Dawson is under the impression that he is very well posted on the air-brake matters." Is that an assumption?—I think it is on his part.

164. Do you think he assumes to be posted on them without being well posted?—Judging from certain questions which I was asked in the Supreme Court, and certain replies and statements he made as a witness in the Supreme Court, I should doubt that he was highly posted.

165. Do we gather from that that you have a man in the service using these brakes who is not well posted in them?—I do not say in the use of them—I say the intricacies of them.

166. Your words were, "He is under the impression he is well posted in the air-brakes"?—I meant in the whole theory of air-brakes—a theoretical knowledge of them.

CORRESPONDENCE LAID BEFORE THE RAILWAYS COMMITTEE BY THE HON. MR. CADMAN AFTER THE CONCLUSION OF THE EVIDENCE TAKEN *RE* PETITION OF C. H. CARTER.

The General Manager, New Zealand Railways, Wellington.

H. Carter's Petition against Dismissal.—I have investigated the allegations made by Driver Carter, and examined the men referred to by him; also several others. Enclosed are statements from Mr. C. I. Denby and Mr. L. P. Pepperell, formerly Stationmasters at Winchester, and Mr. W. H. Dunnage, now Stationmaster there; Mr. G. Andrews, present Stationmaster, Orari; Mr. J. May and Mr. J. R. Martin, formerly Stationmasters, Orari; Guards Hobbs, Brittenden, and Radford (Guard Jones is now in Wellington District); Drivers C. Marshall, W. Hyland, C. R. Smith, C. Powke, M. Gardiner, E. Johnston, and W. Hill, all of whom, as you will observe, emphatically deny the statements of Carter, and that any such practice prevails. I have no hesitation in giving my opinion that there is not the slightest foundation for the statements made by Carter that guards, drivers, and Stationmasters have been acting in collusion to book false time.

With regard to the Stationmasters, the charge may be dismissed as utterly improbable; they could have no possible motive for any such falsification, and without some strong impelling motive it is beyond credibility that any person in the responsible position of a Stationmaster would lend himself to any such irregularity. The guards similarly have no reason for committing themselves in this way, as they are not, unless under some exceptional circumstances, responsible for late running.

During the sixteen years I have been in charge of a district I have made it a practice to perform the most of my travelling in the brake-van, where the action of guards and Stationmasters

is more under observation, and I have never upon any occasion seen or heard anything which would indicate anything of the kind, nor has anything ever come under my notice otherwise, which would give colour in the smallest degree to any such statements as have been made by Driver Carter, which I consider are nothing short of slander against a respectable body of men.

I enclose two reports from Mr. Gray, Traffic Inspector, who also has frequent opportunities of observing any irregularities, and his statement is emphatic that the charges are baseless and incredible. The statement is also forwarded of Mr. J. Dickinson, Running-shed Foreman, who has no knowledge of any irregularities, as indicated by Carter.

W. H. GAW, District Traffic Manager.

Traffic Manager's Office, Christchurch, 31st August, 1899.

Traffic Manager, Christchurch Railways.

31st August, 1899.

YOUR B.G.: I have no knowledge of any collusion between drivers and guards as to entering false time, and have never knowingly entered wrong time in train-book, and have never received any note or message asking me to do so.

C. I. DENBY.

Traffic Manager, Christchurch Railways.

31st August, 1899.

Re Carter's statement: I am confident that no such notes were thrown out during my term at Winchester, or, if so, they never reached me.

L. PEPPERELL.

Traffic Manager, Christchurch.

31st August, 1899.

YOUR B.G.: Actual time of arrival and departure shown in train time-book. No such note received from guard or driver during time I have been here.

W. H. DUNNAGE.

Traffic Manager, Christchurch Railways.

31st August, 1899.

YOUR B.G.: I have no knowledge whatever of any note being thrown off asking me to enter false time in train time-book since being stationed here, nor have I ever received such a note.

GEO. ANDREWS, Stationmaster.

SIR,—

District Traffic Manager's Office, Christchurch, 31st August, 1899.

Carter's Statement before the Committee in the House.—I beg to say that during the time I was in charge of Orari, also Rakaia Stations, I have always entered the correct time of arrival and departure of all trains, and was never asked by guards or drivers to enter incorrect time. No notices were ever thrown off by the guard at my stations asking me to do this.

Yours, &c.,

The Traffic Manager, Christchurch.

J. MAY.

District Traffic Manager's Office, Christchurch, 31st August, 1899.

Traffic Manager, Christchurch.

Ex-Driver Carter's Statements.—I have never on any occasion, while Stationmaster at Orari or elsewhere, received a note from a guard requesting me to enter false time in train time-book. The times entered in train time-book have always been correct to the best of my belief, and have been the times as observed by myself on station-clock or my watch. No guard has ever suggested that I should enter the wrong time. I have never heard of any instance of collusion between guards, drivers, and Stationmasters as to wrong time being entered.

J. R. MARTIN,

Stationmaster, Springfield.

SIR,—

Railway-station, Christchurch, 31st August, 1899.

As ordered, I beg respectfully to report upon certain statements, implicating myself, made by Mr. Carter before Rakaia Accident Commission at Wellington:—

"That I have thrown off to Stationmasters, when passing, a note what time to book." Have never done so personally myself. Have compared time with Stationmaster when departing, with the object of checking time; practice of guards.

"Have asked Stationmasters to alter train starting-time, or engine-driver requested me to do so." Have no knowledge of doing such a thing, nor have drivers asked me to do so.

"That I am aware of collusion between Stationmasters, guards, and engine-drivers for the above purposes." So far as I can vouch, the practices mentioned are not adopted between Stationmasters, guards, and engine-drivers.

I have, &c.,

The Stationmaster.

WM. THOS. HOBBS, Guard.

SIR,—

Traffic Department, 31st August, 1899.

Driver Carter's Statements.—I have never been in the habit of throwing off the train slips of paper to Stationmasters requesting them to enter false times. I can call to mind no instance of booking false times or entering into collusion with drivers and Stationmasters, nor can I recollect any occasion being asked by them to do so for the purpose of evading the regulations.

I remain, &c.,

The Traffic Manager.

E. BRITTENDEN.

SIR,— District Traffic Manager's Office, Christchurch, 31st August, 1899.
 I beg to state the time on running-sheets is the correct time, and I have never thrown off memoranda to Stationmasters. I have always given them the drivers their correct time. They might have said, "We will make it up," and I would say, "All right"; still I would book the time they would run.

I remain, &c.,

W. RADFORD, Guard.

CHARLES MARSHALL stated: I am a first-grade engineman, located at Christchurch. I have been an engine-driver about sixteen years on New Zealand railways, and about five years as fireman. With regard to ex-Engineman Carter's statement as to Stationmasters and guards falsifying train-time, I do not know of any instance in which that was done.

Christchurch, 31st August, 1899.

C. MARSHALL.

Witness to signature—A. L. Beattie, Locomotive Engineer. 31/8/99.

WILLIAM HYLAND stated: I am a second-grade engineman, located at Christchurch. I have been driving, off and on, for about nine years. I began fireman's work on New Zealand railways about eighteen years ago. With regard to ex-Engineman Carter's statement as to Stationmasters and guards falsifying train-time, I give it an unqualified denial: I never heard of such being done until I heard of Carter's statement. I have never known of an instance.

Christchurch, 31st August, 1899.

W. HYLAND.

Witness to signature—A. L. Beattie, Locomotive Engineer. 31/8/99.

CHRIS. R. SMITH stated: I am a first-grade engineman, located at Christchurch. I have been driving since 1883, and was firing before that from 1879, on New Zealand railways. With regard to ex-Engineman Carter's statement as to Stationmasters and guards falsifying train-time, I do not believe it to be true. I have never heard of such a thing being done.

Christchurch, 31st August, 1899.

C. R. SMITH.

Witness to signature—A. L. Beattie, Locomotive Engineer. 31/8/99.

CHARLES FOWKE stated: I am a first-grade engineman, located at Ashburton. I have been driving on New Zealand railways for about twenty-five years, and firing for about a year before that. With regard to ex-Engineman Carter's statement as to Stationmasters and guards falsifying train-time, I have never known an instance in any way bearing out or supporting Carter's statement.

Christchurch, 31st August, 1899.

C. FOWKE.

Witness to signature—A. L. Beattie, Locomotive Engineer. 31/8/99.

MICHAEL GARDINER stated: I am a second-grade engineman, located at Christchurch. I have been driving and spare driving, off and on, for about nine years, and was firing before that for about eight years, on New Zealand railways. With regard to ex-Engineman Carter's statement as to Stationmasters and guards falsifying train-time, I have never known it done.

Christchurch, 31st August, 1899.

M. GARDINER.

Witness to signature—A. L. Beattie, Locomotive Engineer. 31/8/99.

EDWARD JOHNSON stated: I am a second-grade engineman, located at Christchurch. I have been about seventeen years in New Zealand railway service. I have been nearly five years driving, and acting as a spare driver. As regards the statement made by ex-Engineman C. H. Carter, to the effect that Stationmasters and guards falsify train-time, I have never known it done. I do not believe Carter's statement to be true.

Christchurch, 31st August, 1899.

E. JOHNSON.

Witness to signature—A. L. Beattie, Locomotive Engineer. 31/8/99.

WILLIAM HILL stated: I am a first-grade engineman, located at Christchurch. I have been over twenty-five years in New Zealand railway service. I have been a driver all that time. With regard to ex-Engineman Carter's statement as to Stationmasters and guards falsifying train-time, I have never known it done, nor do I believe Carter's statement to be true.

Christchurch, 31st August, 1899.

W. HILL.

Witness to signature—A. L. Beattie, Locomotive Engineer. 31/8/99.

Traffic Inspector's Office, Christchurch, 31st August, 1899.

Traffic Manager, Christchurch.

Re Driver Carter's statement that there is collusion between Stationmasters, guards, and drivers to book false train-times, so that when trains are late excessive speed can be run without being detectable from the guards' journals and station time-books: I have never heard of or seen such a thing done, and am as certain as it is possible for me to be that the statement is false. I may say

that I, when travelling about, occasionally note the time of arrival and departure at stations, and at same time, or on my next visit to that station, compare time taken by me with the station records, and find the entries to vary not more than one minute. I do not believe there is any such collusion, nor are there any incorrect entries made by Stationmasters wilfully.

JNO. GRAY.

SIR,—

Traffic Inspector's Office, Christchurch, 31st August, 1899.

Further to my memorandum of this morning *re* Driver Carter's statement *re* train-times: I have to-day seen the Stationmasters, Ashburton, Chertsey, Rakaia, Dunsandel, Selwyn, Burnham, Rolleston, Templeton, and Hornby. They each deny that there is any truth in the statement. They all agree that only such remarks pass between them and the guards on this subject as will guarantee that the station-clocks and guards' watches agree, and that only occasionally. They enter in their train time-books the exact arrival and departure or passing time of each train. Acting-Guard Hiskins states he has never been requested by a driver to record false train-times, and he has never himself thought of doing so.

Traffic Manager, Christchurch.

JNO. GRAY, Traffic Inspector.

JOHN DICKINSON stated: I am running-shed foreman, Christchurch. I recollect instructing late Engineman C. H. Carter to take engine U 284 from Christchurch to Addington shops on 4th January, 1899, for alteration to cab, &c. Carter had arrived in Christchurch from Ashburton that day at 2.30 p.m. He brought his engine to shed, and stood there for twenty minutes. He had ample time and opportunity before leaving for Addington for reporting in running-shed repair-book, and also to me, any defect about his engine or tender. It was his duty to report any defect, but none was reported, nor did he make any remark to me as to anything being wrong with his brakes. He has never reported his brakes out of order since he has had locomotive U 284. These brakes have never been out of order. He never complained about his brakes to me, nor did he ever ask for any alterations. He did not ask to have plain, instead of grooved, brake-blocks.

Addington, 28th August, 1899.

J. DICKINSON.

Witness to signature—A. L. Beattie, Locomotive Engineer. 28/8/99.

JOHN DICKINSON stated: I am running-shed foreman, Christchurch. I have been in the New Zealand railway service for about thirty-six years; about twenty-six years of that time locomotive foreman. Ex-Engineman C. H. Carter has been under me since he started on the railways to the time of Rakaia accident. Carter never in any way led me to think that Stationmasters and guards falsified the train-time. He never suggested any such thing. Had he known of any such instance it was his duty to have reported same to me, when the matter would have been investigated. In the whole of my experience I have not had any reason for supposing that Stationmasters and guards falsified train-time. I have never known an instance.

Christchurch, 31st August, 1899.

J. DICKINSON.

Witness to signature—A. L. Beattie, Locomotive Engineer. 31/8/99.

GUARD J. W. JONES, stationed at Masterton, previously at Waikari for ten years: I know Driver H. Carter, and frequently acted as guard on his train when running between Rangiora, Waikari, and Culverden. I have never adjusted my sheet, as stated by Driver Carter, or shown a false time on my sheet. I have never had occasion to do so, and I never knew it to be done of my own knowledge. I have never thrown off a piece of paper to a Stationmaster. I have always stopped at officered stations, except rarely in the case of specials.

Head Office, Wellington, 31st August, 1899.

J. W. JONES.

Witnesses—T. Ronayne, C. Hudson.

Locomotive Engineer's Office, Addington, 29th August, 1899.

Locomotive Superintendent, Railways, Wellington.

Rakaia Train Accident, 11/3/99.—Under examination before the Railways Committee I denied Mr. C. H. Carter's statement that he had complained to me that his tender-brake would not act when applied, *vide* clause No. 7 of Charles Henry Carter's petition to the Hon. the Speaker and members of the House of Representatives. I now forward some evidence which I would submit in support of that denial, and would ask to have same laid before the Railways Committee.

A. L. BEATTIE,

Locomotive Engineer.

FRANCIS DELAMONTIE MATHER stated: I am a second-grade fireman, located at Christchurch. I was C. H. Carter's fireman at the time of Rakaia accident, and for several months prior to that. I was fireman with Carter on the 4th January, when we took engine U 284 from Christchurch to Addington shops. We had run the goods from Christchurch to Ashburton and back that morning with No. 284 engine. After our arrival at Christchurch, and before going to Addington shops, we stood at the Christchurch running-shed for about twenty minutes. During that twenty minutes I saw Carter go to the running-shed foreman's office. I cannot recollect now whether or not Carter went into the drivers' room, where the repair report book is kept. This room is in same building as foreman's office. Carter may have gone into the drivers' room. He could have easily

gone into that room without my noticing him, for I was busy about engine. During the whole time I fired to Carter on engine U 284 I never knew the engine nor tender-brake go wrong. Carter never mentioned, until after Rakaia accident, anything about the brakes on U 284 being wrong. After the Rakaia accident, same night, he remarked to me to the effect that the brakes did not hold as well as he expected. I judged him to mean that the rails and wheels were slimy, not that any portion of the brake-gear had failed. So far as I know, no portion of the brake-gear did fail during the whole time I was firing on U 284. The brake-gear was in good working-order on the 4th January, when we went to Ashburton and back, and subsequently up to Addington shops. Carter certainly did not say anything to me that day about the brakes being wrong. I know that the tender air-brake was in good working-order that day, because it was applied by Carter at Addington shops after our arrival there, and it went on without any difficulty, as far as I could judge. So far as I saw, Carter did not point out to Mr. Beattie any defect about the brakes. Mr. Beattie came up to the engine after it arrived at shops. Mr. Felton was with Mr. Beattie. They together looked around the engine and tender at a great many things, and, I think, were arranging about the alterations to the cab.

Addington, 28th August, 1899.

F. D. MATHER.

Witness to signature—A. L. Beattie, Locomotive Engineer. 28/8/99.

BENJAMIN FIRTH stated: I am a leading fitter at Addington workshops. I recollect engine U 284 coming to shops on 4th January, 1889, to my pit. I am positive that nothing was said to me about any fault in the brake. During the time engine was in the shops on my pit all the brake-gear was carefully examined, and everything found to be in good working-order on both engine and tender. No repairs were required to the brakes.

Addington, 29th August, 1899.

B. FIRTH.

Witness to signature—A. L. Beattie, Locomotive Engineer.

SYDNEY P. EVANS stated: I am workshop foreman at Addington, and am in charge of engine fitting and erecting shop. I recollect engine U 284 coming to Addington shops on the 4th January, 1899. I saw Engineman Carter on engine. I saw Mr. Beattie and Mr. Felton together at this engine. They were discussing the alterations to cab, &c., and arranging with me for the work to be done. Nothing whatever was said about brake being out of order: I am positive on that point. I did not see Mr. Beattie trying the brake. In the ordinary course the brake was examined while engine No. 284 was in shops, and everything found to be in good working-order; no part of the brake required any repair.

Addington, 29th August, 1899.

SYDNEY P. EVANS.

Witness to signature—A. L. Beattie, Locomotive Engineer. 29/8/99.

T. W. FELTON stated: I am workshops manager, Addington. I recollect engine U 284 coming to Addington workshops on the 4th January, 1899. On afternoon of 4th January, before the arrival of this engine at shops, Mr. Beattie and I were together in the blacksmith's shop, and on learning that the engine had arrived we went together to it, when certain alterations to cab, &c., were arranged. I am positive Carter did not report to me anything wrong with the brake, nor did I hear him say anything about the brake to any one else. I did not see Carter in conversation with Mr. Beattie; had there been any conversation, or trial of brake, I should have been bound to see same.

29th August, 1899.

T. W. FELTON.

SIR,—

28th August, 1899.

I have to report for your information that I ran the above train with engine U 284, and the brakes acted well, and were in good working-order on that date. I had no trouble with them in any way.

Yours, &c.,

The Locomotive Foreman, Christchurch.

C. MARSHALL, Driver.

NOTE.—This is the same engine which Carter ran next day—viz., 4th January—and took to Addington shops on 4th January, on which date he alleges the tender-brake would not act.—A. L. BEATTIE, Locomotive Engineer. 29/8/99.

T. E. Donne, Railways, Waipukurau.

30th August, 1899.

LET Jones attend at this office for examination.

T. RONAYNE.

General Manager, Railways, Wellington.

IF I must personally examine Jones, will it do if statement sent you 9 a.m. Monday, otherwise I must return specially? If approved, Mr. Robieson could examine him at Wellington to-morrow morning, and let you have statement at once. Please reply to Waipukurau.

T. E. DONNE, District Traffic Manager.

The District Traffic Manager, Wellington.

30th August, 1899.

Ex-Driver Carter's Petition against his Dismissal.—Carter has stated before the Railways Committee of the House of Representatives that it has been the practice in the Canterbury District for guards to arrange with the Stationmasters to book false time, so as to make it appear that the speed of trains between stations was less than was actually the case, and that the sheets have often been

adjusted by Guard Jones. This probably refers to Guard J. W. Jones, now at Masterton, but formerly stationed at Waikari. Will you please examine him, and let me have your report as early as possible?

T. RONAYNE, General Manager.

The District Traffic Manager, Christchurch.

30th August, 1899.

H. Carter's Petition against his Dismissal.—I forward you herewith notes of statements made by ex-Driver Carter before the Railways Committee of the House of Representatives. From these notes you will see that Driver Carter states it has been the practice on your section for the guards to arrange with the Stationmasters to book false time, so as to make it appear that the speed of trains between stations was less than was actually the case. The Minister desires that you will immediately investigate the allegations, examine the men concerned, and report result by next mail, enclosing all the evidence you can possibly procure.

T. RONAYNE, General Manager.

NOTES of STATEMENTS made by ex-Driver CARTER before Railways Committee.

CARTER stated: Say we are running a special between Christchurch and Timaru. We have stopped at some stations, perhaps shunting or something like that, between ten or fifteen minutes late. We must gain and make up that time, and if we overrun the speed the guard generally marks it on a piece of paper, and throws it off as we pass, to enable us to make up our time.

Carter, with reluctance, said that it has been done on the Culverden line many times. Knew for a fact at Balmoral the time has been booked away there, and made the time longer between Balmoral and Culverden. The sheets have often been adjusted by Guard Jones and another.

I know, in passing Orari and Winchester, the same thing was done there—one day when we were very late, but we got in at the right time. It was a special, and the guard came and told me he had made the time right with the Stationmaster, but I forget what guard it was. Could not tell the name of the Stationmaster. It occurred a good bit over twelve months ago. The practice was or has been a regular thing. Hobbs was one of the guards, and Brittenden another. The guard on the Culverden line was Walter Radford. The porter of the station used to run part of the way. I cannot remember his name.

Mr. Cadman: Did any of these men that you have named throw off the paper?

Carter: Well, I could not say they have. I know it has been done, but do not remember correctly the man that did it. It was a general practice, but known outside the service. It has been going on for a good few years.

Carter stated there is only one of the regulations strictly carried out, and that is with respect to signals and semaphores. That is a thing that is always carried out.

[Extracts from *Locomotive Engineering* (New York) for August, 1899, page 373.]

QUESTIONS AND ANSWERS ON AIR-BRAKE SUBJECTS.

(53.) J. D., Christchurch, New Zealand, asks: Do you know of any instance of the triple piston being stuck through obstruction getting on the feed-port?—A.—No. If other persons have had such experience, we would be pleased if they would write us, giving full particulars.

(57.) J. D., Christchurch, New Zealand, writes: (1.) Is it possible for pipe-scale or fins to get into the feed-port of a plain triple valve and prevent the piston going down when pressure is reduced in the train-pipe?—A.—(1.) While remotely possible, it is practically impossible, owing to the shape and small portion of the port exposed, and great pressure exerted to move the piston downward. (2.) If, on the train-pipe being again charged, and the piston moved up, so that it did not bear on the obstruction, that the obstruction would fall into the bottom of triple valve and cause no further trouble?—A.—(2.) As this would depend upon the ability of the obstruction to first get into the feed grove, an answer may be taken from A. (1).

[Extract from *Railroad Gazette*, 30th June, 1899, page 464.]

MEETING OF THE AMERICAN RAILWAY MASTER MECHANICS' ASSOCIATION.

HAS not the time arrived when air-brake instructors can accomplish more by instructing those who maintain brakes how to maintain them than to instruct those who use them how to use them?

Mr. R. W. Bayley (Westinghouse Air-brake Company): I think it very proper to teach not only how to repair brakes, but how to operate them. There are those who have to maintain them, and there are those who have to operate them. Each of them occupies a different sphere. We take the Inspector and tell him how to repair brakes, but we do not bother to tell him particularly how to operate them, because he is not in a position to do that. The enginemen and firemen we do tell how to operate them, while it would be a useless task, as a rule, to tell them how to maintain brakes, because they are not required to perform work of that character. This course of instruction is carried out in our air-brake instruction car—namely, the engineman is taught to manipulate the brakes, while the Inspector, on the contrary, is taught how to maintain them. To add to the instructions of the engineman how to maintain brakes and of the Inspector how to operate them is an entirely unnecessary proceeding, and is a waste of time.

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