

Instructions as to Westinghouse Brake. I am acquainted with them all. As soon as train starts the guard is in charge. While at my station I am in charge. Rule 202 (p. 82) does not, I think, cast on me the duty of seeing the brakes are in good working-order—it does not include a personal examination of the brakes. It is the guard's duty. I do not ask the guard if he has tested the brakes. I have done so since the accident in respect to goods-trains before I give the guard "Right away." I have not done so as to passenger-trains, because that train is not broken up. The guard and driver have a dual responsibility as to the brakes. The order of the engines is immaterial. When the train started Lowe, Tyer, and Dwyer were in the guard's van, but I am not aware if any one else was in the van. I have heard the Westinghouse brake tested many a time. The noise made depends on length of train. Before I saw brake-blocks move I do not remember hearing any noise. I could not say whether any one was in the van when brake-blocks moved. Kingdon may have been there, but I do not know. The passengers were in a carriage. There were only four passengers I think.

*Prendergast:* The passengers got aboard about five minutes to 7. I heard them speaking impatiently of the delay. I did not see any one get in the van except our own men. We put a dining-car on express for Auckland. There was no detachment of the engines after I saw brake-blocks released. The train left about a minute later.

*Court:* There is a breaking of the express train at Putaruru in putting the dining-car off and on. In respect to express and where a train is broken I witness the brake-test, but in respect of mixed trains I leave it to the guard entirely. The guard signals to the driver to apply the brakes and sees them applied, and then signals for their release. It is not usual to amalgamate trains at Putaruru. This was the first instance for some time. There would be a reason for the amalgamation. Mr. Waite, Traffic Manager, would know the reason.

E. J. H. HARRIS.

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

Inquiry adjourned until 10 a.m. on Saturday, the 24th August, 1907.

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SATURDAY, 24TH AUGUST, 1907.

On opening inquiry to-day Engine-driver Taylor and other witnesses expressed a desire for an adjournment to afford them an opportunity of employing counsel to represent them.

Inquiry accordingly adjourned until 10 a.m. on Monday, the 26th instant.

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MONDAY, 26TH AUGUST, 1907.

On resumption of inquiry to-day Mr. F. E. Baume, K.C., requested permission to reappear with Mr. F. Earl to watch the proceedings on behalf of railway servants.

Permission accorded, and evidence proceeded with.

This deponent, THOMAS WILLIAM WAITE, being sworn, saith:—

I am District Traffic Manager for Auckland Section of New Zealand Railways. The train from Putaruru to Rotorua was delayed from 5.30 to 7 p.m. in order that it might couple on to the following train in order that goods might go through to Rotorua that night. I produce copy of a telegram of instruction sent to Stationmaster at Putaruru as to delaying train (Exhibit No. 10). There was no other reason for delaying the train than that I have given. The second train had goods for Rotorua, and would only go as far as Mamaku that night. I am not sure that she had goods for Rotorua, but if she had not there were more Rotorua goods at Putaruru than the one train could take through, and I wanted the two engines on that load to get the goods to Rotorua that night. There were more goods than the first engine could take up the hill, and I wanted to add the power of the second engine with a lighter load. I do not think any goods were left behind at Putaruru. There may have been empty wagons left. The only men who could say whether it was a full load are the men on the engines. As far as I know, the load of the two engines up the hill was about 240 tons. I knew the late Guard Lowe. He was a very efficient and capable officer. He was supplied with the Regulations and Appendix and Westinghouse Brake Regulations. He and other officers were examined from time to time as to their knowledge of the brakes and rules. I only receive a certificate as to their efficiency. Dwyer was a porter and acting-guard. On the night of accident Lowe was in charge of train and Dwyer was acting under him. Tyer is a porter, and simply assists on the train. He had no responsibility. Lowe would come on duty at noon on the 3rd August, and in ordinary course would have been in Rotorua about 9 p.m. Dwyer would come on duty at Putaruru that night, about 6.30. Dwyer was not on duty the previous day. Lowe was on duty from 6 a.m. to 1 p.m. on the 2nd August. About the 1st August I received a communication from Mr. Harris saying he was working fourteen or fifteen hours a day, and asking for a cadet, who was sent him as soon as possible. He had the assistance of a clerk. There was no necessity for Harris to be there more than ten hours a day in the ordinary course if he is an efficient officer.

*Court:* Whenever the traffic necessitates it we amalgamate trains. It is frequently done. I cannot say if those two engines worked together before. I do not know of anything and have not heard of anything which I have not disclosed that would assist in arriving at a conclusion as to