

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.