

market. Assuming the Westinghouse brake was in good order and condition, it was amply sufficient to hold that train, assuming the servants knew how to work it. The weight, 226 tons, is that of the trucks and contents exclusive of the engines, and was well within maximum power of those engines.

*Baume:* With reference to Appendix to Working Time-table, Taylor has not had one for about two years. He had had one and lost it, and he applied on two occasions for another copy. Cooper is practically in the same position. He has also applied for a copy.

*Court:* Engine-drivers and guards are taught how to use the brakes. When they consider themselves proficient we take a certificate from them to that effect. They are all instructed and are examined by an officer, and after they feel they are conversant with the brake they are asked to sign a certificate, in which they state they are conversant with the working of the brakes. The man gets a certificate which enables him to act as driver or fireman, which carries with it a knowledge of the brakes. I put in Taylor's and Cooper's certificates (Exhibits Nos. 8 and 9). I know instructions were given to have the wreck carefully examined before any portion was removed.

A. L. BEATTIE.

Taken and sworn at Auckland, this 23rd day of August, 1907, before me,—CHAS. C. KETTLE, D.J.

MEMO.—At this stage Mr. Harris, Stationmaster, was called as a witness. The Court of Inquiry ordered that while his evidence was being taken the engine-drivers and others who were working the train should leave the Court till called, but that their counsel, Messrs. Baume, K.C., and Earl, might remain to watch the proceedings on their behalf. Messrs. Baume and Earl thereupon intimated that they would retire from the inquiry, and would advise their clients not to attend to give evidence, unless summoned to do so.

This deponent, EDWARD JOHN HARDY HARRIS, being sworn, saith:—

I am Stationmaster at Putaruru. I remember Guard Lowe arriving at 5.20 p.m. on the 31st August with the train from Frankton Junction. The necessary shunting was done and the train (the whole train) was transferred to a side track. We would finish shunting about 5.45 or 5.50. After the train was put on the side line the engine was attached to the train. It had been detached for watering and shunting. It was Taylor's engine that shunted the train on to the side line. It is known as the T engine. The train was not despatched until 7 p.m. She was detained until that hour on the District Traffic Manager's instructions, which I would receive about 5.30. I received instructions by wire. Cooper's train was due at Putaruru at 6.35 and arrived at 6.38. Cooper's train did what shunting was required and stopped by the station. Taylor's engine pulled out. The train was arranged under my instructions. It is the guard's duty to make up the trains under my instructions. Guard Lowe was in charge of the shunting operations. Cooper's train was shunting about twenty-five minutes. While Cooper was doing the necessary shunting his van was on main line opposite the office-door. He stood there twenty or twenty-five minutes. It was standing there alone; all the wagons were detached. The wagons which were going on to Rotorua were amalgamated with Taylor's train. The amalgamation was made under the Traffic Manager's directions. No reason was given for the amalgamation. In the ordinary course the train which arrived at 6.38 was to go to Mamaku. On completion of necessary shunting the van off Cooper's train was put behind the tender of the second engine. After the train was arranged Cooper coupled on. The train left ten minutes late. Guard Lowe had charge of the shunting operations. There might be three or four men engaged coupling. We have a porter at Putaruru and a porter on the train, an acting-guard, and Guard Lowe, and all might be engaged in coupling. To the best of my belief it was Porter Tyer coupled the engines. I saw him walking alongside the train with a lamp in his hand as if he had completed shunting operations. At this time I was standing on the edge of the platform. I had no lantern in my hand. It was a fine night—a starlight dark night. The track was fairly dry. It was a frosty night. The rail itself would be greasy. I took it to be Porter Tyer, but I could not be positive it was he. The train left about five minutes afterwards. I gave the signal for it to leave. I gave the guard "Right away," and he gave the signal to the driver and the train drew out of the station. The train was on what we call the "Dining-car road"—our second line. I should judge there would be a test made of the Westinghouse brake, judging from what I saw of the guard's motions. I saw part of the test applied. I saw the brake-block come off the wheel of the last van as the train started. I had occasion to go to the guard's van at the moment, and saw the brake-block come off the wheel of guard's van. I knew the guard was signalling the driver to apply the brakes. The signal is red-white-red to apply the brakes, and white-red-white to release them. I was on my way from office-door to guard's van. I saw the lamp in Guard Lowe's hand, and I heard and saw the brake-blocks being released. I only saw them released. The Stationmaster has a dual responsibility with the guard for a test of the brakes being made. It is part of my duty to see that the train is in a proper condition as regards brakes and couplings and everything before it leaves the station. I did not examine the train. I did not examine the couplings. That duty is apportioned to the outside staff. It is not my duty to do it personally. It is the guard's duty. I have to accept responsibility as a matter of fact. I delegate the duty to the porter or guard as regards a goods-train, but a passenger-train I attend to myself. I delegate the duty on my own responsibility. I have no rule or authority. I delegated my authority that night to Guard Lowe, and he would see that the train was fit to run that night in every respect. It is not part of my duty to see to the testing of the brakes. That is the guard's duty. I have to see that the train is fit to run. I only spoke to Guard Lowe as to the extra tail-lamp he had to exhibit. It was a bogie-van attached to that train. While I was standing talking to Lowe about the tail-lamp he was completing his brake-test, and threw his light on the wheels. I saw the brake-block released. I was