

The appliances being the best known, and proper supervision being exercised in order to maintain them in a state of efficiency, and reasonable precautions being taken to prevent the accumulation of inflammable material near the lines, the department is blameless in respect of fires caused by sparks from the engines. They must be regarded as accidental.

REMARKS AND SUGGESTIONS.

As the Auckland Section, on which soft coal only is burnt, appears to have very many fires apparently due to sparks from the engines, the department should, as an experiment, during the dry season burn only hard coal on that section. This would involve an expenditure of perhaps £1,500 for alterations to engines, and the extra price of hard coal; but the fires are so numerous, and the settlers appear to be so discouraged by them, that the outlay would be justified if the fires could in this way be prevented.

The question of damage to property by sparks from railway-engines is one of considerable difficulty. In the absence of proof of negligence the sufferer has no remedy, and, as settlement increases, the number of such claims against the department will grow. If claimants be compensated without the judgment of a Court there will be suspicion of favouritism. On the other hand, if there is to be no assistance without such a judgment, many deserving settlers will suffer great injury, if they be not wholly ruined, through no fault of theirs. Your Excellency's Advisers might consider the advisability of placing a small tax on property adjacent to the railway-lines for the purpose of compensating such sufferers. Being in the nature of an insurance, it would not press heavily on the contributors. It could be collected by the local authorities and handed over to the department without expense to it. If a fund derived from such a source existed, compensation could be given, under proper safeguards, without the necessity of Court proceedings, which must in the great majority of cases be fruitless. Your Commissioner is fully aware that there are grave objections to the adoption of such a system of compensating those injured, and submits the suggestion with diffidence. It would, however, be an attempt to solve a difficult problem. By placing the loss on all exposed to the risk, instead of on single individuals, much hardship would be avoided.

Smoking on platforms or other parts of a train, except in the smoking-carriages, should be entirely prohibited. In the smoking-carriages there should be receptacles for cigar-ends and used matches. There should be a by-law, if such be not already in force, making it an offence to throw such articles from trains, and notice of this, with the penalty for non-observance, should be posted in the smoking-carriages.

The Commission by which your Excellency honoured me is returned with this report.

The evidence taken and minutes of proceedings are being printed, and will be forwarded to your Excellency as soon as possible.

In witness whereof I have hereunto set my hand and seal, this fourteenth day of March, one thousand nine hundred.

J. W. POYNTON, 'Commissioner.

MINUTES OF PROCEEDINGS.

INVERCARGILL.

The Commission sat at the Courthouse, Invercargill, on Monday, the 29th January, 1900.

Claim by Mr. George Williams.

Mr. A. J. McCredie, Assistant Engineer, Invercargill, represented the Railway Department. George Williams, the claimant, gave evidence, and called William Holland, George Williams, jun., Thomas Dyke, Anthony Bulman, and Henry Kelland.

Mr. McCredie called Charles Henry Foster, Thomas Cooper, and Alexander McKenzie. The evidence was taken down in shorthand.

WOODEND.

The Commission sat at Woodend, Southland, on Tuesday, the 30th January, 1900.

Further hearing of claim by Mr. George Williams.

Mr. A. J. McCredie, Assistant Engineer, Invercargill, represented the Railway Department.