

Prendergast: If the brake-test was made as stated it was in my opinion sufficient. He would have to be assured as well as to the couplings.

Baume: I understand the guard was a thoroughly experienced guard with a good record.

Court: As to instruction at bottom of page 24 of Appendix, the guard of necessity has to delegate his duty to competent persons. As to Rules 183 and 186, I am of opinion the words "must satisfy himself" do not necessarily mean that the guard must see for himself with his own eyes. He must satisfy himself through others. The guard is really captain of the ship, and others must take their orders through him. The Stationmaster may delegate his duties. He may have a foreman or an assistant Stationmaster. The rule does not require him personally to perform the duties any more than the captain of a ship is required to perform the duties personally. Certain trains do not start from passenger-platforms and the Stationmaster may not see them. Under Rule 203 the Stationmaster satisfies himself by catechising the train-examiner. The train-examiner cannot delegate his duties. He must do his own work. The guard may arrange with a certain porter to do certain shunting and the porter must do the shunting, and if the guard thinks that porter a competent man he accepts that porter's report. When, as at Putaruru, an engine is severed from a train the cocks are shut off at the tender of the engine and the front vehicle of the train, and when the engine is put on again, it is all-important those cocks should be opened again when the engine is recoupled to the train.

A. L. BEATTIE.

Taken and sworn at Auckland, this 2nd day of September, 1907, before me—CHAS. C. KETTLE, D.J.

Inquiry adjourned until Tuesday, the 3rd September, 1907.

TUESDAY, 3RD SEPTEMBER, 1907.

This deponent, JAMES THOMAS DWYER, being sworn, saith:—

I am acting-guard on New Zealand railways. I was appointed acting-guard nine months ago, and have been in the service nine years. I have not seen the evidence given at this inquiry or been told the evidence. I read the evidence given at inquest, when I gave evidence also. On the 3rd August, at Putaruru, I joined the train which was afterwards wrecked. I went on duty about 6.30 p.m. From that time until train started I was helping to shunt. I coupled some of the vehicles together in the front part of train. I only made one coupling that I remember. I coupled the leading van on to the first wagon. I mark the one on the plan with a blue cross. I put the hoses together and put on the chains, and opened the taps. The taps were both up when I put them down. I do not assume I did it; I am certain of it. I have a clear recollection of doing it. Only three additional trucks were put on after I came on duty. The others had been coupled up before I came on duty. Guard Lowe was in charge of shunting operations. I do not know who coupled the engines together or who coupled the engine on to van. No one went along the couplings before the train started that I am aware of. After making the coupling I have mentioned I went into front van and came out again. The brakes were tested at Putaruru. I was about half-way down the train on my way to rear van. I saw the signal for brakes, and heard them clap on and heard the release again. Some portion of the train had been made up a good deal earlier than the front portion—about an hour earlier. The coupling had been finished before the brake-test. I presume it had been finished or the guard would not have signalled for the brake-test. I infer the couplings were completed because I saw the guard give the brake signals. If the rear portion of the train had been standing some time disconnected from the engine the air would have leaked out, and possibly the reservoirs would be empty. If that was so the coupling of the hose made by me would cause a reduction which would show on the engine, but I do not think the brakes would thus be applied to rear part of train. I travelled in the rear van. I was on my way there when I saw the test of the brakes. I had just come from front van. I saw Mr. Harris standing by the rear van, and I saw Porter Tyer standing near him. I do not remember seeing Frank Skeen. There were four of us travelling in the van. I did not notice the pressure in the gauge. The train stopped at Ngatira. I did not get out of van. I heard the brakes on the van working there. I heard the rubbing on the wheel and then the release after. I only noticed it once. I never went out of van—even to the platform. Guard Lowe went out. I *heard* the grating, but did not *feel* the brakes go on. I cannot remember now if I felt them working. I probably did so. I have no idea how long the train stopped at Ngatira. I suppose six or seven minutes—just long enough to water two engines—about seven minutes. I looked out of the window, but all the persons I saw were strangers. A man I thought was a platelayer came to the van but not into it. I saw some children there. It was a dark night, and the station was not lighted except by the lights from the carriage. When we started from Ngatira there were in the van Guard Lowe, Porter Tyer, Kingdon, and myself. I cannot say if any of the cocks were interfered with while train was standing at Ngatira. When the train proceeded I was sitting next the brake and Tyer next to me, and on the other side the guard was next the desk and Kingdon next to him. When we stopped on incline I remember the brakes being applied. I say so because I think I heard the rubbing of the brake-blocks on the van. I said before Coroner, "I remember the brakes being applied very quietly when we were on the hill." That is correct. I was then talking to Guard Lowe. When I gave the evidence I was sure of it, and that evidence was correct. I never heard the brakes released, nor any further application of the brakes. I heard the brake applied as we stopped. The grating on wheel would bring the train to a stop. No one left the van. Guard Lowe went to the side door twice. That door was open all the time—the right-hand side—that next to Ngatira Station. It was about two-thirds open. He looked out and came back. He said nothing at all. I did not say anything at Coroner's inquest about Lowe going to side door.