

service are entitled to be supplied with a copy. The rules have been already revised and printed, and are available to those who should get them. If the stock of the Appendix has run out the reason is because it is about to be reprinted. A copy could be borrowed from a superior officer if an engine-driver wanted one.

Baume: I have heard Mr. Beattie's evidence and quite agree with it.

Court: The regulations in New Zealand as to brake-test are adopted from those in force in other countries. I do not agree that the brake-test is necessary before a train leaves Ngatira before the train proceeds up the incline. If there is any possibility of the brakes being tampered with there a brake-test then would be necessary, but the Department has had no experience of such tampering. We have a case of such tampering now. Apart from that the brake is perfectly reliable and not easily put out of gear. There is no objection to making the brake-test, but the experience of the thousands who use the brake is that such a test is not necessary. If the brake was tested at every station between Auckland and Rotorua it would add approximately two hours to the time occupied on the journey. I say there is no necessity to test the brake every time you start up an incline. Supposing a train properly examined leaves Auckland for Rotorua and were not broken on the way, then there is no necessity for a further brake-test after leaving Auckland. Of course, I am not a brake expert. The interference with the brake could be discovered by the guard by the indication on the gauge. The brake-test shows the brake is in operation throughout the train. I do not suggest the question as to the brake-test at intermediate stations is not worth consideration. Since the evidence we have heard has been given the matter will be carefully considered.

Prendergast: Every time the brake is used by the driver on the journey is a practical test of the brake.
H. Buxton.

Taken and sworn at Auckland, this 3rd day of September, 1907, before me—CHAS. C. KETTLE, D.J.

This deponent, AUGUSTUS VAN ZANDT MACDONALD, recalled, saith:—

I was present at inquest at Rotorua, and some question came up as to page 6 of Appendix. The question of Appendix being obsolete was brought up by a juror, and also by the police. I obtained permission from our counsel from my place at the table to speak. I stated that the Appendix rule having been in force before the advent of the Westinghouse brake will be taken as a hand-brake rule, but it was still in force; that it was in use in those sections not fitted with the Westinghouse brake—Nelson, Picton, Greymouth, Westport, Whangarei, and also our own ballast-train; that the statement made the previous night by Mr. Harris, Stationmaster at Putaruru, as to the rules being taken together, was correct—that is, reading the rules and Appendix together; that I knew on good authority that the Appendix to the Instructions—at all events, our portion of it—was in the printer's hands. That was what I said. There was no question of putting down brakes. It was merely the question of calling up the guard. We took it that the men would put the Westinghouse brake in lieu of calling up the guard.
A. V. MACDONALD.

Taken and sworn at Auckland, this 3rd day of September, 1907, before me—CHAS. C. KETTLE, D.J.

Further exhibits put in: No. 41—Table of Heights, Distances, &c. No. 43—Copy letter 11th April, 1905, General Manager, New Zealand Railways, to Secretary, Amalgamated Society of Railway Servants, Wellington.

At conclusion of taking the evidence it was arranged that Mr. Prendergast and Mr. Baume should each address the Court.

Mr. Baume intimated, on resuming at 2.15 p.m., that he had no objection to the evidence of W. A. McCommons (pages 16 to 26, inclusive, and page 34), and of Abraham Purser (pages 27 to 33, inclusive), taken at Coroner's inquest, being admitted as evidence on this inquiry.

It was admitted by all parties that Drivers Cooper has done 111 days' driving on various parts of line in this district, but was only once before the 3rd August last on the grade in question.

It was further admitted by all parties that Acting-driver Taylor had done 130 days' driving, mostly on Taumarunui line, and including about fourteen days' driving and fourteen days' firing on the Rotorua line, and that on the 22nd August last (1907) Cooper was promoted from acting-driver to driver.

Mr. Prendergast and Mr. Baume having addressed the Court, His Honour declared the inquiry closed, and stated that in due time his report would be forwarded to the Right Hon. the Minister for Railways.

CHAS. C. KETTLE, D.J.