

1913.
NEW ZEALAND.

RAILWAYS COMMITTEE

(REPORT OF) ON THE PETITION OF ARCHIBALD GRANDISON AND 23 OTHERS.

(MR. BUICK, CHAIRMAN.)

Report brought up on the 23rd October, 1913, and, together with Minutes of Proceedings and Evidence, ordered to be printed.

ORDER OF REFERENCE.

Extract from the Journals of the House of Representatives.

THURSDAY, THE 3RD DAY OF JULY, 1913.

Ordered, "That a Committee be appointed, consisting of ten members, to examine and report upon questions relating to the railways; with power to call for persons and papers; three to be a quorum: the Committee to consist of Mr. Buick, Mr. Dickson, Mr. Hine, Hon. Mr. Millar, Mr. Myers, Mr. Sidey, Mr. Sykes, Mr. Veitch, Mr. Witty, and the mover."—(Hon. Mr. HERRIES.)

PETITION.

To the Honourable the Speaker and Members of the House of Representatives of the Dominion of New Zealand in Parliament assembled.
THE petition of the undersigned residents of New Lynn, Henderson, Avondale, and Auckland, humbly sheweth,—

That we are travellers by train to New Lynn and Henderson, and are not satisfied with the train arrangements at New Lynn Railway-station as regards the safety of such travelling, and therefore your petitioners respectfully ask your honourable House to grant a parliamentary Committee to inquire into the cause or causes which led to the recent railway accident at New Lynn.

And your petitioners will every pray, &c.

ARCH. GRANDISON and 23 Others.

DEPARTMENTAL REPORT.

SIR,—

19th August, 1913.

With reference to the petition of Archibald Grandison and twenty-three others (No. 179, returned herewith) in respect to train arrangements at New Lynn, I have to report that recently the morning train from Henderson to Auckland overran, during a fog, the New Lynn home signal, which was standing at "Danger," and collided at that station with the morning train which was proceeding from Auckland to Henderson, resulting in a number of passengers being injured and some damage being caused to the rolling-stock.

The regulations governing the crossing of trains at all stations make ample provision for safety, and provide, among other things, that no train must pass a home signal at "Danger." The primary cause of the accident was the failure of the engine-driver of the Henderson-Auckland train to stop his train outside the home signal at New Lynn. He has admitted his responsibility, and he and the tablet-porter who was in charge of the station at the time have been dismissed. The fact of the driver committing this error does not indicate that the ordinary precautions for securing the public safety are not observed. The full facts of the case have already been ascertained and are as stated above.

I have, &c.,
T. RONAYNE,
General Manager.

The Chairman, Railways Committee, House of Representatives.

REPORT.

No. 179.—Petition of ARCH. GRANDISON and 23 Others, praying for Inquiry into the Causes of the New Lynn Railway Accident.

THAT, having heard the evidence of the petitioners, the officers of the Amalgamated Society of Railway Servants, the officers of the New Zealand Locomotive Engine-drivers, Firemen, and Cleaners' Association, the officers of the Department, and other witnesses, the Committee is of opinion—

- (a.) That there was a light fog at the time of the collision.
- (b.) That the fog was not of such density as to necessitate the use of fog-signals.
- (c.) That driver Corich was guilty of an error of judgment in not slowing down early enough to avoid overrunning the "Danger" signal.
- (d.) That there is no blame attached to Porter Mortimer, who was in charge of New Lynn Station at the time of the collision.
- (e.) That the railway facilities at New Lynn are sufficient for the safe working of the traffic.

The Committee recommends—

- (i) That Porter Mortimer be exonerated.
- (ii.) That owing to his youth and his not being of ripe experience, driver Corich be reinstated in the service in a lower position for a time.

That the report, together with the minutes of the proceedings, and a copy of the evidence taken, be laid upon the table of the House and printed.

23rd October, 1913.

D. BURCK, Chairman.

MINUTES OF PROCEEDINGS.

WEDNESDAY, 27TH AUGUST, 1913.

The Committee met at 10.30 a.m., pursuant to notice.

Present: Mr. Buick (Chairman), Mr. Dickson, Mr. Hine, Hon. Mr. Millar, Mr. Sidey, Mr. Sykes, Mr. Veitch, Mr. Witty, Hon. Mr. Herries.

Minutes of previous meeting were read and confirmed.

New Lynn Railway Accident Inquiry.—Mr. J. Bollard attended and discussed with the Committee the question of calling witness.

Resolved, on the motion of the Hon. Mr. Herries, That only six persons outside of the Department be called as witnesses.

Resolved, on the motion of the Hon. Mr. Herries, That the inquiry be strictly limited to the causes of the accident.

WEDNESDAY, 3RD SEPTEMBER, 1913.

The Committee met at 11 a.m., pursuant to notice.

Present: Mr. Buick (Chairman), Mr. Dickson, Hon. Mr. Millar, Mr. Sidey, Mr. Sykes, Mr. Veitch, Mr. Witty, Hon. Mr. Herries.

Minutes of previous meeting were read and confirmed.

Mr. T. Ronayne, General Manager, New Zealand Railways, was in attendance.

New Lynn Railway Accident Inquiry.—Resolved, on the motion of Mr. Dickson, That the six witnesses to be heard *re* above inquiry, a representative of the Amalgamated Society of Railway Servants, and a representative of the New Zealand Locomotive Engine-drivers, Firemen, and Cleaners' Association, be notified that they be permitted to attend meeting to be held on Tuesday, the 9th instant, at 10 a.m.

The Committee then adjourned.

TUESDAY, 9TH SEPTEMBER, 1913.

The Committee met at 10 a.m., pursuant to notice.

Present: Mr. Buick (Chairman), Mr. Dickson, Mr. Hine, Mr. Myers, Mr. Sidey, Mr. Sykes, Mr. Veitch, Mr. Witty, Hon. Mr. Herries.

Minutes of previous meeting were read and confirmed.

New Lynn Railway Accident Inquiry.—Mr. Ronayne and Mr. McVilly, Railways Department, attended.

Resolved, on motion of Hon. Mr. Herries, That the Press be admitted.

Resolved, That the evidence tendered by the different witnesses be given on oath.

Mr. J. Bollard, who presented the petition, was present.

The following witnesses, called by the petitioner, were present: Archibald Grandison, John Francis McDermott, Henry Green, Walter White, and Hopkins Thomas.

The Amalgamated Society of Railway Servants was represented by Mr. M. J. Mack, and the New Zealand Locomotive Engine-drivers, Firemen, and Cleaners' Association was represented by Mr. S. Kennedy.

The Chairman administered the oath to the different witnesses during to-day's sitting of the Committee.

John Francis McDermott, news hand, of Kingsland, gave evidence, which was taken down by the reporter.

Archibald Grandison, contractor, New Lynn, gave evidence, which was taken down by the reporter.

Henry Green, labourer, of New Lynn, gave evidence, which was taken down by the reporter.

The witness had not completed his statement when the Committee adjourned until 10 a.m. on Wednesday, the 10th instant.

WEDNESDAY, 10TH SEPTEMBER, 1913.

The Committee met at 10 a.m., pursuant to notice.

Present: Mr. Buick (Chairman), Mr. Dickson, Mr. Hine, Hon. Mr. Millar, Mr. Sykes, Mr. Veitch, Mr. Witty, Hon. Mr. Herries.

Minutes of previous meeting were read and confirmed.

Mr. Ronayne and Mr. McVilly, Railways Department, attended.

All parties interested again attended.

Henry Green, labourer, New Lynn, completed his statement, which was taken down by the reporter.

The Chairman administered the oath to the different witnesses during to-day's sitting of the Committee.

Louis Alfred Margan, brickmaker, New Lynn, gave evidence, which was taken down by the reporter.

Hopkins Thomas, late railwayman, Wāikunete, gave evidence, which was taken down by the reporter.

Walter White, labourer, Henderson, gave evidence, which was taken down by the reporter.

John Francis McDermott made a statement, which was taken down by the reporter.

The Committee then adjourned.

THURSDAY, 11TH SEPTEMBER, 1913.

The Committee met at 10 a.m., pursuant to notice.

Present: Mr. Buick (Chairman), Mr. Dickson, Mr. Hine, Mr. Myers, Mr. Sidey, Mr. Sykes, Mr. Veitch, Mr. Witty, Hon. Mr. Herries.

Minutes of previous meeting were read and confirmed.

Mr. Ronayne and Mr. McVilly, Railways Department, attended.

All parties interested again attended.

Mr. Dickson moved, That the evidence taken at the departmental inquiry be laid before the Committee for their use.

On the question being put the Committee divided, and the names were taken down as follow:—

Ayes, 2.—Mr. Dickson, Mr. Veitch.

Noes, 4.—Mr. Buick, Mr. Sykes, Mr. Myers, Hon. Mr. Herries.

So it passed in the negative.

The Chairman administered the oath to the different witnesses during to-day's sitting of the Committee.

The undermentioned witnesses were called by the Railways Department:—

Joseph Richard Benney, engine-driver, Stafford Street, Parnell, Auckland, was questioned, the questions and answers being taken down by the reporter.

Charles Graham Little, fireman, Ponsonby, Auckland, was questioned, the questions and answers being taken down by the reporter.

John Howard Hooton, guard, 85 Rose Road, Grey Lynn, Auckland, was questioned, the questions and answers being taken down by the reporter.

John James Corich, acting-driver, Frinton Street, Eden Terrace, Auckland, was questioned, the questions and answers being taken down by the reporter.

Walter Frederick England, fireman, Henderson, was questioned, the questions and answers being taken down by the reporter.

The witness had not completed when the Committee adjourned until 10 a.m. on Friday, the 12th instant.

FRIDAY, 12TH SEPTEMBER, 1913.

The Committee met at 10 a.m., pursuant to notice.

Present: Mr. Buick (Chairman), Mr. Dickson, Mr. Myers, Mr. Sykes, Mr. Veitch, Hon. Mr. Herries.

Minutes of previous meeting were read and confirmed.

Mr. Ronayne and Mr. McVilly, Railways Department, attended.

The undermentioned witnesses were called by the Railways Department:—

Examination of Walter Frederick England, fireman, Henderson, was completed, the questions and answers being taken down by the reporter.

The Chairman administered the oath to witnesses during to-day's sitting of the Committee.

Walter James Carr, guard, Henderson, was questioned, the questions and answers being taken down by the reporter.

Thomas William Mortimer, tablet-porter, New Lynn, was questioned, the questions and answers being taken down by the reporter.

Henry John Wynne, signal and electrical engineer, New Zealand Railways, was questioned, the questions and answers being taken down by the reporter.

William Scott, locomotive foreman, Prospect Road, Mount Eden, Auckland, was questioned, the questions and answers being taken down by the reporter.

Francis Taylor Murison, locomotive engineer, Auckland, was questioned, the questions and answers being taken down by the reporter.

The Committee then adjourned until 10.30 a.m. on Tuesday, the 16th instant.

THURSDAY, 18TH SEPTEMBER, 1913.

The Committee met at 10.30 a.m., pursuant to notice.

Present: Mr. Buick (Chairman), Mr. Dickson, Mr. Hine, Mr. Sykes, Mr. Veitch, Hon. Mr. Herries.

Minutes of previous meeting were read and confirmed.

Mr. Ronayne and Mr. McVilly, Railways Department, attended.

Mr. J. Bollard, who presented the petition, attended.

• Mr. Buick not being present at the commencement of the meeting, on the motion of the Hon. Mr. Herries, Mr. Hine took the chair.

The Chairman administered the oath to witnesses during to-day's sitting of the Committee.

The undermentioned witnesses were called by the Railways Department:—

Francis Taylor Murison, locomotive engineer, Auckland (who also gave evidence on the 12th instant) was questioned, the questions and answers being taken down by the reporter.

Samuel Kennedy, engine-driver, Locomotive Branch, Christchurch (representing the New Zealand Locomotive Engine-drivers, Firemen, and Cleaners' Association), was questioned, the questions and answers being taken down by the reporter.

Mr. Buick arrived and took the chair.

Alexander Whisker, engine-driver, Taumarunui, was questioned, the questions and answers being taken down by the reporter.

Resolved, on the motion of Mr. Dickson, That the time-table of the running of the morning trains for 1903, and the time-table in use at the time of the New Lynn accident, be produced.

Walter Bowls, District Traffic Manager, Auckland, was questioned, the questions and answers being taken down by the reporter.

The examination of the witness had not been completed when the Chairman announced that the meeting would adjourn until the 19th instant, at 10.30 a.m.

Before adjourning it was resolved, on the motion of Mr. Dickson, to call the following witnesses: R. C. Dobbie, relieving tablet-porter, New Lynn; Mr. Richardson; and some one who can give information as to why the tablet-porter was dismissed.

FRIDAY, 19TH SEPTEMBER, 1913.

The Committee met at 10.30 a.m., pursuant to notice.

Present: Mr. Buick (Chairman), Mr. Dickson, Mr. Hine, Mr. Sidey, Mr. Sykes, Mr. Veitch, Hon. Mr. Herries.

Minutes of previous meeting were read and confirmed.

Mr. Ronayne and Mr. McVilly, Railways Department, attended.

Mr. J. Bollard, who presented the petition, attended.

The Chairman administered the oath to witnesses during to-day's sitting of the Committee.

The undermentioned witnesses were called by the Railways Department:—

Examination of Walter Bowls, District Manager, Auckland, was completed, the questions and answers being taken down by the reporter.

Leave was granted to Mr. Dickson to withdraw his motion of the 18th instant *re* the calling of R. C. Dobbie.

Two telegrams, handed in by the representative of the petitioners, were read.

Leave was granted to Mr. Dickson to withdraw his motion of the 18th instant *re* the calling of the relieving tablet-porter at New Lynn.

Thomas Augustus Foweraker, Traffic Inspector, Auckland, was questioned, the questions and answers being taken down by the reporter.

George Edward Richardson, locomotive engineer, Petone, was questioned, the questions and answers being taken down by the reporter.

The Chairman proposed, That no more evidence be taken.

On the question being put, the Committee divided, and the names were taken down as follow:—

Ayes, 3.—Mr. Buick, Mr. Veitch, Mr. Sykes.

Noes, 1.—Mr. Dickson.

So it was resolved in the affirmative.

The Committee then adjourned.

WEDNESDAY, 24TH SEPTEMBER, 1913

The Committee met at 11 a.m., pursuant to notice.

Present: Mr. Buick (Chairman), Mr. Dickson, Hon. Mr. Millar, Mr. Sykes, Mr. Veitch, Mr. Witty, Hon. Mr. Herries.

Minutes of previous meeting were read and confirmed.

New Lynn Railway Accident Inquiry.—On the motion of Hon. Mr. Herries it was resolved, That nothing but sworn statements be received.

Letter from the Government Printer estimating the cost of printing the evidence of above inquiry at £60 was read.

The following statements, forwarded to the Committee, were received—J. Walling Handby and twenty-one others; George Raynor Burns, and Robert James Mills; but were not sworn statements.

Letter received from H. Green was read.

The Committee then adjourned.

WEDNESDAY, 8TH OCTOBER, 1913.

The Committee met at 10.30 a.m., pursuant to notice.

Present: Mr. Buick (Chairman), Mr. Dickson, Mr. Hine, Mr. Sidey, Mr. Sykes, Mr. Veitch, Mr. Witty, Hon. Mr. Herries.

Minutes of previous meeting were read and confirmed.

New Lynn Railway Accident Inquiry.—Letter received from S. Kennedy was read.

Resolved, That Messrs. M. J. Mack and S. Kennedy be notified that the inquiry will be resumed on the 22nd October; that evidence which has been taken is meanwhile available for perusal, and that the Committee will be prepared to hear them in reply to said evidence on that date.

The Committee then adjourned.

WEDNESDAY, 22ND OCTOBER, 1913.

The Committee met at 10.30 a.m., pursuant to notice.

Present: Mr. Buick (Chairman), Mr. Dickson, Mr. Sidey, Mr. Sykes, Mr. Veitch, Hon. Mr. Herries.

Minutes of previous meetings were read and confirmed.

Mr. McVilly, Railways Department, attended.

New Lynn Railway Accident Inquiry.—Letter from Railways Department, with time-table attached, was received.

Samuel Kennedy, president of the New Zealand Locomotive Engine-drivers, Firemen, and Cleaners' Association, made a statement, which was taken down by the reporter.

M. J. Mack, secretary of the Amalgamated Society of Railway Servants, made a statement, which was taken down by the reporter.

Mr. McVilly made a statement, which was taken down by the reporter.

Mr. Veitch submitted a draft report, which read as follows:—

"That, having heard the evidence of the petitioners, the officers of the Amalgamated Society of Railway Servants, the officers of the New Zealand Locomotive Engine-drivers, Firemen, and Cleaners' Association, the officers of the Department, and other witnesses, the Committee is of opinion—

"(a.) That there was a light fog at the time of the collision.

"(b.) That the fog was not of such density as to necessitate the use of fog-signals.

"(c.) That Driver Corich was guilty of an error of judgment in not slowing down early enough to avoid overrunning the 'Danger' signal.

"(d.) That there is no blame attached to Porter Mortimer, who was in charge of New Lynn Station at the time of the collision.

"(e.) That the railway facilities at New Lynn are sufficient for the safe working of the traffic.

"The Committee recommends—

"(i.) That Porter Mortimer be exonerated.

"(ii.) That owing to his youth and his not being of ripe experience Driver Corich be reinstated in the service in a lower position for a time."

After discussion it was resolved, on the motion of Mr. Veitch, That the draft report be adopted as the report of the Committee.

Resolved, on the motion of the Hon. Mr. Herries, That the Chairman do report the resolutions of the Committee to the House, with a recommendation that the report, together with the minutes of the proceedings, and a copy of the evidence taken be laid upon the table of the House and printed.

The Committee then adjourned.

MINUTES OF EVIDENCE.

TUESDAY, 9TH SEPTEMBER, 1913.

WITNESSES and those interested having been admitted—

The Chairman said: We desire to have one representative from the Railways Department to cross-examine witnesses, one representative from the Amalgamated Society of Railway Servants, one representative of the Locomotive Engine-drivers, Firemen, and Cleaners' Association, and one from the petitioners; we want you latter gentlemen to appoint one of you to take charge of the case on your behalf and cross-examine witnesses. Is there any one here representing the Amalgamated Society?

Mr. Mack: I do.

The Chairman: And the Locomotive Engine-drivers' Association?

Mr. Kennedy: Yes, I.

Mr. Grandison: The witnesses for the petitioners have appointed Mr. McDermott to conduct the case on their behalf.

The Chairman: We will take your evidence first, if you will begin, Mr. McDermott.

Mr. McDermott: Very well, sir.

JOHN FRANCIS McDERMOTT examined on oath. (No. 1.)

1. *The Chairman*.] We will hear your statement?—I am an ex railway employee, having been in the Railway service for a period of four years and about two months—from the 24th October, 1907, to the 20th December, 1911. I was stationed at New Lynn from the 26th June, 1911, to the 20th December, 1911. During the time I was at New Lynn I was in charge of the station for half of each working-day. I left the service of my own accord, since when I have continued to take a keen interest in railway matters. I am conversant in many respects with the ways of the service, and have been a frequent traveller on the Auckland-Henderson Section for over two years past. In some respects the conditions prevailing at New Lynn on the date of the collision—28th May, 1913—and at the present time were and are similar to those in force at the time I was stationed at New Lynn. Immediately following I deal with several matters bearing on the subject set forth in the petition to Parliament consequent on the New Lynn collision, and what I know and believe to be the conditions prevailing previous to and at the time of the aforementioned collision. Station-yard and watering arrangements: It is apparent to any one having a knowledge of railway-work and the traffic at New Lynn Station that the station-yard accommodation was and is altogether inadequate, and the means for watering trains were not and are not what they should be for so important a station, where train-crossing is the order of the day; and I consider these matters contributed in no small measure to the collision on the 28th May, 1913. A tank is now provided at the south end of New Lynn railway-yard. I should like to observe in passing, the standing-room for wagons on sidings at New Lynn as shown in the working time-table on page 98 is thirty-seven on one loop and twenty-nine on another loop. The length of a wagon is set down at 17 ft. 6 in. over all. Any train going north that has taken the siding for crossing purposes at New Lynn would and will foul the main line at the north end if required to shunt. No. 5 train is directed to shunt at this station (*vide* train advice No. 770, dated Auckland, 1st November, 1912, page 15: "No. 5 train will work goods traffic from Auckland and Newmarket for Henderson and north thereof, and will also lift loads from Newmarket for New Lynn and Henderson, and also for Avondale, Mount Albert, and Morningside if engine-power permits"). It plainly says there that loads have to be lifted from Newmarket for Henderson and north thereof, and the train will also lift loads from Newmarket for New Lynn. If the train has to lift loads for New Lynn it must shunt at New Lynn. Trains going either north or south could only obtain water at New Lynn whilst standing on the main line, as there was on the 28th May only one water-tank, situated at the north end of the yard. The lack of shunting and watering facilities for trains going north, other than by fouling or using the main line, was, I consider, a factor that tended towards the necessity for No. 5 train using the main line. During my period of service at New Lynn it was customary, previous to the arrival of No. 6 train—the train that comes down the incline from Henderson—for No. 5 train to be brought in on the main line to take water and as far as possible do any necessary shunting. No. 5 train always pulled ahead and backed into the siding from the north end. These matters are dealt with further in my remarks on the working time-table. I presume that the Department knew full well the inadequate facilities existent and the disadvantageous conditions under which the various train duties were carried out, and it was the duty of the Department, I consider, to have provided a remedy. With regard to the time-table: The time-table is formulated for the guidance of the staff; they are supposed to keep to it if possible. The times provided in the time-table at the time of the collision—namely, 28th May, 1913—were: No. 5 goods train, arrive 6.45 a.m., depart 6.51 a.m.; No. 6 passenger train, not timed in—she comes in practically at any time; depart 6.50 a.m. This shows that six minutes was allowed for the crossing and departures of these trains, which include exchange of tablets, putting off loads by No. 5 train for New Lynn when necessary, and taking water, which, as before stated, was on the 28th May obtainable at only one end of the yard, and to do which the engine had to stand on the main line. Included in the duties to be carried out in this space of six minutes is the issue of tickets to passengers by the porter in charge of the

station, and various incidentals. This alone is a big task at any time, especially on a Monday morning, and leaves little scope for attention to other duties. I ask that the porter in charge at New Lynn on the morning of the 28th May last be called to give evidence in this matter. That the practice in vogue two years ago, to my personal knowledge, has been continued is proved by the locality of the accident and the affidavits which I have here. I have affidavits from four residents of New Lynn, declared before a Justice of the Peace.

2. *Hon. Mr. Herries.*] Are any of them present here to-day?—No. This is the first of them: "I, Septimus Jones, hereby declare that there was a fog at New Lynn on the 28th May last between the hours of 6.30 and 7 a.m., and that the train from Auckland was shunted out on the main line in the way of the incoming train during the fog, in accordance with what has been the customary practice at this station to my own personal knowledge and observation for three years." Mr. Louis J. Harry makes the same declaration, except that he fills in "four years" at the end; Mr. George Lawson, "five and a half years"; and Mr. Alonzo E. Taylor, "four years." There was only one minute allowed between the departures of No. 6 and No. 5, according to the time-table in force on the 28th May, 1913. This made it imperative that No. 5 perform its various duties prior to the arrival of No. 6, in order to conform to the time-table, which is for the guidance of the staff. I here direct attention to the Appendix to Working Time-table—Instruction 4 (b): "Instructions and Regulations for working Single-line Railways by the Electric Train Tablet System" (page 18): "When the approaching train for which 'Line clear' is asked is a non-stopping train, or the station for which 'Line clear' is asked is on a grade or near the foot of a grade, 'Line clear' must not be given unless the running line between the 'home signal' posts is clear, and after 'Line clear' has been given to approach, the running line between the home signal posts must not be obstructed except to allow a train arriving from the opposite direction to enter the station." All this shows how utterly impossible it would have been for No. 5 to have adhered to the foregoing instruction and carry out the time-table at one and the same time. No. 5 now enters the yard at the south end immediately on arrival, and completes duties after the departure of No. 6. I understand that official instructions were issued on the 10th June, 1913, directing in effect that when trains cross at New Lynn, the train that is to take the siding must do so immediately on arrival. This should not be necessary in view of the instruction quoted from the Appendix to Working Time-table, and in my opinion is an admission by the Department of a conflict between the regulations, and it is evident that a disaster was necessary to impress the fact upon the Department. I here wish to draw attention to paragraph 9 of "Traffic Inspector's Duties," on page 47, Appendix to Working Time-table, which provides as follows: "Generally to notice if the rules, regulations, and all orders (general and special) are adhered to, especially those affecting the safe working of the line." This plainly shows that the mode of procedure followed in crossing Nos. 5 and 6 trains at New Lynn should have had the attention of those whose duty it was to supervise the working of the line. I request that the New Lynn train register be produced to show how Nos. 5 and 6 trains ran and have been running previous to and since the collision, as I believe a comparison of the times before and since the collision will be instructive. In regard to signalling at New Lynn, home signals only are provided. The one at the north end of the yard—the "Up-Home" signal—stands about 185 yards from the main-line points. There is a bad curve leading from the signal to the main-line points, and the line between these points traverses a creek and a cutting. I understand the home signal stood some 3 or more chains further out a few years ago, and consider that when it was brought nearer to the danger-zone a distant signal should have been provided. Signals are provided to afford protection to the station-yard. In view of the fact that Instruction 269 (b) provides, *inter alia*, that if a train be stopped through accident on an incline or near the foot of an incline the guard shall protect same for 1,200 yards on the higher side, I think that a station like New Lynn, situated as it is near the foot on a grade, and where so much shunting and train-crossing is done, should have more protection than is at present provided. As to fog-signalling, attached are some statements signed in the presence of a J.P. that there was a fog at New Lynn on the morning of the 28th May. During the time I was stationed at New Lynn fog-signalling was a dead-letter, and in four and a half years' service I never knew of nor saw the fog-signalling regulations being carried out. Instructions were not given by practical demonstration. The following are extracts from the rules which bear on the employment, appointment, and equipment of fog-signalmen: Instruction 148: "(a.) In foggy weather, or during falling snow, it is the duty of the Stationmaster or other appointed person to take care that fog-signalmen are employed at all the places where their services are required," &c. "(b.) A list of the names and addresses of the fog-signalmen, showing the post to which each man is appointed, must be kept exhibited in a conspicuous position in the Stationmaster's office and signal-box." 149: "When fog occurs during the day, between 6 a.m. and 8 p.m., the men appointed to act as fog-signalmen must at once report themselves to the Stationmaster and take his instructions," &c. Instruction 151: "(a.) Each fog-signalman must, before proceeding to his post, be supplied with not less than twenty-four detonators, a hand signal-lamp, trimmed and lighted, and a red and green flag," &c. Instruction 148 (a) provides for the employment of fog-signalmen. Instruction 148 (b): This section plainly shows that there are supposed to be duly appointed fog-signalmen, and a list is to be fixed in a conspicuous place of those so appointed, and the Department make these rules; yet these men were not appointed in my time, and I question if they were at the time of the accident; and I understand that a fog-signalman was only appointed at New Lynn on the 16th July, 1913. Also, I ask, is it not a fact that the porter going off duty in the early hours of the morning is now supposed to come out when required and act as fog-signalmen? This is not what I consider in the interests of the public or the man concerned—to ask a man who has only been in bed a few hours to turn out and protect trains. The appointment of a fog-signalman does not comply with the rules, as it is provided therein that fog-signalmen shall be appointed. Further, it is

evident that if fog-signalling is a necessity now, it was as great a necessity previously. The question also arises, in view of the appointment of a fog-signalman, how is one man going to fog-signal two ends of the station-yard at one and the same time for train-crossing purposes? Instruction 149 sets forth the hours for fog-signalmen during the day as from 6 a.m. to 8 p.m. Had these men been appointed at the time of the collision they would have been obtainable for duty. Instruction 151 (a): I ask that all S.3's, requisitions for stores, New Lynn, a month previous to and since the collision be produced, as I believe the fog-signalling equipment was only brought up to requirements after the collision. Then, I have a few remarks to make on general matters, but I do not know whether the Committee desire to have other points raised.

3. *The Chairman.*] We want to discover what were the causes leading up to the accident?—Then, my other remarks refer to the safety of the public, but not in reference to this accident. That is all I have to say.

4. *Mr. Witty.*] Did you complain that those things were not supplied whilst you were at New Lynn?—I did not make any complaint. The Traffic Inspector came round in the ordinary course and examined us in regard to detonators, and we had the usual station flags and one hand-lamp.

5. Was it not your duty if there was any deficiency either in the signals or anything at the station to make a written complaint?—I stood like a lot more in the Railway service—I was never sufficiently schooled, and in many things I found it advisable to mind my own business, because I always considered it was no good a man trying to make a name for himself in that way.

6. Have you read the rules?—Yes, as far as they concerned me when I was in the Department.

7. Then you knew what the regulations were and did not carry them out?—I read the rules in a general way. I have fossicked round since the accident, and I have a faint idea that I did not carry out the regulations strictly to the letter.

8. Since the accident you have studied them?—I have seen them and studied them.

9. Do you not think you should have studied them before you left the service?—I was supposed to be examined on the rules every six or twelve months. I had asked at one time for information as to train-crossing at Papatoitoti, and getting what I considered a red-tape reply, that dampened my ardour.

10. But seeing that you held a responsible position and held the lives of the public in your hands, was it not your duty to study the rules and regulations so as to comply with them and safeguard yourself?—I did comply with the regulations at New Lynn as far as I was able. I had a general idea of them, but there are hundreds of rules and regulations in the book that I have no idea of.

11. Do you think a general idea of the rules is sufficient without a thorough knowledge of them?—No, the men are not properly examined in regard to the rules. I consider I was not given the opportunity. I consider the Department should have a school where the men could be instructed.

12. What would be the use of examining you in regard to the rules if you had not studied them?—I did study them in a general way.

13. With regard to the word "signalman," does not the plural cover the singular in this case?—I do not think so. It says "fog-signalman." The instruction can be seen by anybody in the station at New Lynn.

14. There was only one signal?—One signal at each end of the yard.

15. So that only one man could be placed there?—There are trains going in from either end.

16. Was it possible to see the home signal?—I have seen it at times.

17. If you cannot see the home signal is it not customary for the driver to pull up?—Yes. You are supposed to pull up in the absence of a signal.

18. Then they did not conform with the rule if they did not pull up when the accident happened?—I was not a passenger on the train, and I do not know. I am only speaking of the rules and regulations as I know them while I was in the service.

19. Those affidavits you have brought down, are they sworn to?—They have been signed before a Justice of the Peace, but they could be sworn to.

20. *Mr. Veitch.*] You were not present on the morning of the accident?—No.

21. And therefore you do not know whether the fog-signals should have been used on that occasion?—No. I am only dealing with the matter as deputed to do by the public of New Lynn and surrounding districts.

22. Do you know whether the fog was sufficient on that occasion to warrant the signal?—No, I do not.

23. Do you know of your own knowledge whether the man in charge of New Lynn Station had the facilities for carrying out the regulations with regard to fog on that occasion?—It is impossible for me to know.

24. What is your present occupation?—I am a news hand. I am a compositor by trade.

25. Did you leave the Railway service to go to that trade?—Yes. I was a compositor previously. I left the service to better my position, and I did so to the extent of working about thirty hours a week less and getting 3s. 8d. a day more.

26. Do you know anything of the causes leading up to this accident—do you know anything of the condition of the train that came in?—No. I am only speaking from my own knowledge as an ex-servant at New Lynn as to the conditions prevailing there. I was at Kingsland on the morning of the accident, but I saw the smashed carriages in the evening.

27. Were you supplied with a copy of the rules when you joined the service?—I was.

28. And you say you did not study them very fully?—I studied them in a general way. I did not go into them to the letter, and I do not think any railway man does.

29. You say that the men are not properly examined?—I do not consider they are. I consider that train No. 5 could have been properly attended to had the rules been gone into by everybody responsible.

30. You can only speak of your own experience?—Yes.

31. You think you were not properly examined?—I consider I should have been given practical demonstrations, especially of fog-signalling.

32. What authority have you for the statement that the men are not properly examined?—I was stationed at several stations, and the men were examined the same as I was.

33. Can you point out where the shortage is in the examination?—No; you are merely asked a few questions, and I was at one place, Piriaka, where it took us ten minutes to get through our examination.

34. *Mr. Sidey.*] What was your position in the Railways?—I joined as a labourer, but I was porter when I left the service. I joined at Auckland, but I belonged to the Thames.

35. How long were you in Auckland?—I believe, about ten months. I was classified as a labourer, but engaged on the Auckland Station.

36. Then you were transferred to New Lynn?—No, I went to the Thames, where I met with an accident which laid me up for some months.

37. How long were you at New Lynn?—Practically six months.

38. Were you in sole charge of New Lynn?—There were two porters, and I took half shift with the other porter.

39. And your object to-day is to state the conditions that existed at the time you were there?—Yes. I have pointed out certain things in regard to New Lynn, showing that if the requisitions for stores were produced they would show when the fog-signalling was carried out, and also regarding the appointment of fog-signallers.

40. Are you in a position to state what the conditions were at the time of the accident?—No, I was not present.

41. You suggest that there have been considerable alterations in the conditions since the accident as compared with what they were previously?—Yes. There is now a water-tank at the south end of the yard.

42. You can testify to the position of the water-tank to your own knowledge?—Yes.

43. Do you know that that tank was placed there since the accident?—Yes. As far as the roads are concerned, they have not been altered as far as I can see, but a water-tank has been placed at the south end of the yard.

44. I suppose the general effect of your evidence would be to relieve the tablet-porter?—Yes. The trains are brought up on the main line and then have to go and take water. The time-table is for the guidance of the staff, and if the times are not kept and the trains cannot run to time-table it becomes a farce. I brought the train up on the main line because I feared the inevitable "blister" owing to train delays. I could not swear to it, but I believe there was a minute or so more allowed at the time I was at New Lynn for the departure of these trains.

45. Do you mean to say there has been an alteration in the time-table since the accident?—I have seen the time-table, and it can be seen by any one.

46. *Mr. Sykes.*] Only six minutes, you say, was allowed for the porter to discharge all his duties?—From 6.45 to 6.51, yes. That was on the date of the collision.

47. The porter had to issue tickets to passengers?—Yes. That was part of my duty when I was at New Lynn, and is part of the porter's duties now.

48. What is the number of tickets that would be issued?—I used to issue on a Monday morning between seventy and eighty workers' weekly tickets. The accident happened on a Wednesday morning.

49. Not a particularly busy morning?—It would be an average morning, barring Monday.

50. You have with you sworn statements to the effect that a fog prevailed on this particular morning?—They are statements signed before a Justice of the Peace. They were given to me.

51. You stated that there was no fog-signalman engaged at New Lynn prior to the accident?—A man has been appointed since, and I presume from that that he was not there previously.

52. No one acted in that capacity prior to this accident?—Not to my knowledge, nor in my time. I never knew of the regulations being carried out while I was there; I never saw them carried out.

53. If there was a fog on that particular morning and the engine-driver was unable to see the signal, was it not his duty to pull up the train immediately?—Yes, if he was unable to see the signal; but that would open a big question. A man might start out from Auckland and because he could not see the signal at Parnell tunnel he would have to stop, and be held up indefinitely, although he knew the road.

54. In regard to these examinations, you say you are supposed to be examined once in six months?—Once in twelve months, I believe—about every June.

55. You said also that it took about ten minutes or a quarter of an hour?—That was at one station, Piriaka.

56. You know that it sometimes takes twelve months' study in any particular subject to enable you to answer questions which may be given to you in ten or fifteen minutes?—That is true.

57. *Mr. Dickson.*] When was the tank placed there on the south end—how long after the accident?—I think it must be about three weeks since I saw them starting to put up a tank, right close to the line, near the points at the south end. But since then what I thought was going to be a tank has proved to be only the place where the overflow comes out. The tank has been taken back into the yard away from the rails.

58. The pipe runs across?—Yes, on a bit of overhead work.

59. Is it according to the regulations to back a train in on the main line?—I point out that the regulations provide against it.

60. Is it according to regulation that a train should back in on the main line?—I take it that it is against the regulations.

61. During your time at that station did you ever get any complaints about backing in the train, or any instructions to carry it out in that way?—No.

62. It was done before you went there?—Yes, as Mr. Harry has informed me, since he went there. He was the porter in charge when I went there. He informed me of that.

63. *Mr. Veitch.*] Of what?—That it was the practice for No. 5 to go ahead and back into the siding. Why he did it was, I believe, because if the train entered the siding at the south end she would not run to time. It would be utterly impossible. She has only one minute after the departure of the other train. Last Saturday morning I saw this No. 5 train stand seven minutes on the siding without doing anything.

64. The home signal—do you know why it was removed closer in?—I have no idea. I could not swear positively that the signal was shifted. I never saw the signal shifted.

65. Are there any distant signals there?—No.

66. Did you make any demand for a distant signal while you were employed there?—No.

67. Or suggest anything?—No; I think the only thing I suggested was about the lighting of the station.

68. Did you ever get any instructions about fog-signalling while you were stationed at New Lynn?—I believe that the Traffic Inspector asked us if we had detonators. I believe we had a couple of tins there at the time I was there.

69. Did you have any notice posted up in your time in regard to fog-signals?—No notice at all.

70. Whose duty was it to see that that notice was posted up?—I consider it the duty of those who look after the traffic to come round and see that this sort of thing is done.

71. Would you consider, then, that it was the duty of the Traffic Inspector to see that that notice was posted up?—Or the Department's. I would put it down generally as the Department's.

72. You say that since the accident there has been a fog-signalling man appointed, to your knowledge?—Yes.

73. When you were doing duty at that station did you have all the things in connection with fog-signalling—the flags, and the lamp, and everything?—I had one hand-lamp and a set of flags for station use.

74. *Mr. Myers.*] What were your working-hours?—I started at a quarter past 5 in the morning, and I generally left the station at between 3 o'clock and half past 3.

75. What was the average number of trains that would pass the New Lynn Station during that period?—I could not state definitely.

76. *Mr. Witty.*] Did I understand you to say that you had to go on the hill to signal the train in?—Very often the driver did not take my signal from the points, and I used to go on to a little bit of a bank there.

77. What is the height of it?—I should think the bank on that side would be about 10 ft. or 12 ft. high.

78. Only a bank and not a hill?—The bank there runs right along, but the actual cutting starts a bit ahead of the points.

79. Could not the signal be seen from the station without your going there?—It was necessary when I was crossing trains. I might have had a train on the main line and wanted to bring a train in.

80. Did you complain of it?—No.

81. I understood you to say that you left the service to better your position?—Yes.

82. Why did you leave composing to enter the Railway service: was that to better your position?—I wanted to have a change and get outside for a while.

83. Not with the idea of continuing at it?—It all depended how it suited me.

84. *Mr. Veitch.*] You say it is contrary to the regulations to pull ahead and back into the siding?—That is what I take from the instruction I have quoted—that is, at the foot of a grade.

85. What occurred on the morning of this accident?—I was not there, but as I explained—

86. How do you know they acted contrary to the regulations if you were not there?—I do not think I stated that.

87. You said the train was pulled ahead in your time, with the home signal at "Danger"?—Yes.

88. And was on the main line in that position when the collision occurred?—I believe the train was in that position.

89. Will you quote what regulation was broken by the men in getting the train into that position in those circumstances?—They were keeping one and breaking another.

90. Which one did they break?—I refer to the instruction about the working of single lines of railway, where it says that a train going out shall not go out on the main line and foul the main-line points at the foot of a grade. I think that is it.

91. How far is the grade from this?—The grade starts practically right from the bridge.

92. You are quoting the Tablet Regulations, are you not?—Yes.

93. Not the rule-book?—No, from the Appendix to the Working Time-table.

94. *The Chairman.*] You are residing now at Kingsland?—Yes.

95. How far is that from New Lynn?—I think it would be about four or five miles. It is on the same line.

96. *Mr. Veitch.*] This is the regulation that you are speaking of: "When the approaching train for which 'Line clear' is asked is a non-stopping train, or the station for which 'Line clear' is asked is on a grade or near the foot of a grade," &c. Were either of those trains non-stopping trains?—They were both stopping trains.

97. Then the regulation does not apply?—It appears that if it is a non-stopping train it does not apply.

98. Can you quote any other regulation that the men broke on this occasion?—No; that is the only one I have any idea of.

99. *Mr. McVilly.* (as representing the Railways Department).] You admit that this regulation does not apply?—I take from the reading of it now that it does not apply.

100. Therefore you should not have incorporated it in your statement?—No.

101. You stated that the practice of crossing these trains during the time you were at New Lynn was a source of danger and contrary to regulations: did you ever draw the attention of the Traffic Inspector or the Traffic Manager to the fact?—No.

102. You continued and permitted what you consider now to be a dangerous practice to go on all the time you were there?—I consider it now a dangerous practice.

103. You did not consider it a dangerous practice when you were there?—I have stated that I was and am in ignorance of a lot of the rules.

104. This practice was either dangerous or it was not dangerous: now, which was it?—I consider now that it is dangerous.

105. What did you consider when you were at New Lynn?—I considered that in case of a fog it was dangerous.

106. But your daily practice was to permit it?—Yes.

107. What did you consider the practice—dangerous or not dangerous?—It was dangerous.

108. Why did you permit it then?—I did it in order to try to conform to the time-table.

109. You had a copy of the regulations?—Yes.

110. Do you know the rule on the top of every page—"The first and most important duty of every member is to provide for the public safety"?—Yes.

111. Then you admit that you personally daily committed a breach of this rule?—I do now. I did not look at it in that light at the time.

112. You considered the practice a safe one at that time?—No; I did not see the seriousness of it.

113. Did you ask for any instructions regarding the matter?—No, I did not.

114. You simply carried out what had been the practice?—Yes.

115. Which you now say was contrary to rule and dangerous?—It has been already pointed out to me, when I said that I considered it contrary to the rules, that I read the rules wrongly in that respect.

116. Where does the danger come in in pulling a train ahead?—I should think that when it fouls the points like that, if a train happened by any chance to overrun, there might be an accident.

117. What governs the movements of trains approaching a station?—The signals.

118. Do you know the rule which provides that no train must pass a home semaphore at "Danger"?—I believe that to be a fact.

119. Well, if this semaphore was at "Danger" the practice at New Lynn was perfectly safe?—It is if, as I pointed out, I read the instruction wrongly.

120. If a train comes into New Lynn from the north and the home semaphore is against that train, what is the duty of the driver of the incoming train?—He should look for the signals and pull up previous to getting the signal.

121. You would expect him to pull up?—Yes.

122. If you were shunting at the north end of the yard under cover of the home semaphore, you would consider you were doing the right thing and were properly protected?—I was in a sense protected. The danger was that he might overrun—that he might not be able to carry out his duty.

123. That will not do. You carried out this movement under cover of the semaphore all the time you were at New Lynn?—Yes.

124. You considered all that time that the semaphore protected you?—Yes, I would consider in a sense that the signal did protect me.

125. If a driver had overrun the home semaphore at "Danger" while you were at New Lynn and had collided with a train that was shunting at the north end of the yard, what would you have said: would you have taken the responsibility, or would you have said that the driver had acted wrongly?—I would have said that the driver had acted wrongly; yet I would have thought that by going out there I was doing what was necessary to conform to the time-table.

126. You would have done what?—I would have gone out to shunt that end, in order to keep to the time-table.

127. But would you take the responsibility for the accident?—I would not care to.

128. You would consider the driver was responsible?—Yes.

129. And that you had done everything necessary when you kept the signal up against him?—I would protect myself in this way: I would have allowed No. 5 to shunt, but I would have brought No. 5 in at the other end of the yard if the time-table permitted.

130. We are not talking about that. You are making a movement at the north end of the yard under cover of the home semaphore?—Yes.

131. An incoming train runs past that home semaphore at "Danger" and collides with your shunting train: who is to blame?—I would blame the driver in the ordinary course for running past the home signal.

132. Would you say that he was responsible and that you were responsible?—I would consider him responsible, because of running past his home signal.

133. So long as the shunting movement at the north end of the yard was protected by a home signal it was safe: that is the position, is it not?—I believe it would be safe so long as it was not at the foot of a grade. I always thought that at New Lynn there was a danger.

134. Why did you not report it?—I did not want to be at enmity with the Department through reporting things. I thought that as it had gone on so long others should have pointed it out.

135. Is it not a fact that every member of the Railway service is invited to bring under the notice of the Department everything that is conducive to safe working?—Yes. I had brought a thing under the notice of the Department previously.

136. Did you bring this under their notice?—No.

137. And you considered it dangerous?—Yes.

138. Then you were guilty of a gross dereliction of duty, and you admit it?—I was in one sense, but I wanted to keep to the time-table.

139. Does not the time-table play a part second to the public safety?—It should.

140. But it does, under this rule?—Yes, if for the safety of the public.

141. Well, then, the Department expects you under certain circumstances to regard the safety of the public rather than two or three minutes' delay to a train: is that not so?—I do not look at it in that light at all. I consider that the time-table is put down there for your guidance, and those who make the time-table should provide you with a proper way of working it.

142. The point is this: either you are going to regard the safety of the public as of first importance in accordance with this rule or you are not: now, which is the first duty?—The first duty, according to the rule-book, is the safety of the public.

143. Then if the semaphore signal is up against a train and the shunting operations are carried out under cover of that, the safety of the public is provided for, if the signal is attended to: is that not so?—Yes, if the signal is attended to.

144. During the four years you were in the service, how many times were you examined as to the rules?—I could not say. I suppose, three or four times.

145. Did you ever at any of those examinations ask the Traffic Inspector, or during your time in the service ask any other officer of the Department, for instruction in the rules?—I had several lots of instructions. At the ordinary examination I was asked questions, and I would put the ordinary questions—perhaps a few questions relative to the examination. Mr. Harrison, at Taumarunui, gave me several lots of information on different instructions that I had asked him about in which he had found me lacking.

146. You asked Mr. Harrison for instructions and you got the instructions?—Yes.

147. Did you ever ask the Traffic Inspector for instructions?—Just in the ordinary way—any casual questions that might crop up at the examination.

148. Did he give them to you?—Yes.

149. You apparently had the same opportunity that everybody else had of getting instruction if you asked about any doubtful question. You could get instruction without any difficulty: is that so?—No; I do not think you could always get instruction without difficulty. I will give you a case. On the 6th November, 1909, I asked about some crossing trains at Papatoetoe, and I wrote to the Traffic Office, and got the reply that representation should be made to the Station-master at Otahuhu. When I did not get a direct reply from the Department I let the thing slide.

150. When you were at New Lynn you were in charge of the shift: the men who came in on the trains—the guards' assistants—were under your control while at the station, were they not?—Yes; I considered they ought to be under my control.

151. Did you ever call on those men to assist you?—The men went on with the practice generally. The usual practice was carried out of going in at the north end of the yard.

152. They assisted you at any operations where you wanted help?—Yes, if I asked them they would do it.

153. And you called on them when you required to, I suppose?—Yes. I generally had too much to do otherwise without bothering about them.

154. You called on them when you wanted them, and did not call on them when you did not want them: is that the position?—Yes.

155. If a fog had arisen while you were there and these men were available, you could have utilized any of them to assist you in fog-signalling?—Yes, but I consider that when they arrived it was too late. For this No. 6 train it would have been too late in my time.

156. No. 5, according to the times you have given us, arrives there at 6.45 a.m.?—Yes, according to present times.

157. She is generally in ahead of the other train?—Yes.

158. *Mr. Kennedy.*] You say that the home signals control the entry of trains into stations?—The home signal at New Lynn does.

159. Does it always control the entry of trains into stations?—No, I should not think so.

160. When is the exception?—I think there might be fog-signals put down that would bring the train up.

161. It did not stop the train on this particular occasion?—I was not there to see.

162. Why do you think the Department has provided regulations for fog-signalling at stations?—So that they could be put into operation in case of necessity.

163. You admit that the home semaphore does not always stop a train running into a station?—Yes.

164. The Department seems to have recognized that some other means is necessary on certain occasions such as a fog?—Yes.

165. Can you tell me why they have inserted those regulations in the rule-book?—So that they should be carried out when necessary.

ARCHIBALD GRANDISON sworn and examined. (No. 2.)

1. *The Chairman.*] What are you?—I am a builder and contractor.

2. Where do you reside?—I have resided in New Lynn for nearly eight years, and live within three or four minutes' walk of the station.

3. Will you make your statement to the Committee?—I was not a passenger on the train at the time of the accident, but I saw the wreck shortly afterwards. A considerable fog prevailed at the time, and from the view I had of the disaster I believe that if the carriages had not telescoped the chances of the passengers being thrown into the creek by the capsizing of the train was very great. I would like to deal with the matter as one who has travelled on the train very frequently. Within the last seven or eight years the population of New Lynn has increased from about a hundred to over a thousand inhabitants, and the output of bricks from Messrs. Gardner Bros. and Parker's and the New Zealand Brick and Tile Company has increased from about 100 tons to nearly 1,000 tons per week. Then there is the Avondale Brick Company, whose traffic is worked from New Lynn. There is also a large amount of inward traffic, such as coal, there being about 120 tons per week. Before the date of the accident there was a special traffic of about 4,000 tons of water-pipes for the City Council. Then, again, there is Mr. Astley's tannery, which receives hides, coal, bark, &c., in very considerable quantities. As against this New Lynn is only designated a flag station, being worked by a porter, and all the credit is booked to Avondale and Henderson, as there is a Stationmaster in charge at both these stations. During the last eight years I have resided in New Lynn, and during the past four years I have been travelling by train four times daily almost without exception, and have constantly observed the great increase of traffic at New Lynn, which has advanced from twelve trains to about thirty trains daily, not including specials. A practice indulged in is that of shunting trains from the sidings on to the main line after approaching train has been advised by tablet from adjoining station, and this has meant the running of a continual risk of accident. The enormous work required in shunting operations at this station—the men being tied to time—has forced this dangerous practice to become a necessity to cope with the traffic. The situation was placed before the Hon. Mr. Millar when Minister of Railways by a deputation of which I was a member, and attention was drawn to the increased traffic and the necessity for more protection for the general public and for the safety of life and limb by making an island platform. Mr. Millar was with some of his staff travelling on the Main Trunk line, and he was wired to with regard to the position of affairs and the danger we were placed in. We made application at the deputation for an island platform, a Stationmaster to be placed in charge, the number of sidings to be extended, and the erection of a goods-shed and straightening of the line between New Lynn and Scroggy Hill. Mr. Millar at that time promised to look into the matter, but nothing was done. He told the deputation that as soon as the income of a flag station increased sufficiently a Stationmaster would be installed, and that he would look into the other matters. The income at that time was over £12,000, and I consider that if New Lynn had received credit for this actual traffic a Stationmaster would have been placed there long ago. The income at the New Lynn Station has now increased to £15,000 or £18,000. Four passenger-trains cross at this station in the morning, besides the brick-train shunting for about three hours in the middle of the day. In this way passengers are under continual risk of accident in entering and leaving the train at this time, especially by the shunting being carried out on the main line. The congested position that often prevails causes delays to be made, when considerable risks have to be taken by working on the main lines in the way of incoming trains. The one man who is in charge has to look after his tablet, give out tickets, and see that the points are locked. He has to run 160 yards to and from the points, making it almost impossible during certain parts of the day, especially in the mornings, when seventy or ninety passengers travel from New Lynn by some of the trains. Trains travelling towards Auckland before arriving at the station are hid from view by an abrupt curve and an extensive embankment about 170 yards from the station, entirely hiding the view of the incoming train. The straightening of the line I believe to be another very urgent matter. The water-tank is beyond the station, and it does not matter whether the train is coming from the north or the south it has to go on the main line to get its water, where perhaps the shunting is going on. I have never read the rules, but I think the method of carrying out the service results in the lives of the passengers being jeopardized. From conversation with people whom I used to travel in the trains with there is no doubt that this accident was expected. The porter was overtaxed with work. He had to attend to the passengers' tickets, attend to his tablets, he had to run 160 yards from the station to the points to see that they were locked, and then he had to come back to the station and work the tablet while the bell was ringing all the time. I believe that if the desires of the deputation had been carried out they would have resulted in an improvement which would not have necessitated our discussing the accident to-day. We cannot remedy the accident that has occurred, but it is our duty to prevent the possibility of another accident and safeguard human lives. There is a home signal about 320 yards from the station, and from the station to the points is 160 yards. I know the Board of Trade conditions that existed in England twenty-five years ago. I was in the signal department of the Caledonian Railways in Glasgow, and the Board of Trade insisted upon a distance signal wherever there was any incline about 400 yards from the home signal. By that means if a train was coming down an incline and the distance signal was against it they had an opportunity to stop before it came to the 400-yards signal. If that had been in existence in this case the driver would have had a chance to pull up the train before it came to the home signal, and there would have been no accident unless the brakes had failed to act. If the existing conditions are not altered the chances are that another accident may take place. The passengers that travel from New Lynn consider that there is no safeguard, and that there is a danger in travelling on that line under the present conditions. The people seem to have lost confidence in the arrangements since the accident, and

they think the precaution should be taken of getting one train into the siding until the northern train comes into the station. A very simple system at sidings would be an interlocking system, and that is the only remedy that will prevent another accident taking place. An interlocking system is wanted that will work these points from the station. I still maintain that if these improvements had been made before the accident, when the Minister of Railways' attention was drawn to the requirements, the accident would never have occurred.

4. You mean that if the improvements that have been carried out since the accident had been done earlier there would have been no accident?—That is so.

5. *Hon. Mr. Herries.*] You said that the Minister's attention was drawn to the requirements. Was my attention drawn?—I do not know whether your's was. I was not there then. I did not meet you at the station.

6. A deputation did. Was not the principal request for a goods-shed and also for a bridge for the school-children?—I was not at that deputation. I believe that the Town Board asked for that.

7. There was no request for a fresh signal-box?—No, I do not think there was. On the 4th March there was a request for improvements at the station, and on the 4th April a wire was received that the matter was being looked into, and the accident took place on the 28th May.

8. You do not know what was asked from the Minister of Railways?—I was a member of the Board, but I do not exactly remember what it was.

9. But you are casting blame on the Minister of Railways?—Not at all. I do not mean to cast any reflection upon any Minister; but I say that if the conditions that prevail now had existed before the accident there would have been no accident, because if the train had been kept in the siding where it is kept now the other train could not have hit it.

10. Do you mean to say that if there are two signals—a distant signal and a home signal—those are never overrun?—I did not say so. A train can overrun any signal.

11. Supposing there had been a double signal—a distant signal and a home signal—the accident might have happened just the same if the engine-driver had run over the signals?—If the distant signal is 400 yards further away than the home signal the driver has time to draw up before he gets to the home signal; but the home signal is not far enough away from the station for safety. A distant signal is a double precaution.

12. *Mr. Witty.*] Did I understand you to say that the people had lost confidence now in New Lynn?—Passengers have expressed themselves in that way.

13. Has there been any decrease in the traffic since the accident?—I do not think so.

14. Then you are not certain that they have lost confidence?—There is no confidence in the running of the railways. People feel that they are not so safe as they should be.

15. The public are still travelling?—Yes, but they do not consider the railways are so safe as they should be.

16. In what way is the coal and brick traffic dealt with—by ordinary or special trains?—Some are special trains.

17. Most of them are special trains?—A good many of them. The first train that comes in the morning shunts in the siding there.

18. There has been a new station built there, has there not?—Yes.

19. Built in brick, of course, as there are brickyards close by?—Built in wood, even though there are brickyards in the district.

20. If there had been an island platform would it have prevented the accident?—The chances are that it would not have happened.

21. How was it, then, that the accident happened before the train got to the station?—Because the other train was in the way. The platform, remember, would start before the line reached the station proper.

22. I understood you to say that New Lynn was going ahead considerably, and that about £12,000 worth of goods was dealt with at New Lynn Station?—At that deputation to Mr. Millar it was mentioned that there was an income of £12,000 from that station, and it has increased from £12,000 to £15,000. We consider the time arrived a long time ago when the income was sufficient to warrant a Stationmaster being put in charge.

23. Do you know of any other flag station where as much stuff is sent away?—I do not.

24. *Mr. Myers.*] About how long ago was it when you waited on Mr. Millar?—I think it was just before the last election.

25. Notwithstanding that you waited on him, your request was declined?—They were thinking about it.

26. It was not acceded to?—No, not that I am aware of.

27. When you made this request for an island platform and a Stationmaster to be placed at New Lynn, were you actuated by a desire to avert a possible accident, or was your principal reason for it to be able to cope more speedily with the increase traffic?—It was both of them.

28. Although the Department informed me that they were going into the matter, and it was probably over two years ago, did you or any other residents take any steps in regard to reminding the Department that nothing was being done?—A deputation waited on a Minister prior to this.

29. Did the idea prevail amongst the passengers who used this line between New Lynn and Auckland that there was likely to be an accident?—Yes; the accident was expected.

30. Was any further action taken to bring the matter before the Department or the Minister?—We mentioned it to the porters and we were told to mind our own business; we must not interfere with the Government Railways.

31. You are a large contractor in Auckland, and speak as a practical man?—Yes.

32. You have travelled throughout New Zealand?—Yes, pretty well over New Zealand.

33. Do you think that the Government should be called upon to provide facilities such as you have mentioned to every similar station throughout New Zealand that is doing the same amount of traffic as New Lynn?—I consider that one man is not able to cope with the traffic there with safety. There is work for three men there—a Stationmaster and two men under him—one man to be at the points, and another to look after the tablet and supply the tickets.

34. Do you think there are features in connection with the New Lynn Railway-station which make it more dangerous?—Certainly.

35. Since the erection of the tanks subsequent to the accident, do you think there is any likelihood of another accident?—When we waited on Mr. Millar the result was that a plan was drawn. I saw the plan myself very shortly afterwards. I believe it was just before the election. They had the line straightened and the bridge altered—just what we are asking for now. It has not been carried out. We consider that the present Government ought to carry out the works that were really authorized under the old Minister of Railways. I saw the plan, and they have straightened the line so that you can see right through the station. There will never be any safety until that is carried out.

36. At the present time you do not think it is safe?—I do not think it is safe now, and I do not think it will be until the alterations are made.

37. *Mr. Veitch.*] You say you saw the wreck just after the collision?—Yes.

38. Immediately after?—Not immediately. They were coming over to my telephone to ring up for a doctor. I went over as soon as I could get to see it. I heard the crash.

39. How long would it be from the time you heard the crash till you got there?—It may have been within an hour; it may have been half an hour; I did not take the time.

40. Can you give us concisely what you consider the causes of this accident?—It resulted from the train going out from the siding on to the main line.

41. You have no idea of any other cause, excepting that both trains tried to get into the one place at the same time?—It was a foggy morning, but I have seen it as foggy before.

42. How would you describe it: could you see 100 yards, or 20 yards?—At New Lynn there are some parts where the fog lies low; the fog is not over the whole district. There was a fog that morning that prevented me from seeing the signal. I was standing at the bank about 160 yards from it, and I could not see the signal.

43. You do not know then whether the fog contributed to the accident or not?—I do not know.

44. *Mr. Hine.*] You say that it was generally anticipated there would be an accident there. Did you know intimately the engine-driver, or the fireman, or the guard on the trains?—Just from sight.

45. Never had any conversation with them?—No.

46. You are not in a position to say whether they held the same view?—No; I do not know what view they held.

47. *Mr. Dickson.*] You have been living there for a number of years, have you not?—About eight years.

48. Has the traffic increased at New Lynn Station very much since then?—Yes. There were no brickworks there about ten years ago. The brickworks now supply the City of Auckland and the surrounding districts.

49. You are a member of the New Lynn Town Board?—Yes.

50. How long is it since New Lynn has been formed into a town district?—About three years and a half.

51. You as Chairman waited on Mr. Millar?—Yes.

52. Can you state definitely that it was not in the month of March, just after the election, that you asked Mr. Millar—that was about getting an island platform?—Yes, that is right; but I thought it was previous to the election. I do not know the date.

53. You consider the station is not safe for the amount of work they are doing?—It is not sufficiently safe by any means.

54. Can you tell us the position of the signal?—It is beyond the bridge—about 10 yards beyond.

55. What is the grade going towards that signal?—There is a curve that comes right round, but there is not so much of an incline from Titerirangi crossing. You cannot see the train till it is almost approaching the station.

56. If there had been an island station there and the other water-tank erected, would not the train have got the water at the south end instead of going to the north end?—Yes, that is what it is intended for, I presume.

57. Are you sure that the £12,000 or £15,000 you mentioned is the value of the goods—is that the freight?—I said it was the income from the traffic. I suppose that covers passengers and goods.

58. You mentioned slips, and I presume by that you meant the porters had made slips, and not that there were earth-slips?—Yes.

59. You stated that the plan you referred to was not correct?—Yes. The bank hides the view, but when I saw the bank it occurred to me that the railway-line curved round the bank.

60. You consider it would be far safer if the bank were taken away?—Oh, certainly, that is one of the necessary things, that the bank should be taken away to open the view of the train approaching.

61. *Mr. Kennedy.*] You said you were here in place of Mr. McGilvrie?—That is so.

62. You were not at the scene of the accident at the time it occurred, so that you cannot say how much fog there was?—No, I was there within an hour or three-quarters of an hour after; but there was a fog that morning—I saw it from my own house.

63. How far were you away from the scene of the accident when it took place?—I was at my own home—I heard the crash.

64. Do you know what fog-signals are?—Yes, to draw the attention of the driver to danger ahead.

65. You know that the Railway Department has provided in the regulations that in case of fog those signals are to be used?—If they do not they ought to.

66. Do you consider that if fog-signals had been placed on the rail in advance of the semaphore signal that morning it would have prevented the collision at New Lynn?—Oh, yes, there would have been less danger, because the driver would have been warned of the danger.

67. You think if they had been used on this occasion they would have prevented the accident?—I do not say it would. There may have been other mishaps, such as the brakes not working.

68. *Mr. McDermott.*] You said that train No. 5 is put into the siding since the accident?—Yes, she never gets forward to the tank at all till she is put into the siding.

69. Are you aware whether there were any instructions issued?—I know nothing at all about the instructions.

HENRY GREEN sworn and examined. (No. 3.)

1. *The Chairman.*] What are you?—A labourer, and I live at New Lynn, on the Hetana Hamlet. I should like to say at the commencement that a resolution was passed by the people whom we represent asking that a copy of the whole of the evidence given before this inquiry should be handed to those of us who are appearing before the Committee at the conclusion of the inquiry. Mr. Grandison forgot to mention that. In dealing with the question now before this Committee, I do not desire to condemn any individual or the Department as a whole for the accident that occurred, but I desire to condemn the system that exists for running the railway at New Lynn. The system that was in use at the time of the accident was, to my mind, not of the kind required—that is, in regard to the handling of traffic—for the purpose of ensuring absolute safety to the travelling public. One of the previous witnesses confined his remarks to New Lynn, but I understood this was an inquiry into the causes that led up to the accident. First, I wish to refer to the tablet system that is in use in connection with the Henderson train that leaves Henderson at 6.35 a.m. The driver of the train gets his tablet denoting a clear line to New Lynn. He has to stop at Waikume for passengers, and there is no porter or official there to time him in or out of the station. He leaves the station and comes down a steep incline with several heavy curves. Now, coming into the New Lynn Station there is a very nasty curve; also one just above the signal—I would call it an “S” curve, and I should say there is 30 ft. of a curve between the nose of the crossing and the line opposite the signal. Now, between the points on the loop there is a bridge which is within this “S” curve, and that is dangerous, for this reason: that a train which has to back on to the loop line under those conditions cannot get much way or speed on sufficient to get out of immediate danger. The result is that when shunting back into the loop the weight is practically in the middle of the “S” curve, and when the collision took place that was the weakest part of the train. Now, there is the danger which I have pointed out in regard to the shunting being done at the northern end of the station when there is a train coming from that direction which is not always running to time or timed when leaving the last station. The accident was not altogether a thing that would not occur in the minds of many people—it was only a question of when it would happen considering the manner in which the traffic was being handled. Passengers could very often see the state of affairs that existed. I could mention the names of many people who drew the attention of the train being stopped, and some had the intention of getting on the train and then stopped because of the shunting operations. I could get affidavits from those people to the effect that they were more or less in fear as to when an accident would happen. The tablet porter is a junior servant to the guard, and when the northern-bound train has been on the main line I have heard the porter remark to more than one guard, “Come on, get out of the way as soon as you can with your train, as the other train will be here before you shift”; and the reply he has got has been, “Oh, don’t worry, there is plenty of time yet.” That has occurred on many occasions, and I could bring evidence to substantiate it. I have seen the mixed train go ahead to shunt when the other train has had to stop, thereby losing time. Now, as to the mixed train getting water at the northern end of the station, I would suggest that the mixed trains should go on to the loop line, and if water is required the engine should be uncoupled and then go out from the siding, and then afterwards go on to the main line to get water. If this had been done on the morning in question I believe there would not have been any accident. Now, as to the station equipment, there is no interlocking plant in use. If such plant was installed it would tend to assist the man in charge of the station, because at present he is overworked through having to run to the points to let the northern train through, or the other train through at the other end, while at the same time he has to attend to the passengers who are waiting for tickets. There is no question that the man is overworked in the extreme, and all credit is due to the men who have had charge of the place during the two years and a half I have resided in New Lynn. In reference to the fog-signalling apparatus, I believe it was inadequate before the accident, but even if it had been in use on the morning of the trouble I consider it would have tended to prevent the accident occurring. In the Old Country there are emergency men called upon in case a fog arises. There are not sufficient men in the length to attend to these requirements, and emergency men are called upon and put so many spaces apart if a signal cannot be seen. These men are under the control of the Stationmaster or signal-box man if a signal-box is in use, and the tablet porter or Stationmaster, as the case may be, is aware of the names of the emergency men in the event of a fog arising, and they have to comply with the Board of Trade regulations. They have to

report to the Stationmaster where they live from time to time, and be in attendance when such a state of affairs takes place. Since the accident occurred I have been informed that the porter who is off duty has to attend to the fog-signalling when a fog arises, and I should like to know whether this is not true. In the event of an emergency arising he has to attend to these requirements in the interests of public safety; and, if that is done now, I ask why was it not done before? If it was an absolute necessity to put this work on to a man after he left off duty, why was it not done before? The public of New Lynn feel very indignant on this point.

WEDNESDAY, 10TH SEPTEMBER, 1913.

HENRY GREEN further examined. (No. 4.)

1. *The Chairman.*] Will you please continue with your statement to the Committee?—Yes. I now desire to refer to the carriages. The carriage that telescoped was one of the oldest in New Zealand; it had four compartments which were very small, giving no room for escape in the event of anything happening. It was of an obsolete design, especially when being used over a track with so many inclines and curves, and in this carriage two persons were injured, especially Mr. Stone. I produce a photograph in the *Weekly Press* showing the carriages and the curve, which will prove to the Committee how the bank nearly hides the semaphore. The signal is hardly to be seen from the place where the levers are, owing to the branches of the trees growing close by obstructing the view, while in addition there is a bank on which there are some trees and undergrowth. The train from the north is hidden from view until it is within 200 ft. of the station points, which are 27 ft. from the "V" of the crossing. There is only a space of 3 ft. between the points on the loop line and the main line, and this, to my mind, does not give the driver of a train with a small engine much time or room to do his work well. The New Lynn Town Board has been approached by the ratepayers to urge upon the authorities the necessity of getting better facilities at the station. They also pointed out the dangers that have existed in regard to the handling of the traffic, the faulty lighting of the station, and the immediate necessity that exists for an island platform. The station is understaffed, and owing to the increased traffic which has to be handled at the station the work is too much for one man to attend to, and a Stationmaster should therefore be appointed. All these requirements were pointed out to the Hon. Mr. Millar, the then Minister of Railways, some time ago. Also, I led a deputation to Mr. Myers asking for a better train service, also pointing out some of the dangers existing at New Lynn. The necessity for an island platform is enhanced by the fact that there are two crossings right at the station and another two about a quarter of a mile away north and south of the station, and these are very dangerous. There is a water-tank at the northern end of the platform, and in my opinion if there had been an overhead pipe leading from the tank over the main line to the loop line, water could have been supplied to the Auckland train. As to the new tank which has been erected, there appears to have been an error made in building it so close to the main line as it was shifted back. It is now constructed about 30 ft. back from the main line, with a pipe leading to the main line, and it now appears to me to be built in such a way as to leave enough room for the construction of an island platform. It also appears that provision is made for straightening the line at the northern end of the station where the curve is. The public do not seem to have that confidence which they should have in regard to the handling of the traffic. The passengers in the trains are all more or less nervous when rounding any sharpe curve, especially when the train is going round the curve at Whao Bridge, as the train always gives a sudden lurch. In conclusion, I should like to state that I hope, for the sake of all concerned, that justice will be done to the men who have been injured.

LOUIS ALFRED MARGAN sworn and examined. (No. 5.)

1. *The Chairman.*] What are you?—A brickmaker, residing at New Lynn.

2. Will you make a statement to the Committee in regard to the matter we are considering?—As one deputed to attend before this Committee, I think I can throw a little light on the question of the accident to the New Lynn train. For the past seven years I have been a resident of New Lynn, and although I was not present exactly at the moment of the accident, I was on the scene shortly afterwards. I can endorse what has been said previously, that the majority of the people in New Lynn and the travelling public generally were quite prepared to see what they witnessed that morning, for the reason that during the past four or five years to my knowledge it has been a common practice for the train arriving from Auckland at 6.45 a.m. to shunt forward for the purpose of taking in water. Sometimes I believe it has also shunting to do in connection with the depositing of goods at New Lynn. In the morning that train carries from Auckland goods that have to go to Henderson. The goods are put off at New Lynn and afterwards picked up by the goods-train and taken to Henderson and Waikumete, while the goods for New Lynn are picked up again and shunted into the dead end. The train shunts forward near the tank and close to where the accident occurred, and the public think it is a most dangerous practice, for the reason that the incoming train going to town has a very steep grade to come down. Further, there seems to be no discipline at the station, inasmuch as they have no proper person to look after things as they should be. At the last moment when the train is due I have heard the remark, "Are those points locked?" and the reply has been, "I do not know; ask So-and-so." That state of affairs should not be tolerated where public life is concerned. My

point is that, with the traffic at New Lynn at the present time, the Department has been unfair to the people of New Lynn and the travelling public generally, and the Department should do something to bring about a more satisfactory state of affairs. During the last four years the traffic has increased enormously at the station. The brickworks with which I am personally connected have an output of something like 100 tons per day. We have an output from those works of something like 100 tons a day on an average, and we get in on an average something like 150 tons of coal a fortnight: this is for one business alone. Then there is another large works that is turning out 35,000 bricks daily, and there they also take in large quantities of coal. I dare say they would take in on an average something like 150 tons of coal a fortnight. Then we have the Avondale Brick and Pottery Works: that is a place situated between New Lynn and Avondale, but the whole of the traffic for it is conducted through New Lynn. In addition we have the tannery, and all the traffic to and from it is conducted through the New Lynn Station. At the present time we are handling also something like 4,000 tons of pipes for the City Council. They also are coming into New Lynn; and with this amount of traffic I consider, as a man who has actually witnessed the working of the station daily for the last seven years, that the accommodation at the station is entirely inadequate. I have seen the train come into New Lynn, and when the engine was on the main line at one end of the station the back end of the train was on the main line at the other end of the station. I do not think that state of things should exist. When shunting operations take place the siding accommodation is very small, and in marshalling the trains the officials are compelled to trespass on the main line all the time. Many a time when the engine has been on the north side of the station the train has been what they call "hung up on the stick." I am not in a position to say what was the cause of the accident, but I am in a position to state that on this particular morning there was a fog in that valley, and I am in a position to say that the rails were exceedingly greasy with dew. Whether the man had control over the engine or whether he did not the accident occurred, and I consider that had the deputations been listened to that waited on the Minister and also communicated with the Railway Department this state of affairs would have been altered. As a member of the Town Board I have taken a keen interest in the affairs of New Lynn for the past few years, and I have been one of those who have waited on the various Ministers and had to do with the writing of different letters requesting that attention should be given to the conditions that existed. I am not in a position to say that the Department ignored us entirely, or whether it was from lack of funds—I know that all these things have to be taken into consideration; but the impression left upon the minds of the members of the Town Board was that the Department had side-tracked us. The replies that we got were that the Department was looking into the matter. With regard to an island platform, personally I am in favour of it, but it will not do the great amount of good that the people imagine as far as the shunting is concerned. If the safety of the travelling public is the first consideration, I think it is the duty of the Department to bring about conditions that will make that safety more assured, as, for instance, by having an island platform. When you take into consideration that we are only a short distance out from the town, and that there are cheap fares and that sort of thing, you will understand that there are a fair number of people travelling to and fro in the trains. The argument that has been put before the Railway Department for an island platform is that it would save the hardship of people having to crawl through one train to get into another. When the outward-bound train comes into the station and the inward-bound train is on the platform side, the people have to scramble through the inward train to get to and from the other. There is always a risk when people cross the line of their being knocked down or cut into pieces. The week following the New Lynn accident—I think it was the week following—a man was getting out of the train at Avondale—an elderly man—and he crossed from the inward train on to the platform, with the result that the next train came in and cut him to pieces. That is a state of affairs that we do not want to see exist in New Zealand. The time has arrived when New Lynn should have something done to help it in this respect. I would also recommend for the consideration of the Committee that we should have more accommodation for the goods-train shunting. If accommodation were there, in the shape of a dead end or something of that sort, the engines would not have to play up and down the main line as they have at present. The trains should be stopped from shunting on the main line, especially when incoming passenger-trains are about to arrive. Coming to the overwork at the station, when these trains are crossing and a man is stationed at the station his duty is to issue tickets and to attend to his tablet. I do not know whether that man is supposed to look after the points or not, but I have witnessed the crossing of trains on several occasions and I have noticed a considerable rushing to and fro by the porter, who appears to have his work cut out. While he has been issuing tickets I have seen him have to run away and attend to his tablet and then rush back to his tickets, and then perhaps rush out and shout out to somebody to ask whether the points were turned or something else. I consider that the man is quite overworked at particular times. The Town Board took the matter up and wrote to the Hon. Mr. Millar, and the reply was that the matter was being looked into. As late as, I think, the 4th March we wrote to the Railway Department asking that a Station-master be employed at New Lynn, and pointing out the existing dangers, especially when the train was going to take water at the tank. The reply was the same—that the Department is looking into the matter. Just prior to the Ward Government going out of power a deputation, of which I was one, waited on the Hon. Mr. Millar, who was at that time Minister of Railways, and pointed out to him this particular curve which is so much talked about, and showed him how sight of the station was obscured when the trains were approaching. It is almost impossible to see the station till you are right at the station-door. We pointed out this danger and we requested him to give us more accommodation. Some of the members spoke about the island platform, and old Mr. John Gardiner said to the Minister, "If something is not done an accident will occur."

that will cost you ten times more than an island platform will." That man's prophecy has come true. In view of all this I really think the Department should do something to minimize the existing dangers at New Lynn. A tank has been placed at the south end of the station: this is since the accident. I am not in a position to say whether it was the intention of the Department to place the tank there before the accident, but it looks as though, as soon as the accident occurred, the Department could see clearly where the danger existed. As a result of the tank having now been placed at the south end of the station the danger will certainly be minimized and the facilities will be better. With regard to the embankment that has been so much talked about, the view is really obscured more than one would gather from this plan. This picture in the illustrated paper shows the embankment. It is a very dangerous embankment. The bridge is practically at the foot of a very steep grade. Then we have a sharp curve, which appears to me to be very much sharper than is shown on the plan. [Witness pointed out on the map the position of the train when the accident occurred.]

3. *Hon. Mr. Herries.* What do you blame the Department for?—For not acceding to the request of the Town Board.

4. What were those requests?—The last request was for a Stationmaster to be appointed.

5. If there had been a Stationmaster there do you say there would have been no accident?—I do not say there would have been no accident; but if there had been a Stationmaster in charge of New Lynn Station better discipline would have prevailed, so I think there is a chance that the accident would not have happened. I do not think a Stationmaster would have allowed that train to go forward into the danger zone as it did when the other train was about due.

6. You mean to say that a Stationmaster would be a better man than a tablet porter?—I say that a Stationmaster would be more desirable than a tablet porter, because a Stationmaster is a man with some authority.

7. You said, I think, that the island platform would not have made any difference?—The island platform would not have made any difference, because the accident occurred before the train got to the platform.

8. The only request that you or the Town Board made that might have had an effect on the accident is the request about a Stationmaster?—No.

9. What are the other ones?—I said that the Town Board had pointed out the cramped state of the station and the cramped manner in which the goods and the traffic of the station had to be handled, and they requested, to facilitate matters, that an island platform be provided so that the trains could cross without going forward, as at present.

10. Those are the only two requests that you say have not been granted—the Stationmaster and the island platform?—Yes, those have not been granted.

11. Do you mean to say that if the Department had granted those requests there would have been no accident?—I mean to say that the Town Board pointed out the dangers that existed when the train went to the tank.

12. When did they do that?—I have the communication here and I have the answer.

13. Whom did they write to?—It was to the Railway Department at Auckland, under date 4th March—two months prior to the accident.

14. To whom was that addressed?—The Traffic Manager at Auckland. They mentioned particularly the matter of the tank.

15. Did you bring that before Mr. Millar?—Yes. There is another danger regarding this tank, and it is a very serious one indeed. When the trains are approaching New Lynn Station from town they take water at the tank. On arriving at the station, instead of stopping for the passengers to alight, they stop where they can reach the tank, and should they be a little bit short of it they pull forward with a sudden jerk, with the result that nearly everybody there is sometimes precipitated either on to the broad of his back or sent out on to the platform. This is a very serious matter, as I can show you in a case that happened not many months ago. On the 13th February, 1913, the train should have stopped, but did not do so, and in the next month application was made for a Stationmaster to be appointed. We are here to talk matters over with a view to preventing any further accidents and to further the interests of the travelling public, and this is what happened: a little lad named Morris, about ten years old, had been to Avondale on an errand. On arrival at New Lynn the train attempted to stop and then went forward. The lad was walking out of the carriage when the train jolted suddenly, with the result that the lad was thrown between the carriages. A wheel of the carriage passed over his foot and nearly severed it. The boy was laid up in the hospital for some time and had his foot removed, and is now to be seen toddling about New Lynn on crutches. That is a matter that needs to be looked into by the Department to see whether something cannot be done to put a stop to that practice of the train pulling up suddenly and jolting the passengers about. Of course, every one is wise after an event, but I can say, gentlemen, that this accident was really expected at any time. I do not wish to throw discredit on any one, but I say that the officials have had the existing conditions pointed out to them on more occasions than one; but the officials have ignored the demands made upon them by the people of New Lynn and the local authority of that district. That is a point I wish to emphasize, because I have some written statements here signed by the persons who made them to this effect: "I hereby declare that to my own personal knowledge and observation collisions have been only narrowly averted on a number of occasions at New Lynn Station owing to the shunting of the train from Auckland out on to the main line in the case of the incoming train, as on the morning of the accident on 28th May last." That statement is signed by Mr. S. Jones before a Justice of the Peace. I have four statements of a similar nature, and I will put them before the Committee. I think all members of the Committee will agree that the danger has existed, and I hope something will be done to prevent a recurrence of what has already taken place.

16. *Mr. Witty.*] If there had been an island platform there would it have averted the accident?—That is a very wide question. The accident occurred before the train reached the platform, but I say that had an island platform been there better facilities would have prevailed whereby the accident may have been averted.

17. But seeing that the island platform would have been beyond the tank, how could it have averted it?—I take it that had the tank been beyond that the points would still have been beyond the tank, and that the train would take water from both sides.

18. You are not sure it would have averted the accident?—No, but it would have helped to prevent it.

19. Are there many tickets issued to passengers at that station?—Yes, a considerable number. I should say there would be an average of about a hundred daily.

20. How many would there be likely to be on the train at the time of the accident?—I am not in a position to state the exact number of tickets that would be issued, but I should say there would be between twenty and thirty tickets issued that morning. On Mondays the residents purchase their weekly tickets.

21. Therefore the passengers on the platform would not be getting tickets every day?—No.

22. And they generally get their tickets on a Monday?—Yes.

23. Do the workmen reside at New Lynn or come to New Lynn to work?—The workmen come to New Lynn, but we have a fair number of workers in New Lynn. We have a population of something like fifteen hundred, but previously we only had a population of five hundred. We had twelve to fifteen trains daily, but now we have something like thirty-two inward and outward trains per day.

24. New Lynn has grown and is likely to grow?—Yes.

25. You stated that you had heard men in the station ask if the points were locked and the reply they got was, "I do not know; ask So-and-so"?—Yes.

26. How many men are there at the station?—There is one man stationed at New Lynn Station, and when the incoming train arrives they have, I think, two men on each train, a guard and his assistant, and I think the man at the station looks to one of those two to see that the points are locked. Sometimes he may have to go and lock them himself. I have seen the men running backwards and forwards perhaps a couple of hundred yards away and then rushing to the tablet.

27. Have you heard this question raised many times as to whether the points are shut?—Yes, I have heard them often ask, "Are those points locked?"

28. You are a member of the Town Board?—Yes.

29. Do you not think if you heard that remark often that you should have communicated with the Department to show there was something wrong?—Yes, I do think so.

30. Did you do it?—Yes, we did it only as far back as the 4th March, and the accident happened on the 28th of May. We have no desire to rush to the Department and point out these matters time after time, and get a reply that the Department is looking into it.

31. If there was a danger it was your duty to have done it?—We have done it.

32. Even supposing you had to do it over and over again?—We have done it on several occasions. We kept reminding them from time to time, and I think at the last meeting of the Town Board there was another resolution passed placing the matter before the Department and pointing out that nothing had been done even at the last meeting.

33. You stated that the people were expecting this accident, or was it the officials who were expecting the accident?—Yes. I do not know whether the Railway officials were expecting it, but they did not do anything to obviate it.

34. But I mean the men working on the railway there?—The people of New Lynn expected it and also the travelling public. On one occasion I myself witnessed a very narrow escape from a similar accident to that which happened that morning. One train had run round practically right into another train, and they were just a few yards off colliding. Possibly the Department heard nothing about it.

35. I think you said there was no one in authority at the station?—I say there did not appear to be any authority. There appeared to be no discipline or authority.

36. Is not the tablet porter in authority at the station?—The tablet porter, I believe, is in authority; but the point I wish to emphasize is that the tablet porter is, if anything, in a lower grade than the guard of the train. I have heard the remark passed, "We are to use our own discretion, and we are not bound to take our orders from him."

37. Then you do not know of your own knowledge whether the tablet porter is in charge of the station or not?—Yes; I know the tablet porter is supposed to be in charge of the station.

38. Then, in that case, the assistants on the train that comes along are under him?—I could not say.

39. They would have to do as he told them?—I could not say.

40. If they did not obey his instructions it would be his duty to write to headquarters?—Yes, I should say so.

41. Was there a fog on the date of the accident?—Yes, there was on the morning of the accident, and the rails were very greasy. I live very close to the station.

42. Was it a dense fog?—It was fairly thick; but New Lynn is a queer place—a fog is thick in one place and possibly not in another. New Lynn is in a valley and the fog drifts along in patches. It may be thick in one place and 100 yards away it will not be so thick.

43. How would it be possible to avoid shunting on the main line when another train is due or a train crossing—it is only a single line?—Yes. Under the present circumstances it would be impossible to shunt without going on to the main line. The station is so congested at times that it is impossible to shunt without going on to the main line.

44. Do you think the station is understaffed with a tablet porter and two assistants?—I do not see where the two assistants come in.

45. There are one or two assistants who come in the train?—The assistants are attached to the train. There are the ticket-collectors, who wake you up and want to punch your ticket every time you are sitting down.

46. Is it the first assistant or the guard?—They take turn about.

47. And they have to assist at the station when the train arrives?—I am not able to say if they do. The only assistance I have seen rendered is the locking of the points.

48. How far was the standing train driven back from the tank by the force of the impact?—I could not say.

49. How far was it from the tank after being driven back?—I think the train had taken water at the tank and had pulled forward to go back into the back road, and I think it was 50 yards from the tank where the collision occurred. I understand that the train was on the backward move from the tank when the other train collided with it, and the impact was pretty terrific. The carriages were badly telescoped.

50. You cannot say how far it was driven back?—No.

51. *Mr. Sykes.*] You say the facilities which are now afforded at New Lynn are quite inadequate for the traffic?—Yes.

52. It is a growing township?—Yes.

53. And you have drawn the attention of the authorities to certain points?—Yes. I have all to do with the consigning of outward and inward goods for our firm. We put out something like thirty thousand bricks per day and also a large number of pipes. We have eighty-five men working for us, and also have a siding in the yard. I have all to do with the consigning of the goods, and I am thoroughly conversant with the conditions that exist, and I come in contact with the porter or whoever is in charge at the station daily.

54. How many trains pass each other at New Lynn and stop there daily?—I think the first train up in the morning is the one that collided. The next train is the 7.51 a.m., and there are goods and passenger trains all day. I believe that the train that collided on the morning of the 28th runs from Henderson through to New Lynn, and I think it would be better if this train took its tablet from Waikumete, because they would have a better idea as to where the train was. At the present time she gets a clear run from Henderson right to New Lynn Station, a distance of five miles. You cannot tell where the train is on a down grade, and she may do the run in under or over the time.

55. There are then about eight trains that pass daily at New Lynn?—Yes.

56. Then the passengers from New Lynn platform desirous of gaining access to the other train have to scramble through the train at the platform?—No. The passenger-trains go on to what they call the main line, with the result that the people do not have to cross over. It is only the morning and evening trains in which they have to do so.

57. There is a good deal of risk attached thereto?—Yes, there is considerable risk. Shunting is taking place nine times out of ten on the main line, and I do not think shunting should take place on the main line when the station is at the foot of a grade with a nasty curve and an embankment right in front of the view. If there was a man in authority I think the position would be explained to the Department better, and they would know better how to act. I think it is simply because they are ignorant of the existing conditions. New Lynn Station is waybilled from Avondale and from Henderson, and there is a considerable amount of traffic that is booked up to Henderson and Avondale that really takes place in New Lynn, and we do not get credit for it. It was reported in the *Auckland Star* that twelve months ago the revenue at the station was £15,000. I think it has increased since that time considerably, and New Lynn gets very little credit for the increase that has taken place.

58. You said that in your opinion the porter had at times more to do than he could reasonably be expected to do?—Yes, very much more. I have eighty men practically under my control, and I consider I am in a position to judge when a man has too much to do. I can say this: that if that man was under my control I would certainly give him assistance at such times as the trains were crossing.

59. Therefore the passengers have to be kept waiting for their tickets?—Yes. I have waited very often myself for my ticket, and have had to get on the train sometimes without one because the man was rushing about. At night-time you would see him with a lamp under his arm rushing here and there. Then he drops the lamp and rushes to the tablet, and then to the ticket-window to give out tickets. I do not think it is fair to ask one man to do all that at this particular time, and I think that some assistance should be rendered. The way in which the Town Board looked at the matter was this: that if New Lynn had a properly equipped station the Stationmaster would have a clerk for waybilling purposes, and when the trains were arriving that man could leave off his other work and render assistance at the station in the way of seeing to the points, giving signals, or taking the tablet from the machine. After that was done he could go back to his work. We do not want to thrust any extra expense on to the Department. It is not that we wish everything up to date: we simply want to have a more satisfactory condition for the benefit of all concerned, not only for the men but for the Department and the travelling public.

60. You knew the porter well who was in charge of the station?—Yes; I have known every one there for seven years.

61. Would you, as a practical man, say that he was a competent man?—He was a really conscientious man.

62. Competent?—Yes, I should say he was competent: that is, speaking from my general observation.

63. *Hon. Mr. Millar.*] Did you state that at the deputation to me at New Lynn I promised an island platform?—No, I did not state that you promised one. We pointed out the existing danger, and it was suggested that if the island platform came forward better facilities would be given; the public would not have to cross through the trains, and better accommodation would be given for shunting. We took it that if an island platform was put in it would not be merely a platform with a line on both sides, but that shunting accommodation and so on would be considered. At present all the shunting that has to be done has to be carried out on a bit of a loop line that is not big enough to swing a cat round. I have rung up the Traffic Inspector pointing out the congested state of affairs at the station and that goods had not been lifted, and asking for goods to be picked up. I have communicated that to the District Traffic Inspector's office time and again. Mr. Witty asked me why I had not pointed it out. I did not think of that at the time. The matter has been put before the Department more times than I have fingers and toes. We are not here to ask for things that it is utterly impossible to grant. We are here to place before you the existing conditions and to guarantee to you that the revenue of the station exceeds £15,000 yearly, and to state clearly that the quantity of goods handled at that station warrants better facilities. In view of the congested state that New Lynn Station has been in for a number of years it is marvellous there have not been more accidents.

64. *Mr. Dickson.*] You say the train has to go down a very steep down-grade—that is, the train coming in from Henderson to Auckland?—Yes.

65. What is the grade on the map—1 in 40, is it not?—[No answer].

66. You say that when the Town Board waited on Mr. Millar you asked him for an island platform and also a water-tank. Are you quite clear that you asked for the tank?—No, I did not say that we asked for a water-tank, but we pointed out the dangers existing at the water-tank when the train was going to take water; and we asked for an island platform.

67. Did you point out in writing to the Railway Department about the water-tank?—Yes, on the 4th March.

68. That was the letter to the Traffic Manager?—Yes.

69. What reply did you get?—That our correspondence from such-and-such a date had been received, and that the matter had been placed before the Department and was being looked into. Something like that.

70. Coming to the time of the collision: some of the witnesses stated that the train was on the move when the collision actually happened: can you give us any evidence on that point?—I am not in a position to say that it was on the move, but the general conversation was such.

71. You do not know?—I do not know from my own personal knowledge.

72. Do you know what the distance was between the water-tank and the train when you saw the train first?—I could point it out on the plan. The collision was a good bit this side of the bridge. [Place indicated on map.]

73. You see that mark there at the bridge, as showing where the collision occurred: from what you saw, is that correct or is it not?—I think the train collided a bit nearer the south side.

74. What distance was the end of the train from the water-tank when the accident occurred—or, rather, when you saw the train? The train was backing up to the water-tank there?—Yes.

75. How far did the train reach?—As nearly as I can say the two engines collided right here [place indicated] against this embankment; I should say 50 yards past the bridge.

76. Were any of the carriages past the tank?—Yes.

77. Do you know how many?—I could not say how many.

78. To the best of your belief this mark does not show the correct place of the collision of the engines?—When I witnessed those two engines they were about 50 yards on the north side of the bridge, and I should say the bridge is something like 250 yards from the tank.

79. You told Mr. Sykes, I think, that there were only one or two trains that people had to cross over to get into the other train?—Four trains.

80. How do the passengers get out of that train that is on the outer line to the north?—They get out of the carriage and walk along between the two trains; they go round the train.

81. The passengers out of either one train or the other, in order to get on the platform, have to cross through the other train?—Yes, it cuts both ways. The passengers going inward have to go round the outward train, and those going outward have to go round the other one.

82. *Mr. Veitch.*] Where were you when the accident happened?—I was sitting at breakfast.

83. In your home?—Yes.

84. How far is that from the scene of the accident?—My place would be about five minutes' walk distant, or less than that. I am only about three minutes from the station.

85. Do you know anything of the immediate causes leading up to the accident?—Yes. I do not know, mind you, of my own personal knowledge.

86. Do you know anything of your own knowledge?—I think that the goods-train was foul of the main line when the passenger-train was approaching.

87. What do you mean by "foul of the main line"?—It was on the main line and partly back on the back road. That is how it was when I saw it.

88. You put that down as one of the causes of the accident?—Yes, I should say that was the cause.

89. Any other cause?—No other cause that I know of. I am not in a position to say that those people were at fault for being there. The signals being overrun might be a breach of the regulation, but the obstruction on the line was the actual cause of the accident.

90. Do you know anything about weather-conditions?—Yes; I know that there was haze and that the rails were very greasy with dew. It was a foggy morning, and the rails were greasy.

91. What do you mean when you speak of going into the danger-zone?—What we have considered the danger-zone for a number of years is the point where the train goes round to

go back on to the main line when this train is approaching. The train goes forward on the main line after depositing the passengers at New Lynn, and it goes right on to the line where the other train is coming in.

92. Can you give us any information as to what really caused this collision?—I am giving you my personal opinion from what I witnessed.

93. Do you know anything about the Railway Regulations?—No.

94. *Mr. McVilly.*] You said there is no discipline at the New Lynn Station?—I stated that there did not appear to be any discipline.

95. On what grounds do you state that?—From observations I have taken as a layman or as a man who has charge of men working under me.

96. You claim to have been observing the conditions for seven years?—I have been in the district for seven years, and have seen the place grow from then up to present date.

97. You said the tablet porter is junior and has no authority over the guards and their assistants?—I did not state that.

98. That is what you did state?—I stated that the tablet porter was in charge of the station as far as I knew, but that there did not appear to be the authority that there should be in a station of that kind. I did not say he was junior.

99. You stated definitely more than once that the tablet porter was junior?—I did not use the term "junior."

100. You said the tablet porter had no authority over the other men?—Not as it appeared to me. I said I was not aware of it, and did not know whether he had.

101. This is the regulation on the point: "In all cases where trains cross or shunt at tablet stations the guards must act under the protection of and assist the porter in charge, the porter in charge being responsible for certain other duties." Who is the senior man under that regulation?—I should say the porter is in charge of the station.

102. Then the statement you made that the tablet porter had no assistants is not correct?—How do you mean, "no assistants"?

103. Because as he is in charge of the station and can direct the guards and assistants on the train, while the train is at his station they are under his control and they must carry out his instructions?—I said that the tablet porter was solely by himself as far as I could see, but there were other people there when the train arrived.

104. That should cover the guard and assistants as being of assistance to the tablet porter?—Yes, it should cover it.

105. You also said that the appointment of a Stationmaster would have prevented the accident this particular morning. Will you state how the appointment of a Stationmaster would have prevented the bad rails?—If a Stationmaster were appointed I do not consider that the train would have been allowed to go forward on such a morning.

106. But would the appointment of a Stationmaster prevent the dew of heaven falling on the rail?—I did not bring in the dew of heaven.

107. You spoke of greasy rails?—I was asked as to the weather-conditions, and I said that a fog did prevail, that it was a misty morning, and the rails were greasy.

108. How would the appointment of a Stationmaster prevent that?—I do not say the appointment of a Stationmaster would prevent that position. I do not know whether it comes under the Stationmaster's duty to dictate the weather-conditions.

109. In what way was the Stationmaster going to prevent this accident seeing that the tablet porter exercises all the duties of Stationmaster under that regulation?—The tablet porter may exercise them or he may not. One of the witnesses gave evidence here yesterday that he wilfully broke the regulations, and that while he was breaking the regulations he knew he was doing something that would be a danger to the travelling public.

110. Who broke the regulation?—The porter in charge broke the regulation.

111. Who says he did?—He said he did himself.

112. You mean Mr. McDermott?—Yes.

113. He was not there during the period we are discussing?—He was a porter himself and he was there for two years, and he said that during the six months he was at this station the regulation had not been carried out.

114. No, that is not so?—When you asked the porter yesterday was not the first law of the Department to consider the safety of the travelling public he answered Yes. You then asked him if he considered the putting of this train forward as a safe practice, and did he consider he was carrying out the regulations of the Department, and he said No. The point we have to consider is not what it says in the rule-book, but how it is carried out at the New Lynn Station. The man openly admitted that he broke the rule.

115. Apart from that question, he did not break the rule?—I am not in a position to say whether he broke it, but he admitted he was not working in the best interests of the travelling public when he put the train forward.

116. Taking the question of shunting, part of your complaint seems to be the accommodation at the station?—Yes.

117. You have told us all about your firm's business and the business of other people. Now, when your firm was asked to pay for additional accommodation to deal with its business, did it do it?—I do not know if it was asked.

118. You know a lot about public requirements, but this is your own business?—We have no desire for further accommodation. We have a very good siding and plenty of room. What I said was that at times when the station was congested and the work left unfinished by the trains I had pointed out to the Traffic Inspector the unsatisfactory way in which the work was done, and asked if they could get it done by later trains, with the result that they have always endeavoured to fix us up with later trains.

119. Then you have no complaint on that score?—No.

120. You are complaining about the congested business, and I asked you whether you are aware that your firm were asked to pay for giving additional accommodation to deal with their own business?—I say to the best of my knowledge and belief that the New Zealand Brick and Tile Company has never been approached for extra money for providing more accommodation. The accommodation that I have spoken of is nothing to do with the New Zealand Brick and Tile Company—it is a matter of what is wanted at the station-yard itself. Private enterprise cannot be expected to put their hands in their pockets to provide facilities for the Government to work their goods.

121. You said that you have heard some member of the Railway staff asking assistants from time to time whether the points were locked?—Yes.

122. Does that indicate carefulness or carelessness on the part of the tablet porter?—It does both. There is not so much in what is said as there is in the way it is said. The man is rushing about doing his business, and at the very last moment I have heard him shout out, "Hey, Tom, are those points locked?" and the reply has been, "I do not know; ask So-and-so. Sing out to him to lock them, as she is due." I think the time has arrived when some alteration should be made—that it should be clearly and definitely some man's duty to see that the points are locked, and to lock them with his own hands and not depend upon his memory. I saw an accident occur previous to this one when the points were not locked, and the train smashed into a string of trucks at the station and knocked the buffers off the engine at this very same spot.

123. If the tablet porter asks the assistant if the points are locked before he lowers the signal or lets the train in does it not indicate carefulness on his part?—It certainly indicates carefulness. The point is that I consider a man should not have to run after Tom Jones or Bill Brown—he should be in a position to witness the locking of the points or have some one deputed to attend to it.

124. Do you know any business where a particular man is told off for every duty?—No, I do not in connection with the railway.

125. Do you tell a man off to do a particular job and keep him to that?—Yes, I do.

126. And do you not ask him if certain things are done?—I see it is done myself. I have certain men in charge of certain sections.

127. You do what you complain the tablet porter should not have done—you ask Smith or Brown?—Not in the same respect. I admit the tablet porter was competent and a conscientious man, but I wish to point out that the Department is not aware of the manner in which the station is worked inasmuch as there does not appear to be sufficient authority at such a busy station.

128. I have pointed out to you that the tablet porter is in authority?—I think the time has arrived when there should be somebody in a higher position than the tablet porter at a station with a revenue of £15,000 or £18,000.

129. It is not a question of income?—The question of income signifies that there must be a certain amount of work, and the place must be very busy to produce that amount. We are not handling valuable stuff, but it is bulky. Most of the bricks we produce do not go any great distance. The freight to Wellington may be £2 15s. a ton, but the bulk of our produce goes into the city, where we only pay 1s. 9d. per ton, and when the revenue amounts to £15,000 or £18,000, at such a small rate you can easily realize the amount of traffic that takes place at that station. There is also 400 or 500 tons of coal coming into the station. With such a large amount of traffic there should be somebody with more authority.

130. You have not told us yet how more authority would have prevented that accident—how would the appointment of a Stationmaster have prevented it?—In my opinion if there had been a reliable man with practical knowledge—that is to say, a man of higher grade than a porter—he would have used more discretion on such a morning than to have allowed a train to come forward when the other train was due. The train has only six minutes from the time it arrives at New Lynn to take in water and allow the passengers to alight. If a responsible person was in charge of the station he would point out to the Department that it was almost impossible to carry out the work according to the time-table and do the work in a satisfactory manner. He would take more upon himself than the ordinary everyday porter does.

131. *Mr. McDermott.*] You said your business brings you in contact with the members in charge of the station?—Yes.

132. Do you know of any provision having been made for a fog-signal at the New Lynn Station since the accident?—Yes. I understand that fog-signalmen have been appointed. I think there is a notice posted up in the station since the accident that the porter who goes off at night has to come out on command of his fellow-porter to act as signalman with him.

133. You witnessed the way No. 5 used to work previously—it used to go north and shunt up through the road?—Yes.

134. What is the practice now?—It goes forward now. It comes into the station siding and stops there.

135. Does it go into the siding or on to the main line?—It goes into the siding.

HOPKINS THOMAS sworn and examined. (No. 6.)

1. *The Chairman.*] What are you?—I was a railway man, but I do not know whether I am now or not.

2. And you reside where?—At Waikumete. I was a passenger on the train on the morning of the accident. Before I got into the train I observed that there was a fog at New Lynn, and I got into the first carriage of the train. Going down towards New Lynn the train gave a

lurch and swung from side to side just before it reached Sermon's crossing at the foot of Scroggy Hill. Shortly after that there was an impact, but whether there was a loud crash or not I cannot say. That is about as much as I know of the accident.

3. *Mr. Witty.*] Was the fog dense?—My observation of the fog was at about half past 6, and about five or ten minutes after the accident there was a fog that would prevent any one seeing for a greater distance than 40 yards away—that is, going towards the station.

4. In passing along the line you would be able to see 40 yards ahead?—Yes—that is, where the accident occurred. I could not say what it was like behind.

5. Well, in passing the home signal?—I could not say that because I did not look back.

6. You say the train swung from side to side: was that as the impact occurred?—No, that would be fifteen or twenty seconds previously. There is a pretty sharp curve at Sermon's crossing.

7. Were they bogie carriages?—Yes.

8. *Mr. Dickson.*] You made a queer statement when you gave your occupation. Are you in the Railway Department?—I am not doing anything now. Prior to the accident I was employed in the Railway Department.

9. What doing?—I was classed as a labourer, but had often been in charge of work as a casual hand. I had worked five days, and on the 8th August I was requested to stand down until further notice, and I have been waiting from then till now. I have not received any further notice, so I do not know whether I am in the service or not.

10. Did you prior to the 8th August have any conversation with any heads of the Railway Department in Auckland as regards the accident?—No, not as regards the cause of the accident.

11. Did no one in connection with the Railway Department ask you?—No, not that I am aware of.

12. You would not be positive?—I do not remember that any official did.

13. Any one acting for the officials?—No, certainly not. They never asked me what I thought was the cause of the accident.

14. Were you hurt in the accident?—I was.

15. *Mr. McVilly.*] What did you consider was the cause of the accident?—Well, if you allow me to stay here and listen to all the evidence I will tell you, but I think it would be rather premature for me to say now. I cannot say what was the cause of the accident until I hear all the other evidence.

16. What do you consider cause the train to lurch?—It is a common occurrence on that curve for the train to hit the top leg of the curve.

17. A question of speed?—I suppose it would be a question of speed and sharpness of the curve combined. The sharper the curve the more cant on the rail.

18. You frequently travel by that train?—I have been travelling by that train for close on eight years.

19. You claim to be a railway man?—Well, I have been employed by the Railway Department for a period of about seven years.

20. Well, as a railway man and as a man who has travelled regularly on that train, was the speed that morning higher than on previous occasions?—I consider at that particular spot it was.

21. Was the lurch greater than you have noticed previously?—Yes, it was a little greater; but we often get shocks on that curve.

22. But on this particular morning the speed was greater and the lurch greater?—Yes.

23. *Mr. Mack.*] Do I understand that you observed the fog at New Lynn prior to getting into the train at Waikumete?—Yes.

24. Is it not a fact that you cannot see New Lynn from Waikumete?—Yes, but I happen to reside on a ridge that divides New Lynn from Waikumete.

25. It was not just prior to getting into the train?—No, it would be about half past 6.

WALTER WHITE sworn and examined. (No. 7.)

1. *The Chairman.*] What are you?—I am a labourer residing at Henderson. I was a passenger on the morning of the 28th from Henderson on the Auckland-bound train. There was no fog when we left Henderson Station until we got over the top of the ridge at Scroggy Hill, when we ran into the fog. I can remember the fog well, because we were joking about the fog hanging over "Bonetown," as they call it. The next thing I noticed was a lurch coming round the curve just before you cross Titirangi Road, and a few seconds after that there was a crash. I think that is all I have to say. We were all mixed up in the crash.

2. *Hon. Mr. Herries.*] What carriage were you in?—The front seat of the front carriage—the same carriage as the last witness, who was in the back seat.

3. What kind of carriage?—A second-class carriage.

4. *Mr. Witty.*] Do you often travel by that train?—I have been travelling regularly for two years last May.

5. Was the shock worse than usual going round the curve?—That was the first time I had noticed it like that, but I have noticed it since.

6. How long would it be before the impact?—I could not say.

7. Was the fog very dense?—I could not say whether it was dense or not. There was a fog—I know that.

8. You could not say what the degree of denseness was?—No.

9. *Mr. Dickson.*] What distance is Scroggy Hill from where the accident happened—from where some of the trains stop?—It must be somewhere about a mile from the crossing to where the accident happened.

10. Can you show us exactly where the accident happened on that plan?—Yes. It was one carriage and one engine length over the bridge.

11. Was that a big engine or a small engine?—A small engine.

12. That mark on the map, then, is not correct?—No.

JOHN FRANCIS McDERMOTT made a further statement. (No. 8.)

Witness: I should like to make an explanation in reference to a question that Mr. McVilly put to me about this instruction 4 (b)—“Instructions and Regulations for working Single-line Railways by the Electric Train Tablet System.” I said, from the way the question was put to me, that that regulation did not apply on this occasion. I admitted, from the way the question was put to me about non-stopping trains, that the regulation did not apply to this train. I have since read the regulation over, and I think that I did not answer the question as I should have done had I considered the matter properly. I think that the regulation does apply, or did apply, to these trains. It says, “When the approaching train for which ‘Line clear’ is asked is a non-stopping train.” Well, I admit that both these trains were stopping trains. It goes on, “or the station for which ‘Line clear’ is asked is on a grade or near the foot of a grade.” I contend that New Lynn is at the foot of a grade. I believe now that the interpretation I put on it in the first place was correct. It goes on, “‘Line clear’ must not be given unless the running-line between the home-signal posts is clear, and after ‘Line clear’ has been given to approach, the running-line between the home-signal posts must not be obstructed except to allow a train arriving from the opposite direction to enter the station.” I would take it from that that this really intended that train No. 5 should enter from the south end of the yard, and that this “running-line between the home-signal posts” is the main line. It is the running-line for the train that comes from the north. As I say, now that I have read the rule over again I am of opinion that it does apply to New Lynn.

1. *Hon. Mr. Herries.*] Do you say that New Lynn is at the foot of a grade?—Yes, because there is a grade coming down from Scroggy Hill. There is a flat where New Lynn Station stands.

2. You have to go down to the bridge; there is a big grade down to the bridge?—That is down to the Whau Bridge.

TUESDAY, 11TH SEPTEMBER, 1913.

JOSEPH RICHARD BENNEY sworn and examined. (No. 9.)

1. *The Chairman.*] What are you?—An engine-driver.

2. And your address?—Parnell, Auckland.

3. *Mr. McVilly.*] Do you remember the 28th May?—Yes.

4. What were you doing on that date?—I drove No. 5 train.

5. Will you tell the Committee what happened when you got to New Lynn?—When we got to New Lynn we took the main line. The signal was low. We went up and took water. After taking water I got a signal to pull out. I could not see the signal to come back again, on account of the fog. We stood out there for about four minutes waiting for a signal. Just then my mate sang out “Look out.” Then I looked in front through the window and I saw No. 6 coming round the curve. I immediately gave my engine all the steam possible to go back out of the road, but the crash came too soon. After the accident I assisted the passengers out and wired in for assistance, informing the local foreman that the trains had been wrecked.

6. When you approached New Lynn what signal did you get?—The home signal was at “Clear.”

7. What did that indicate?—Take the main line.

8. After you had taken water at the tanks you pulled ahead?—Yes.

9. Did you at that time look to ascertain what the position of the north home signal was?—Yes.

10. What was the position of that signal?—It was at “Danger.”

11. What did that indicate?—That it was safe for me to go ahead and shunt under its protection.

12. It was at “Danger” for an opposing train?—Yes.

13. This No. 6 from Henderson should have stopped?—At the stick.

14. Before passing the home signal?—Yes.

15. When you pulled ahead did you consider that you were perfectly safe in going ahead under the protection of that signal?—Yes, I did.

16. How far did you pull ahead before you stopped—how far from the tanks?—About 100 yards, I should think.

17. Did you stop on a signal from anybody, or use your own judgment?—I used my own judgment.

18. You stopped then when you thought the van was clear of the north points?—Yes.

19. When you stopped was your engine north or south of that “Danger” signal?—It was south of it. I was inside the home stick.

20. Still under the protection of the home signal?—Yes.

21. Did you look at the signal then?—Yes.
22. And you are satisfied that it was still standing at "Danger"?—Quite satisfied.
23. When you stopped did you at once release your brake?—Yes.
24. And reverse your engine?—Yes.
25. You were read to set back?—Yes.
26. How long were you standing waiting for a signal, do you think?—As far as I can recollect, between three and four minutes.
27. How do you estimate that time?—It is just my own idea. I would not be certain on the point.
28. Were you standing an unusually long period there waiting for a signal?—Yes.
29. Did you ask for a signal by giving the usual "pop"? It is the practice, is it not, for a driver, after waiting any length of time, to give a "pop" to ask for a signal?—No, I did not give a "pop."
30. Train register No. 5 at New Lynn shows that you arrived at the station at 6.44?—Yes.
31. It shows that No. 6 arrived at 6.48. As you had to take water in the interval of four minutes you could not have been standing there for four minutes, could you?—No.
32. You are not prepared to say that your estimate is right?—No, I would not be prepared to say that it is exactly right.
33. *The Chairman.*] You did not take the time?—No.
34. *Mr. McVilly.*] Did you hear No. 6 whistle when it approached?—I heard one whistle: that was up at the tank.
35. When you heard No. 6 whistle did you think that you were running any risk in standing there?—No, I did not.
36. You still considered that the "Danger" signal was sufficient protection for you?—That is to say—
37. And that No. 6 would stop at that signal?—Yes.
38. What interval do you consider elapsed between the time you heard No. 6 whistle and the collision?—I should say about half a minute.
39. *The Chairman.*] Again you did not take the time?—No.
40. *Mr. McVilly.*] Do you think that No. 6 was on top of you so quickly that you had not time to get your train in motion?—No, I do not think so. I gave the engine steam before the collision came, but I could not say whether it shifted or not.
41. Your engine was standing where?—Just about on the bridge on the south side.
42. Did you have a good view of the "Danger" signal that morning—the north home signal?—Yes.
43. Regarding the practice of pulling up, was that the usual practice at New Lynn?—Yes.
44. How long have you been running on that road?—About four or five years.
45. Did you consider that practice safe?—Yes, I did.
46. You heard Mr. McDermott speaking about tablet rule No. 4?—Yes.
47. Did you consider that New Lynn was on a grade for that purpose?—No. I consider that rule does not apply.
48. If you were running from Henderson at a speed of, say, thirty miles an hour, could you have stopped the engine at the foot of the grade before passing the home signal?—Yes.
49. With an ordinary application of the brakes?—Yes.
50. How far was the train driven back by the force of the collision?—About 100 ft.
51. What is the distance from the foot of the grade to the home signal?—I should think, between 200 and 300 yards.
52. Have you ever experienced any difficulty in approaching New Lynn owing to fog or other conditions?—No, not the slightest.
53. Did you consider the fog on that morning was particularly bad?—There was a fairly heavy fog that morning.
54. But not sufficient to obscure the view of the home signal?—No, not on my side.
55. What distance away could you see that signal?—About 100 yards or more.
56. You say you saw it from the tank before you started to pull ahead?—You could just get a faint glimpse of it.
57. You had a good view of it?—No, not a good view. When I pulled ahead a little I could get a good view.
58. Did you pull ahead before you saw the signal was at "Danger," or did you see the signal at "Danger" before you pulled ahead?—The signal was at "Danger" before I pulled ahead. I went out slowly to make sure.
59. Had you any doubt about the position of that signal?—No, I had not.
60. From your experience of New Lynn can you say whether under the conditions that were prevailing that morning the fog was denser to the north side than to the south?—No, I could not say that.
61. Can you give me any estimate of the speed train No. 6 was travelling at?—No.
62. Can you say whether the home south signal was alight when you passed?—I cannot remember exactly now.
63. You had no difficulty in picking it up?—No.
64. There was sufficient light?—Yes.
65. Have you ever gauged the distance it would take to pull up an ordinary train such as you had that morning running at, say twenty-five or thirty miles an hour with an ordinary application of the brakes?—No.
66. What distance do you think you could pull up in with an ordinary application of the brakes under the conditions prevailing that morning?—About 200 yards, easy.

67. Supposing you used an emergency application, what would you do then?—Pull it up in about 200 ft. or 250 ft.

68. What were the rails like that morning coming up from Auckland?—Fairly greasy.

69. Did they interfere with you at all in the running?—I had to use sand going to Mount Eden.

70. You considered the practice you followed at New Lynn was absolutely safe?—Yes.

71. *Mr. Myers.*] From what distance did you see the "Danger" signal first?—About 100 yards, as near as I can guess.

72. That is from the tank?—Yes. *Mr. McVilley* says it is about 9 or 10 chains.

73. Considering the conditions that prevailed that morning, how far off do you consider you could see the signal if there was nothing to impede your view?—Perhaps 100 yards or a little more. I would not be sure.

74. That would apply to both sides?—I do not know about the other side.

75. Would the conditions be likely to be more favourable on the northern side?—I could not say. There is a creek in between and the fogs run in patches. It may be clear in one place and thicker in another.

76. Fogs are frequent in winter in those parts?—Yes, fairly frequent.

77. And do you think the precautions taken by the Department in regard to the "Danger" signal are sufficient?—Yes, I do.

78. You have nothing to suggest by way of improvement?—No, nothing at all.

79. You do not think it is dangerous provided the man uses proper and reasonable precautions?—No.

80. How long have you been driving on that line?—Between four and five years.

81. Have you ever made a mistake in regard to the "Danger" signal when you have been coming from the north?—No.

82. And you frequently met with similar conditions to those obtaining on the morning of the accident?—Yes, often.

83. *Mr. Veitch.*] There is a creek between the distance signal and the foot of the hill, is there not?—No, the home signal is on the north side of the creek. The bridge is between the home signal.

84. In the case of a fog would it not be likely to hang round the creek and about the foot of the mountain?—Yes, very likely.

85. It would make the fog greater between the foot of the grade and the semaphore than between the semaphore and the station?—Yes.

86. *Mr. Sidey.*] You were the driver of the goods-train which was run into?—Yes, No. 5.

87. Since the date of the accident have your instructions or methods been altered on arrival at New Lynn?—Yes. We have received no instructions, but it is done in a different way.

88. Can you tell us what you did before and what you did afterwards?—Before the accident we took water and pulled out towards the north end and into the siding and took the main line, but now we go into the south end.

89. And wait on the siding for train purposes?—Yes.

90. And you do not take water now?—No.

91. How long have you to wait there?—Generally three or four minutes.

92. And how long after the accident was this alteration made?—About a week or more.

93. *The Chairman.*] Did you make the alteration on your own initiative or upon instructions?—There were no instructions given, but the man in charge does it differently.

94. *Mr. Sykes.*] Previous to this accident have any collisions been narrowly averted?—None that I know of.

95. And you made no complaint as to the facilities which have been given you to do the necessary shunting and watering?—No, none whatever.

96. And in your estimation everything was perfectly safe?—Yes.

97. All the necessary precautions were taken?—Yes.

98. *Mr. Dickson.*] You said you can see the north signal from the water-tank?—Yes.

99. Did you know that there have been any complaints made about that signal?—No, none to my knowledge.

100. There has been nothing done in regard to the distance signal being put there?—No.

101. Do you consider it would be an improvement if they had a distance signal there?—Yes, it would give a man a better chance.

102. You know where the signal was originally?—No.

103. The signal, according to the plan, was moved 5½ chains. If that signal had been left where it was would there have been a greater chance of pulling up?—Yes, certainly.

104. And it might have avoided the accident?—Yes.

105. Have you ever been on the other run?—No, not on No. 6. I took No. 8 afterwards.

106. You said you used the sand going from Auckland to Mount Eden?—Yes, on the upgrade, in the morning.

107. Do you consider it is an improvement to have the tank at the south end?—Yes, I should think it was—that is, for trains going that way.

108. *Mr. Kennedy.*] You say you stood four minutes inside the north home signal when you pulled up?—Yes, between three and four minutes.

109. That was an unusual length of time to stand there?—Yes, it was.

110. Was there any one signalling you?—No, I could see no signal at all.

111. If a man had been standing at the rear of your train, say, on the bank, and signalling you back, could you have seen him there?—No, not in the position we were in.

112. Where does he usually signal you back when you get inside the signal?—There are generally two, and one comes up to the train and gives the signal.

113. You cannot be signalled back unless there are two?—You cannot see from the end of the van on account of the curve and the cutting.

114. And if he went on the other side you could not see him?—No.

115. So that it is impossible for one man to shunt you into that siding?—Yes, unless he came half-way up the line and gave us the signal.

116. He would have to come along and specifically instruct you?—Yes.

117. He could not have done it this foggy morning?—No.

118. If a porter said he stood up on a bank and could see your engine, and that he tried to draw your attention to the signal to go back, would you say he was wrong?—He could not see the engine—he might see the smoke.

119. I want you to give me an estimate of how long you think would be a fair time for a driver who had not seen that country before to run on that road so that he would have a thorough knowledge of the road in daylight or on a clear night?—I should think it would take him about three weeks.

120. Would that mean running regularly every day?—Yes, consistently.

121. And how long do you think it would take for a man to learn the road so that he would know and be able to stop short of that semaphore in a fog?—That is a very big question to answer. It would take him three weeks to learn the road properly, and if he did that he would know what to do.

122. Do you think any man knows any road properly in a fog?—No, I do not—not right throughout.

123. You mean by that that he could not definitely state where he was?—Unless he knew any landmarks and could pick up where he was.

124. It has been stated here this morning that the train-book at New Lynn shows 6.44 a.m.?—Yes.

125. That is the time of your arrival, and 6.48 would be the time of arrival of No. 6?—Yes, the time of the smash.

126. From your experience of booking, are you prepared to accept those figures as being absolutely correct?—Yes, I have to. I have no time myself.

127. Would you be prepared to swear that the times stated are absolutely correct?—No, I would not.

128. Have you ever at any time found a difficulty with the mode of shunting train No. 5?—Only when other trains were standing at the home stick, and then we would stand at the other end.

129. Then you have at some time protested against that mode of shunting?—Yes. We have said it would be better to go the other way. Some guards work one way and some another. You are there to do as you are told.

130. Providing it is consistent with safety?—Yes.

131. But you have at some time objected to shunting at the north end of the yard and induced the man in charge to back down and pull in at the bottom points?—Yes, we have talked it over.

132. Is it an uphill, downhill, or level grade between Scroggy Hill and New Lynn?—From Waikumete Station you go uphill at first and then go down to about the crossing.

133. *Mr. McDermott.*] You say you have run No. 5 since the date of the accident?—Yes.

134. You stated that you now enter the siding from the south end?—Yes, since about a week after the accident.

135. Do you consider that induces to safety as compared with the previous practice?—No, I do not.

136. Do you take water after the departure of No. 6?—Yes.

137. Does train No. 5 leave New Lynn on time?—Yes, as far as I know. Sometimes there is more shunting to do and sometimes none at all. We run out as soon as No. 6 arrives.

138. What would you reckon the general time of arrival?—About 6.50 a.m.

139. That means you can run to time in a minute and take water?—Yes.

140. And cut the train off?—A minute and a half is a fair time. You only want about half a tank of water.

141. Do you think an ordinary shunt could be done under five minutes?—It ought to be. It ought to be done in two minutes—that is, one kick.

142. You have to uncouple, go out on the main line, go back to the water-tank and take water, and come back and couple up the train?—Yes.

143. And you can do that in a minute and a half?—No, not the whole lot. You are always ready to go out before the other train arrives.

144. Do you think the previous practice was done in an endeavour to conform to the timetable? Do you think you would have had more chance of getting away and then doing the shunting afterwards?—Yes.

145. There has been a good deal of shunting to do at New Lynn?—Yes.

146. No. 5 train has to run the passenger-train back from Henderson?—Yes.

147. It would be to the interests of the Department to run a train to time on account of it being necessary sometimes to shunt at Waikumete?—Yes, but you have plenty of time at Henderson.

148. But you have more shunting to do at Henderson?—Yes.

149. *The Chairman.*] You say you have been driving there for some years?—Yes, four or five years.

150. Have you noticed any want of discipline amongst the staff at that station?—No, not at that station.

151. *Mr. McVilly.*] Regarding the removal of the semaphore, you said you thought had the semaphore been left in the old position it would have averted the accident?—I did not say it would—I say it might have.

152. Provided it had been seen?—Yes.

153. At what distance can you see the semaphore at the present time?—You can see that semaphore from the time you get over the top of Scroggy Hill—that is, under good weather-conditions.

154. Show me on the map?—From this crossing right on top of the hill. [Place indicated.]

155. That is a distance of 33 chains—practically half a mile?—Fully half a mile, I should think.

156. You can see the signal in good light half a mile away?—Yes.

157. You said just now to Mr. Kennedy that you would not be prepared to accept the entry. Do you dispute the correctness of the tablet-book?—No; but I say that I took no time whatever.

158. If the tablet porter swears that the entry in that book is correct, would you be prepared to dispute it?—No.

159. Would you accept that statement?—Yes, I have to, because I took no time myself.

160. *Mr. McDermott.*] Have you ever in your experience of driving known or seen the fog-signalling regulations carried out in New Lynn?—No.

161. Have you any idea of any regulations being issued that have been carried out since?—No.

CHARLES GRAHAM LITTLE sworn and examined. (No. 10.)

1. *Mr. McVilly.*] What are you by occupation?—A fireman.

2. Address?—Ponsonby, Auckland.

3. You were fireman of No. 5 train on the 28th May, were you not?—Yes.

4. What was the weather like when you came to New Lynn?—Fairly foggy.

5. Did you run in at the usual speed?—We eased up a little bit to see the signals. The signals were not on my side.

6. Did you have any difficulty in picking up the signal?—No difficulty that I know of.

7. You ran in on the main line?—Yes.

8. Straight to the water-tanks?—Yes.

9. You heard the evidence of your driver in connection with what took place after he took water?—Yes.

10. Do you agree with it?—Yes, quite.

11. Who saw No. 6 first—you or the driver?—I saw No. 6 first.

12. What did you do then?—I warned him, and then I jumped off our engine.

13. Have you any idea what period of time elapsed between the time No. 6 whistled and the time you saw her?—It would not be very long. I could not say definitely.

14. It happened very quickly?—Yes, it was not very long.

15. When you pulled ahead, before you moved from the tanks, are you certain that the north home signal was against No. 6?—Quite certain.

16. Did you keep your eye on that signal from time to time to see that it was still kept at "Danger" all the time you were on the main line?—Yes, I would naturally watch it while we pulled out.

17. Up to the time you heard the whistle and jumped off, are you prepared to say that the signal was at "Danger"?—Yes, quite prepared.

18. In those circumstances No. 6 should have stopped before fouling that signal?—Yes.

19. *Mr. Kennedy.*] When you pulled up at the bridge, how long did you stand before the collision took place?—I suppose it would be some time between three and four minutes.

20. Did you look back to see if you could get a signal?—Yes.

21. Who usually gets the signal to push back after you pull up like that?—It has to be given on the driver's side on account of the bank.

22. Did you look back to see?—Yes, I had a look back.

23. Could you have seen a man if he had been on the bank?—No, I do not think I could.

24. Why?—Because he could not see the engine on account of the bank.

25. Did you say that this is the usual way to give the signal—from the bank?—No; the signal is given from the driver's side.

26. On the bank?—No; the bank is on the fireman's side.

27. Why could you not see a man on the bank on your side?—I suppose the bank kept him from my view.

28. What hid the bank from your view?—The train itself. It is on a curve.

29. If a porter or shunter swore that he stood on that bank and could see your engine and tried to attract your attention, would you say he was wrong?—Yes. I say that he could not see the engine.

30. How long have you been running on that road?—About twelve months, I suppose.

31. Do you know the road well?—Yes, fairly well.

32. Do you think that if a young driver who had had only about half a dozen trips on that road had been running that train No. 6 that morning he would be liable to run by that home signal?—Inside that time, I think he would.

33. *Mr. McDermott.*] You have heard the evidence in regard to this instruction 4 (b): do you know the regulation?—I think I know it.

34. Do you consider that that regulation applies to New Lynn?—No.

35. If this instruction did apply at New Lynn, would you consider the practice that was followed in working No. 5 previous to the accident was dangerous?—If the rule applied it would be so.

36. Have you ever seen fog-signalling in operation anywhere on the Auckland Section?—No.

37. How long have you been firing?—About two years.

38. Have you seen it in operation or known of it being in operation since the date of the New Lynn collision?—Yes.

39. Do you know if any instructions were issued *re* fog-signalling at New Lynn or anywhere else on the Auckland Section?—Not that I know of.

40. You know of fog-signalling having been in operation since the accident?—Not at New Lynn.

41. But about Auckland?—Yes.

42. *Mr. Dickson.*] Where did you see that fog-signalling?—Coming into Newmarket from Auckland.

43. That is, out of the tunnel?—After you get out of the tunnel, yes; at the Newmarket home signal.

44. What distance would that be past the tablet station?—It would be through the tunnel and about 300 or 400 yards the other side of it.

45. It would mean that the line would be clear on to Newmarket?—Yes, on to the home signal.

46. It was between the tunnel and the home signal that the fog-signals were used?—It was at the home signal that I saw them used.

47. *Mr. Veitch.*] Do you know of any case in which fog-signalling ought to have been resorted to when it was not done?—No, I cannot say I know of any case.

JOHN HOWARD HOOTON sworn and examined. (No. 11.)

1. *The Chairman.*] What is your occupation?—Guard on the New Zealand Railways.

2. Address?—85 Rose Road, Grey Lynn, Auckland.

3. *Mr. McVilly.*] What were you doing on the 28th May?—I was guard of No. 5 train, Auckland—Henderson.

4. You were guard of the train at New Lynn on the date of the collision?—Yes.

5. What did you do on arrival there?—As soon as we arrived I went to the rear of the station buildings, to the latrines, and then came back and was in the station to inquire if there were any loads for the north, and I heard the collision.

6. Where were you when the engine of your train started to pull down from the tanks northwards?—Just going into the station—just on the platform going into the station.

7. Who was on the engine—one of your assistants?—I thought he was, but I afterwards found out that he was not.

8. Where was he?—I could not be certain. It was Porter Beere, I think.

9. What was he doing?—I think he had given the driver a signal to go ahead and then back into the loop from the through road.

10. He went down to let the train into the siding: is that so?—Yes.

11. Was the train standing on the main line any longer than usual that morning?—No, I do not think so.

12. About the average time?—Just about the average time.

13. When you get to a station where there is a tablet porter in charge, do you act under the tablet porter's instructions?—Always.

14. You have always done that at New Lynn?—Yes.

15. You have never had any difficulty?—No.

16. As far as your knowledge goes has the tablet porter at New Lynn always maintained discipline—that is, seen that the men who were there—assistants—did as he told them?—Yes.

17. Was there anything on this particular morning to lead you to suppose that proper discipline was not being maintained?—Nothing whatever.

18. The traffic men, then, were acting under the tablet porter's instructions as usual, and proper discipline was being maintained?—Yes. They were following their usual course of procedure.

19. Did you see that north home signal at all?—No, I did not. I did not look for it, candidly.

20. Supposing it were at "Danger," what would you have expected No. 6 to do?—Stopped, certainly.

21. As an experienced guard, what is your opinion about the practice that was followed: is it a safe practice?—Perfectly safe.

22. You consider, then, that so long as the north home signal is at "Danger" against an approaching train, any train shunting at New Lynn would be perfectly safe in pulling up to back into the siding or carry out any shunting operations?—Yes, absolutely.

23. *Mr. Witty.*] Have you ever heard any of the officials at New Lynn ask if the points have been locked, and a reply given, "I do not know; ask somebody else"?—No, I have never heard that. I have heard the question asked.

24. But you never heard the answer given, "You had better ask Brown," or somebody else?—No.

25. *Mr. Myers.*] How long does it take to water at New Lynn?—Sometimes a minute; sometimes two minutes.

26. If you stayed longer at New Lynn, would it in any way alter the position: would it make it safer, or would it be just as safe?—I think it is perfectly safe under present conditions.

27. You have no suggestions to make with a view to minimizing the possibility of a future accident?—None whatever. I do not think No. 5 ever leaves New Lynn at schedule time, but the main thing is getting to Henderson on schedule time or thereabouts. There is a lot of time allowed.

28. At any rate, you think the "Danger" signal is quite sufficient precaution for any reasonable man?—Yes.

29. *Mr. Veitch.*] With regard to this matter of the guard locking the points under the instructions of the tablet porter, and so on: is it not a fact that there are different guards on duty on different mornings—that is to say, you might be on duty to-day and another guard to-morrow, on the same train?—Yes.

30. That would make it impossible for the guards to know, until they arrived on the train at the station, what the tablet porter wished them to do?—Yes.

31. Therefore it would be necessary for the tablet porter on each occasion to say to the guard, "Will you lock those points?" or "Did you lock those points?" as the case might be?—Yes.

32. You would not consider it an indication of lack of control, or lack of attention to his duty, or lack of confidence in himself on the part of the tablet porter if he asked you such a question, would you?—No, certainly not.

33. Rather the reverse?—Yes.

34. *Mr. Sykes.*] Do you consider the present facilities at New Lynn sufficient for the proper working of the sidings and the station itself?—Yes, I think so. I have never experienced any difficulty there.

35. You have never experienced any block?—No, never.

36. *Mr. Dickson.*] Have you had any experience of fog-signalling?—No.

37. Have you ever seen any done on the Auckland Section?—Yes, recently.

38. Since the accident?—Yes.

39. Not before the accident?—No. I never had occasion to see it.

40. Where did you see it since the accident?—At Newmarket.

41. You were on the same train as the previous witness who mentioned it?—No, I do not think I was. I think I was on a goods-train that night leaving Auckland at 9.36 for Mercer. I would not be certain. But I know that they were in operation there for some considerable time—a matter of two or three hours or more.

42. Have you received any notice about fog-signalling at New Lynn since the accident? Have you seen any notice posted up?—No. I have not looked for it.

43. You say that discipline is good at New Lynn—that you see nothing to complain about?—No, I have seen nothing at all.

44. You say that on that particular morning you did not know where your assistant guard on the train was?—I did not know his exact position. He was riding on the train when it was pulling ahead.

45. You know that he was on the train?—Certainly.

46. Do you think the alteration by which the train is put on the siding is safe as a precaution against accident, or do you think it is safer than the previous practice?—Of course it is safer, because it leaves the main line clear; but the other practice was quite safe in my estimation.

47. Do you consider, then, with regard to the signal being moved in towards the bridge, that it would have been safer if it had been left where it was?—That I could not say. I think it is in a safe position now.

48. Do you think there would be a better chance of a man pulling up his train?—I think it would be a further distance away.

49. If he ran past the signal a little bit there would not be the same danger of an accident arising?—No.

50. It is very seldom that the other train goes back over the bridge?—Very seldom. It very seldom goes out to be over the bridge.

51. You would need to have a train of 450 ft. to reach the bridge from the point, would you not?—Yes.

52. You very seldom have more than 400 ft.?—We could not, on account of the grade.

53. Therefore if the signal had been where it was originally you think it would have been safer?—Yes.

54. You have had a good deal of experience on the Auckland Section as a guard: which do you consider the worse place for fogs—New Lynn or Newmarket?—I have seen very heavy fogs at Newmarket—far heavier than I have seen at New Lynn.

55. Have they been as often, in your experience?—No. I have only seen one very heavy fog at Newmarket, and very light fogs at New Lynn.

56. *The Chairman.*] How long have you been on that particular line?—Getting on for twelve months.

57. And you have only seen one severe fog during that time?—One.

58. *Mr. Dickson.*] Have you noticed any peculiarity about fogs at Newmarket as compared with Grey Lynn? Is it in the morning or at night as a rule that the fogs are most severe at Newmarket?—At night-time was the only time that I noticed it. It was a very severe fog.

59. Have you experienced a severe fog at New Lynn at night?—No.

60. Or in the morning?—In the morning.

61. Therefore, as far as your experience goes, the fogs are heavier at New Lynn in the morning than they are at Newmarket?—Yes, in the morning.

62. *Mr. Kennedy.*] I want you to explain what the usual practice was when you arrived at New Lynn with No. 5: what was the usual practice before the accident in the way of shunting?—We would run in on the main line, take water, and then go ahead and back the train into the loop.

63. Just describe to the Committee what you do to put that train into the siding?—Give the driver a "Go-ahead" signal, open the points, and usually blow my whistle—two short whistles—indicating to the driver "Come back." Owing to the position of the bank it is almost impossible to see the driver unless you get on to the bank, and I found it easier to blow the whistle and sit on the points in preparation for his coming back.

64. Is that a "Come back" signal according to the regulation? Is there any rule in the rule-book that allows you to bring a train back in that way—by giving two short whistles?—I think the usual thing is to give him a hand-signal—

65. I want to know whether it is in accordance with the regulations for you to bring the train back with two short whistles?—I did not say it was in accordance with the regulations: I merely said it was a "Come back" signal.

66. I want to know whether it is, in accordance with the regulations, a proper signal for a guard to give for a driver to set back?—No, it is not.

67. It was merely a signal that you gave as being suitable, and you understood each other. I suppose?—Yes, that was the position.

68. It really requires two men, I suppose, to put the train back and conform with the regulation?—Of course, it would be easier, but I do not think that to conform with the regulations it is necessary.

69. You have just shown that you cannot do it—that you have to use your whistle?—I did not say it was impossible to bring the train back. I said I found it easier, instead of climbing the bank and giving him a hand-signal, to sit on the points and blow my whistle—indicating to the driver to set back.

70. Can you climb the bank and give the driver a hand-signal to come back?—Oh, yes.

71. He can see you?—Yes.

72. He could have seen you on that morning if he liked?—Yes, I think so.

73. You have heard Mr. Benney say he could not?—I heard him say he could not see the porter, yet the porter says he can see the engine. I think it is a harder job for Mr. Benney to see the porter than for the porter to see the engine, inasmuch as the engine is a much bigger object. A big object is easier to see in a fog than a small one.

74. It is only a short distance, and you could see a man's hand at that distance?—Yes.

75. So that if a man who was signalling the train could see Mr. Benney, then Mr. Benney could have been able to see the man?—No, I do not say that.

76. You know the regulation 4 in the Appendix with regard to tablet working—clause (b)?—Yes.

77. Do you consider that that clause applies to New Lynn Station?—No, I do not.

78. Is New Lynn at the foot of a grade?—Yes, it is at the foot of a grade, certainly, but the actual grade is some distance from New Lynn Station. It is nearly a quarter of a mile from the actual foot of the grade. It is not a very stiff grade, and is hardly noticeable.

79. It is near the foot of a grade?—Yes, it is near a grade, but it is not actually on the grade.

80. Are you still of opinion that that clause does not apply to New Lynn?—Yes, I am still of opinion that it does not apply.

81. If it did apply to New Lynn do you think the train could have gone up the main line and shunted as it did?—I think he was quite justified in doing what he did.

82. There was no danger?—I did not see any danger.

83. Rule 158 states, "During a fog or falling snow, or where, in consequence of the station being approached upon a falling gradient, or for any other reason, special instructions for working are issued, no obstructions must be allowed at the station inside the home signal until the line is blocked to the signal-box in one or both directions, as may be necessary"?—Yes, I know that rule.

84. Do you consider that rule applied to New Lynn on that morning?—I do not think the fog was sufficiently dense to justify us in not doing what we did.

85. You do not think that applies to New Lynn?—No, I do not think so. I suppose it applies to any station, not necessarily to New Lynn.

86. If there was a fog at New Lynn that morning it must have applied?—Of course, there was a fog.

87. Then it must have applied?—Yes.

88. And if there was a falling gradient towards New Lynn it must apply?—Yes.

89. Rule 250 states, "All trains taking sidings to allow other trains to pass or cross must, unless otherwise instructed, enter from the nearest end, and must not draw ahead and back into the siding except under proper protection"?—That is so.

90. Do you think it was better to do as you did that morning, or would it have been more in conformity with that rule if you had drawn in at the bottom end?—I think we were using proper protection in going within the proper limits of the home signal. I think that was the necessary protection.

91. You do not think you would have been conforming more with the rules if you had drawn in at the bottom end?—That is a question for the tablet porter. If he does that, that is an end of it so far as we are concerned.

92. *Mr. Dickson.*] Who was working the points for this train on the morning of the accident?—Porter Bearie.

93. *Mr. McDermott.*] I understood you to say that the present practice is safer?—Of course it is. It is impossible for No. 6 to enter the loop, so that it must really be safer inasmuch as No. 5 is not on the main line, and No. 6 cannot take the loop.

94. How could No. 6 not take the loop?—Presumably the points are altered.

95. At any rate, No. 8 can go in on the loop?—Yes.

96. Is it not just as possible for No. 6 to go in on the loop?—Yes, provided some one allows it to run in.

97. Do you flag in the same as No. 8?—Yes.

98. The present practice is safer than the previous practice?—They are both safe.

99. The present practice is more conducive to public safety?—Yes, I should say so.

100. *Mr. Sykes.*] Are you aware of the duties of the tablet porter when a train is coming in and at a station?—Yes. He is usually attending to his tablet instrument entering the times.

101. He has to run to the points?—Sometimes.

102. Now, in the interests of public safety and public convenience, do you think the tablet porter can reasonably perform his duties?—Yes, certainly.

103. *Mr. McVilly.*] In regard to Rule 158, it says, "Where the absolute block system is in operation." The absolute block is the tablet?—Yes.

104. The tablet regulation supersedes that rule in respect to New Lynn?—Yes, I should say so.

105. That is the general opinion of the Auckland men running on that road?—Yes.

106. With regard to safety, you say the practice that was followed that morning was an absolutely safe practice?—Yes.

107. The only extra safety that you get under the present practice is that if you have a reckless driver who overruns the "Danger" signals you think he would have a better chance of seeing the station than he would the semaphore, and would then pull up?—Yes, that is the only extra safety.

108. *Mr. Veitch.*] There is some question about your not knowing where your mate was?—My mate was in attendance on the train.

109. Is it not a fact that both you and your mate would be under the instructions of the tablet porter when you landed at the station?—I think I would get my instructions from the tablet porter, and my assistant would get them from me.

110. *Mr. Dickson.*] Did you get any instructions from the tablet porter that day?—No.

111. As a matter of fact, you had not seen the tablet porter?—Yes, I just saw him as I came out, and then I went to the rear of the station to see if there were any loads for the north.

112. Had you spoken to him?—No, not until I went into the station building.

113. And therefore the tablet porter could not have given you any instructions to give to your assistant?—No, I do not think he did. He might have said, "Right, pull ahead."

114. *Mr. McDermott.*] Do I understand that previous to this accident you had never known of an occasion of seeing the fog-signals?—That is so.

115. Have you ever seen the instructions in regard to showing fog-signals at New Lynn?—I believe they are there.

116. Do you know they are in operation elsewhere?—I cannot swear to that. That is not in my department at all.

JOHN JONES CORICH sworn and examined. (No. 12.)

1. *The Chairman.*] What are you?—A labourer, at present residing at Eden Terrace, Auckland.

2. What was your occupation at the time of the accident at New Lynn?—I was acting-driver.

3. *Mr. McVilly.*] How long had you been in the service at the time of the accident?—About nine years.

4. Had you been in the Locomotive Branch all the time?—Yes.

5. You commenced as a cleaner?—Yes.

6. And then went out as fireman?—Yes.

7. You had to pass your examination as a driver?—Yes.

8. And you hold a certificate as an engine-driver?—Yes.

9. Do you remember the date of the accident?—Yes.

10. What time did you come out at Henderson?—5.35 a.m.

11. What time did you go on duty the previous night?—I was not working at all—I was off duty.

12. Then you had plenty of rest?—Yes.

13. What time did you leave Henderson with No. 6?—I think at 6.35 a.m.

14. Did you make up the train that morning?—Yes.

15. And did all the necessary shunting?—Yes.

16. Did you test the Westinghouse brake?—Yes.

17. Are you sure of that?—Yes. I tested them a couple of times in the siding when pulling out, and they were tested again at the station.

18. Why did you make two tests?—I do not know why, but two tests were made.

19. Are you satisfied as a result of those tests that the brake was absolutely efficient that morning?—Yes.

20. Had you any hesitation in leaving Henderson with that train?—No.

21. And you felt quite sure that with the brake appliances you had you could stop the train anywhere?—Yes.

22. Did you have any conversation with your fireman about the brakes?—No. He said they were all right.
23. What sort of a rail was it that morning—a good or bad rail?—It was a good rail.
24. Was it frosty?—Yes, it was frosty.
25. What engine were you driving?—WA.
26. Had you previously driven an engine of that class?—No.
27. What class of engine had you been driving previously?—Generally an F.
28. WA was the biggest you had ever had?—No, I had driven a compound.
29. After you left Henderson where did you stop coming down?—At Waikumete.
30. Did the brake act efficiently there?—Yes.
31. You had no difficulty in stopping?—No.
32. You did no shunting on the road, did you?—No.
33. What was the composition of your train?—There was a total of eight vehicles.
34. Did you have any difficulty in getting the train up the grades?—No.
35. You were able to handle it conveniently with that class of engine?—Yes.
36. What speed did you run at coming down the grade?—I suppose, about twenty or twenty-five miles an hour.
37. Supposing you had wanted to stop on the grade, could you have stopped at that speed?—Yes, in about a couple of train-lengths.
38. There are certain speed restrictions on that route, are there not?—I think so.
39. Did you reduce the speed of your train?—Yes, I tried the brakes just over the top.
40. Did you see the lower-speed board that morning?—No, I did not.
41. Was it on your side?—I think it was on the opposite side.
42. Did your fireman say anything to you about it?—No.
43. Was it daylight when you left Henderson?—Yes, it was just breaking daylight.
44. When you shunted from Henderson was it by the lamp or hand-signal?—I got the signals from the fireman.
45. Did you not see the porter when you were shunting?—No, I got all the signals from the fireman.
46. How did the guard start your train—by the hand-signal or lamp?—I did not see him—he was on the fireman's side.
47. Did you light your headlight?—No.
48. There was sufficient daylight for you to consider the headlight unnecessary?—Yes.
49. Have you any idea what the distance is from the top of the grade to New Lynn Station?—I did not know then exactly.
50. Did your fireman know the road?—I do not know, but I should think he did.
51. Did you ask him?—No; I did not ask him anything about the road, but I said to him, "It is a bit thick this morning, you had better blow the whistle—I do not know where the crossings are."
52. If that was the position, did you slacken the speed of your train at all?—Not until I thought we were getting close.
53. Although you did not know the road you ran down at a speed of twenty-five miles an hour and took no precautions through the fog?—Yes, I was taking precautions. When we got down to the bottom, and I thought we were getting to the bottom, I went a lot slower.
54. You did not know the road, and you ran into a fog, and you did not make any inquiries to ascertain whether the fireman knew the road?—I was expecting him to give me the tip when we got close.
55. You say you do not know whether he knew the road?—I think he ought to have. He had been over it for three or four years.
56. You knew the fireman had been regularly running over the road?—Yes.
57. And did you not make any inquiries to see whether he knew it?—No.
58. And yet you did not reduce the speed of the train?—Yes, the speed was reduced at the bottom.
59. Going down the grade when you ran into the fog, did you reduce the speed of the train then?—I could not say. I suppose I kept just at twenty to twenty-five miles an hour.
60. Did you know what crossings you had to make?—Yes.
61. You knew you had a crossing to make at New Lynn?—Yes.
62. Did you know there was a semaphore signal there?—I knew there was a home signal there, but I did not know where it was—not that morning.
63. You still made your train travel?—No.
64. What did you do?—Reduced the speed to ten or fifteen miles an hour.
65. Where did you reduce the speed to ten or fifteen miles an hour?—I could not say. Down the bottom somewhere.
66. How far down were you when you ran into this fog?—We ran into it from the top.
67. How far could you see ahead?—About 30 yards.
68. How do you gauge your distance—this 30 yards?—Generally. You could see further sideways than you could ahead.
69. How far could you see at the sides?—About from here to that window [indicated]. That is only a rough guess.
70. You left the whistling for the road-crossings to your fireman?—Yes.
71. Did you instruct him to whistle?—Yes, I told him to whistle.
72. For the road-crossings?—Yes.
73. Did you see your instructions carried out?—No, the whistle was not blown at all on the two top crossings.

74. Did you say anything to your fireman for not carrying out instructions?—No. .

75. Did you see Scroggy Hill crossing when you ran over it?—Just saw it as we ran over the top of it.

76. Did you know it was Scroggy Hill?—I knew it was Scroggy Hill.

77. You had a working time-table with you?—Yes, I think so.

78. Did you know the distance between Scroggy Hill crossing and New Lynn?—I knew the distance approximately.

79. You say you knew when you were at Scroggy Hill crossing?—Yes. About half a mile. I think, or a little over.

80. As it was foggy did you take any extra precautions in the matter of the speed of your train after you passed Scroggy Hill crossing?—I thought I was getting down closer, and from ten to fifteen miles an hour was running cautiously.

81. What is the distance from Scroggy Hill down to New Lynn?—I do not know.

82. Have you no idea?—About three-quarters of a mile, I suppose, or half a mile.

83. As you were running through a fog and you knew that you were about three-quarters of a mile from a station at which you had to make a crossing, do you not think it was desirable for you to have slowed up, to a walking-pace if necessary?—No; I expected the fog-signals to be there any minute.

84. Why did you expect that?—Because it is in the rule-book.

85. Have you ever worked at a place where you have had a fog-signal?—No.

86. What particular reason had you for expecting a fog-signal this time?—As I had never worked in a fog before I thought it would be there.

87. You expected, we will say, the tablet porter to put out fog-signals?—I did not know who was to put them out.

88. You expected fog-signals to be there. Do you not think that you yourself should, as a matter of duty, have also taken precautions?—I thought I was taking precautions.

89. Running down a bank at twenty-five miles an hour on a foggy morning when you did not know where you were?—From the bottom, when I thought I was getting close, I slowed down to ten or fifteen miles an hour.

90. Why did you not reduce your speed from Scroggy Hill—from the top?—I was trying to run to time.

91. But is not the public safety the first consideration?—It is supposed to be.

92. Have you ever been found fault with for running late in the interests of the public safety?—You are expected to run your train to time.

93. You are expected to keep to time, but does not the rule-book say—you have a rule-book, of course?—Not now. I did have one.

94. You had one as a driver, did you not?—Yes.

95. You passed examinations in rules?—Yes.

96. Has not the rule-book got printed on the top of every page that the public safety is the first consideration—the first duty?—Yes.

97. As you were travelling through fog, do you not think it was your first duty to take precautions in the public safety, even if you ran late: that was your first duty, was it not?—Yes; but I thought I was taking precautions all the time.

98. Running down a hill at an ordinary speed in a fog when you did not know where you were?—I knew where I was for half the distance.

99. Which half was it: was it the first half when you started from Henderson, or when you got over Scroggy Hill bank?—Scroggy Hill.

100. You knew where you were, then, coming down?—No. I thought I had covered a certain distance.

101. You either knew or you did not know?—I did not know.

102. Then you did not know and you took no precautions?—I reckoned I was taking precautions.

103. What precautions did you take?—I came down at ordinary speed.

104. You came down at ordinary speed in a fog without knowing where you were, and you call that taking precautions. You had a Westinghouse brake which would have enabled you to slow up, according to your own admission—to pull your train up if necessary on the bank; yet you came down at an ordinary speed. Did your fireman tell you or give you any guidance when you were getting down the hill: did he say you were close or were far off, or what did he say?—He did not say anything. He blew the whistle down at the bottom, and I asked him then.

105. What did he say?—He said, "We must be getting close."

106. Had you previously asked him?—Not till then.

107. When he said that you must be getting close did you as driver at once apply your brakes and slacken speed?—Yes.

108. To what speed did you slacken?—I had taken the brakes off just previously, and just as I did so I saw the home signal.

109. You ran right down on to the home signal before you knew where you were?—I did not know where I was till the whistle was blown. If I had known where I was I would not have released the brake.

110. And you did not ask your fireman where you were?—Not till the whistle was blown.

111. How far were you from the home signal when you saw it first?—Twenty or thirty yards.

112. What was the weight of your train that day?—I do not know.

113. Was it a train that you could conveniently handle? You had any amount of control over it?—Yes.

114. When you saw the home signal and you were so close to it, did you apply the emergency brake?—Yes.

115. How far did you run after that?—Into the other engine. I do not know how far it was.

116. You ran until the other train stopped you?—Yes.

117. Although you had the emergency brake on?—Yes.

118. What speed do you think you were travelling at when you applied the emergency brake before you hit the train? When you saw the signal, what speed were you travelling at then?—I guess, about twenty miles an hour.

119. With an ordinary application of your brake, at what distance would you expect to stop your train when running at twenty miles an hour: the weight of that train would be 180 tons?—In about a couple of train-lengths, or a train length and a half.

120. That train was 402 ft. long: that means, then, that with an ordinary application of the brake you could have stopped in about 800 ft. With an emergency application, running at twenty miles an hour, what distance do you think you should have run before you stopped?—I have no idea.

121. When a driver or a man with your experience of a locomotive comes down a grade of 1 in 45 he can tell by the feel of the engine, can he not, when she runs on to a change of grade? For instance, if you are running down a steep incline and you get on to the flat, you can tell at once, can you not, when you get to the bottom of the incline?—Not if you have the brake on, I think.

122. Do you not think that if you had the brake on and you got to the bottom, if you did not release the brake the speed would immediately be checked automatically?—Yes.

123. Then if you did not take the brake off you could tell, without knowing the road at all, when you got to the bottom by the way the train checked itself?—Yes.

124. When you got to the bottom of this grade, did you not feel that you had got there?—No.

125. Why did you release the brake?—I thought we had still a good way to go.

126. If you got off the 1-in-45 grade on to the 1-in-204 and you kept your brake on, would not your train practically stop itself?—Yes; it would have stopped that morning if I had not released the brake.

127. You released the brake at the bottom of the grade, and you ran 14 chains on what was practically level, and you ran into this train on the bridge: does not that point to the fact that you were running at an excessive speed?—No, I do not think so. It all depends where I released the brake.

128. Where did you release it?—I do not know where it was that morning. I know it was down there somewhere.

129. You saw this semaphore when you were 30 yards away, you say?—That was sideways.

130. How far was the engine when you saw it?—About the same distance.

131. The distance from the semaphore to where the engine was is about a chain and a half. If you had applied your brake immediately you saw the "Danger" signal, do you not think you could have checked your train very considerably? If you had applied your brake in emergency 20 yards from the semaphore immediately you saw it, do you not think you would have checked your speed or almost stopped your train before you hit that engine?—No; I reckon that the brake was not charged up again properly after I had released it.

132. At what speed do you think you were going when you struck that locomotive?—Between ten and fifteen miles an hour.

133. Supposing that train had not been there, at the speed at which you were going—you had the brake on—how far do you think you would have run before bringing up?—I could not say that. The brake was not as it should have been, having just been used beforehand. I suppose, about two or three car-lengths more. I am only supposing.

134. What pressure did you keep up in your gauge?—75 lb. or 90 lb., I think.

135. What reduction did you make when you applied the brake coming down the hill?—I could not say: I did not look.

136. If you have 90 lb. pressure, what is about the average reduction that you make when you make a light application?—5 lb. or 6 lb.

137. 6 lb. deducted from 90 lb. would have left you about 84 lb. of pressure in the pipes: was that not sufficient pressure to enable you to make another application?—Yes, but I was only supposing that. As you say, the train should have stopped beforehand.

138. What I want to know is why you did not make your emergency application when you saw this train?—I did make it.

139. You say you had no pressure?—I said I did put on an emergency application as soon as I saw the train. I did not put it on straight away. I made a couple of applications.

140. You made a couple of light applications, and then you put on the emergency: is that it?—Yes.

141. After the collision, when you spoke to Driver Bennie, did you discuss the question of the signal?—No; I just said to him, "I did not see the signal."

142. When you released the brake did your speed increase?—Slightly. You see there was not much time in between—from then till I saw the post.

143. Did you notice when you crossed over this bridge?—I did not know there was a bridge there.

144. Did you not notice the difference in the sound of the engine when you ran over the bridge?—No.

145. There is a difference in the sound, is there not?—You do notice it over a good long bridge.

146. If you were running at twenty miles an hour, do you not think you would have noticed the difference in running over a bridge about a chain long?—I did not notice it that morning.

147. Does that not indicate that you were running pretty fast?—I do not think so.

148. Did your engine-wheels pick up at all when you applied the brake?—Not that I know of.

149. When you applied the brake down at the bottom did it act effectively?—It acted properly, I think.

150. How long were you a fireman before you were put out driving?—Six years.

151. As you had passed the examination for driver, you considered yourself quite competent to take charge of these locomotives?—Yes.

152. You have said that you did not know the road?—I said I did not know the road properly on a foggy morning.

153. When your foreman sent you out to take that run did you make any objection to taking the run?—No.

154. You considered you were quite competent to take it?—Yes, in daylight.

155. How often had you been over that road before?—About eight or nine times in a period of three or four months.

156. Were you driving each time or firing?—I was driving, I think. I fired over it twice.

157. And you drove the rest of the times?—Yes.

158. Had you experienced any difficulty on the road previously?—No.

159. You thought you knew it sufficiently then to justify you in taking up the duty when you were told to?—Yes.

160. What is the duty of a driver when he finds a home signal at "Danger"?—To stop there.

161. After he runs past the signal or before he gets to it?—Before he gets to it.

162. Why did you not stop on this particular morning?—I reckon that I did not know the road well enough to be able to stop in a fog. I was doing my best.

163. Did you not know where the signal was?—Yes, I knew it was somewhere near New Lynn; I did not know just whereabouts.

164. You were unable to stop because you were running too fast when you saw the signal: is that not it?—No, I expected that the signal would be a little farther away before I would see it. I did not see the top of the signal at all; I only saw the ladder part of it.

165. As you could not see, how could you have had your train under proper control?—I thought it was, at that speed, so as to be able to stop in a train's length.

166. The fact that you ran past the signal and into a train shows that it was not under proper control: is that not so?—If I had known, I suppose I would have stopped beforehand.

167. But is not that the position, that the train was not under proper control?—I reckoned that the train was under proper control to be able to stop in a train's length.

168. But knowing the rule, and as your duty was to stop before you passed the signal, you should have been prepared to stop there?—Yes.

169. Why did you not stop there?—Because I did not know exactly where the signal was.

170. I want to know then what precautions you took, as you did not know the road. You ran on at twenty miles an hour and did not know the road?—I did not run on at twenty miles an hour right down. I slowed down to about ten or fifteen miles an hour.

171. At what speed did you pass the signal?—I suppose it would be the same speed.

172. Fifteen miles an hour?—Yes.

173. Going at fifteen miles an hour, if you did not know where the signal was and you suddenly got a signal, you would expect to run past it, would you not?—Yes.

174. *Mr. Veitch.*] With regard to the working of the Westinghouse brake coming down the grade, how often did you apply the brake coming down the grade?—Once or twice, I think.

175. What is about the length of the grade?—About half a mile, I think.

176. In reply to Mr. McVilly you said that you were carrying 90 lb. of air: that would apply to the main reservoir only, would it not?—Yes.

177. It would not apply to the train-pipe. You did not have your brake-valve in release position all the way down?—No.

178. Then your excess-pressure valve would give you about 25 lb. more in the main reservoir than in the train-pipe?—Yes.

179. So that you did not have 90 lb. of air to work on?—No, about 70 lb.

180. Then if you made two applications of 6 lb. that would reduce the 70 lb. considerably, would it not?—Yes.

181. And then you released your brake and put it in full release position?—Yes.

182. Would not that overcharge your train-pipe a bit?—On that morning it came so quickly that by the time I had it released I put the brake on straight away again.

183. Is that not one of the weak points of the management of the Westinghouse brake—that if you have had a couple of applications you cannot get an emergency application?—Yes.

184. So that you found yourself suddenly in that position, that you had made two applications which you considered necessary and had recharged your train-pipe to the full measure, and then when you wanted an emergency application you did not get it?—That is so.

185. I mean that when you put the brake-valve in that position you did not get the emergency application?—No, I do not think so.

186. Did you find the fog thick for any distance before the collision: about how far back from the signal did the fog start?—It was pretty thick all the way down. It got thicker as we went down.

187. *Mr. Dickson.*] What work are you doing now?—Labouring in the workshop.

188. When did you start in the workshop?—Two or three weeks ago. I am not quite sure of the date.

189. Was that before you appealed?—Yes.
190. What wages are you getting there now?—9s. a day.
191. Have you ever been fined for running your train late?—Yes, for delay.
192. What were you fined?—Five shillings.
193. What was the cause of that delay?—A failure on the engine.
194. The Department fined you for a failure on the engine and running your train late?—Yes.
195. Is that the usual thing?—You are generally fined for anything that goes wrong.
196. Was it your fault that there was a breakdown in the engine?—I do not know; they said it was.
197. In what way?—That there was not proper lubrication on the engine.
198. So that you were fined for a breakdown in the engine: you were fined for——?—Delay to the train.
199. *Mr. Kennedy.*] Was your engine blowing off that morning when you were going down Scroggy Hill to New Lynn?—Yes.
200. Blowing off hard?—Pretty hard.
201. If there had been no fog that morning, do you think you would have seen the surrounding country and run a little faster down the hill from Scroggy Hill?—Yes.
202. So that you ran a little slower on account of the fog?—Yes.
203. When you saw the home signal at New Lynn you thought it was about 30 yards away?—Yes.
204. Do you mean 30 yards in front of you?—30 yards on an angle.
205. You would not be 30 yards off the post in a straight line?—No, on an angle.
206. Did you know the road you were running on?—I did not know it well.
207. Would you have known it in daylight?—Yes.
208. Would you have known it on a clear night?—Yes.
209. Why did you not know it that morning?—Because it was foggy.
210. You told the Committee you were off duty the day before the accident?—Yes.
211. If your foreman said you were on duty would you say he was wrong?—Yes.
212. *Mr. McDermott.*] Do you know if there is any other punishment than dismissal for drivers who overrun signals?—Yes, six and twelve months' reduction.
213. It is not usual to dismiss a man?—I could not say.
214. *Mr. McVilly.*] You say you did not know the road this morning because it was foggy?—Yes.
215. Do you know the rule that in foggy weather you are to light your headlight?—Yes.
216. As you did not light your headlight it would indicate that you did not consider the weather was bad enough?—There was no fog when we started, and it was sufficiently daylight when we left Waikumete to run without a headlight.
217. Do you know Rule 208, which reads, "When from fog, falling snow, or other cause the fixed signals are not visible as soon as usual, the engine-driver must run cautiously, especially when approaching stations or signal-boxes, so that he may be able to stop the train short of any obstruction should the signals be against him"?—Yes.
218. Why did you not carry it out?—I reckon I was carrying it out. Every one had a different way of running cautiously.
219. Your way of running cautiously was to run past a signal of "Danger" and into another train?—No.

WALTER FREDERICK ENGLAND sworn and examined. (No. 13.)

1. *The Chairman.*] What are you?—A fireman in the New Zealand Railways.
2. Where do you reside?—At Henderson.
3. *Mr. McVilly.*] What were you doing on the 28th May?—I was firing on engine No. 288, from Henderson to Auckland—on No. 6.
4. Who was the driver?—Driver Corich.
5. What time did you come out of the shed?—At 6.15 a.m., so far as I can remember.
6. Did you see the brakes tested that morning?—Yes, I was on the engine when they were tested.
7. Did you advise the driver that the brakes were all right?—Yes, I got the signal from the guard.
8. And you were satisfied then as a result of the test that the brakes were efficient?—Yes, he came along and told me so.
9. Now, when you got the signal to start out shunting from Henderson did your train start at once?—No, it would not start—the brakes were hard on on the carriages.
10. What happened then?—As far as I know the guard went back to the rear of the train and found the cock at the end was open and the air would be escaping. He told me that he closed it.
11. If there is a leak in the pipe under circumstances of that kind, does not that result in the brakes coming off?—No, they would go on, as far as I can make out.
12. You afterwards pulled out from the platform and started on the way down?—We pulled up to the points and waited for the guard to lock them. An application of the brakes had to be made again, and when we brought up to the station they were again tested, and that was really the test.
13. After you left Waikumete did the driver indicate to you in any way that he did not know the road?—Not that I remember.

14. Did he ask you to blow the whistle on the crossing?—I could not swear to it.
15. Did you advise the driver and give him the benefit of your knowledge of the road and tell him whether he was running too fast?—No.
16. Did you know how often he had been over the road? You assumed he had a perfect knowledge of it?—I considered he would have. I am under the instructions of the driver.
17. Did the driver ask you to give him any information at all respecting the road?—Not that I can remember.
18. Did you blow the whistle at all coming down?—Yes, where I thought was the bottom crossing.
19. Why did you?—I blew it on the spur of the moment.
20. Without the instructions of the driver?—Yes.
21. It is the practice of the driver to do so?—Yes.
22. You had no reason for doing it?—No.
23. Was that at the Titirangi crossing?—Yes.
24. *Hon. Mr. Herries.*] You knew the road well, did you?—Yes.
25. *Mr. McVilly.*] When you blew the whistle at the crossing did you make any remark to the driver?—The only remark I made was that we must be getting close.
26. What is the distance from the crossing to the New Lynn semaphore?—About 200 yards.
27. Did you suggest to the driver that he should reduce the speed of his train?—No.
28. Did you expect him to reduce the speed?—No; I considered he had control of the train.
29. What speed was he travelling at?—I should say he was slowing to about ten miles an hour.
30. And you had about 200 yards to go?—Yes, about that.
31. How far could you see ahead of you?—About 20 yards.
32. How far off were you when you got a view of the signal?—I did not get a view at all—it was on the driver's side.
33. What speed do you reckon the train was going down the grade?—From twenty to twenty-five miles an hour at the top end. The time-table says thirty.
34. Did the driver check the speed at all?—He had control all the way down as far as I could make out.
35. When you got to the bridge and blew the whistle, did you find it necessary to apply sand?—Yes, I thought the engine was skidding, and I applied sand.
36. Whereabouts did you fancy she was skidding?—I could not say definitely.
37. Who saw the other train first—you or the driver?—I did not see it till after the accident. There is a slight bend just on the bridge.
38. Did you stick to the engine?—No, I jumped off after we had collided.
39. How long have you been firing?—Two years, I think.
40. Where have you been running?—Only on the Auckland Section.
41. How long had you been running on the New Lynn Section?—Permanently, about eleven months.
42. You have an intimate knowledge of the road?—Yes.
43. And there was nothing unusual to prevent you stopping before you got to the signal?—No, I did not see anything.
44. Where was the first place you noticed the application of the brakes?—I noticed it just before we came to the crossing.
45. That is at the curve near the foot of the grade?—That is before the road, I think.
46. Did you use your hand-brake?—Only sufficient to take up the couplings of the train.
47. What was the speed of the train between Titirangi home crossing and the home signal?—I should consider it about five to eight miles.
48. At what speed do you think you were travelling when you hit the other train?—I could not say. The brake was on and she was slowing.
49. If you were running at a speed of from five to eight miles near that crossing and had the brakes on the train would stop automatically, would it not?—That all depends. I consider the brake was hard on.
50. And yet she ran from the semaphore, 14 chains, without stopping?—It is quite possible. If you start, say, at sixty miles you must slow down to eight and six and one.
51. Where were you travelling at eight miles an hour?—I could not say—it would be back towards the crossing.
52. What was the fog like that particular morning?—Very thick.
53. How far from New Lynn Station did you run into this thick fog?—About half-way down.
54. How far from Scroggy Hill?—About a quarter of a mile.
55. That is half a mile from New Lynn Station?—I do not know the distance.
56. Have you not a time-table?—Yes.
57. You do not study it, then?—Not from that point.
58. Do you not think it is part of your business?—No.
59. A man in charge of an engine should know?—I am not in charge of the engine. I am supposed to have a working knowledge.
60. What certificates have you got?—A cleaner's examination for fireman.
61. You have not a driver's certificate?—No.
62. If you do not know anything about the distances, what would be your duty if anything happened to your driver?—I have not been asked that question up till now, but I believe there are posts that give the distances between the stations.

63. But if you have been running over this road for eleven months daily you must know something about it?—Certainly.

64. Well, what is the distance from Scroggy Hill to New Lynn?—I should judge it to be a mile and a quarter.

65. Then you ran into this fog for a quarter of a mile?—Yes.

66. What was the fog like then?—It was not so bad at first, but it got worse as we got into the valley, but the train was under control all the time: it was slowing down.

67. Is not the train under control with the Westinghouse brake at twenty-five miles an hour?—Yes, I suppose it is, even at sixty.

68. What was the speed of the train reduced to?—The application went on previous to entering this road-crossing, and the speed was reduced, but I do not know by how much.

FRIDAY, 12TH SEPTEMBER, 1913.

(Mr. Green relieves Mr. McDermott on behalf of petitioners.)

WALTER FREDERICK ENGLAND further examined. (No. 14.)

1. *Mr. Sykes.*] You heard Driver Corich make the statement that he did not know the road and arranged with you to blow the whistle at every crossing?—I heard him say that.

2. You made a statement that he did not?—No, I will not say that, but I do not remember him saying it.

3. The whistle was not blown at every crossing?—Not that I know of. There are three crossings, and it was not blown at the two top crossings.

4. Is it the usual procedure that you blow the whistle?—No.

5. Is it a rule that the whistle must be blown?—Yes, it must be blown at every crossing.

6. And this particular morning it was not blown?—Not that I can remember.

7. *The Chairman.*] Whose duty is it to blow the whistle usually at crossings?—I should say it would be the driver's.

8. You have never been instructed that as fireman it is your duty?—No.

9. *Mr. Dickson.*] Are you in a position to say it was not blown at this crossing?—I cannot remember.

10. You know the road pretty well?—Yes.

11. You were not firing when the signal-post was in its old place?—No, I do not remember that.

12. Did you get any instructions from the guard when backing that train out at the points?—No.

13. What is the usual course when backing on to the points—who takes the signals from the guard at New Lynn?—I was not on that train.

14. You were originally?—Yes. Sometimes the driver and sometimes the fireman got the signal. It depends on the train. If they are all box wagons you cannot see.

15. The fireman's side is the side you generally get the signals from?—Yes, I have had it.

16. *Mr. Green.*] The engine is sometimes reversed, the smoke-box being the other way?—Not just lately. We have had it reversed.

17. That would mean that sometimes the driver and sometimes the fireman would get the signal?—No. It is never reversed—it is always the same way whenever I have been on it.

18. *Mr. Kennedy.*] You remember on the morning of the 28th May running from Henderson to New Lynn?—Yes.

19. Did any conversation take place between you and the driver as to working the engine?—There was something said going up the bank from Henderson. I said, "We go up on the seventh neck."

20. Had you any special reason for saying that?—No. I could only say it would be the beat of the engine.

21. What is the "seventh neck"?—There are necks all along the sector where the reversing-lever is.

22. Would you have passed the remark if the usual driver had been on that morning?—I could not say. The usual driver would know, I suppose. It would be his own engine, and he had been on it for a long time.

23. Did you tell the driver the way to work the engine because he was a stranger to it?—No, I could not say that. I never gave it a thought. He is a stranger to me, though.

24. You evidently thought he did not know the way to work the engine when you told him?—Yes.

25. Did you think this train was run rashly down the grade from Scroggy Hill to New Lynn this morning?—No.

26. Do you think she was run sufficiently careful considering the weather?—I had no occasion to speak to the driver as to the speed of the train.

27. And do you think, if the driver had been thoroughly conversant with the road, that he had his train under proper control when he passed over the Titirangi crossing?—I think so.

28. Do you think he had the train sufficiently under control at Titirangi to be able to stop at the home signal?—Yes.

29. That is if he had applied the brake at the speed he was going?—Yes.

30. If there had been no fog at New Lynn that morning do you think Driver Corich would have run past the home signal at "Danger"?—No, certainly not.

31. And if there had been detonating signals placed 300 yards from the home signal that morning do you think he would have overrun the home signal?—No.

32. *Mr. Green.*] If the signal had remained at the original place do you think it would have tended to avert the accident?—It would have helped to—there would have been more room.

33. Could you tell whether the driver put the brake on after you considered he was on the flat and getting near?—The first time I noticed the brakes was previous to the curve.

34. At the foot of Scroggy Hill?—On Scroggy Hill.

35. *Mr. Veitch.*] When you coupled up the train at Henderson were the cars standing in the siding?—Yes, in the second road.

36. And did you come out on the engine and back to the cars and pull them out?—We had to go to the north end of station and go along the line into the south end, and then back on to the rails.

37. Do you say the brakes were coupled up then?—The train was in half—two pieces—and we had to back on to the other half.

38. And were the brakes coupled up then?—Yes, by the guard.

39. Was that the time you tried to pull ahead?—He told me the tap at the back was down. We could not move because the brakes were all on.

40. They would be on the portion that you were coupled up to?—I think they would be all coupled up.

41. Were the brakes on on the latter end of the train?—As soon as you couple them up the air goes through them and puts on the brakes.

42. Was that the time you had a difficulty in pulling out?—Yes.

43. And were the brakes released on that occasion to go ahead?—The guard went back and closed the tap.

44. It was all done by the brake-valve?—Yes.

45. And then you backed out and pulled up to the station?—Yes.

46. You said the fog was pretty heavy at the time the brakes were applied just before the collision?—Yes, it was heavy down in the valley.

47. Would it be fair to say you found it necessary to do so at the point where the brakes were applied?—Yes.

48. Because the landmarks were hidden from view by the fog?—That is so.

49. So that you could not say very definitely where they were applied?—No, I could not say definitely.

50. Is it a fact that there are two handles to the whistle on that train, one on the fireman's side and one on the driver's?—Yes, there are two.

51. Has it been your custom to blow the whistle except when necessary?—The fireman only blows it when he thinks it is necessary.

52. If the fireman has a handle of his own he would not ask the driver to blow the whistle, but do it himself to give a sudden warning?—Yes.

53. *Mr. McVilly.*] In your evidence yesterday you said that you blew the whistle at Titirangi crossing?—Yes.

54. You knew where you were then, did you not?—I had an idea where I was.

55. You remember the departmental inquiry in Auckland?—Yes.

56. You stated there on oath that you knew exactly where you were?—

[Evidence relating to departmental inquiry ruled out.]

57. The distance from the home signal to Titirangi crossing, where you knew where you were, is 260 yards. If you consider it necessary to have a fog-signal there, why did you not tell the driver where he was that morning?—After I applied the whistle I remarked that I thought we were getting close.

58. As a careful man and as a man who knew the road and had some doubt about Corich's efficiency, should you not then have said definitely to Corich that you were 300 yards away?—I had no occasion to do so.

59. Seeing that the level from the foot of the grade to the home signal is 280 yards, and you knew where you were, what benefit would you have gained by a detonator signal being put out?—If we had gone over them we should have stopped, applied the emergency brake, and waited for a signal.

60. You have been examined with regard to the rules?—At times.

61. Rule 208 reads, "When from fog, falling snow, or other cause the fixed signals are not visible as soon as usual, the engine-driver must run cautiously, especially when approaching stations or signal-boxes, so that he may be able to stop the train short of any obstruction should the signals be against him." With your knowledge of that rule, and if the fog was very bad that morning, why did you not see that the driver acted according to the rule, seeing that you, in common with every member of the Railway Department, has imposed upon him the duty of providing for the public safety?—It is very seldom that we are held up outside that stick. I considered when going along there that there was nothing unusual, and I thought we were going right in.

62. Then we come down to this: that you have been in the habit of getting a "Clear" signal there, and you shut your eyes practically and let the driver run on regardless of the consequences, and assumed that the signal would be "Clear" without knowing what the position was?—I cannot see the signal on my side in a fog.

63. That does not rid you of your responsibility for seeing that the driver takes proper precautions under this rule. You say there was a fog, and you tell us that because the signal has always or invariably been "Clear" that you simply let the train run on and did not suggest to the driver that he should proceed cautiously?—I considered it was quite safe.

64. If you were quite safe there was no necessity to put out detonators—that is obvious?—I do not know.

65. *Hon. Mr. Herries.*] It has been stated by previous witnesses that people in the vicinity expected a collision at any time. As a man who knows the road, did you think you might have a collision at any time?—I did not.

66. *Mr. Veitch.*] Is it not a fact that there is a rule which says that the fireman shall always act under the instructions of the driver?—That is so.

67. So that, although you quite recognize it is your duty to assist the driver in every possible way and to warn him of possible danger, you should not be required to accept the responsibility, seeing that you are only employed to act under the instructions of your mate?—That is so.

68. *Mr. Green.*] With regard to this flat, do you know where the grade really starts after New Lynn going towards Henderson?—I should say it would start a little over the bridge.

69. Have you any idea what the grade is?—I should say it is very small.

70. Can you tell the Committee where it was that you first ran into the fog?—Coming down the bank. It was a light fog there.

71. Was it worse just where the collision took place?—It was thicker down there.

72. You could not have seen the signal if you had been looking for it?—I could not see it on my side at all.

WALTER JAMES CARR sworn and examined. (No. 15.)

1. *The Chairman.*] What is your occupation?—Guard.

2. And your address?—Henderson.

3. *Mr. McVilly.*] You were guard on train No. 6 on the 28th May?—Yes.

4. Do you remember shunting the train at Henderson?—Yes.

5. Was there any special incident in connection with the shunting that fixed itself in your mind—when you were putting the engine back on to the train?—After it coupled up and came back on to the other five cars I gave the signal to pull out and the driver could not pull out: the brakes were hard on. I ran along to see the cause of it, and right at the end of the rear vehicle the tap was partly open and the air was escaping. I lifted that up, and after about a minute I gave the driver the signal to pull out, and he pulled out. The brakes were released from the engine. That is the only incident.

6. You practically tested the brake then?—Yes, practically.

7. You are quite sure the brake was all right at that particular time—that is, after you shut the cock off?—Yes.

8. What was the position of your train that morning?—We had a total of eight cars.

9. What weight?—About 130 tons. I could not say exactly.

10. What engine did you have?—WA.

11. Driver Corich?—Yes.

12. Who was the fireman?—Walter England.

13. What hour did you leave Henderson?—At 6.35.

14. What was the weather like?—Clear.

15. Before you left Henderson, after you had gone up to the platform, did you test the brakes again in accordance with the rule?—Yes, I put them on and released them, and then the Station-master gave me the tablet. I went along again and examined all the brakes again, and found they were all right.

16. You are quite satisfied, then, that when you left Henderson the Westinghouse was coupled right through your train and in good order?—Yes.

17. Did you look to the air-pressure when you left?—Yes.

18. What was it?—75 lb.

19. Did you do any shunting on the road?—No.

20. Did you stop at Waikumete?—Yes.

21. What time did you leave there?—At 6.44.

22. What did you do when you left Waikumete?—I started in the front of the train to go through and collect the tickets and check the passengers.

23. What car did you get on?—The front car.

24. Was there anything unusual on the run down there that morning before you reached New Lynn?—Nothing unusual.

25. Did the train run at the usual speed?—Just the usual speed.

26. *Mr. Thomas*, I think, stated that at one particular place on the run down there was a very severe lurch: did you feel that?—I felt a lurch at the Titirangi crossing, just at that curve. I was standing up, and I went in towards the car.

27. At that particular place did you think the speed was excessive at all?—No, not an excessive speed. I looked through the window and saw where we were, and I thought the driver was pulling at the signal.

28. That is at the bottom—I mean, at Scroggy Hill?—Scroggy Hill is away up farther than this crossing. I did not feel anything until I got to the crossing.

29. What speed do you reckon the driver proceeded at down that hill that morning—down the whole grade?—At that time when I first noticed it would be fifteen to twenty miles an hour. I should say.

30. Did you notice him whistling at all on the way down?—I remember hearing the whistle on one occasion.

31. Was there anything in connection with the handling of the brake to draw your attention to the way in which the train was being worked?—Nothing whatever.

32. Was the train handled roughly or handled well?—There was nothing rough about the brake until the lurch.

33. When the train got down you say you felt a severe jerk: was that at the bottom of this 45-chain grade?—At the bridge at the Titirangi crossing.

34. What caused that?—It was going into the curve. There is a fairly sharp curve there.

35. Was the brake applied there?—The brake was applied practically at the same time.

36. Was the application of the brake a severe one?—Fairly severe.

37. What effect did this application of the brake have on you: did it throw you against the wall of the car?—Just against the wall. If I had gone against the window I should not have broken it.

38. When the brake was applied in that way did you look out to ascertain what position the train was in?—Yes.

39. Had you any difficulty in ascertaining?—No, no difficulty whatever.

40. No difficulty in seeing?—No.

41. How far do you think you could see at that time?—About 200 yards.

42. At what speed do you think the train was travelling?—At from fifteen to twenty miles an hour.

43. Judging by the speed at which the train was travelling at that particular place, what did you expect was the position of the signal?—That it was at "Clear."

44. And that the train was going straight into the station?—Yes.

45. If the signal had been at "Danger," what would you have expected at that particular time: would you have expected the speed of the train to be reduced?—Yes.

46. What car were you in when the collision occurred?—In the fourth car.

47. What was the effect of the impact on you?—Pretty severe.

48. Did it throw you down?—It threw me down on the seat.

49. Where did your car stop?—Just on the bridge.

50. How far was it away from the signal?—I suppose, about 12 yards.

51. Was it opposite the signal or in front of it?—Just opposite.

52. Did you look at the signal-box?—Yes.

53. What position was the arm in?—At "Danger."

54. Under those circumstances your train should have stopped before it reached that signal?—Yes.

55. Under ordinary circumstances and in fine weather at what distance can that signal be seen?—From three-quarters of a mile to a mile away.

56. On the 28th May, the date of the collision, from your own observation when you looked out of the car, you consider the signal should have been seen when the train was quite 150 yards away—you say you saw 200 yards?—Yes.

57. In that distance, with the Westinghouse brake and with that weight of train, can you say from your experience whether it would have been possible to stop that train before running past the signal had the brake been properly applied?—If the brake had been properly applied it would.

58. How often has Driver Corich run with you?—On five or six occasions.

59. On those occasions has there ever been anything in his handling of the train to lead you to suppose he was incompetent or did not know the road?—No.

60. You never had any difficulty with him?—None whatever.

61. Did he ever make any complaint to you that he did not know the road?—No.

62. How long have you been running on that road?—Two years and nine months.

63. Seeing that the home signal was standing at "Danger," do you consider the movement that was carried out that morning in connection with No. 5 train was perfectly safe?—Yes.

64. Under the conditions that existed that morning?—Yes.

65. *Hon. Mr. Herries.*] In the two years and nine months that you have been on the road have you been running the same train?—Yes.

66. It was given in evidence that people in the vicinity and passengers said they were always expecting a collision there: did you expect it?—No, I did not.

67. *Mr. Dickson.*] How many passengers do you generally pick up at New Lynn Station?—About a hundred. I could not say exactly.

68. Do you sell any tickets on the train to passengers who cannot be supplied at the station?—Yes, from Waikumete.

69. I mean from New Lynn?—Yes, occasionally.

70. About how many?—I could not say.

71. Have you any idea what is the most that your book has shown?—On Saturday night I have issued seven.

72. I am only speaking of the morning?—You might get one now and then who had come at the last minute and did not have time to get a ticket.

73. Are they fined 6d. there?—No, it is treated as a flag station.

74. You said that you could see 200 yards. Did you consider there was much of a fog there?—Not much of a fog.

75. You said that you were in the fourth car and that it was right opposite the signal-post?—Yes.

76. At that rate there would be four cars behind the signal-post when the collision took place?—Yes, about four and a half.

77. It would be practically the middle of the train?—Practically.

78. The train itself had no chance of getting beyond the signal-post without there being a collision?—No.

79. What is the recognized distance that a train can be pulled up in: in what length could the train be pulled up?—It all depends. Some drivers are better than others at manipulating the brake.

80. But say the average distance?—In case of emergency that train ought to be pulled up in a little over a length and a half of itself.

81. So if, as the driver stated, the fog was so dense that he could not see the signal until he was right on to it, there would be no chance of pulling up the train in less than a length and a half?—No, not if he was right on to the other train.

82. Supposing he saw the signal within 30 yards, he could not pull up the train in its own length before the train passed the signal?—It would depend on what speed he was travelling at.

83. Say he was travelling at fifteen miles an hour?—He ought to be able to pull up in 30 yards.

84. *Mr. Kennedy.*] Was there any undue lurching of the cars coming down the hill that morning before the collision occurred?—No.

85. So that there was nothing out of the ordinary about the lurch you felt at the foot of the hill?—No. At twenty miles an hour round that curve there is always a lurch.

86. What was the rail like that morning?—Just a bit greasy.

87. You say that you looked at the indicator in the van when the train was leaving Henderson: did you look at it at any other time from when you left Henderson till the collision occurred?—No.

88. What did you say was the pressure in it when you looked at it?—75 lb.

89. Was that the correct pressure?—Yes.

90. You have a book of instructions about this Westinghouse brake, I suppose?—Yes.

91. Do you know that that is not the correct pressure to have in your train-pipe according to your book?—70 lb. or 75 lb. is the correct pressure.

92. You have told Mr. McVilly that you expected the signals to be at "Clear" when you were running down between the foot of the grade and the station, and you also told him that you could see from 150 yards to 200 yards, I think you said?—About 150 or 200 yards.

93. Did you look to see how the signal was?—At that particular time I had not time to.

94. You did not look?—I was in the car at the time.

95. You said that Corich had run with you five or six times?—Yes.

96. What trains had he run with you on?—I think it would be Nos. 16 and 27; I am not sure.

97. What trains are they?—Our motor service.

98. Do they run in daylight or in the dark?—In daylight.

99. Had Corich ever run with you before on this train?—No.

100. Had he ever been on your train when you were running in a fog?—No.

101. Or in the dark?—No, not to my knowledge.

102. *Mr. Green.*] What were the weather-conditions when the trains collided: how far do you think you could see then towards the signal?—About 200 yards.

103. Where were you on the train when you could see this 200 yards?—Looking through a window of the car.

104. Do you know of any fog-signalling having been carried out on the Auckland-Henderson Section previous to the accident?—No; there has been no occasion to in my experience.

105. Are fogs of frequent occurrence on this section from New Lynn to Henderson?—Occasionally there is a fog.

106. Have they usually been heavy or light just about where the accident took place?—Just an ordinary fog. There has been no occasion for a signal.

107. Is it not a fact that the fogs drift across this flat in patches, some parts being thicker than others?—I could not answer that question. I am only at that particular place about a second in going past.

108. Have you noticed any fogs at any other time than in the morning there?—No.

109. *Mr. Mack.*] How many passengers did you book from Waikumete that morning?—I really could not say without looking up.

110. Have you any idea?—I think I wrote out one.

111. And you had the rest of the train to check?—Yes.

112. You got through four cars?—Yes.

113. In approximately how many minutes?—In about four minutes.

114. That would account for not looking out for the signals?—Yes.

115. You had quite enough to do attending to the train?—Yes.

116. *The Chairman.*] How long did you say you have been on that line?—Two years and nine months.

117. Travelling nearly every day?—Every day.

118. Have you ever noticed a want of discipline at that particular station?—Never.

119. Everything has gone on smoothly?—Yes.

120. Do you think the arrangements are adequate for the work generally?—Yes, I think they are.

121. There is nothing to warrant the Department in putting on more men or supplying more conveniences at that particular station?—No.

122. *Mr. Green.*] Do you not think that if the signal had remained in its original place the driver would have been more likely to see it and would have avoided the accident?—I am not in a position to say.

123. Not as regards the signal being farther out?—No; I do not know where the signal was. The signal has been there since I have been on the section.

124. It has not been shifted to your knowledge since you have been running?—No.

125. *Mr. McVilly.*] With regard to this question of brake-pressure, you said that 75 lb. of air was in the pressure-gauge. Is it not a fact that the pressure of air in the train-pipe is under the control of the driver, and not of the guard?—Yes.

126. Then if the air-pressure was 75 lb., or in excess of the regulation pressure, the driver would be responsible for that, and not you?—Yes.

127. With regard to the question Mr. Dickson put to you about this train on the occasion in question having been stopped four car-lengths past the signal: that would be half-way?—Half-way.

128. If the other train had not been there to stop this one you would have expected the train to go into the station?—Yes.

129. At the speed at which it was running it would not have stopped until after it had passed the home signal: is that not so?—It would not have stopped at the signal.

THOMAS WILLIAM MORTIMER sworn and examined. (No. 16.)

1. *The Chairman.*] What is your occupation?—At the time of the collision I was a tablet porter.

2. Your address?—New Lynn.

3. *Mr. McVilly.*] At what time did you commence duty on the 28th May?—I came on that morning at about 4.15.

4. Did you notice the weather-conditions at that particular time?—Yes.

5. Was there a heavy fog?—No, there was no fog.

6. Were you on duty when No. 5 train arrived?—Yes.

7. At what time did No. 5 actually arrive?—At 6.44.

8. That is according to the entry in your train-book?—Yes.

9. Is that entry accurate?—Yes.

10. Did you make it at the time?—Yes.

11. How was the semaphore set for No. 5?—For the main line.

12. How far did No. 5 pull in?—The engine pulled down to the tank when she came in on the main line.

13. At that particular time what position was the north home signal in?—At "Danger."

14. That is the signal that applies to No. 6?—That is so.

15. Did you expect that signal to stop any train from the north outside the limits of your station?—Yes.

16. You know Rule No. 83, I suppose, "No train may pass a home signal at 'Danger'": You know that rule?—That is so.

17. The exceptions were not carried out that morning—that is, you did not give any signal for No. 6 to come in, or the signal was at "Danger"?—Yes.

18. And in that position it should not have been passed?—No.

19. The levers that operate the semaphore signals are on the platform?—Yes.

20. Were both locked that morning after No. 5 arrived?—Yes.

21. And were they kept locked right up to the time of the collision?—Yes.

22. Are you certain of that?—Yes.

23. When No. 5 arrived did you get the Avondale tablet from the driver?—Yes. I then put it through the tablet-machine and took one out for No. 6. I then went on booking some passengers who were at the ticket-window.

24. How many passengers did you book that morning?—About six or seven.

25. You had no rush with the passenger traffic?—No.

26. Was there anything so far as the passenger business was concerned that morning to prevent you carrying out your other duties?—No, nothing at all.

27. While you were engaged in putting the tablet through for No. 5 and taking out a tablet for No. 6, what became of No. 5 train?—I got the tablet and placed it in the sling and went out to the door as usual to see if No. 5 went into the siding.

28. No. 5 had pulled down from the tank?—Yes, and was standing at the north end of the yard waiting to go into the siding.

29. Was that particular movement operated under cover of the north home "Danger" signal?—Yes.

30. You are certain the north home was still showing "Danger"?—Yes.

31. And the shunting operation of No. 5 that morning was carried out in the usual way?—Yes.

32. Did you consider that practice of shunting under cover of the north home "Danger" signal safe?—Yes.

33. You know Rule 158?—Yes.

34. Do you consider that rule applies to New Lynn?—No.

35. Why?—Because I do not consider New Lynn is at the foot of a grade.

36. Rule 157 reads, "No engine or vehicle must be shunted or moved from one main line to the other, or from the main line into a siding, or from a siding on to the main line, or allowed to stand on main line, unless protected by the proper signals, exhibited as may be required; and where fixed signals are not provided hand-signals must be used." Do you know that?—Yes.

37. You were carrying out that movement under that rule?—Yes.

38. And did you consider it safe?—Yes.

39. Tablet Instruction No. 4 (b) reads, "When the approaching train for which 'Line clear' is asked is a non-stopping train, or the station for which 'Line clear' is asked is on a grade or near the foot of a grade, 'Line clear' must not be given unless the running-line between the home-signal posts is clear, and after 'Line clear' has been given to approach, the running-line

between the home-signal posts must not be obstructed except to allow a train arriving from the opposite direction to enter the station." Do you consider that applies to New Lynn?—No.

40. For what reason?—Because it is not at the foot of a grade.

41. Now, what were the weather-conditions when No. 5 arrived?—Very clear round about the station.

42. How far could you see?—From 200 to 250 yards.

43. Did you look out to the north after No. 5 had pulled down from the tanks?—Yes.

44. Could you see the north home signal then?—Yes, I could see it faintly.

45. Could you see it with sufficient distinctness to be able to say that the signal-arm was showing "Danger"?—Yes.

46. What distance do you think that was from where you were?—I would take it to be about 300 yards.

47. Did you consider that the driver of No. 6 would have any difficulty in picking up the home signal that morning?—No.

48. Suppose the weather-conditions had been so bad as to require additional signal precautions, what would you have done?—I would have taken the precaution to call my mate, got assistance from No. 5, and instructed him to go outside the home signal with detonators.

49. Could you not have used the train-running men in case of emergency?—Yes, on that particular morning, because they were well on time.

50. What would you have given them—detonators?—Yes.

51. Had you detonators, flags, and hand-lamp at the station?—Yes.

52. Had you that morning sufficient appliances to enable you to work the fog-signals had it been necessary?—Yes.

53. Did you consider the conditions such as to warrant you in sending men out with fog-signals?—No.

54. Where were you at the time of the collision?—I was standing opposite the signal-levers.

55. Can you say positively that at that moment the levers were both locked to put the home signals at "Danger"?—Yes.

56. Did you take a note of the time?—Yes. I was standing there as usual waiting for the guard to give me the signal that it was clear and points were locked: the time was 6.48½.

57. That was four and a minutes from the time No. 5 had arrived?—Yes.

58. It has been said that No. 5 stood on the main line that morning for four minutes after pulling from the tank?—Yes.

59. That could not have been correct according to the time you took?—No.

60. If the fog had been as dense as has been represented—that is, that the driver had a difficulty in seeing more than 20 yards—would you have expected him to carry out Rule 208?—Yes, I would expect him to carry out that rule.

61. You have heard the statements made by some witness that there was no discipline at the New Lynn Station?—Yes.

62. Under the departmental instructions, the tablet porter is responsible for the discipline of the station, is he not?—Yes.

63. And the guard and train men are under his direction when at a station?—That is so.

64. Have you at any time had any difficulty at all in getting the guards or the assistants to carry out your instructions?—No.

65. Suppose any difficulty had occurred, what action would you have taken?—I would have reported the matter.

66. In your experience do the train men work harmoniously for the purpose of pushing on and forwarding the conditions at New Lynn?—Yes.

67. It has been stated in evidence that there have been a number of cases in which accidents have been narrowly averted?—Not to my knowledge since I have been at New Lynn.

68. Has there ever been any occasion to your knowledge on which the driver has ignored the "Danger" signal at New Lynn?—No.

69. It has been stated that the tablet porters at New Lynn are overworked: do you consider yourself overworked?—No.

70. Have you ever complained of being overworked?—No.

71. Have you ever had occasion to?—No.

72. Taking the duties all round, do they place any great tax on the tablet men at New Lynn?—No.

73. When trains are in you have to hustle round?—Yes, but only for a few minutes.

74. You consider you can do all the duties when the trains are in with perfect safety?—Yes—that is, with myself and assistance off trains.

75. The statement was made that passengers find a difficulty in obtaining tickets at New Lynn and sometimes have to join trains without them. Is that the result of your being overworked or the result of the passengers coming late?—The passengers coming late.

76. Then you find that passengers who require tickets do not come down in time to get them?—Sometimes not until the train is timed to be out of the station.

77. *Mr. Dickson.*] You generally have about four or five minutes for attending to those trains?—Yes.

78. How many workers' tickets do you issue on a Monday morning?—At that time we were issuing about ninety-five tickets.

79. How many would you issue for that particular train out of the ninety-five?—I have made a mistake. There are from ninety-five to a hundred on that particular morning, but not for that particular train.

80. How many do you issue for that particular train?—It would be very hard to say. I never kept a tally for each train.

81. You know yourself that the majority of the workers travel in the first train?—There is one before No. 6. The majority of them go in No. 4.

82. Would you issue fifty-five for that train and forty for the other?—Say, twenty-five for the first train.

83. And that would leave seventy for the second train?—Yes.

84. Do you date those tickets?—Yes.

85. You put seventy tickets through the dating-machine?—No, they do not go through the machine. I use a rubber stamp. Those tickets are all stamped previous to the Monday morning.

86. And no names to put on them?—No.

87. How many tickets would you sell to the ordinary passengers on that train who do not get weekly tickets?—On an average there would be five or six tickets in a morning—that is, the ordinary return tickets.

88. When you issue those tickets do they always come with 2s. or do you have to give them change?—The majority have the right change.

89. How long do you think it would take you to issue the whole lot of those tickets on a Monday morning?—It is a thing I have never timed. I have other duties to perform while issuing those tickets.

90. How many minutes would it take to issue those seventy-five tickets?—I could not say.

91. Would you be any faster issuing those tickets than they are at the Auckland Station?—No, I might be slower.

92. Could you do it in ten minutes?—Yes.

93. What are your other duties on a Monday morning?—Exchanging the tablet.

94. How far is the tablet-box away from where you sell the tickets?—It is in the same room.

95. Would you take two minutes for exchanging the tablet?—It all depends. From one to two minutes.

96. What are your other duties while the train is in?—Controlling the signal.

97. Do you have to go and turn over those levers yourself?—Yes.

98. What are your other duties while the train is in?—Attending to the passengers, issuing tickets to those who come late.

99. You are responsible to see the gates are closed before the train leaves?—Yes.

100. That takes up a certain amount of time, does it not?—It would hardly take a minute.

101. Are there any other duties?—Those are all I know of.

102. What time do you generally start giving out tickets before No. 6 train goes?—The passengers usually come about twenty-five to 7, and the train leaves about ten to 7.

103. They come there about a quarter of an hour before the train starts?—Yes.

104. You have got eighteen minutes' work to do according to your times and you have a quarter of an hour to do it in. In face of that do you mean to tell me that you are not pushed when the trains are in?—We are busy at times, but we are not pushed, because there are others there who can assist me.

105. In regard to the fog, you consider it was not a foggy morning?—I do not, as far as I could see it round the station.

106. *Mr. Kennedy.*] What kind of a grade is there from Scroggy Hill to New Lynn?—I take it there is a grade down to Titirangi crossing.

107. A downward grade?—Yes.

108. Does it cease at Titirangi crossing?—Yes.

109. Have you seen the map?—Yes, I have come down the grade often enough.

110. Would you be surprised if I told you it did not cease there but continued to considerably past the Titirangi crossing?—It would be very hard to detect it with the naked eye.

111. You would be surprised to hear that?—Yes.

112. The foot of the grade is somewhere near the New Lynn Station?—Yes, it is as near as I could make out about 21 chains from the New Lynn Station.

113. Do you know the rules relating to fog-signals?—Yes.

114. Have you read them?—Yes.

115. You know that there are fog-signalling regulations?—Yes.

116. Supposing it is correct that there was a fog, would Regulation 4 (b), page 18 of the Appendix, apply to New Lynn on that morning?—I do not consider it would.

117. Do you know Rule 158?—Yes.

118. I will read it. This is the part of it that applies: "During a fog or falling snow, or where, in consequence of the station being approached upon a falling gradient, or for any other reason, special instructions for working are issued, no obstruction must be allowed at the station inside the home signal until the line is blocked to the signal-box in one or both directions, as may be necessary." Now, if there was a fog do you consider that that rule would apply to you then?—It would all depend what kind of a fog it was.

119. Describe what kind of a fog you think?—I consider it does not apply to New Lynn.

120. Not if there was a heavy fog?—No.

121. How many hand-lamps did you have at New Lynn before the accident?—As far as I can remember there were two.

122. You had a full equipment of fog-signalling appliances?—Yes.

123. *Mr. Green.*] Did you give the guard of No. 5 instructions to pull ahead and take water, and go forward and back into the siding on this particular day, prior to the arrival of No. 6?—No.

124. You did not notice if the guard went with his train to open the points and direct the shunting operations?—He usually comes in and asks as regards any shunting. He generally goes about his work then. It is left to the guard to put the train inside.

125. You do not really know whether the guard went with the train or not?—No.
126. Or where he was?—I could not say where he was at the time.
127. Do you consider that the practice was a safe one to go ahead like that?—Yes, I do.
128. Did you not have more chance of running No. 5 to time by following the practice of taking water and pulling ahead and backing into the siding?—Yes, you had more time.
129. It is still a safe practice?—Yes, I consider it safe.
130. Is it not a fact that you were transferred from New Lynn on account of having continued the practice of shunting No. 5 at the north end of the yard?—That I could not say.
131. Was that the reason?—I do not know.
132. Are you aware that since the accident the Auckland train now enters the siding immediately upon arrival to complete any necessary duties after the departure of No. 6?—I have seen it on one or two occasions.
133. Is it not the case that the very next morning that train went in at the Auckland end and continued to do so for three mornings afterwards?—That I could not swear to.
134. Have you any knowledge of instructions having been issued since the collision referring to trains crossing at New Lynn?—I have heard that there have been regulations issued: what they are I could not say.
135. You could not say what these instructions imply?—No.
136. Is it not a fact that the Traffic Manager reprimanded you for the continuance of the practice of shunting No. 5 at the north end? Did you ever get a reprimand for it?—No.
137. You said that you could see 300 yards at the time of the arrival of No. 5?—That is so.
138. Was that looking northward?—Yes.
139. You could see really past the signal?—No, I did not say I could see past it, but I could see that the signal was at "Danger."
140. There was no fog at the signal?—That I would not swear.
141. Is it not a fact that fogs drift across that valley?—That I could not say.
142. When you let the north-bound train in do you not have to go and open the points, and sometimes leave your duties as regards issuing tickets in order to do so, if No. 6 is coming down the incline?—No.
143. And No. 5 is late?—No.
144. You do not ever go and open the points?—No.
145. If you are going to put her into the siding who does it?—I never put No. 6 into the siding.
146. Do you not think that had the signal remained in its original position it would have tended to avert this accident?—I do not think so.
147. You do not know when the signal was shifted?—No.
148. Nor on whose recommendation?—No.
149. *Mr. Mack.*] You have been questioned with regard to the New Lynn Station being at the foot of a grade. Do you know of any station which in your opinion is at the foot of a grade?—I should say that stations like Kingsland and Morningside were.
150. This rule that was quoted to you—No. 158—does not apply to New Lynn as it would to Kingsland or Morningside?—That is so.
151. There is another rule here that has not been touched upon, but perhaps you know something about it. I refer to section (c) on page 12 of the Tablet Instructions, the latter portion of it. Is it not a fact that the tablet is only an indication to the driver that the line is clear to the home signal?—That is so.
152. Is it not a fact also that he must regulate his speed accordingly—that is, only between the tablet station and the home-signal station that he is proceeding to?—Yes.
153. And that he has no justification for going past that home signal at "Danger"?—None whatever.
154. With regard to this grade, Mr. Kennedy suggested to you that the grade did not cease at the crossing. You said it was practically level, I understand?—Yes.
155. When I tell you that the grade there is 1 in 204, is that not practically level?—I should think so.
156. Your statement therefore as far as that is concerned is absolutely correct?—Yes.
157. *Mr. Dickson.*] You say that the regulation would apply to Kingsland and Morningside Stations: is it the north side or the south side of those stations that you are referring to?—The north side. The station is at the foot of the grade looking to the north—that is, from the Auckland side.
158. *The Chairman.*] You say that the down grade practically ceases at Titirangi crossing?—Yes.
159. How far is the New Lynn Station from Titirangi crossing?—I should say about 500 yards.
160. It is practically level all the way?—Yes.
- Mr. McVilly:* From the station to the foot of the grade is 29 chains.
161. *Mr. Green.*] When you look north, does not the bank in a measure obscure a full view of the signal?—Not to my knowledge.
162. You can only see a part of the top?—Yes, from the station.
163. Do not the trees on the right-hand side opposite the signal partly obscure the view of that signal?—No.
164. The branches do not hang over at all on the right-hand side?—No. I never had any difficulty in locating the signal.
165. The bank is not in the way at all, then?—I would not say as to the bank; but the signal can be plainly seen from the station.

166. With a curve like that do you not think that if the bank was shifted you could see that signal better?—Yes; but it does not prevent you from seeing the signal now.

167. Is it not a fact that when you turn the lever over you have to step back to see right through?—No, I have never done so.

168. *Mr. McVilly.*] Regarding this fog-signalling matter that Mr. Kennedy touched on: supposing that a heavy fog had existed that morning, would you have sent out one of your assistants with detonators and the necessary appliance?—Yes.

169. Then you would have carried out the rules governing fog-signalling if the conditions had made them necessary?—Yes.

170. *Mr. Veitch.*] In reply to Mr. Dickson you gave us some different times that it took you to do your work: have you noted those times specially, or are you giving them approximately?—They are just a rough estimate. I have never timed the particular duties.

171. We may take the whole of your figures merely as a rough estimate?—Yes.

172. Have you ever failed to do the work required of you by the Department in the time allowed?—No, not to my knowledge.

173. You have not been told by the Department that you failed?—No.

174. It has been stated that on some occasions the train was pulled in at the bottom end of the yard and was not pulled ahead and backed in. Is it likely that there would be any special reason, or would it be simply as a matter of convenience in shunting or something else that would cause that change, or was it done by direct instruction of the Department?—That I could not say. As far as I am concerned I do not think it would.

175. You have been dismissed by the Department in connection with this accident, I understand?—That is so.

176. Did the Department give you any reason for dismissal?—None whatever.

177. What did the communication say?—It said that the General Manager had directed that I was to be dismissed from the service.

HENRY JOHN WYNNE sworn and examined. (No. 17.)

1. *The Chairman.*] What are you?—I am Signal and Electrical Engineer in the Railway Department.

2. *Mr. McVilly.*] Before you came to New Zealand had you any experience at Home?—Yes. The whole of my experience has been with signalling-work.

3. How long were you connected with signalling-work at Home?—I have been connected with it since I first commenced, thirty-six years ago.

4. Have you an intimate knowledge of the practices followed at Home in connection with signalling and interlocking?—Yes.

5. You are responsible, practically, for the carrying-out of the whole of the signalling and interlocking work on the New Zealand Railways?—That is so.

6. In connection with New Lynn, the question has been raised as to why the home signal was shifted from the position it previously occupied to its present position: can you tell us that?—Yes. In its former position it could not be seen from the station. A train standing at it could not be seen, and it was impossible for the porter in charge to flag a train in when it was necessary to do so without proceeding down the line in the direction of Henderson. As the signal could be seen for a great distance back it was deemed advisable to shift it closer in to the station, and that was done. It was shifted in 6 chains, and it can still be seen practically from the top of the hill—about three-quarters of a mile away.

7. Then, really, it was shifted in order to make the working more efficient?—That is so.

8. Do you know this particular portion of the road?—Yes.

9. The distance is about 14 chains from the bottom of the grade to the home signal: do you think that sufficient to enable a train to pull up in accordance with the rule before passing the signal?—Yes.

10. If on this particular morning that signal had been obeyed, the movement that was carried out at the station would, in your opinion, have been perfectly safe?—Yes.

11. You have heard the statements that have been made regarding the grade and the practice. With your knowledge and experience as a signal expert, do you consider the practice that was followed at New Lynn of pulling No. 5 ahead was perfectly safe?—Yes.

12. Do you regard New Lynn as being a station at the foot of a grade to which Rule 158 would apply?—No.

13. *Mr. Dickson.*] Could you give us any particulars about distant signals—why they are put at some stations?—Distant signals are generally provided at stations where a good view of the home signal is not obtainable.

14. Do you consider that a good view of the home signal is obtained from the New Lynn Station?—Yes, certainly. I consider that an excellent view—better than the average by a long way.

15. Is any correspondence submitted to you that comes to the Traffic Department in connection with signals?—Yes, it is all forwarded on to me.

16. Have you ever had any application from the Drivers and Cleaners' Union for a distant signal to be placed at New Lynn?—No, I have seen none.

17. Is the Traffic Manager supposed to forward them to you?—I cannot say exactly what his instructions or duties are. All signalling matters invariably come on to me, not generally direct through the District Traffic Manager, but they come from the Department.

18. You, as an expert, would expect any application for distant signals to be sent to you after it had been through the Department?—Yes, for report.

19. Are there any other experts in connection with signals in the Department?—Only those who are under my supervision.

20. Do you think the Department would be right in keeping back any of those letters?—I do not think they would do so.

21. *Mr. Kennedy.*] You know New Lynn Station?—Yes.

22. Is it near the foot of a grade?—Not what I term near the foot of a grade.

23. You have heard all about this collision and the way in which trains 5 and 6 were shifted on that morning?—Yes.

24. If there was a dense fog at New Lynn do you consider the practice followed was a safe one?—No, not if there was a dense fog.

25. *Mr. McVilly.*] Under the conditions that have been stated by the tablet porter, the guard, and the engine-driver of No. 5 to have existed that morning—that is, that a view from the station-platform to the home signal (something like 300 yards) could be obtained—the tablet porter said he could see the signal and see the signal-arms—would you consider that those conditions necessitated fog-signalling?—No, certainly not.

26. You would consider that the ordinary precautions were quite sufficient for all purposes of safety?—Yes.

WILLIAM SCOTT SWORN and examined. (No. 18.)

1. *The Chairman.*] What are you?—Locomotive Foreman.

2. Where do you live?—At Prospect Rise, Mount Eden.

3. *Mr. McVilly.*] You are in charge of the Locomotive Running Branch of the Auckland Section?—Yes.

4. The allocation of the drivers to the various runs comes within your jurisdiction?—Yes.

5. Do you remember arranging for Driver Corich to run No. 6 train on the Henderson-Auckland line on the 28th May?—Yes.

6. Had Corich at that time ever been on that line before?—Yes; not on this particular No. 6, but he had been over the road.

7. How frequently?—He had run twenty-one different trains prior to the 28th May.

8. What class of trains were they?—Passenger and mixed trains. He had not touched the express train.

9. Was he on the work train?—Yes.

10. What was he doing on that train?—Driving.

11. If you want a man to learn the road is the work train a good train to put him on?—Yes; he had a good opportunity then.

12. Where was this work train running?—On the Kaipara line between Auckland and as far north as Helensville and Kumeu.

13. When you instructed Corich to run No. 6 on the 28th May did he make any complaints?—No, he did not to me.

14. Did he at any time pass any remark to you that would indicate that his knowledge of the road was insufficient?—No.

15. Did you have any report from the Traffic Department that the way he ran such trains over that road was unsatisfactory?—No, I had never heard of any complaint.

16. When did you first get word of this accident?—About 7.15 on the morning of the 28th May.

17. Did you go out to New Lynn?—Yes, I went out with men and material by the first train going north, arriving there about 9 o'clock.

18. When you got there what was the position of the two trains 5 and 6?—The engines still remained in the same position that they were in when the collision occurred.

19. They had not been shifted at all?—No. I inquired from the drivers. They were still in close contact.

20. Were the engines locked together at that time?—Yes, to some extent. We had to do some work to them before I could move No. 6 back from No. 5.

21. Were any of them derailed?—Yes, the leading bogie engine, No. 5.

22. Did you examine the air-brake when you got there?—Yes, I examined both engines, and the brakes were all right. I could not make a test of the brakes.

23. Was the air-cock open or closed?—It was closed on engine No. 6.

24. Did you make any inquiry to ascertain whether it was closed after the collision?—No, not at the time.

25. Judging from the position the engine was in at the time, do you think the collision would be likely to close the cock?—I hardly think so.

26. Did you take engine No. 6 into Auckland?—Yes. The car was about 8 ft. back from the engine.

27. The collision had broken the coupling?—Yes, they had become detached through the collision.

28. What distance was the engine in front of the signal—was it to the north or south?—It had run inside the signal about 230 ft., probably.

29. You have heard the evidence given as to the testing of the brake at Henderson?—Yes.

30. Assuming that that brake was properly tested before the train left, do you consider that the driver of No. 6 should have been able to stop his train before he ran past the home signal?—Yes.

31. Was there anything in connection with the train that morning that would leave you to suppose that the brake was not efficient?—No, nothing whatever.

32. And with the weight of the train, the class of engine it had was quite capable of handling it efficiently?—Yes, there was ample power.

33. Did you examine the rails at all at the point of the collision?—Yes; the rails seemed all right then and some time after.

34. Were there any marks to indicate skidding?—Well, I saw marks on the rails some distance back which might have been caused through skidding.

35. Could you form any opinion as to whether those marks were likely to have been caused by No. 6 skidding?—It is just possible in making an emergency stop that those marks may have been caused through skidding. I could not say definitely what train caused them.

36. What did you think was the weight of the train?—111 tons 3 cwt. 1 qr.; and, including the engine, it was 148 tons.

37. It has been said that the speed of the train this particular morning was from fifteen to twenty-five miles an hour. Supposing she was running at twenty-five miles an hour, what distance would you expect her to be pulled up in on a grade of 1 in 204?—With an ordinary stop?

38. Yes?—With an ordinary service application of the brake she would have stopped in 370 ft.

39. Supposing she was running at twenty miles an hour?—Then probably in 302 ft.

40. That is with a good rail?—Yes, under normal conditions.

41. Supposing the rail was bad and sand was used, what distance would you expect the train to be stopped in at twenty-five miles an hour?—Probably 380 ft.

42. Now, was the sand appliance on the train all right that morning?—Yes, in working-order.

43. Supposing the train were travelling at twenty-five miles an hour and the emergency brake was used on a bad rail, what distance would you expect the train to pull up in on the same grade and with the same conditions?—Probably 250 ft.—approximately about half the train-length.

44. Supposing he had used sand and the emergency brake, would you expect him to stop in a longer or shorter distance?—He would probably stop in a shorter distance—one or two seconds less.

45. The distance from the home signal to the foot of this 1-in-45 grade is about 13 chains. Under the conditions that are said to have existed that morning, do you consider that the train could have been pulled up before she ran past the home signal?—She could have stopped anywhere easily.

46. There is practically 1,000 ft., and you consider she could have been pulled up in 300 ft.?—Yes, easily.

47. Did you have any conversation with Corich after your return to Auckland?—Yes; I spoke to him after I saw the position, and questioned him as to how the accident had happened. He explained that he had overrun the home signal.

48. And to that he attributed the accident?—Yes.

49. Did he say anything about the bad conditions?—No. I questioned as to the efficiency of the brake, and why he was unable to stop, and he explained that she had picked up, inferring that she had skidded when the brakes were applied.

50. From your knowledge and experience would you expect that train to pick up if running at a reasonable speed?—No.

51. Did you ask Corich anything about testing the brake at Henderson?—Yes; I questioned as to whether the brake had been tested prior to leaving Henderson, and he replied that it had not been. I asked him as to the speed, and he explained it was from twenty to twenty-five miles an hour.

52. *Mr. Veitch.*] You say that an emergency application of the brake should pull the train up in 150 ft. going at twenty miles an hour?—Yes, approximately.

53. You also said that if sand had been applied it would have considerably helped in the efficiency of the brake?—It should help to retard it.

54. What would be the effect of sand helping the brake?—The greater resistance between the wheels and rails causes an amount of friction which the sand would create.

55. What proportion of a train, say, 300 ft. long, would have the sand applied to it?—Very little—only the engine really, if pulled up in 150 ft.

56. The whole train would have to pass before the whole train was benefited by the sand?—Yes.

57. On the application of the brake the brake goes on to all the wheels at the same moment?—Yes.

58. Is it not a fact that if the brakes were on the wheels would skid?—Yes, at low speed.

59. And if the sand is applied after the wheels skidded is it likely that the sand would make the wheels revolve again and prevent them skidding?—I hardly think so.

60. In such a case the sand would be practically of no benefit to the driver provided he applied the sand after the wheels had skidded?—Once the wheels picked up while she skidded over that sand I should judge it would cause greater resistance.

61. How long was it after the accident that you arrived on the scene?—About two hours.

62. Can you state with any certainty whether the angle-cock of the back engine was shut or closed when the collision occurred?—No, I could not.

63. Is it a fact that the slower a train is travelling the more likely the wheels are to skid?—Yes; they would pick up on the point of pulling up.

64. *Mr. Kennedy.*] You say that Mr. Corich was on twenty-one trains on this north road?—Yes.

65. Did all those trains run past Henderson?—As far as Henderson, not past.

66. Therefore they would not all pass the north end of Henderson?—No, only in the course of shunting.

67. Do you know whether he was on duty on the 27th May—the day before the accident?—No, he was off duty. The accident happened on a Wednesday, and he was off duty on a Tuesday, for adjustment of time.

68. Did you think Corich would take any longer to learn the road than the average man?—I had no reason to think so.

69. How long did the twenty-one trains he was on spread over in point of time?—From the 11th March on the first occasion.

70. That would be something over two months?—Yes.

71. You questioned him as to the cause of the accident?—Yes, I put a few questions to him when I arrived there.

72. What condition was he in when you met him that morning?—He knew what he was talking about—he was quite rational.

73. Did he appear to be shaken up?—He had had a shake up, I take it, with the result of the accident.

74. He appeared to be unnerved?—He may have been to a certain extent.

75. In your opinion, did the wheels of No. 6 engine pick up?—I would not like to express an opinion on that.

76. Did she run into Auckland after the accident?—Yes, we had her into Newmarket at 9 o'clock that night.

77. Were you riding on her?—Yes. I piloted her into Newmarket.

78. If the engine had skidded any distance going into New Lynn and sand had been used, would it have had any effect on the wheels of No. 6?—Yes, if there had been any extent of skidding it would have had some appreciable effect on the tires, in the way of leaving flats on them.

79. Had there been any flats made in this manner would you have detected them when the engine was taken to Auckland?—Yes, I was riding on the engine.

80. Therefore it is not likely the engine was skidding?—The engine-wheels did not show any indication of it.

81. *Mr. Green.*] What is the weight of the engine?—37½ tons.

82. Do you think that is sufficient weight to carry 111 tons down a grade like that?—Yes, more than sufficient. The hand-brake is sufficient itself to control it down there without any automatic brake.

83. When going round the curve is it not a fact that at twenty-five miles an hour the carriages would tend to lurch over suddenly?—No, there should not be any lurching at that speed.

84. You consider the passengers were not correct when they said there was a lurch?—I am not expressing an opinion about that, but there should be no lurch on a road where a speed of twenty-five miles an hour is authorized.

85. *Mr. McVilly.*] When you sent Corich out to take up this line did you consider he would require to rely on his fireman to any extent?—No, not in any way. A man who has been over the road so often ought to know it.

86. Do you consider that England was competent as a fireman?—Certainly, in every way. He had been two years on that run up and down, nearly a year at Henderson, and about a year running from town on the same run.

87. Supposing the driver had been in difficulty in connection with knowing the road, would you expect the fireman under circumstances of that kind to advise him?—Certainly, it is the duty of the fireman.

88. Assuming that the conditions were as stated that morning—that is, that there was a good view of that signal—what, in your opinion, was the cause of the collision?—Coming down the grade at an excessive speed.

89. From the damage that was done to the train do you think the impact was a severe one?—It must have been fairly severe.

90. If the weather-conditions were such as have been described by Mr. Corich and his fireman—that is, that the fog was so thick that they could not see more than 25 or 30, or perhaps 40, yards away—what would you have expected them to do?—To keep the train well in hand and come down prepared to stop at a very short distance when they got a sight of that semaphore, if it were against them.

91. *Mr. Dickson.*] You say that the accident was due to excessive speed coming down the grade. What is the speed-limit for that grade?—There is a speed-limit of twenty miles an hour from beyond the top of Scroggy Hill until half-way down the incline.

92. Have you any evidence that they came at a faster speed than the limit?—No.

93. What evidence can you give us that they did come at an excessive speed?—That is just my opinion.

94. You have no proof?—I judge from the conditions that the speed must have been fairly excessive to result as it did.

95. What if they say they were travelling at ten or fifteen miles at Titirangi crossing?—I could not contradict it.

FRANCIS TAYLOR MURISON sworn and examined. (No. 19.)

1. *Mr. McVilly.*] You are a locomotive engineer, Auckland?—Yes.

2. You remember the date of the New Lynn collision?—Yes. I first heard of the accident at 9 o'clock.

3. At what time did you get out to New Lynn?—I took the first train. We got out very shortly before 10. I made a point of looking to see the position of everything there, and made a note of it.

4. What was the position of the vehicles of No. 5 when you arrived?—The No. 5 vehicles had been pulled away from the engine. The engine, I understood, was in the same position as it was after the collision. Of course, it would be, because the bogie was derailed. The other engine had been pulled back on to the cars. I understand that after the collision when they pulled up there was a space between the cars and the engine—a space of a few feet. When I got there the engine had been put back on to the cars, and the space was between the two engines.

5. Did you examine the engine of No. 6?—Yes.

6. What was its condition, in connection with the brake particularly?—Of course, with the collision the whole of the train-pipe was smashed: it had burst open at the back. The back angle-cock was shut: I did notice that.

7. *The Chairman.* That is the brake-pipe?—Yes. The collision had done that; but the cock was shut: I noticed that particularly.

8. Did you test the brakes of any of the cars?—I tried the brake of the first car—1224. I pulled the wire to see if there was any air in the auxiliary, and there was air. At different intervals I pulled the wire, up to about 11.30, and then there was just the last fizzle: it went out then. That showed there was air in that car.

9. Did you make an attempt to test any of the other cars?—Yes, except 425 and 465; one could not do anything with them—they were telescoped on the bridge. The next car I tried, 1281, there was a little air in her, but by the time I got over, with some little difficulty, and got to the other cars there was no air, and they had all been uncoupled by the gang that were there, who probably had bled those cars.

10. Did you make any subsequent test of the brakes?—I tested the brakes on every one of them—the cars and the engine.

11. What condition did you find them in?—In perfect order. I found nothing wrong with any of them. Mr. Scott was present with me when we tested the engine.

12. The result of your tests, then, after the accident, was to show that the brake appliances were effective?—In perfect order throughout. There was nothing wrong with any of them.

13. At what do you estimate the weight of that train No. 6?—I took out the weight exactly. I make the total weight 155 tons, including 37 tons weight of engine.

14. Was that a reasonable load for that engine: that is a load that it could easily handle?—It was much under her load.

15. Then, so far as the load was concerned, there was nothing to have prevented the train being stopped before she fouled the home signal?—No.

16. You have had considerable experience in testing Westinghouse brakes, have you not?—Yes. I think I have been privileged to know more about tests of the Westinghouse brake than anybody else in New Zealand.

17. Supposing that that train was running at twenty-five miles an hour on that morning, under the conditions that have been stated to exist, in what distance do you reckon she could be pulled up in with a service application and 10 lb. reduction?—With a 10 lb. reduction she would pull up in 300 ft., going at twenty miles an hour.

18. Suppose she had been running at twenty-five miles an hour, how then, with a 10 lb. reduction?—About 365 ft.

19. And at fifteen miles an hour?—I did not take that out. It would be somewhere about 200 ft. You will understand that all those distances I have given you are not with emergency applications of the brake—they are just with light applications.

20. Assuming that the speed was from five to eight miles an hour, what distance would she travel after an application of the brake with 10 lb. reduction?—You could pull up with the emergency in 33 ft. at ten miles an hour.

21. Give us a light application—something that would stop her without breaking the couplings, at five to eight miles an hour?—You could pull up in 30 ft. or 40 ft.

22. I want some information now with respect to emergency applications. Give us the distance at twenty-five miles an hour with an emergency application?—262 ft. I am allowing for the grade, 1 in 204.

23. Now twenty miles an hour?—164 ft.

24. Supposing the rails were greasy you would require a longer distance in which to pull up?—It would make a slight difference.

25. What difference do you estimate it would make?—Only a matter of a few feet in each case.

26. Are these estimates that you have given the result of actual tests that have been made?—They are the result of my actual experience and tests, and also from calculation.

27. You have heard the evidence that has been given about the movements that were gone through and the tests applied at Henderson that morning before the train started?—Yes.

28. Do you consider, from the evidence and from your own observations, that the brake was satisfactory when the train left Henderson?—Whether it was in operation throughout?

28. Yes?—It is a matter that I gave a considerable amount of thought to. I finally came to the conclusion that the brake was in operation throughout that train.

30. Then under the conditions that existed that morning, seeing that the distance between the home signal and the foot of that grade is about 13 or 14 chains, there was nothing to have prevented that train from pulling up before?—Absolutely nothing. 300 yards I reckon the distance.

31. The train could have been stopped in about a third of that distance?—Yes.

32. *Mr. Dickson.* To what does that 300 yards relate?—That was the distance from the foot of the grade to the semaphore.

THURSDAY, 18TH SEPTEMBER, 1913.

FRANCIS TAYLOR MURISON recalled, sworn, and further examined. (No. 20.)

1. *Mr. McVilly.*] Did you examine the rolling-stock on that train No. 6 after the collision?—I did.

2. It has been stated by one of the witnesses that the car that was badly damaged was in a very bad condition and practically rotten. Will you describe to the Committee what the condition of that car was and when it was built?—It was an elevated-roof car, built in August, 1895, and was in good condition.

3. Did you examine the timbers after the collision?—Yes, they were in good order.

4. Sound?—Sound in every respect.

5. Any sign of decay?—No.

6. Are you quite satisfied that the construction of the car was up to our standard of workmanship in every respect?—Yes.

7. About what distance was No. 5 pushed back by the impact?—I took particular notice where this collision occurred. I can say without doubt that the collision occurred 30 ft. on the bridge—that is, 30 ft. from the New Lynn end. There is no doubt about that to my mind. I saw the marks on the rails. The rails were depressed about $\frac{3}{8}$ in., and the broken portions of the front end of the standing engine had just fallen down straight where the collision took place; all the broken parts were there. The engines met 30 ft. on the bridge, and pulled up 110 ft. back.

8. The force of the impact, then, forced No. 5 back 110 ft.?—Yes, a little more than that. It was 110 ft. where they pulled up, but there was a space of 6 ft. or 7 ft. between the engines, as I explained before.

9. At what speed do you reckon No. 6 was running at the time she struck No. 5?—She was going at nothing less than fifteen miles an hour.

10. *Hon. Mr. Herries.*] What sort of carriage was it that was telescoped?—A four-compartment car.

11. Are those cars more likely to be telescoped?—No, I think not: they are stronger.

12. How do you account for that one being the only one telescoped?—It is difficult to say.

13. It was not because of anything in the construction of the car, in your opinion?—No, because there were older cars than that on the train.

14. *Mr. Veitch.*] I understood you to say that the train was pushed back 110 ft. from where the collision occurred?—Yes, slightly more than that.

15. You heard the evidence of the driver of the other train, did you not?—Yes.

16. He states that he gave his engine steam to go back out of the way?—Yes.

17. Is it not possible that part of that 110 ft. might be due to the fact that steam was on the engine that was collided with, and that the two engines became locked in the collision, and so the power of the engine which was standing would help to carry the train back over and above the force of the impact?—I considered that too, but from what I could find out they were not coupled together. On the other hand, the draw-bars of each vehicle on No. 5 train were driven through the draw-bars of the next vehicle, and the train-pipe was broken almost throughout, and therefore the brakes were put into emergency. It was a solid block.

18. *Mr. Dickson.*] What is the average life of a carriage?—It is very hard to say. We have not been going long enough to tell what the average life is.

19. What do you consider the average life of a carriage?—About thirty years.

20. You cannot tell us whether that train that was shunting was on the move or not when the collision took place?—No.

21. If you cannot tell us that how can you tell us where the collision occurred? You say the train ran back 116 ft., practically?—There were marks on the bridge where the collision occurred, and the broken portions that fell down when the trains came together.

22. *Mr. Green.*] You mentioned about the car that was telescoped, which was in the middle of the train. When a standing train is backing through is there not an S curve, and is not the centre of that S curve the weakest point of that train?—No; I think that train was practically on the straight when the collision occurred.

23. She was going through the loop, was she not, at the time?—No.

24. Is not the bridge on the straight?—Yes.

25. The other part of the train was on the curve?—Where these cars were telescoped was on the straight bridge.

26. You have no idea on whose authority the signal was shifted?—I have nothing to do with that.

27. You would hardly be prepared to say that had the signal been in its original place the driver might have seen it much sooner?—No, I am not prepared to say that.

28. Look at this photograph: does it not show there is an S curve, and that the back of the train is on the curve?—This [indicated] is the back end of the incoming train.

29. Yes, and here is the other going into the loop here?—No; that is all straight there.

30. The colliding train is on a curve and the other one is on a curve, which shows it is an S curve, and the weakest point would be in the centre?—I do not admit that. It is perfectly straight to me.

31. *Mr. McVilly.*] Is it not the practice of the Railway Department to keep the rolling-stock up to practically new condition all the time?—Those are our instructions, which we carry out.

32. Seeing that that is our practice in regard to the maintenance of carriages, does it not practically bring the stock up to equal to new all the time?—Certainly.

SAMUEL KENNEDY sworn and examined. (No. 21.)

1. *The Chairman.*] What is your occupation?—Engine-driver.

2. *Mr. McVilly.*] How long have you been driving?—About fourteen or fifteen years.

3. You heard the evidence of the driver and fireman of No. 6 train regarding the weather-conditions that prevailed on that morning?—Yes.

4. Supposing you had been in charge of that train and the fog was as dense as these two members of our service say it was, and the view was restricted to 30 yards, what would you have done in that case?—It would depend a good deal on whether I knew the road or not.

5. Supposing you did not know the road?—If I did not know the road, and seeing that I have had a lot of experience as a driver and have a reputation behind me, I would certainly run slowly.

6. At what speed would you have run: what do you call slow?—I should say that fifteen to twenty miles an hour would be slow running.

7. If you did not know the road?—If I did not know the road.

8. And you could only see 30 yards ahead?—A great deal would depend on circumstances. If I had a good idea where I was I would consider I was running safely at fifteen or twenty miles an hour.

9. Supposing you were driving a train of, say, 300 ft. in length, and you were running at fifteen or twenty miles an hour, and you had the Westinghouse brake, in what distance could you stop that train?—I have not got the figures at my finger's end, but I should say you could stop that train in two lengths of the train.

10. In 600 ft.?—Yes.

11. You could only see 90 ft. ahead, remember. Rule 208 says, "When from fog, falling snow, or other causes the fixed signals are not visible as soon as usual, the engine-driver must run cautiously, especially when approaching stations or signal-boxes, so that he may be able to stop the train short of any obstruction should the signals be against him." If you could not stop under 600 ft. with the Westinghouse brake, how do you regard fifteen miles an hour as a proper speed?—I consider that fifteen miles an hour is a very slow speed when a train is fully equipped with the Westinghouse air-brake, and I have sufficient knowledge of the road to be able to judge where the signal is. I would certainly slow down to slower than that when in my opinion I was approaching that signal.

12. But we are assuming that you have not a knowledge of the road. What would you do assuming you had not too good a knowledge of the road?—Seeing that I am an old and experienced driver, if I could not see where I was going I would pull up.

13. If you had a knowledge of the road and knew exactly where you were you would run at fifteen or twenty miles an hour?—Yes.

14. Under conditions where you could only see 30 yards ahead?—That is, if I knew exactly where the signal was.

15. But suppose you suddenly saw an obstruction 30 yards ahead of you and you were running at a speed at which you could not pull up in less than 600 ft.?—A driver has no right to anticipate an obstruction 30 yards ahead when he is running with a tablet.

16. Do you as an experienced driver say that the mere fact of getting a tablet from a station three or four miles in advance is an indication to you that there is no damage to the road by slips or washouts or anything of that kind? Do you say that because you have got the tablet you are quite justified in going at any speed?—The tablet indicates to the driver that the line is clear to the home signal. The platelayers have to go over the road before that train, and I think the driver is quite justified in assuming, once he has received the tablet, that the line is clear to the home signal.

17. If that is so, will you tell me how you would act under this Rule 207: "The engine-driver must at all times be prepared to act upon any signals shown by surfacemen or others on the line. He must not, however, depend entirely on signals, but on all occasions be vigilant and cautious." According to you the tablet relieves you of that responsibility?—No, I did not say so. I would not assume, until I had a warning from platelayers or any other person, that there was danger. Provision is made in the rules for the use of detonating signals and other hand-signals.

18. Then you would assume that other people were to look after the safety of the train and not the driver—that is, that you could commit a breach of all these rules and simply run along blindly because you had got the tablet, leaving the safety of your train to other men who may be engaged on the line?—If an engine-driver had always to ascertain whether the rail was intact and there was nothing on the rail when he was running a train, a great proportion of your trains in fog and stormy weather—for instance, when there is snow—could not possibly be run as they are at the present time.

19. Here is Rule 211: "Engine-drivers must exercise caution when approaching stations, whether they are required to stop or not, and must approach terminal stations, crossing-places, or junctions at such speed as will enable them to stop their trains with the ordinary hand-brakes before entering the station-limits." At fifteen or twenty miles an hour you could not do that?—It would depend how far you could see ahead.

20. We are talking about seeing only 30 yards ahead. I want to know what you would have done on that particular morning. Seeing that the view on this particular morning is supposed to have been limited to 30 yards, at fifteen miles an hour would it comply with that rule? Could you stop the train with the hand-brake?—I did not say that I would run up to the home signal at fifteen miles an hour.

21. Where would you reduce speed?—I would reduce my speed so that, if the home signal were against me, I would be able to stop at it or before I got there.

22. That is if you knew; but we are talking now about a man who had a not too intimate knowledge of the road?—I said that I would pull up if I did not know the road.

23. If you knew the road would you run at fifteen miles an hour?—I would run at fifteen miles an hour while I knew the road, and allow myself sufficient time to stop at the home signal.

24. Supposing you are timed to cross a train at a crossing station and you cannot see, would you stop before you fouled the home signal? Would you run in so that you could stop there dead?—I would not stop before I got to the home signal, but I would come in at such a speed that I could stop.

25. You would not assume that the main line was clear, would you?—Yes, but I would not assume that the signal was clear.

26. Where would you assume the main line was clear to?—Between the two home signals.

27. Why would you assume that?—Because Rule 158 provides for it being clear in case of a fog.

28. What about Rule 157—"No engine or vehicle must be shunted or moved from one main line to the other, or from the main line into a siding, or from a siding on to the main line, or allowed to stand on main line, unless protected by the proper signals, exhibited as may be required": would you say that a man is not justified, when he has got his yard protected by proper signals, in having something on the main line under that rule?—Yes, he is justified if he has it protected by proper signals, which include fog-signals.

29. You know Rule 83, "Home signal may not be passed at danger": is not that a proper protection?—Not in case of a fog.

30. What other protection would you have?—A fog-signalman out, with detonating signals placed on the rail.

31. If the fog is so thick that it is necessary for the man in charge of the station to put out fog-signals, is it not sufficiently thick to necessitate the engine-driver also taking extra precautions?—That is so.

32. If you were an engine-driver and the fog was as thick as that, you would take extra precautions—you would not run blindly?—Certainly not.

33. You know rule No. 5, "The first and most important duty of every member of the service is to provide for the safety of the public"?—Yes.

34. *Mr. Hine.*] Supposing that as a driver you saw an obstacle 30 yards ahead, at what speed would you have to be travelling to pull the train up so as to avoid any danger to your train?—I could only guess. I should say you could do it at seven mile an hour, or perhaps more.

35. Have you any speedometers on the trains?—Some of our trains have, but I do not think this train would have one.

36. You have no reliable method of gauging your mileage if you are not on a line that is known to you?—No; it is just left to the judgment of the engine-driver himself as to what he thinks he is running.

37. *Mr. Sykes.*] Do you think all engines should be equipped with a speedometer?—Well, disregarding the fact of expense and maintaining and providing them, I think it would be a splendid idea.

38. They are an expensive apparatus?—Very expensive, and take a good deal of maintenance.

39. But does a competent engine-driver feel safe without a speedometer?—Yes. It would have made no difference on a morning like that in question, because when the speed is reduced in a fog a driver would never think of looking at his speedometer. He has his head outside the cab looking for what he can see.

40. *The Chairman.*] Or should have?—It is generally a very anxious time for a driver when running in a fog and approaching a station. Besides, the speedometer is not very reliable at a very low speed. They will register better when you have been running for some time at a regular speed, but the speedometer will not show it as quickly as the speed is reduced. Some register for twelve seconds and some for five seconds, and you can have your speed reduced very greatly in five seconds, and it would not be shown on the speedometer.

41. *Mr. Dickson.*] Do you know whether any complaints have been made this year in connection with the way they carried out the work at New Lynn in regard to putting that train on the main line?—I understand there were some reports about it. Drivers have complained at New Lynn to the men doing the work, and objected to shunt the train in the manner it was shunted that morning.

42. Do you know that as late as February an engine-driver on that train refused to do it, as he considered it was contrary to the regulations?—Yes, I was told by a driver that he had refused to do it. It was previous to the New Lynn collision, but I could not say the date.

43. After hearing the evidence do you consider it should have been necessary for the Department to place fog-signals on the line that morning?—As an engine-driver from the South Island I must say I was very much surprised to hear that fog-signals were not used that morning at New Lynn.

44. After seeing the plans and grades, do you consider that New Lynn should be classed as a station at the foot of a grade or near the foot of a grade?—I have no hesitation in declaring that New Lynn is near the foot of a grade.

45. Therefore it would have been necessary according to the rules to have used fog-signals on a morning like that?—I do not think that fog-signals apply any more to a station near the foot of a grade than to any other station.

46. Then you consider some one was breaking the regulations by fouling the main line as the station was at the foot of a grade as the other train was coming in?—The regulation provides that no train is allowed to foul the main line between the home signals unless it is blocked on to the section in advance when it is on a grade or near the foot of a grade.

47. Was this blocked on in advance?—No.

48. Therefore some one was breaking the regulations?—That is so.

49. You are aware there are no distance signals at New Lynn Station?—Yes.

50. Has your association asked for any distance signals to be put at any stations for the safety of the public?—Yes, my association has approached the management and asked for distance signals to be placed at all stations, especially on the Main Trunk line.

51. What reply did you get?—I think we had a reasonable reply from the management. They asked us to mention the particular stations where we wanted the distance signals. It was a general request that the drivers would like distance signals at all stations. It would be a great boon to all drivers, but the management seemed to think, and reasonably so, perhaps, that the cost was great, and they asked us to enumerate the stations at which we wanted them.

52. Do you consider it was right to remove this signal to the bridge without placing a distance signal on Scroggy Hill?—I would not like to pronounce judgment on that. It would be a great advantage to have a distance signal at New Lynn.

53. Do you consider that the engine-driver had had sufficient experience to be placed on the train that morning?—He had sufficient experience in clear weather, but I must say that in running his train in a fog, owing to his youth and lack of experience and the very few times he had run on that road, and the great distance of time that had elapsed between each trip, he was placed in a most unfortunate position.

54. *Mr. Green.*] After seeing the plan and the curve, do you think the home signal is too near the station?—I think that if the regulations provided by the Railway Department were carried out the signal where it is is all right.

55. Have you ever known an emergency man being called upon to assist the tablet porter or the Stationmaster at any station when a fog is existing like the one that morning?—I have no experience with regard to station-work.

56. Had you been in the driver's place that morning with the fog would you have expected to have found detonators?—Not working on the Auckland Section, I should have expected it.

57. You think it would have been safer for the public?—I have no hesitation in saying that they would have prevented the collision.

58. *Mr. McVilly.*] With respect to the efficiency of fog-signals, if the driver of No. 6 had complied with Rule 82 and stopped short of the home signal would the collision have occurred?—No.

59. Then the driver of No. 6 had it at his own door to prevent the collision irrespective of fog-signals or anything else, had he not?—There are a large number of rules, and if they had been applied they would have prevented the collision.

60. Rule 82 is that the home signal must not be passed at "Danger"?—Yes, if he had complied with that rule.

61. *Mr. Hine.*] Then in that case detonators are not wanted if they comply with the rule?—If the driver could always see the signal, and stopped, there would have never been such a rule in the book as fog-signalling.

62. What is the reason of the rule?—The reason of detonators being mentioned in the rule-book is that the compilers of the book have recognized that in a fog a driver was likely to over-run his signal through not being able to use his visionary powers. Therefore they provided detonators that would give him a warning in another way.

63. *Mr. Dickson.*] Really Rule 82 only applies to clear weather?—It would apply when you cannot see the signal. The Department recognizes that by instituting fog-signals.

64. *Mr. McVilly.*] Do you know the rule which provides that in the absence of a signal it has in all cases to be taken as "Danger"?—Yes, there is a rule to that effect.

65. If the driver could not see the home signal he should have taken it as a "Danger" signal and stopped?—If he knew he was there.

66. If he could see it 30 yards away he should have had the train under control under Rule 211?—Yes, if he knew he was getting near.

67. *Mr. Dickson.*] You said he could pull his train up in 600 ft.?—I said I was guessing that.

68. Supposing he saw this signal 30 yards away, that would be 90 ft.?—He said that was on an angle.

69. Therefore he did not have an opportunity of pulling up in the 600 ft.?—Yes, he collided before the time elapsed.

70. Therefore that particular rule could not apply in this particular case?—No.

71. *Mr. Sykes.*] Was New Lynn mentioned as a station where distance signals should be provided?—I have no recollection of any station being mentioned before the collision. Our secretary would be able to prove that.

72. Do you know if he made certain suggestions on behalf of the association?—Probably that would be after the New Lynn collision, because the request was a general one before that. I am not in a position to say. The information could be obtained from our general secretary.

73. *The Chairman.*] According to the evidence you have heard, do you think it was possible for the "Danger" signal to be seen?—According to the evidence there was a very dense fog that morning, and it would not be possible to see the signal.

74. If he could not see the signal was it his duty to pull up?—If he knew where he was; in fact, it would have been wise in any case.

75. Do you think there was any attempt made to pull up before the collision?—I think the driver had his train under control and was watching to see the signal and to stop if it was at "Danger."

76. *Mr. Mack.*] Is it not a fact that if the rules were complied with with regard to fog-signalling the driver would lose time?—It is not my experience.

77. How can he run full time and comply with the rules in regard to fog-signals?—I might explain a trip I ran myself in a dense fog. I ran the express between Timaru and Christchurch, and there was a dense fog between Timaru and Ashburton. For the first two or three stations I went by there were no fog-signals. I had to pull up and run at five or five miles an hour before I picked up the home signals, and I recollect one station where I lost three minutes before I picked up the signal. I went to the Stationmaster and said, "If you don't wire your men at the stations along the road and get them to send men out with lamps this train will probably arrive in Christchurch a quarter of an hour late." I had a hard time. I had my head out in the fog and cold, and my eyes were smarting. I knew the road well, and had been running on it for years. My request was complied with, but still when I had done half the journey I had lost nearly seven minutes. That was owing to the last few stations complying with the request and sending men out in advance of the station. I knew the road so well that I could run at full speed until within a certain distance of the signals, and if no one was there I would stop before getting to the signals, but owing to the men being ahead with a hand-lamp I was able to go through without checking speed, because it gave me a clear signal and that carried me on till I got to the home signal.

78. Does not that carry out what I say, that if he complied with the rule and does not know the road, that he will lose time, and the denser the fog the more time he will lose?—I cannot follow you.

79. Supposing in this particular case you came to the top of the grade and then there was a dense fog, you would immediately reduce speed?—If I knew the road thoroughly I would not.

80. And you would not be prepared to pull up clear of any obstruction that might be on the road?—I would pull up clear of any obstruction.

81. How can you do that without reducing speed?—If any driver was used to Scoggy Hill and knew the bank it would make very little difference in the run down till coming to the braking-point, and then not being able to see the signal he would have to reduce speed.

82. If he did not know the road would he not reduce speed?—He would be wise to do so.

83. In a fog, under the rules, would he not reduce speed and lose time?—Yes, in a fog.

84. Seeing that this particular train ran upon time, does it not appear that the speed was not reduced?—I might point this out: that it was only on the latter portion of the grade on Scoggy Hill that there was any fog. The drivers have each represented that they ran into a fog as they came down, and the total distance is only 1 mile 9 chains. That would only take three minutes, so that in all probability the whole time the driver was in the fog was about two minutes.

85. And at seven miles an hour?—I am talking about coming down the grade at about twenty miles an hour.

ALEXANDER WHISKER sworn and examined. (No. 22.)

1. *The Chairman.*] What are you?—An engine-driver, stationed at Taumarunui.

2. *Mr. McVilly.*] How long have you been an engine-driver?—About eleven or twelve years.

3. Have you ever run between Auckland and Henderson?—Yes, I was on the same run for about nine months.

4. Have you ever worked train No. 6?—Yes.

5. Was the Westinghouse brake equipment on the train at the time?—Yes, the continuous brake.

6. Did you experience any difficulty in controlling the trains down the bank?—No, none whatever.

7. Under no circumstances?—Under all circumstances.

8. What was your experience in regard to the fog on that hill, was it bad?—No, I can say I never saw a dense fog there whilst stationed at Henderson.

9. Did you ever experience a fog that was so bad that you did not know where you were and required fog-signals?—Not yet.

10. Did you ever have any difficulty in checking the speed of your train or pulling up between Titirangi crossing and New Lynn Station?—No, no trouble at all.

11. Did you ever run past the home signal?—No, I have never run past one yet.

12. Was the home signal then in the position it is now?—I could not say, but from the evidence I should say it was farther up the bank.

13. Then that would give you a shorter distance?—Yes.

14. Do you consider a driver should have any difficulty at all in pulling up his train on a comparative flat—a grade of 1 in 204—with 14 chains to travel on?—No, I could pull up in a train length on that easily.

15. In regard to the density of the fog on this morning, it has been stated by the tablet-porter that he could see the signals about 330 yards away; the guard says he could see distinctly 200 yards away: taking that evidence, do you think there was any necessity for fog-signals?—Certainly not.

16. Was there anything to prevent the driver of No. 6 from seeing the home signal in time to stop his train?—I cannot see anything. I might say I heard all the evidence given at the Auckland inquiry, and there were other distances given as well as those.

17. If No. 6 was running at a reasonable rate of speed that morning from the foot of the grade approaching New Lynn Station, do you see any reason why, if a vigilant lookout had been kept, the train should not have been stopped at the home signal?—No, none whatever.

18. You know the rule that provides that home signals must not be passed when at "Danger"?—Yes.

19. Supposing you were driving No. 6 approaching New Lynn Station with the conditions such as Driver Corich stated and you knew you had a crossing to make, what would you have done?—I would have run at a speed that would have enabled me to stop within 30 yards if I could only see 30 yards.

20. You would not have considered yourself justified in running along at fifteen miles an hour?—No.

21. Supposing the position was that he could not see the signal at all, what would you have done?—I would have reduced speed to practically a walking-pace. It would mean a loss of time, but it is far better to lose time than to have an accident.

22. With regard to loss of time, have you ever been found fault with as a driver for losing time owing to weather-conditions where the safety of the public required it?—No, never.

23. Where you have a regular crossing to make under the time-table, in coming to a station do you assume that the line is clear right into the station because you have got the tablet?—Certainly not.

24. Would you expect it would be possible or probable that shunting operations would or might be going on under Rule 157—that is, assuming the home signal is at “Danger”?—Yes.

25. And if the home signal was at “Danger” would you conclude that shunting operations were being properly conducted?—Under cover of that signal, yes.

26. You have heard the practice that was followed by the tablet-porter—that he brought in No. 5, that she went up to the tanks for water, then pulled ahead, and was preparing to back in when the collision occurred. All those movements were done under cover of the home signal: do you think that was proper?—Yes, I consider so.

27. Rule 189 says, “The engine-driver is responsible for the safety of the engine, and equally responsible with the guard for the safe working of the train; and he must make himself thoroughly acquainted with the line over which he runs, and also with the signals governing the traffic.” Under that rule would you consider that the driver was acting in a proper way with regard to the safety of his train if he ran on into the station at a high rate of speed when he could only see 30 yards ahead?—No, I should not.

28. You consider that the driver under that rule is responsible for the safety of the train during the whole of the journey?—I always consider that I am.

29. Rule 207 says, “The engine-driver must at all times be prepared to act upon any signals shown by surfacemen or others on the line. He must not, however, depend entirely on signals, but on all occasions be vigilant and cautious.” When the weather-conditions were as bad as Mr. Corich has stated—we are assuming now that they were bad—do you consider that vigilance was being exercised or proper precautions taken in running fifteen miles an hour?—No, or that accident could never have happened, in my opinion.

30. Rule 208 says, “When from fog, falling snow, or other cause the fixed signals are not visible as soon as usual, the engine-driver must run cautiously, especially when approaching stations or signal-boxes, so that he may be able to stop the train short of any obstruction should the signals be against him.” Do you consider that that rule was carried out on that morning by running at fifteen miles an hour if the conditions were what Mr. Corich stated them to be?—No.

31. Do you think he could have complied with the latter part of Rule 211, regarding a driver stopping his train with the ordinary hand-brake at the station?—Apparently he could not stop it with the Westinghouse brake.

32. You heard the question that was put to Mr. Kennedy just now about the short distance this train ran past the home signal before he stopped. You think he was stopped by the train in front?—Yes, I feel confident that that is what stopped him.

33. If that train had not been there you do not think he would have stopped in that 110 ft.?—He might have run a train-length past that point.

34. And he might have gone into the station?—Probably he would.

35. You heard the evidence of Mr. Corich’s fireman—that it was not usual for them to stop outside the home signal. Do you think they were running along with the intention of going straight into the station or in expectation of getting a “Clear” signal in?—Judging by results, yes. In other words, if Mr. Corich had been taking the precautions he should have been taking he would never have got where he was.

36. Mr. England said they did not usually have to stop outside the signal: that meant that they expected the line clear up to the station. Do you agree with Mr. Kennedy’s evidence, that the fact of having a tablet is sufficient authority for a driver to run along at any speed between two stations?—Certainly not.

37. *Mr. Sykes.*] You have heard all the evidence that has been given at this inquiry. In your opinion did the tablet-porter take all necessary precautions to ensure the safety of the train?—I consider that he did.

38. *Mr. Dickson.*] You say that you were for nine months stationed at Henderson and were running that train: were you running the same train for nine months?—Yes.

39. In what year was that?—Some time in 1903.

40. Ten years ago?—Yes.

41. Was Scroggy Hill a stopping-place for any trains then?—No.

42. You know that it is a recognized stopping-place now for several trains?—I have heard that it is.

43. When have you been to New Lynn since you went off in 1903?—About twice.

44. Was there a tablet-porter at New Lynn when you were running the train?—I will not swear that there was a tablet-porter there.

45. Did those two trains run in 1903 at that time in the morning?—Yes; we had a crossing at New Lynn, just the same as at present. I ran the train now known as No. 6, and we crossed another train in New Lynn in exactly the same fashion and at that time in the morning.

46. Do you know if any of these brickworks were in existence at New Lynn at the time at which you were running your train?—I am not sure.

47. What do you know about the works: what works were in existence?—I do not know anything about them.

48. Can you give any evidence about the population of New Lynn ten years ago?—No, I cannot.

49. Have you run any trains under fog-signalling conditions on any Auckland line since you have been driving?—You mean, have I been fog-signalled?

50. Yes?—Yes, on two occasions.

51. On that section—Henderson—New Lynn?—No, at Waikumu.

52. How many times was your train pulled up at the home signal at New Lynn during the nine months you were running?—I could not tell you.

53. You have heard the evidence given here, and you say that you heard the evidence given at the Auckland inquiry?—That is so.

54. Do you consider that the evidence is the same?—It is not for me to say. I would not pass an opinion. This thing is not done with yet.

55. At what speed would you have to run your train so as to stop within 30 yards?—It would depend upon circumstances.

56. I mean at this particular place—where the home signal is, and on that grade. When you come to the home signal, at what speed would the train have to be travelling to pull up within 30 yards?—Ten miles an hour, but that is just a conjecture.

57. Have you ever been fined for running your train late?—No.

58. When you were running on that line was that signal at the present place or the old place?—I could not tell you.

59. Do you consider it is safer where it is or at the old place?—I consider it is safer now, for the reasons given by Mr. Wynne.

60. *The Chairman.*] You say you have never been found fault with or got into trouble for being late. Have you often been late on account of weather troubles?—No, not very frequently.

61. More than once?—Yes.

62. You have been late and you have not been found fault with?—That is so. If you are late and you give any sensible reason there is nothing more heard about it. That has been my experience.

63. *Mr. Green.*] At the time you were running this particular train there was no tablet-porter at Waikumete, was there?—I could not say.

64. Had there been a tablet-porter at Waikumete on the morning of the accident to hand a tablet to the driver of the Henderson train, would not the tablet-porter at New Lynn have known where that train was after leaving Waikumete?—I do not consider it would have made any difference.

65. Have you never at any time had to pick up time after leaving Waikumete?—I do not remember.

66. Do you think that the driver might have left on this particular morning a little late and tried to pick up time?—I could not say.

67. Coming down Scroggy Hill there was fog at times, was there not, during the time you were there?—There may have been.

68. Had you met with a fog such as was met with that morning at what speed do you consider you would have travelled?—I could not say. The evidence varies widely.

69. Had you run into this fog coming down Scroggy Hill as the driver did that morning, what would you have expected when you got on to the flat: would you have expected any fog-signals to be put out?—No.

70. *Mr. McVilly.*] When you were crossing at New Lynn, assuming there was no tablet-porter there, you would be working under signals from the guard, would you not?—That is so.

71. You acted under the guard's signals?—Yes.

72. *The Chairman.*] You say you are not sure whether there was a tablet-porter at New Lynn or not when you were there. How would you do—would you set your own points?—The guard of the first train to arrive would let his train in by the siding and would stop the other man before he came in and give him the signal to pull in.

73. The guard took the place of the porter?—He had to.

74. *Mr. Kennedy.*] In your answers to Mr. Green you made a statement, and I think you were in error. He asked you whether, if you had been running the train that morning from Scroggy Hill to New Lynn and a dense fog had prevailed, you would have expected fog-signalling to be used?—Not necessarily. I am satisfied that I could have stopped short of that signal. I would not expect fog-signals, because I would reduce speed.

75. What are fog-signals provided for in the rule-book?—The instructions are in the rule-book for you to read.

76. I will read you part of Rule 158: "During a fog or falling snow, or where, in consequence of the station being approached upon a falling gradient, or for any other reason, special instructions for working are issued, no obstruction must be allowed at the station inside the home signal until the line is blocked to the signal-box in one or both directions, as may be necessary" I do not consider that that rule applies to New Lynn.

77. I asked you whether you thought that fog-signalling applied to New Lynn when there was a fog. Do you say you do not think so?—I do not think so.

78. Does fog-signalling apply to any station when there is a fog?—I am running through stations all night long in light fog, and no signalling has been done.

79. Do you consider that fog-signalling as provided in the rule-book applies to any station in the New Zealand railways?—That rule-book applies to every station.

80. You have rules from 148 to 156: do you consider that those rules regarding fog-signals do not apply to New Lynn?—It is left to the Traffic Inspector and District Traffic Manager to appoint fog-signallmen where it is necessary. The rules provide for the men to be appointed, and when a fog occurs they are supposed to carry out fog-signalling.

81. Do those rules apply to New Lynn when there is a fog?—I have said they apply to every station.

82. Then you admit they apply to New Lynn in case of fog?—Yes, I suppose they do, but I do not admit that a fog did prevail.

83. If a dense fog did prevail would the rules apply?—If there was a dense fog they would apply to New Lynn, but mind, I do not admit there was a dense fog.

84. If there was a dense fog it does apply?—Yes.

85. And therefore fog-signals should have been used?—Yes.

86. If you had been the driver of No. 6 that morning and there was a dense fog you would have expected to have fog-signals put out before you reached the home signal?—Yes, if there was a dense fog.

87. Supposing there was a dense fog that morning at New Lynn, was the man who drew No. 5 up to the top end of the yard close to the signal and attempted to drag it into the siding, was he complying with the regulations?—Yes, I consider so.

88. You consider he was not breaking the regulations?—No, I do not.

89. In the absence of those signals outside the home signal, and assuming there was a dense fog, was that train being properly worked in shunting?—If the detonators were outside that signal they were perfectly justified in shunting.

90. But if they were not out?—Yes, I still contend they were justified in shunting if the driver of No. 6 did his duty.

91. If there was a heavy fog would those men be complying with the regulations if shunting without detonators being out?—No, not without fog-signallers.

92. And therefore if there was a dense fog they were breaking the rules?—But I do not admit there was a heavy fog.

93. There is a dense fog at New Lynn and No. 5 comes in: No. 6 is blocked on from Wai-kumete to go into New Lynn: are the men at that station complying with the regulations if they allow No. 5 to draw right up to the home signal without detonators out?—No, not if there is a dense fog.

94. You have been driving for about ten or eleven years?—Yes.

95. Mr. McVilly has drawn your attention to Rule 211, which provides for trains approaching terminal stations?—Yes.

96. Do you cross trains on the Main Trunk?—Yes, several.

97. How many do you cross in a day?—About seven a day.

98. You drop down from a steep grade at the foot of the Spiral going north?—Yes.

99. Do you ever cross a train there?—Sometimes—not very often.

100. And do you enter that station so that you can stop with the hand-brake?—No, I do not, because we have a continuous brake; but if the continuous brake went wrong I would have arrangements made to be able to stop with some of the car-brakes before I got past that signal.

101. You could stop with your hand-brake?—I would make arrangements to have some assistance.

102. Supposing it failed instantly?—It is impossible for a hand-brake to hold fourteen cars on the Spiral.

103. Now, do you always, when you are running into a station where you cross another train, run into that station at a speed that if necessary you could stop with the hand-brake before fouling the other train?—As I have already said, there is no tender brake that will hold fourteen cars on the Spiral, so that if I was crossing a train at Raurimu it would be impossible for me to stop the train with the hand-brake.

104. This rule was in the old rule-book before we had the Westinghouse brake?—I think probably it was.

105. And probably that is the reason it is here now?—I dare say it is.

106. Have you seen a large fog on the Main Trunk line?—Yes, there is a fair amount of fog and fairly dense.

107. Is the regulation with regard to fog-signalling carried out on the Main Trunk?—I cannot say I have ever seen it that dense that I have expected to find fog-signals, and in the two cases where I saw fog-signals I was surprised to find the men there. It was a very light fog.

108. You spoke of a dense fog?—Fairly dense.

109. Were there any fog-signals out then when the fog was fairly dense?—I have said I did not expect them.

110. There are a good many curves on the Main Trunk line?—Yes.

111. And pretty sharp also?—Yes, fairly so.

112. If you are running on, say, a left-hand curve with a big X engine, how far could you see the line ahead of you?—Not very far; but the fireman could see a fair distance.

113. How far do you think you could see?—Probably an engine's length. There are some 7-chain curves and practically straight cuttings on each side.

114. That would be about 20 ft.?—Somewhere about that.

115. The fireman is frequently firing when running?—Not when going down.

116. But when going up?—Yes, we run up at about twelve miles an hour.

117. But running uphill and you can only see 20 ft. ahead of you and the fireman is firing, do you not think you are as bad as the man running in a fog who can only see 30 ft. ahead?—No, that road is patrolled every morning.

118. So are all other lengths?—I do not know about others.

119. Have you lost time running in those fogs?—No, they have never been sufficiently dense to lose time.

120. *Mr. McVilly.*] The questions Mr. Kennedy has been asking you are all presupposing a dense fog. I want you to still suppose a dense fog and to tell us what you as an engine-driver would do if the fog was so dense as to necessitate all those precautions that Mr. Kennedy has been suggesting: would you consider the responsibility rested on you for the safety of the public of taking the proper precautions, or would you come along with your eyes shut?—I am responsible for the safety of the train, and have to take proper precautions.

121. Without relying on the fog-signals?—Yes.

122. *The Chairman.*] The fog-signals would be of assistance?—I would not depend upon them. I would rather run along and take precautions.

123. *Mr. McVilly.*] The rule in regard to New Lynn is No. 211, and the man who would give instructions would be the Stationmaster or the tablet-porter?—Yes.

124. *Mr. Mack.*] I do not think you said what trains you were running on?—On the express between Taumarunui and Taihape.

125. Is that between the day and night?—Nearly all night running: one trip is all night running and the other half day.

126. In your time did you know if there were any special instructions issued for arriving at New Lynn?—No.

127. In regard to Rule 158, which deals with fog and falling snow, does not that apply only to stations where special instructions are issued?—I read it that way.

128. How long did it take you to learn the road—the thirteen miles from Henderson to Auckland?—I think a man who has been over that half a dozen times should have a very good idea of it.

129. How long would it take you to learn it thoroughly?—After I had been over it half a dozen times I could go over it with confidence.

130. Would it take you three weeks?—No, certainly not.

131. Assuming that you were the driver of a train that was running from Auckland to Henderson, and also assuming that there was a dense fog, would you not feel justified in asking the man who gave the signal to pull out whether the fog-signals had been placed there or not: would you not satisfy yourself that the proper precaution was put there?—I would take it that the man responsible for the station would see to it.

132. You would not ask that?—I certainly would in the case of a dense fog.

133. *Mr. Dickson.*] I want produced before the Committee the time-table of 1903 and the time-table at the date of the accident. I think you said the trains ran at the same time?—I did not say the train left Henderson at exactly the same time. I held the same job that Corich held. I do not say the train arrived there at the same time as she arrives now.

WALTER BOWLES SWORN and examined. (No. 23.)

1. *The Chairman.*] What are you?—District Traffic Manager, Auckland.

2. *Mr. McVilly.*] You are responsible for the traffic working of the Auckland District?—Yes.

3. You visit various parts of the section from time to time?—Yes.

4. During these visits and during the time you are travelling over the line, do you see that the rules and regulations are observed, from your own personal observation, as far as you can see?—I do.

5. Do you remember the collision at New Lynn?—Yes.

6. In connection with the train crossings, have you given any special instructions about New Lynn—did you consider the station was a station that required any special instructions?—No.

7. You know Rule 157?—Yes.

8. Do you consider the crossings at New Lynn under that rule are justified?—Yes.

9. And that the operation should have been a safe one provided the home signal was at "Danger"?—Yes.

10. Have you had any complaints from the tablet-porter at any time that he was overworked?—None.

11. From your own observations when you were passing the station, were you satisfied that discipline was properly maintained there?—As far as I could judge it was.

12. *Mr. Hine.*] Under whose instructions are the engine-drivers acting when they pull up the line in taking water at New Lynn Station?—They act under the instructions of the man in charge in all cases.

13. You are the Traffic Manager and you would control the Stationmaster or the tablet-porter in charge of a station like that?—That is so.

14. Have you ever told the engine-drivers to pull up at New Lynn after taking water and back into the loop?—It is a matter of detail. I should not interfere unless there was some special reason for doing so. The operations should be conducted in the station-yard under the signals, and the man in charge is really responsible for seeing that the shunting is conducted in a safe and proper manner.

15. What is your opinion of doing so, as against such a system as backing down the main line and pulling into the loop?—Generally speaking, pulling up to the water-tanks and taking water and then pulling out and backing into a siding should be perfectly safe within the signals; but it is quite obvious that if they were to do it in the other way it would possibly lessen any risk there might be. I consider that where signals are provided and the trains are shunting in between them it is a safe practice.

16. There is no regulation bearing on this point, is there?—Rules 157 really applies here.

17. Is there any rule directing an engine-driver to pull back instead of going forward after watering?—It would come possibly under the shunting instructions—that they do the work under protection of the signals—either go back or go forward. There is no rule providing every movement that every train is to make at every particular place, because circumstances vary considerably. Rule 157, I think, really answers your question: “No engine or vehicle must be shunted or moved from one main line to the other, or from the main line into a siding, or from a siding on to the main line, or allowed to stand on main line, unless protected by the proper signals, exhibited as may be required.”

18. That does not bear on the point I wished to bring out. I want to know if there is any regulation directing an engine-driver to back down and then pull into the loop instead of going forward?—I cannot remember any instruction that provides for such a thing as that.

19. *Mr. Sykes.*] Do you consider the tablet-porter at New Lynn a competent person?—In my opinion he was perfectly competent.

20. It has been stated that there was a lack of discipline at New Lynn. In your opinion there was no lack of discipline?—In my opinion there is no ground for the statement.

21. The tablet-porter was quite competent to control all those over whom he had authority?—As far as I knew of the man, yes.

22. On the morning of the accident did the tablet-porter use all necessary precautions to avert any collision?—That is rather an awkward question to answer directly, because it all depends on the circumstances there at the time the trains came in. From what I have heard of the evidence I should say that the tablet-porter kept his signal at “Danger” until he was prepared to receive the train on the main line.

23. He had control of all those over whom he had authority?—I have no reason to think otherwise.

24. *Mr. Dickson.*] Did you receive any complaint from any engine-driver about fouling the main line or refusing to back on to the loop—about February?—I received in February a report in connection with some disagreement, but it was not on all-fours with this at all.

25. Have you got the letter here?—The engine-driver reported—

26. What is his name?—R. C. Dobbie—reported that on approaching New Lynn he received the green signal to proceed into the station, and on entering the through siding with the train at the south end of the yard he saw No. 6 train coming in. This has no reference to the matter in May. This was a matter that was inquired into.

27. Have you got his complaint, or was it Mr. Richardson that started the inquiry? Who reported it?—This matter was reported to the Locomotive Engineer, who referred it on to me.

28. Who reported it to the Locomotive Engineer?—The driver.

29. Have you got the driver's letter?—No.

30. I will ask that letter be produced as evidence before this Committee. I understand that Mr. Richardson was Engineer at that time?—Yes.

31. Was he called at the departmental inquiry?—I am not in a position to say.

32. What was this driver's complaint, or what was the finding?—I read you copy of his letter. They were taking a train in, and before the train was clear the tablet-porter apparently lowered the signal. He was dealt with.

33. Was that the same tablet-porter?—No. This matter has really no bearing on the question at all. Of course, each case that comes before my notice is dealt with very fully on its merits.

34. And did you consider it sufficiently serious to punish that particular tablet-porter?—He was punished, but not fined. The action I took was to take him away from the tablet station and put him in another position.

35. You did not think it was sufficiently dangerous to fine him?—No, in this particular case I did not. From my experience I considered that a caution would meet the case.

36. But when he signalled he gave the line as clear?—But there was no chance of an accident the way the trains were coming.

37. Have you received any complaints from the Engine-drivers and Cleaners' Union asking for any distant signals to be put up?—No, that would not come before me.

38. Can you tell the Committee anything as to why the signal at New Lynn was moved?—I have no recollection of it. I might state that I understand the home signal is visible nearly half a mile away, and the moving of the signal would not have made any appreciable difference that I know of.

39. That is in the ordinary running: would it not make any difference in a fog?—Of course, it is just a question of sight. You cannot sight anything as far away in a fog as on a clear day.

40. You heard the evidence given that the driver could see the signal 30 yards away?—Yes.

41. If the conditions were the same—namely, that the signal could be seen 30 yards away—would there be any greater chance of pulling up the train at the old place before it got on to the bridge?—I do not think I am in a position to say one way or the other. I could not really decide such a point.

42. When a man passes a signal and sees it is against him, his first duty is to pull up the train immediately?—Yes.

43. If he had seen that signal 300 or 400 yards farther up the hill he could have pulled up the train in the same distance?—He might have done.

44. Do you consider New Lynn Station is at the foot of a grade?—No.

45. Therefore the regulation does not apply to that?—No, not in my opinion.

46. *Mr. Green.*] Do you know why the practice of shunting at the north end of the station has been discontinued?—Yes. In this case the tablet-porter after the accident brought the train into the station and then put it into the siding, and although I did not consider it was a dangerous thing to do, I considered it advisable, seeing that there appeared to be a feeling regarding the matter, to simply issue instructions to tell them to take the trains in at the south end.

47. You consider it safer now?—No, I do not consider it safer. If each man carried out his duty the previous practice was just as safe.

48. What is the necessity for the appointment of a fog-signalman at New Lynn Station now?—The reason seems to be obvious—the driver overran the home signal.

49. Supposing that the Auckland train is running late and the Henderson train is due at the same time, that the morning was foggy, how can one man carry out the fog-signalling at both ends of the yard at the one time?—I am not an expert at one man doing two men's work.

50. Would it not be necessary to have two men in such a case to carry out the work in a heavy fog?—The position is that this man in charge on this morning apparently considered it unnecessary to take out fog-signals. The question of taking out fog-signals rests with the man in charge.

51. Do you suppose that the one man appointed could carry out the work of fog-signalling without an emergency man?—He has got an emergency man there. It was deemed advisable to inform him that in case of necessity he was to call this man out.

52. There was never any necessity before?—The accident shows that there was some necessity for it in a measure.

53. In regard to train-crossing, do you know that instructions were given in reference to trains arriving pulling in at the top end?—In view of the fact that the driver overran his signal I deemed it advisable, until the matter was settled, to advise the porters to take trains in at the top end.

54. *Mr. Mack.*] As Traffic Manager do you think it necessary that you should instruct every one of your staff how to carry out a particular shunt?—It is absolutely impossible.

55. It is left to them to do it in the best way possible?—Yes.

56. And does the fact of instructions being given to the driver of a train to run into a siding at the nearest end entirely eliminate the possibility of accident?—No.

57. As long as the human element is there there is a possibility of accident?—Yes, undoubtedly.

58. *Mr. Kennedy.*] Who is responsible for the appointment of a fog-signalman at New Lynn?—The officer in charge at New Lynn.

59. Is there any other officer who has to see to it?—I am responsible to see that all the regulations are generally complied with, but to expect me to see that every man carries out the rules and regulations is a physical impossibility. I have a staff of eight hundred men under me over a mileage of 450 miles.

60. And who is responsible for seeing that train-crossing is carried out in accordance with the rule?—The Traffic Manager, with the assistance of his Inspector.

61. Were there any fog-signalmen appointed for New Lynn prior to the collision?—I think not.

62. Both have been appointed since?—The second tablet-porter has been told to assist there when necessary.

63. Have they been appointed at any other station since the accident?—Probably. That is a matter of detail.

64. Have you heard of any reports or complaints about the system of crossing trains at New Lynn before the accident?—No.

65. Did your Traffic Inspector report to you about the 23rd May anything with regard to the crossing of these two trains?—Only in connection with a case that Mr. Dickson referred to that occurred in February. I explained that those trains were coming in and the signal was lowered before one train was clear, and the tablet-porter was taken away from New Lynn and placed elsewhere.

66. After that did the tablet-porter tell you anything about what he was going to do in future or did you instruct him?—The instructions I issued to New Lynn were after the accident.

67. Did you not have a conversation with one of the tablet-porters prior to the accident with regard to this little trouble?—No.

68. Did he not tell you that No. 5 was now being brought direct into the siding?—No, I heard nothing at all about that—not prior to the accident.

69. The porter in charge of the signalling at the station on the morning of the collision was suspended?—Yes, he was.

70. And after the Department had investigated the matter thoroughly they dismissed the tablet-porter?—Yes.

71. Can you tell me why the tablet-porter was dismissed?—I do not know.

72. I want you to assume that they were in a fog on the morning of the 28th May—a dense fog: do you think that fog-signalling should have been carried out?—Fog-signalling should be carried out at every station where there is a dense fog.

73. I said “fog”—the regulations does not say “dense fog”?—I must leave that to the officer in charge.

74. If there was a fog on the morning in question should No. 5 have been shunted in the way it was?—That is a matter that must be left to the officer in charge. You cannot expect me to say Yes or No, because a man must be guided by the circumstances, and I am not in a position to judge what the circumstances were on this particular morning.

75. I am asking you to imagine that there was a dense fog?—I cannot say.

FRIDAY, 19TH SEPTEMBER, 1913.

WALTER BOWLES further examined on oath. (No. 24.)

1. *The Chairman.*] I understand you wish to make a statement?—Yes. Before continuing my evidence I would like to correct some little discrepancy in connection with my answer to a question put to me yesterday by Mr. Dickson, and I should like to place the matter perfectly clearly before the Committee. On the 10th February Driver R. C. Dobbie, who was on No. 5 train, reported that on coming into New Lynn, Tablet Porter Mooney pulled the lever signal for No. 6, and then put it at "Danger." That is a breach of Rules 123 and 124. I have since looked up the file, and I find that on the 8th March I severely cautioned Mooney. In connection with this report another case was referred to me. I think on the 21st April I received an intimation that Driver Munro had reported an irregularity at New Lynn on the 28th February. This matter was investigated, and on the 24th May it was reported to the General Manager. Porter Mooney was the man concerned. It was a case where he allowed one train coming in on the main line to go into the siding at New Lynn whilst there was a train coming in on main line at the other end. The matter was not very serious, and on the 24th May I gave instructions that Mooney was to be transferred from the charge of a tablet station to another station, and he went eventually to Onehunga. There are so many reports about various matters passing through my hands that it is quite impossible for me to remember everything that goes through. I wish to be frank with the Committee, and I do not wish to make any statement which is not, as far as my recollection goes, correct. These are the only two cases that occurred, to my recollection. The 24th May was only a few days before the accident, so it is quite easy to be out a few days. I make this statement, gentlemen, with the full assurance that the Committee will accept it as being perfectly frank.

Mr. Dickson: After hearing Mr. Bowles's statement I do not now consider it necessary to call Mr. Dobbie as a witness, and I move that the motion which was agreed to yesterday be rescinded. [Motion rescinded.]

2. *Mr. Kennedy* (to witness).] You say that on the 24th arrangements were made for the transfer of Mooney to Onehunga?—Yes, the 24th May. My reason was that I did not consider it wise that he should remain in charge of a tablet station.

3. I want to know if special instructions are now issued for the crossing of Nos. 5 and 6 at New Lynn?—The instruction issued to New Lynn was that they should cross trains by taking the train going to Henderson into the siding at the Auckland end. I did that on account of the talk and apparent desire on the part of some people who wished it altered, but not that I admitted anything at all in connection with the matter.

4. Have instructions regarding crossing of trains been issued to any other station near New Lynn since the accident?—I think there were to Mount Eden. It came under my notice that there was some talk all along the line, and I deemed it advisable that the staff should deal with the matter to stop the talk.

5. Assuming there was a fog on the morning of the accident at New Lynn, should fog-signalling have been carried out?—It would have been advisable. The man in charge could have placed fog-signals on the line if necessary.

6. And should No. 5 have been shunted in the manner it was without fog-signals?—I do not know. The fog-signals are there to protect incoming trains.

7. Say in a dense fog?—In a dense fog the officer in charge is responsible and should take the necessary precautions.

8. Should there have been detonators used if there was a dense fog?—Probably. I should have done so if I had been in charge.

9. *The Chairman.*] It would depend upon the density of the fog?—Yes. It is a matter that must be left entirely in the hands of the officer in charge; the rules provide for it.

10. *Mr. Kennedy.*] Are you aware that the Engine-drivers' Union has drawn the attention of the Department to the fact that fog-signalling was not being carried out on the Auckland Section?—I am not positive. I believe attention was drawn to it, but I have no recollection of seeing it on paper.

11. There were no instructions given by you with regard to the crossing of Nos. 5 and 6 prior to the collision?—The rules provide the necessary instruction. It is not necessary for me to repeat the rules to the staff. I gave no instructions.

12. Rule 250 states, "All trains taking sidings to allow other trains to pass or cross must, unless otherwise instructed, enter from the nearest end, and must not draw ahead and back into the siding except under proper protection"?—The trains were under proper protection inside the home signal.

13. In a dense fog without detonating signals?—The man in charge is responsible.

14. But you said that in a fog you yourself would put detonators out?—Yes, I should if I considered it necessary. I should have to be the judge if I was on the spot.

15. But with no detonators out and no special instructions from you, I take it that this rule means that the train should draw in at the first points?—It may be advisable to do that, but the rules provide for it.

16. On the morning in question if No. 5 train had drawn in at the first points, would it be possible for the collision to have taken place?—If a man would overrun a signal he would overrun the station.

17. That is not an answer?—It is impossible for me to say.

18. If the train on this morning had drawn in at the first points it would have been in the loop and not on the main line?—It would.

19. Would it have been possible for the train that did run into the station to have been collided with if it had been in the loop?—If it had been fully in the loop it is obvious it could not; but at the same time if a man comes down with his train at an excessive speed he might run into the station.

20. *Mr. McVilly.*] Rule 250 states, “unless otherwise directed to the contrary.” That refers to the action to be taken by the officer in charge of the station at the moment?—I think so.

21. He is the man who is in a position to judge what steps it is necessary to take to secure the safety of any movements he is taking?—That is my experience.

22. If the officer in charge concurred in the pulling of train No. 5 back on this particular morning under cover of the north home signal, would you conclude that he was perfectly satisfied that that movement could be made with absolute safety?—Yes, I should assume that would be the position.

23. And that before doing it he had considered all the circumstances and the surroundings of the moment?—Just so.

24. Now, the rules of the service are framed on the assumption that there will be co-ordination among all the men who are engaged for the moment in handling the trains?—That is the position.

25. And special rules are provided dealing with almost any emergency or any ordinary operation that may occur in connection with railway working?—I take it so.

26. Now, in this connection Rule 82 provides that the home signal must never be passed when at “Danger”?—Yes.

27. That is an indication to the driver as to what he is to do when the signal is against him?—Yes.

28. Rule 157 lays down that a train must not be moved from the main line into a siding or from a siding on to the main line, or allowed to stand on the main line, unless protected by the proper signals?—Yes, the rule provides that.

29. If the north home signal standing at “Danger” was against No. 6, would you not expect the driver of that train to comply with Rule 82 and stop before fouling that signal?—Most decidedly.

30. And under those circumstances the movement that was made on that particular morning with No. 5 would be safe and justified under Rule 157?—Yes, in my opinion.

31. If the fog on this particular morning was so dense that the driver of this No. 6 train could only see 30 yards ahead, would you expect him to come down relying on detonators, or to exercise the care that is provided for under Rule 208 in regard to reducing speed in a fog?—I should certainly expect him to exercise care, and from my long experience of engine-drivers and trains it is usual for them to slow down if they are not sure of their position.

32. You were asked yesterday if the north home signal were shifted further out whether it would be an extra safeguard, and if the driver of No. 6 would have had a better chance of stopping before colliding with the other train. If the home signal was shifted further north it would have reduced the distance from the foot of the grade to the signal, and therefore shorten the space in which the driver had to control his train?—Yes, coming down the grade.

33. Would it have prevented him overrunning the signal?—Not in my opinion.

34. Assuming that signal was further north, would not that have given the officer in charge of No. 5 the right to pull out further north under cover of the signal?—Yes.

35. The fact of the signal being shifted to its present position does not affect the position at all?—No, I do not think it does.

36. Any difference would be in favour of No. 6—it would give him a better opportunity of stopping his train by reason of the extra distance he has along the flat?—Coming off a grade of 1 in 200 would make a great difference, and would enable a man to pull up much easier than on a grade of 1 in 45.

37. Supposing a man running past a home signal at a speed that causes him to drive another standing train 110 ft. when he strikes it, if a man was pulling in, have you any guarantee that he would not collide with the train?—No; there is just the same possibility of his striking the train side on.

38. The position seems to be, then, that the driver of No. 6 came down the hill and along that flat at too great a speed and overran the signal?—That is my firm opinion.

39. In your opinion that was the cause of the collision?—Yes, that was the real cause.

40. *Mr. Hine.*] With regard to removing the home signal further north, I understood you to say in answer to Mr. McVilly that the driver would be just as likely to overrun the signal if it had not been removed—that the driver of the other train would have to go further up the line, and therefore the risk of colliding would be in no way obviated?—That would be the position.

41. For what reason would he need to go up the line?—It would depend on the length of his train. If he were to pull out at Henderson end to back in, the length of his train might cause him to go beyond the present site of the home signal. If a train was 300 ft. long and the signal was 250 ft. away, the driver would be 50 ft. beyond the signal. The rule provides that shunting may be done inside and under protection of the signal, and so long as the man keeps within the signals he is acting in accordance with the rules.

42. What I understood from the evidence was that had that home signal been further away the danger would have been minimized to a large extent?—It is problematical.

43. And the question Mr. McVilly put was that in all probability the driver of No. 5 would have gone further away?—He might have, because he would have a right to go up to the signal. If he had a 300 ft. train and the signal was 250 ft. away he could not get beyond the points to set back, but he would be able to draw further up and set back.

44. There would be reason to go beyond the points?—He would only need to get his van beyond the points.

45. *Mr. Dickson.*] You stated in reply to Mr. Kennedy that you had altered the system at Mount Eden Station, through agitation and talk?—Yes. It was similar to the New Lynn one.

46. Was that alteration made before the automatic points failed to act at Morningside—before the accident at Morningside?—It was about the time of the New Lynn accident.

47. But just after the New Lynn accident you had another accident from the automatic points refusing to act at Morningside, and the train went on the wrong line?—You mean the time the engine went on to the deviation?

48. Yes?—It was before that.

49. So that the Morningside accident had nothing to do with altering the system at Mount Eden?—No.

50. That was prior to the Morningside incident?—Yes.

51. You stated that you have a very large section of railway to look after. Do you consider you have got too much to look after?—I do not know—I have made no representation about that. I do not know that I have. I may say that in all districts which are increasing as fast as the Auckland Section the business is a constantly growing one, and requires a vast amount of attention, which is given. I think that the supervision I exercise ought to be quite sufficient.

52. With regard to the question asked you by Mr. Hine, the evidence that was given here was that the driver did not see the signal till within 30 yards of the signal-post. Supposing the home signal was back at its original place, would not that minimize the danger if there was a fog? The driver could only pull up in a certain distance, and if the home signal was further away from the bridge the driver would have a better opportunity of pulling up before he ran into the other train?—I do not know. It depends on the train. I do not think it would have made any difference. It is a question that I do not feel competent to answer. I am not a locomotive expert.

53. Suppose that the driver can pull up in 300 yards; he was 30 yards off that home signal when he saw the signal: that would bring him 270 yards past the signal before he could pull up, would it not? If the old signal was 400 yards further back than the present one he could have pulled up in less distance than that; he would have been about 30 or 50 yards on the north side of the present signal?—He might or he might not. It is really a matter of opinion. I could not say positively one way or the other.

54. But we all know that the train would not travel any further than necessary past the points—the distance you would go past the points is determined by the length of the train?—Quite so.

55. The grade where the old signal was situated is practically the same as where this one is?—If you want my opinion on the matter I will say that I am firmly of opinion that if a man will not run cautiously and look out for signals it does not matter where you place the signals.

56. *Mr. Kennedy.*] You have said that in your opinion the driver of the train was running at too high a speed to stop at the signal, and that is why he passed it?—I did not say that he was running at too high a speed: I said “probably” he was running at too high a speed.

57. In your opinion, that is?—That is my opinion. Of course, I do not say that it is correct.

58. You have no evidence to bear it out?—No.

59. In your opinion is New Lynn Station near the foot of a grade?—No, I do not consider it is. If you want an illustration of a station at the foot of a grade take Newmarket or Green Lane.

60. What is the meaning of the word “grade”?—It applies to anything that is off the level.

61. Is it level at this signal at New Lynn?—No. There are degrees. You might have, say, 1 in 2,000: that is not level—that is a grade.

62. One in 200: is that level?—No, it is a grade.

63. The rule does not make exception as to what the grade: it merely says “grade,” does it not?—Yes. That leaves discretion. You cannot bind everybody down.

64. There is a grade right down to within a chain and a half of the home signal at New Lynn?—Yes.

65. What marks the station boundary on a road?—The home signals.

66. So that when you have arrived at the home signal of a station you can practically say you have arrived at the station?—You have arrived at the station, but are not in the limits.

67. This grade, though it is light at the finish, runs to within a chain and a quarter, I think it is, of the home signal at New Lynn—this grade of 1 in 204?—Somewhere about that.

68. Notwithstanding that fact you do not think that New Lynn is near the foot of a grade?—No.

69. With regard to the alteration of that signal, your answers lead me to believe that you are of opinion that a train shunting in the yard was quite at liberty to draw right up to that signal?—Yes.

70. That quite close up to the signal is safe?—I consider so.

71. There is a rule here that has not been quoted, No. 161: “When a train has to be shunted from one main line to the other to allow a following train to pass, such train must be set well within the home signal so as to be efficiently protected by it from any train or engine approaching from the opposite direction.” Does that not indicate to you that when these regulations were

framed it was considered safer to be well within the home signal than to be close up to it?—Yes; but you forget that to be “well within the home signal” means that they must be well clear of the main line. You must be well clear of the main line on getting into the siding.

72. Any through siding is still a main line, is it not?—Read the rule on to (b), taking it as a whole.

73. There are two main lines where trains cross?—Not necessarily.

74. That was a through siding there?—It was at New Lynn.

75. My point is this: in the regulation there is a certain amount of stress placed on the fact that an engine or train should be placed as far as possible within the home signal?—Quite so; but, as I explained, the train must be a long distance from the home signal to get into a siding clear. The rules must be read together to follow out the general meaning.

76. That loop line at New Lynn that No. 5 does now pull into to cross No. 6 is a main line, is it not?—That is a main line for crossing purposes, yes.

77. *Mr. Dickson.*] When you got the reports in about the accident from the tablet-porter, did you write and ask for a second report from either of the tablet-porters?—The report was made to my office. I happened to be away at the time, and I gave directions that the tablet-porter who was on duty that morning was to be suspended. I took no further action.

78. You did not ask for a second report?—No. I left the matter for the inquiry.

79. I mean, before the inquiry took place?—No, I have no recollection of asking for a second report.

80. You would not say you did not ask?—I would not say positively, but I am almost certain. The general practice in case of any serious irregularity is that the man is suspended, and the district officer takes no further action in the matter pending an inquiry; and I think I followed that practice.

81. *Mr. Green.*] Is it not a fact that the porter who is supposed to be off duty is in reality on duty twenty-four hours in twenty-four hours, owing to the fact that he may be called upon at any time to do fog-signalling duty, even now?—Every railway man is expected to come on duty for emergencies. He works regular hours every day, and although not tied beyond the working-hours, if he happens to be about he may be called upon to carry out any special duty.

82. Under the present regulations is it not a fact that the porter off duty cannot leave New Lynn without a permit from the Department?—I am not aware that such is the case. He is not expected to stay there day and night.

83. Supposing he had been there all night till 3 or 4 o'clock in the morning and had just gone to bed, and a fog arose through the valley just before the approach of the Henderson train, could you expect that man to attend to the fog-signal at both ends of the station at one and the same time?—I may perhaps enlighten the Committee to this extent: every railway man may be called out to work all sorts of hours on emergencies. I myself have had to work many long hours. But I do not call upon the staff to work beyond the ordinary hours unless there is something very exceptional. In the case that *Mr. Green* speaks of, if this man, after having gone to bed in the morning at, say, 3 o'clock when they changed shifts, was required out a little later to assist the tablet-porter on duty, then he would come out; but to say that this man is tied there and cannot get away in the twenty-four hours is entirely erroneous.

84. *The Chairman.*] In other words, he is not supposed to come back unless he is notified?—Certainly not.

85. *Mr. Green.*] In the event of a fog being all over New Lynn so that both the Auckland signal and the northern signal are obscured from proper view, is there any other emergency man to be got to assist this one tablet-porter to work that station when two trains are crossing?—Yes, if he likes he can call upon any one who is handy. In England it is the practice to call upon farm labourers or anybody who may be about if they are short-handed, and it was quite open for the tablet-porter to do the same here if necessary.

86. Some of the requirements have been pointed out by the New Lynn Town Board: have you any of the letters?—I have no recollection of any letter from the New Lynn people regarding the matter.

87. You previously stated that through the agitation of some persons at Mount Eden the conditions of shunting had been altered?—I mean to say that these matters were talked about. I said nothing about any communication whatever. The matter appeared in the *Auckland Star*.

88. *Mr. Hine.*] In case of a dense fog it would not be necessary to hold up both ends at the same time, would it?—No.

89. Therefore it would be unnecessary to have detonators at both ends?—It is a matter in which one has to be guided entirely by circumstances and the locality of the station. To lay down a hard-and-fast rule that each station is to do this or that is impracticable.

90. As long as precautions were taken to ensure that one train should stop it would be sufficient protection for the public?—If in any case the officer in charge deems it advisable to put out fog-signals at one end where he is crossing trains he can do so. It must be left to the officer in charge.

THOMAS AUGUSTUS FOWERAKER sworn and examined. (No. 25.)

1. *Mr. McVilly.*] You are Traffic Inspector on the Auckland Section?—Yes.

2. Your duty is to travel over the section and see that the members of the service comply with the rules and generally carry out their business efficiently?—Yes.

3. You report direct to the Traffic Manager if any irregularities come under your notice?—Yes.

4. How frequently have you visited New Lynn within the last twelve months?—I should say, about every second or third month.

5. Three or four times during the twelve months?—About half a dozen times.

6. During those visits have you ever seen anything in connection with the working of the station that you regarded as an irregularity?—No. I have seen no irregularities there at all.

7. From your personal observation did the man in charge of the station maintain proper discipline?—Yes, I consider so.

8. He worked the signals properly?—Yes.

9. And complied strictly with the rules in connection with the train crossings and matters of that kind?—Yes.

10. In your opinion, as a man who travels about the district, is New Lynn at the foot of a grade within the meaning of Rule 158?—No, I consider not.

11. Do you know the practice that was followed by Porter Mortimer on the morning of the 28th May in crossing Nos. 5 and 6?—Yes.

12. That is, he pulled No. 5 into the station on the main line, and after the engine had taken water they pulled north under cover of the "Danger" home signal to back into the siding, and No. 6 was coming down the grade at the time?—Yes.

13. You know Rule 82, which provides that a signal must not be passed when set at "Danger"?—Yes.

14. Do you consider that the movement of train No. 5 at the station was safe seeing that the home signal was standing at "Danger" for No. 6?—Yes, I consider it was.

15. Supposing you had been in charge of the station and you had the view that Porter Mortimer said he had—that is, he could see the north home signal from the platform about 300 yards away—would you have considered it necessary to put out fog-signals under circumstances of that kind?—No, certainly I would not.

16. Supposing the fog had been as dense as it has been stated to have been by the driver of No. 6—that is, that he could only see 30 yards ahead—what would you have expected him to do?—I consider he should have carried out Rule 208 and Rule 151, clause (b).

17. Supposing the fog-signal is not used, what should the engine-driver of No. 6 have done under the circumstances that he said existed?—He should have approached very cautiously.

18. Under Rule 208 he should have reduced his speed and taken proper precautions to protect the safety of his train?—Yes.

19. Would you have expected him to comply with Rule 211, which provides that engine-drivers must exercise caution when approaching stations, whether they are required to stop or not, and must approach terminal stations, crossing-places, or junctions at such speed as will enable them to stop their trains with the ordinary hand-brakes before entering the station limits?—Yes, I should certainly have expected him to carry that out.

20. Then, if the driver of No. 6 had acted in accordance with Rules 208 and 211 and come down that grade so that he could have stopped his train before passing the north home signal, the collision could not have occurred?—No, certainly not.

21. *Mr. Sykes.*] Do you think that on the arrival of trains at New Lynn the tablet-porter's duties are too onerous and that he is required to do too much?—No, I do not.

22. Do you think the tablet-porter stationed at New Lynn was a competent person?—Yes, certainly.

23. And one capable of maintaining discipline?—Yes, certainly, he was a very good man.

24. You have heard it said during the evidence that in the past several collisions have been narrowly averted?—I have heard that said in this room, but I am not aware of any.

25. *Mr. Dickson.*] How long have you been in Auckland on that section as Traffic Inspector?—Nearly three years.

26. And you stated in answer to a question by Mr. McVilly that the signals were always carried out satisfactorily at New Lynn?—Yes, as far as I am aware.

27. You heard the evidence given by Mr. Bowles?—Yes.

28. Did you hear him make a statement in regard to the previous tablet-porter, that the signals on two occasions were wrong and that the porter was removed from New Lynn?—Yes.

29. Did not that come under your notice?—One of them did.

30. And yet you tell us here that you knew nothing about the signals being wrong?—Not to my personal knowledge. The signals were always carried out correctly while I was there.

31. You gave us the impression that you did not know that any signals went wrong at New Lynn?—I did not intend to convey that impression, because I inquired into one; but to my own personal knowledge they were always right.

32. You mean that you never saw them wrong?—No.

33. You have inquired into a case where the signals were not correctly attended to?—Yes.

34. And through the inquiry you made the officer in charge was transferred?—Yes, as a result of that inquiry.

35. You were speaking about the engine-drivers. As Traffic Inspector, what control have you got over the man at the engine?—No control.

36. You cannot interfere with the engine-drivers in their work?—No.

37. As Traffic Inspector do you consider there is sufficient accommodation at New Lynn Station?—Yes, I do, for the ordinary business done there.

38. Had you anything to do with the recommendation in regard to placing the water-tank at the south end?—No.

39. Did you make a report to the Traffic Manager in connection with the New Lynn accident?—Since the accident I think I suggested that the water-tank should be put at the south end.

40. It was really on your suggestion that it was done?—No, I would not say that; it may have been on the plans.

41. You made a report on the requirements of the New Lynn Station?—At one time or another I have made a report.

42. You suggested in that report that the water-tank should be placed at the south end?—Yes, I believe I did.

43. What other suggestions did you make in regard to improvements in the yard?—I have made suggestions in regard to the Avondale race traffic.

44. Have those suggestions of yours been acted upon?—I could not say what action has been taken in the matter.

45. Have you been out there since?—Yes.

46. Do you know if those suggestions were acted upon in connection with the Avondale races last Wednesday?—No, I do not think they have been acted upon yet as far as I am aware.

47. In reply to Mr. Sykes you said that the tablet-porter has not too much to do when the two trains arrive at New Lynn?—I consider he has not too much to do with the assistance he gets from the train.

48. From your experience when a train arrives, do the guards give the Stationmaster that assistance which the Department expects them to do?—Of course, that is left to the man in charge. If they do not do what is required the man in charge has the responsibility.

49. You know that New Lynn is a station with a lot of shunting?—Yes.

50. Is it not usual for the man who is looking after the train to go and see what trucks are to be put on?—Yes, and shunt his own train.

51. And do you not consider there is too much for the tablet-porter to do when he has to issue all the tickets that are issued on a Monday morning?—No, I consider not.

52. And you think he is a capable and good officer?—Yes.

53. Well, can you tell the Committee why he was dismissed?—No.

54. Do you not think it is a pity to lose a valuable officer if there is nothing against him?—I could not say.

55. Do you not think the Department is making a mistake in dismissing a good officer if there is nothing against him?—I would not say.

56. *Mr. Green.*] What speed do you call a cautious speed coming down Scroggy Hill?—If it was in a dense fog I should say a cautious speed would be eight or ten miles an hour.

57. You would not call fifteen miles an hour an excessive speed, would you?—Yes.

58. During the time you have been in the Auckland Province have you ever seen any practical demonstrations given of fog-signalling?—Yes.

59. How long ago was it, and who was there?—There is very little fog in or about Auckland. At Frankton and Taumarunui the demonstrations were given.

60. But there have been none on the Henderson line?—No.

61. You have not been there early in the morning?—No, excepting when coming from Henderson.

62. Have you ever seen any fogs rising on the flat?—No, I have not seen any fogs worth calling a fog up that line.

63. Do you think it would be possible to see the semaphore from the middle of the platform if there was a fog?—Not if there was a dense fog.

64. Say, in an ordinary fog?—Yes, it would be quite possible.

65. Do you know that the branches of the trees extend out 8 ft. and block the view of the semaphore?—No, I have not noticed them.

66. You know there is a curve at the north end?—Yes.

67. It is about 27 ft. from the nose of the crossing to the switch?—I could not say anything in regard to the distance; it is not in my department.

68. You do not know who gave the instructions for the train to do the shunting at the south end of the station?—No, I do not know.

69. Can you tell me why Mortimer was shifted?—No.

70. *Mr. Kennedy.*] You have said that it is your duty to see that the rules and regulations with regard to train-running are complied with?—As far as is in my power.

71. Do you know whether Rule 148 (b), which provides for fog-signalling, was carried out at New Lynn previous to the collision?—It was not carried out on that particular morning, and it has not been carried out since. It is one of those stations at which we did not think it necessary.

72. Was fog-signalling carried out prior to the accident?—Not to my knowledge.

73. Then, as far as fog-signalling is concerned the rules were a dead-letter?—No, the apparatus was there if it was found necessary to use it.

74. Do you not think the rules relating to fog-signalling are very important seeing that they affect the safety of the public?—They are very important in a way, certainly.

75. Do you not think they should have been carried out in their entirety at New Lynn?—No, not on the day of the accident.

76. Do those rules apply to New Lynn the same as to other stations?—Yes, certainly.

77. Rule 155 reads, "At all signal-boxes (whether intermediate or otherwise) where no fog-signalmen are appointed, or where such men are appointed but have not arrived, the signalman, when he requires to stop an approaching train, in addition to keeping his signals at 'Danger,' must place two detonators on the line to which the signals apply, sufficiently apart to give two distinct reports." Surely this rule is intended to meet any neglect on the part of the men who are to carry out Rule 148 (b)?—No, there is no neglect. It is to carry out the fog-signalling regulations where it is not considered necessary to appoint fog-signalmen. I do not see that one man can do two men's work. He must do the best he can.

78. Since the accident has Rule 148 (b) been brought into force?—No.

79. Fog-signalmen have not been appointed at New Lynn?—No, I do not think so.

80. Is it not a fact that the porter who is off duty has now to see to it?—Should the porter consider it necessary to put out fog-signals he may call on the porter off duty.

81. That was not in existence before the accident?—No.

82. Is not that tantamount to appointing fog-signalmen?—No.

83. If there was a fog at New Lynn on the 28th May last, should fog-signals have been put out?—Yes, if dense.

84. And if there was a fog at New Lynn on the 28th May last, was it a breach of the regulations for No. 5 to pull out and back in at the south end?—Yes, if there was a dense fog, certainly.

85. Would it be possible for one man to carry out fog-signalling at New Lynn?—Yes, quite possible.

86. In the manner described in Rule 155?—Yes. He has to do the most important train first.

87. Have you examined the porters at New Lynn with regard to the rules and regulations?—Yes. I examined them about twelve months ago last June. This year I missed them.

88. That was about eleven months prior to the accident?—Yes.

89. Did you examine them in the rules relating to fog-signalling and crossing of trains?—Yes.

90. Are you quite sure they thoroughly understood them?—Yes.

91. Did the examination deal with the appointment of fog-signalmen?—No, not with the appointment.

92. Had you occasion to inquire into any signal irregularities prior to the collision?—Yes, the one in February mentioned by Mr. Dickson which inquiry was about a week prior to the accident. There was only the one as far as I know.

93. Did you ascertain by that inquiry how No. 5 was being shunted to allow No. 6 to pass?—No, I did not ascertain that, but when I went out to inquire into the signal irregularity committed by Porter Mooney he said that, ever since, No. 5 train had been brought in at the nearest end. I reported to that effect to the Manager a week before the accident.

94. Did you impress on him that it was necessary to bring it in at that end?—No, I did not consider he was wrong in pulling the train ahead and backing it into the siding. I did not consider he was wrong, although he said that ever since he has brought it in at the nearest point to obviate any risk.

95. But there was no question of fog?—No, that is right.

96. Do you not think it is more desirable that the rule should be carried out—Rule 250?—He did not break the rule.

97. From your experience as a railway man do you not think it is better to pull in at the first points into the siding or go up on the main line and shunt?—I think it is better.

98. It is safer?—I do not know that it is safer. It is better: it is no safer.

99. In the event of the train from Scroggy Hill, either through carelessness or inability, or anything else, rushing down the hill, do you not think there would be less chance of an accident if No. 5 was always taken in?—Yes.

100. Then it would be a safer system to bring it in there?—Yes, in that way.

101. Now, if it was a foggy morning would the manner of shunting those two trains on that morning be contrary to regulations?—Certainly, if dense.

102. One of the tablet-porters told you on about the 20th or 24th May that in future he would always bring No. 5 into the siding?—Yes.

103. With regard to the irregularity that happened, he said there had been a misunderstanding between him and the assistant on the train, and he was not going to run any risk of a repetition, did he not?—Yes.

104. So that evidently Tablet Porter Mooney himself was under the impression that it would be safer to pull into the first pair of points?—Yes; he said he would not risk it again.

105. He recognized there was a risk, then?—That is what he said.

106. Have you yourself seen trains crossing in this manner at any other station?—No.

107. Do you consider that New Lynn is near the foot of a grade?—No, I do not, in view of other stations that are at the foot of a grade. There is 200 yards of level road and another 200 yards on a grade of 1 in 204.

108. Starting from Scroggy Hill you have a grade of—?—One in 45 at Scroggy Hill itself. Then you go on to about 1 in 204 for about 200 yards, and then another 200 yards level.

109. Is it level before you get to the home signal?—No, before you get to the station.

110. The station begins at the home signal, does it not: that is the stopping-place for the driver?—Yes.

111. He had not got the level to run on, had he?—One in 204 is practically level.

112. When do you strike the level when you come down?—At Titirangi crossing.

113. How far is that off the home signal?—I could not say from memory.

114. You have never done any engine-driving, I suppose?—No.

115. You have not had any experience in the running of trains?—No.

116. You cannot speak with first knowledge of speeds?—Oh, yes; from travelling as a passenger I have an idea at what speed a train is running. I have a pretty good knowledge of speeds.

117. You have stated that the engine-driver on this particular morning, with a fog at New Lynn, should have run cautiously?—Yes.

118. Will you let us know what you think would be a proper speed for the driver to follow from the time he entered the fog until the train was stopped?—I would not say anything in regard to speed. All I say is that he should run cautiously.

119. If you could say something with regard to speed then, why do you now object to answering any question?—If you ask me a question I will answer it, but on the general question I cannot answer.

120. What is the maximum speed at that part of the road: what is the driver allowed to run at?—I believe the time-table says twenty-five or thirty miles an hour. Whether there is any restriction back there I could not say.

121. If a driver were running at twenty-five miles an hour on a portion of the road where he was allowed to run thirty, would you consider he was running cautiously?—In clear weather.

122. You have said that you would not consider a driver was running cautiously if he were running fifteen miles an hour?—I would not if he was in a dense fog in that locality. Fifteen miles an hour in that particular locality I would not consider cautious running.

123. At which part of the grade do you think he should have reduced speed to fifteen miles an hour?—Right from Titirangi crossing.

124. Practically what you call the bottom of the grade?—Yes.

125. I meant, in running down the hill long before that. You think that if he had brought his speed down to fifteen miles an hour at Titirangi crossing he would have been running cautiously?—He would be running cautiously going down the hill at fifteen miles an hour.

126. You would only expect him to reduce speed further after he got to that point?—That is so.

127. You heard Driver Bennie's evidence when he said that he pulled ahead and stood for three or four minutes waiting for a signal to come back, and you also heard Porter Beary's evidence?—I did not hear Porter Beary's evidence.

128. Porter Beary gave evidence, but unfortunately he is not at this inquiry. The driver could not get a signal to come back: you know that?—No, I do not. I have not shunted a train round that bend.

129. You were here when Driver Bennie gave his evidence, were you not?—Yes, I know what he said.

130. He stated that he stood waiting for three or four minutes for a signal to come back and could not get it; yet you heard Mr. Mortimer, the tablet-porter, state that he could see 200 or 300 yards. How can you reconcile those two statements?—The driver, as he says, was round a corner, and Mr. Mortimer could see the semaphore in a straight line. Driver Bennie could not see on account of the bend in the train, I understand.

131. The man who shunted him said that he could see the engine?—He could see certain parts of the engine, but not the driver.

132. Yet he could not get the signal?—I could not say anything in regard to that. I have not shunted a train there.

133. You will admit, I suppose, that there is a discrepancy between the two men's evidence?—No, certainly not. There is no discrepancy at all that I can see.

134. How do you account for the difficulty in getting that train back once it had pulled ahead?—Owing to the bend and the twist of the train.

135. But it was a common thing to shunt the train like that?—I cannot say anything about that. I have not been there at the shunting of the particular train.

136. You can offer no explanation why this train stood for three or four minutes?—No.

137. You see trains entering stations where they are crossing, do you not?—Yes.

138. And you have noted the speed of them when entering those stations?—Yes, occasionally.

139. Do you think that all those trains that you see entering crossing-places could, if necessary, stop with a hand-brake?—It all depends on circumstances—what station it is.

140. And the speed?—And the speed.

141. Do you think they have sufficiently reduced their speed to stop clear of any obstruction on the line?—Yes, as far as I am aware.

142. Have you ever stood here at the Wellington Station and seen the trains coming in from the Wairarapa?—I may have—I could not say.

143. *Mr. McVilly.*] Regarding the time that No. 5 is stated to have stood at the bridge, the train journal shows that No. 5 arrived at New Lynn at 6.44 and that No. 6 arrived there at 6.48: that is a total of four minutes' interval between those two trains. In that four minutes No. 5 had to pull up and take water at the tank, and other operations, I suppose, were performed before the driver drew down. Did you hear Driver Bennie say that he admitted the accuracy of the times shown in the train-book?—Yes.

144. Did he not also admit that under those circumstances he could not have stood three or four minutes?—That is so.

145. With your knowledge of the deception of time, do you think it possible or probable that he stood there three or four minutes on the main line waiting for a signal?—No, certainly not. I reckon that he would not stand there more than one minute.

146. From your experience as a railway man, if you ask a man how long he thinks he has stood there and you put the watch against him, how many men could tell you?—Very few.

147. In a case of this kind, then, where a collision occurs, the tendency would be for the driver of No. 5 to be out in his reckoning as to the time he stood there?—Certainly.

148. In view of Driver Bennie's statement and what I told you just now, do you consider that No. 5 stood an undue length of time on that main line after she pulled ahead?—No, I do not.

149. Now, Rule 148 (b) does not apply to New Lynn, does it?—No.

150. "A list of names and addresses of fog-signalmen, showing the post to which each man is appointed, must be kept exhibited in a conspicuous place in the Stationmaster's office and signal-box." Assuming that there was no such list there, you would expect the signalman to comply with Rule 155, you say, in case of a dense fog?—Certainly.

151. You would not consider it necessary, would you, in a case where the signalman could see 330 yards?—No, certainly not.

152. We had it from Driver Bennie that while his engine was standing at the tanks he saw the distant signal, before he moved, standing at "Danger": that is a distance of about 12 chains—262 yards?—Yes.

153. You would not consider it necessary to do anything under Rule 155 under those circumstances?—No. Mr. Kennedy asked me that question assuming there was a fog.

154. Mr. Kennedy is presupposing a dense fog, but he is putting his question as if there were an ordinary fog. Are your answers to Mr. Kennedy given on the presumption that he is referring in every case to a dense fog?—That is what they were, certainly.

155. And not to the circumstances that prevailed at New Lynn on the 28th May?—No, certainly not.

156. With regard to the alteration of the system of crossing Nos. 5 and 6, is it not a fact that Tablet Porter Mooney himself altered this arrangement, because he found that one method delayed No. 5, and he adopted another method to get No. 5 away?—Yes.

157. Then he wound that that delayed No. 6, and as No. 6 was more important he adopted another?—Yes.

158. On his own initiative?—Yes.

159. But the fact that he adopted that practice did not make it irregular under Rule 157 for Mr. Mortimer to follow out the practice that he carried out on the 28th May—that is, to pull No. 5 up to the platform and back her in from the north end? Under Rule 157 that was justifiable and safe?—Yes.

160. Always providing, of course, that the home signal was at "Danger"?—That is so.

161. With regard to the chances of collision being lessened if No. 5 were put in at the south end: suppose No. 6 were driving into the station recklessly, could not a collision occur no matter which way you put No. 5?—That is so.

162. Of course, if the main line were clear down to Avondale, for instance, the chance of a collision at New Lynn would be still further reduced?—That is so.

163. With respect to the question of your control over the engine-drivers, you meant in the matter of duty, directing the driver to do something?—Yes.

164. If you saw an engine-driver disregarding a rule and jeopardizing the safety of the public would you report it?—It would be my duty then to report it.

165. *Mr. Dickson.*] With regard to that last question asked you by Mr. McVilly, you said that your answers were given on the assumption that Mr. Kennedy was referring to a dense fog and not to "the circumstances that prevailed at New Lynn on the 28th May." What do you know about the circumstances that prevailed at New Lynn on that day?—I know nothing; I was out of the district at the time.

166. Therefore you do not know what the circumstances were?—Only by the evidence.

167. You do not know whether those answers you gave Mr. Kennedy would apply to New Lynn or not?—They apply to New Lynn under a dense fog.

168. *The Chairman.*] You do not know whether there was a dense fog or not?—No.

169. *Mr. McVilly.*] You know what the circumstances were according to the evidence?—Yes; that is what I said.

170. *Mr. Kennedy.*] When Porter Mooney on the 21st or about that time told you that he had decided in future to bring No. 5 into the siding at the first points, did you understand that both porters were going to do that?—I understood from the way in which Mr. Mooney gave the reply that it was in the plural—that they were not going to take any chances.

GEORGE EDWARD RICHARDSON sworn and examined. (No. 26.)

1. *The Chairman.*] What is your occupation?—I am locomotive engineer at Petone.

2. *Mr. Dickson.*] What was the date when you were transferred from Auckland to Wellington?—11th or 12th May.

3. On the 10th February there was a matter about the New Lynn Station in connection with Engine-driver Dobbie: did you hold that inquiry, or did it come before you?—No, I had nothing to do with that inquiry.

4. You cannot tell us anything about it?—No; I do not remember anything about it.

5. I suppose the file would be in Auckland?—Yes, in the Auckland office—part of the papers.

6. I understood from Mr. Bowles that you dealt with the matter?—There was a case—I do not know the dates.

7. I will tell you what it was. Engine-driver Dobbie refused to back his train at New Lynn in the way they were doing, as he said it was contrary to the regulations—that he was fouling the main line. I asked Mr. Bowles about it, and I understood him to say that you dealt with it, and he quoted part of a letter?—If it was reported by the driver to me I reported it to Mr. Bowles.

8. Mr. Bowles could not tell us anything about it, as you dealt with it. I want to know if you can give us any information on the point. Was the driver right in making that objection? Did you uphold the engine-driver or did you find fault with him?—It is hard to remember things that happened so long ago. I can remember something about a report. I remember getting a report from the driver, but I do not recall that it was Driver Dobbie. I thought it was another driver.

9. Was it objecting?—Pointing out something at New Lynn. I could not tell you now what it was, except that it was something to do with coming up to the station in that way. I could not tell you the details with certainty.

10. You cannot give us any information without the papers, then?—No. There was no inquiry held, I am sure. It was just simply that reports were obtained from the various men concerned.

11. There were reports, and you would give your decision?—Yes.

12. What we want to get at is what your decision was—whether the tablet-porter was right or whether there was a breach of the regulations?—I do not remember sufficient about the matter to make any statement concerning it.

13. Anyhow, you know that such a complaint was made?—I remember that there was a complaint made, but I did not know it was Driver Dobbie. It thought it was Driver Bennie, speaking from memory.

14. Do you deal with letters that come through in connection with distant signals—from, for instance, the Engine-drivers' Association?—No; they correspond with Head Office.

15. You cannot tell us why that home signal was shifted at New Lynn?—No.

16. *The Chairman.*] Has it ever come under your notice that there were irregularities in the shunting at New Lynn?—Only on this one particular occasion, and I reported the matter at once.

17. Who was the porter then?—I could not tell you—he does not come under me.

18. *Mr. Green.*] Have you ever run over this length of the Auckland Section?—Yes, I have been over it a good many times in the train and on the engine.

19. *Mr. Kennedy.*] You know New Lynn Station?—Yes.

20. Will you tell the Committee whether you consider New Lynn is at the foot of a grade or not?—Yes, I consider it is.

21. There is a provision in the rule-book for fog-signalling?—Yes.

22. Do you think fog-signalling should be brought into operation in cases of a dense fog?—That rests with those in authority on the spot. If they think a fog is of such a density to necessitate it, then bring the fog-signals into operation.

23. *Mr. Mcvilly.*] That question in regard to New Lynn being at the foot of a grade is rather an important one, and I should like you to look at the plan. [Plan produced and explained.] The grade is 1 in 45; from the foot of the grade to the centre of the platform is about 30 chains; and Rule 157 provides that no engine or vehicle must be shunted or moved from one main line to the other, or from the main line into a siding, or from a siding on to the main line, or allowed to stand on main line, unless protected by the proper signals, exhibited as may be required, and where fixed signals are not required hand-signals must be used. Seeing that there is a distance of about 30 chains to the foot of the grade, do you consider that the tablet-porter would be justified in taking No. 5 out to the north end under cover of the home signal standing at "Danger," and taking her into the siding under Rule 157?—Yes.

24. That is the proper practice?—Yes.

25. Do you consider that Rule 158 relating to protection of shunting by block [produced] applies to this case?—Yes, it does.

26. Then Rule 157 cannot apply?—It is protected by the "Danger" signal.

27. Supposing you were the tablet-porter at New Lynn, and seeing that from the bottom of the grade to the station is no greater than 1 in 204, would you consider that station at the foot of a grade and work under Rule 157?—I would work under Rule 157.

28. You would not consider that the station, being 24 chains away, was at the foot of a grade?—No. I had an idea that the grade went down to the bottom of the platform.

29. As a locomotive man would you consider that level for the purposes of crossing trains?—Yes.

30. And you consider the practice of pulling No. 5 ahead under cover of the home signal standing at "Danger" the proper practice, provided there was a view of 330 yards?—Yes.

31. No. 6 train this morning, including the engine, weighed 150 tons, and it has been sworn to that the Westinghouse brake was properly tested and in good order when leaving Henderson: would you consider that a man should have any difficulty in stopping in a distance of 12 chains from the foot of the grade to the home signal before fouling it?—No, I should consider there would be no difficulty.

32. If the fog was so dense as to necessitate the use of fog-signals by the tablet-porter, what would you consider the driver should have done considering he could only see 30 yards ahead?—Come pretty steady down to where the home signal was and kept the train under control.

33. So as to be able to stop short of the home signal?—Yes, if required.

34. You would expect him to comply strictly with Rule 208, dealing with fog, and run cautiously?—Yes, I should expect him to come down the hill cautiously.

35. *Mr. Dickson.*] What distance would you consider a station should be to be classed as near the foot of a grade: the rule says "near," not "at"?—Well within two or three chains at least.

36. Where do you consider the station starts?—From the farthest-out points.

37. What are the farthest-out points?—The siding-points in the yard.

38. Is not inside the home signal classed as the station?—I am not prepared to say.

39. You would not say it was not?—I do not know what the regulations are. I consider the station-limits start at the farthest-away set of points on the main line.

40. Then if you were shunting on to those points who would have control of the train after you went outside the station?—The station-limits are protected by the home signal.

41. Who would have charge of the train if it went outside the points you speak of?—The guard has control of the shunting.

42. The whole trouble is this: this train was shunting on to this line, and it went a certain distance over these particular points. When it went over those points it was within the home signal?—I may be wrong, but my opinion is that the station-limits are between the furthest point at each end.

43. The furthest shunting-points?—Yes, in connection with that particular station.

44. Therefore you would not say that the station was controlled to the home signal?—The station is protected by the home signal.

45. But you would not say it was controlled?—The home signal is controlled by the station officer.

46. Who would control the portion of the line between the points and the home signal?—The officer in charge of the station.

47. Would not that make it the station?—Not necessarily.

WEDNESDAY, 22ND OCTOBER, 1913.

SAMUEL KENNEDY, President, Drivers, Firemen, and Cleaners' Association, made a statement. (No. 27.)

Witness: Before I speak on the case I would like to mention this: as the inquiry went on I found myself forced into a position that was not congenial to me. I found that, owing to the attitude taken up by the Railways Department with regard to the cause of this accident and who was responsible and who was not—an attitude that came as a surprise to me at the time, such an attitude not having been taken up at a previous inquiry—I was forced into the position of almost standing side by side with the New Lynn people in their position. I did not wish to do this, because, being a member of the Railway service myself, I wished to be loyal, and it was repugnant to me that I should have to stand shoulder to shoulder with people I had no sympathy with in what they were after in my endeavour to do justice to the engine-driver, whom I represent. I may say that as far as the requests of the New Lynn people are concerned, with regard to a Stationmaster being stationed there and an island platform provided, they do not concern me in the least. I may state here that I as an engine-driver think it would have added nothing to the safety of the working of that station had there been a Stationmaster in charge there, and I almost question whether it would have added anything to the safety had there been an island platform. I will admit that it may have altered the mode of shunting the trains, and I will also admit that if it had done that it would then have been a very great factor in giving additional safety at New Lynn. However, the reason for my being here is that my association considers that the engine-driver is shouldering the whole of the blame, or that the present attitude of the Railways Department is that he is the only man who is responsible for this collision; and the engine-drivers of New Zealand are of opinion that that is not correct. They are of opinion that the engine-driver may have made an error of judgment. We do not say that he has not done that, but we have to consider the surrounding circumstances—what chances he had of forming a correct judgment: whether he had a reasonable chance of forming a correct judgment. At the commencement of this inquiry it was quite evident from Mr. McVilly's examination of Mr. Grandison that their opinion of the tablet-porter's conduct had changed. Mr. McVilly made the statement, when examining this witness, "Notwithstanding what you think, I do not think the tablet-porter committed a breach of the regulations," or words to that effect. We know, of course, that the Department held an exhaustive inquiry into this matter, and the result of it was that they dismissed this tablet-porter. It was quite evident that they were not then of the same opinion with regard to these regulations and the way in which they were carried out as they are at the present time, or they would not have dismissed the man who was in charge of the signalling at the station on that morning. Now, I do not think that the Department are following a very wise course, but that does not concern me so very much in this particular case. I think that for the Department to say that the regulations were carried out properly by the station staff on the morning of the 28th May last when the collision took place is establishing a very serious precedent indeed, and I think they had better at once put the station staff at New Lynn, and all other stations, right with regard to the proper manner of signalling trains during a fog or when a station is near the foot of a falling grade. Mr. Mortimer stated in his evidence that he does not think Rule 158 or Instruction 4 (b) of the Appendix applies to New Lynn. I will admit that the man must have made a mistake in saying that, but it is his statement. Rule 158 applies to every station in the Dominion where there is a fog, and Instruction 4 (b) applies to every station in New Zealand if it is on a grade or near the foot of a grade. Mr. Whisker, an engine-driver, gave evidence here also, and he practically made the same statement in his evidence. He said that he does not think Instruction 4 (b) of the Appendix applies to New Lynn. Now, I did hope at one time that I would be able to get other drivers to give evidence here, and it was only owing to a misunderstanding with the Chairman, I think, that I was not. I had called no evidence at the inquiry so far, and when the Chairman asked if there was any further evidence he looked at Mr. McVilly, who had called all the evidence, and upon Mr. McVilly saying that that was all the evidence some one moved that no further evidence be taken. That was carried immediately, and I had no opportunity of calling a driver. My intention was to get the Department, if I could, to select one or two drivers here in Wellington: I did not want to select the men. I am firmly of opinion that if you went over the whole Dominion and tried to find five other drivers who would give the same evidence as Mr. Whisker gave you would fail. Even Mr. Whisker, after stating that he could do certain things, admitted in cross-examination that one of the things he said he could do and did do it would be impossible to do.

1. *Mr. Veitch.*] What was that?—It was with regard to the rule—Rule 211—which provides that you are to approach crossing-places and terminal stations so that you can stop with the hand-brake if necessary. Now, all railway men know that this rule was put in the rule-book in days gone by. I think it was twelve months ago that my association approached the General Manager and asked him to bring this rule into line with modern requirements, and Mr. Ronayne said that owing to the Westinghouse brake not being established throughout the Dominion he thought it was better to let the rule stand for a time. You know we have several small sections that have not got the Westinghouse brake. This particular rule stipulates that the driver is to enter a station where he crosses a train or a terminal station so that he can stop with the hand-brake if necessary, and it also mentions that he is not to rely upon the guard's brake. But, if you will notice, that rule makes no reference whatever to the Westinghouse brake. That has come in long since this rule was framed. The rule is still in our rule-book, I will admit, and we are still as drivers bound by it, but I may tell you that it has gone into disuse. Any one of you that wants to satisfy himself on that point can go along to Wellington Station here. That is a terminal station: it is a crossing station also for almost any train. Or he can go anywhere where you meet trains in the country, and as the train enters the station he can ask himself, "Could that train, if any obstruction occurred suddenly on the main line, stop before it had passed the home signal?" You will find that in 999 cases out of a thousand it could not possibly be done. The fact is that we have an un-to-date brake on our trains now—a splendid brake, and it seems remarkable if, with that equipment on the train, the men are not going to rely on it. They should take every precaution, by testing this brake, to ensure that it is in proper working-order, and then they would do as they are doing now; they would trust to it to a certain extent. It is quite as reliable as ever a hand-brake was. I do not think you would find more failures with a continuous brake than you would perhaps with the old hand-brake. This Committee's duty is to find out the cause of the collision at New Lynn, and I have endeavoured, as far as I possibly can, to answer that. Mr. Wynne, in his evidence, stated that during a fog it would be unsafe to shunt trains Nos. 5 and 6 in the manner that was done. Now, Mr. Wynne is the signal expert in New Zealand, and he said that if there was a fog it would be unsafe to shunt in that manner. Now, I want to point out that of the witnesses who gave evidence here not one has minimized the fog or attempted to say it was a light fog who is not an interested party. You have the evidence of the man in charge of the station, Mr. Mortimer; you have the evidence of the guard of No. 6; you have the evidence of the driver of the engine that pulled out to the signal. Although the driver of the engine admits there was a heavy fog on that morning, he still seems to try to make out there was not sufficient fog to prevent him seeing the signal. All your independent witnesses say there was a considerable fog, a heavy fog, a dense fog, and so forth. The rule-book does not say "in a light fog," or "a heavy fog," or "a dense fog." It simply says "in foggy weather or in falling snow." You have had affidavits put in by disinterested people from New Lynn. I understand, although I have not seen them, that those affidavits certify that there was a heavy fog on the morning of the accident. These men are quite disinterested; they have nothing to gain by saying there was a fog if there was no fog. But the other men, by minimizing the fog, endeavour to justify their actions and their mode of shunting the train on that particular morning. I do not ask you to take Corich's word about the fog: he is an interested party, and it would probably be to his interest to say there was a dense fog if he could not see the signal. I ask you to take the word of those who are not interested in this thing in any way—men who have nothing to gain by saying the fog was worse than it was. And I also ask you to take no notice of the man who says the fog was light when it suits his purpose—when that is his argument for clearing himself of blame for the disaster. Now we come to the absence of fog-signalmen. It seems an extraordinary thing that after the rule-book had been in circulation for a number of years and these fog-signalling rules had been inserted in it, in the Auckland District absolutely no notice whatever had been taken of those rules, as far as I can gather. This rule-book came out in 1907, and I think it was the first one that had the fog-signalling in it. Yet on the Auckland Section map after map states that he has never known fog-signalling to be carried out until after the accident. If you are going to find out the cause of the accident, I think you should commence there. You cannot commence with the Legislature of this country, because this rule-book is their part. It is also the General Manager's part, I presume. But when you come to the Department's officers in the Auckland District, the men who are responsible for seeing the fog-signalling carried out; when you come to the Traffic Manager; when you come to the Traffic Inspector, the man whose duty it is to see that all regulations are carried out; and when you come down to the tablet-porter in charge of the station, the guards that were running there, the drivers that were running in and out of the stations on the Auckland Section, and the firemen, and every member of the service who has been carrying out this rule that is at the top of each page of the rule-book, "The first and most important duty of every member is to provide for the public safety"—I say that every one of those men, from the Traffic Manager down to the lowest member of the service, who should understand his rules, is indirectly responsible for the accident that occurred at New Lynn on the 28th May last. Each one of them, if he knew this regulation was not being carried out, should have reported it every time that he observed it. It is useless to say there are no fogs on the Auckland Section. We know there are fogs there, as in all other parts of New Zealand; and we know that there being fogs fog-signalling should have been carried out; and we know that once the rule came into the book the very first thing the head of the Department should have done was to have seen that provision was made for carrying out the fog-signalling—I mean, in the way of supplying material and appointing men according to the rule. Now, there was no fog-signalman appointed at New Lynn—not one. There was no list put up, as the rule stipulates, to show who the fog-signalmen were. Hence, when a fog did occur, the Railway Department were not prepared for it. Now, a general opinion seems to have been held by the wit-

nesses that the fog was heavier north of the station than south of it. I hope that was the case, because it would to a very great degree excuse the station staff for not putting out fog-signals. I will admit that this fog may have arisen very suddenly, and that the man in charge of the station and the signalling may have had very little warning of the fog coming on—in fact, the accident may have taken place almost before he had warning. But I think it is proved conclusively that there was on that morning a very dense fog indeed on the north side of the home signal at New Lynn. Even Driver Benney admits there was a fog, but he says he could still see the signal. Now, I want you to note this: when he pulled ahead to back his train into the siding, he says he stood three or four minutes waiting for a signal; and his fireman corroborates that and says three or four minutes; and Driver Benney says that the reason why he could not get a signal was because of the fog: that is in his evidence. Yet that man wants to say there was not much fog and that he could see the signal. You will notice, if you carefully peruse the evidence, that there is a small discrepancy between that of Driver Benney and the guard as to whether a signal could be seen when he had pulled up or whether it could not be seen. Now, I think I have shown you that the cause of the accident was that the regulations which the Department have to administer were not carried out. That was the cause of the accident; but we find that all these men on whom responsibility devolves for the safety of a train at a place like New Lynn, near the foot of a falling gradient and in time of a fog—these men have each ignored the rules; none of them have taken the responsibility that the rules put upon them. I will try to enumerate a few of them. First of all we have the tablet-porter. He does not recognize that New Lynn is near the foot of a falling grade; he says it is not. He says that Rule 158 does not apply to New Lynn. Then we will take the guard of train No. 6. We have a rule in the rule-book that a guard, when approaching a station where a train is crossed, is to allow no other duty to interfere with his looking out for signals. It is unnecessary for them to say that no other duty is to interfere with it, because we have at the top of each page this rule, "The first and most important duty of every member is to provide for the public safety." We are also told that attention to signalling is our first duty. Therefore the guard was warned doubly. He was warned in the first place by the rule directing him to look for signals and to allow no other duty to interfere with that. He was also warned by his first duty being the protection of the public safety. Now, the guard told you point blank in his evidence that he did not carry out his responsibility; he entirely ignored it. He says he had too much to do in the cars. I do not dispute that. I do not want to blame the guard, but I want to point out that there are a number of men who have a responsibility with a train entering a station: it does not all rest with the driver. You start with the man who forms the regulations, whoever that may be; then you have the men to see that the regulations are put into force; then you have men who are supposed to carry out these regulations, and a great number of these regulations are for the protection of the engine-driver. Now, I think I have shown you that these men have, each one of them in turn as we came down to them, entirely neglected to carry out their part of the business that would ensure the safety of this train on the morning in question. It then came down to the driver. There is one rule that I almost missed—Rule 245, regarding the crossing of trains at flag stations, and I think this is a flag station. Rule 245 stipulates that at a flag station the first train arriving shall take the siding. That is one more rule that confirms what we have contended all along, that No. 5 should have entered at the siding. We were told by one of our witnesses—Mr. Margan—that there have been a number of very narrow escapes from accident at New Lynn. He said that he saw one himself, where the engines stopped a few yards from one another. He stated that he was putting in five declarations made before Justices of the Peace to this effect. Now, I think you must admit, on looking at the whole of the evidence, that there must have been a very lax mode of working trains at New Lynn. If the public began to see that there was danger—and witnesses have stated that they expected an accident—I think the Railway Department should have recognized the danger, because there undoubtedly was danger. The proof of the pudding is in the eating of it, and you have come to the eating now—the New Lynn collision. If the public could see this—and they not only saw it but took action, for they warned the Minister that it was likely to occur—then surely your Railway officers should have seen it and known of it, and should have done what they now have done—instructed that the regulations be carried out. That is all they have done now: nothing more. I think, if the public could see that, there must be some blame attached to your Railway officers for not having seen it at the same time. My association wrote to the General Manager of Railways and they complained that fog-signalling was not being carried out on the Auckland Section, but I am not quite sure whether the General Manager had an opportunity, from the time we complained until the time the accident took place, of bringing the fog-signalling into effect; but it will show you that the members of the Drivers and Firemen's Association recognized that there was a danger, and they approached the General Manager with regard to it, and warned him that the regulations were not being complied with, and asked him to see that they were.

2. Was that a general statement, or in connection with New Lynn only?—It was a general statement regarding the Auckland Section. Now when the accident has taken place every man tries to clear himself. You will have noticed, as I did, that in Mr. McVilly's examination of several witnesses he was trying to find somebody else to blame than the tablet-porter; he was trying to find some one else to blame irrespective of those who controlled the signals at the station that day, and he dropped on the driver, of course. He quoted Rule 211, and he made the witness say that if that rule had been carried out there would have been no collision; and I agree with him. But is that fair to the engine-driver? Is it fair that all these men of whom I have spoken who have a responsibility with regard to the safety of the public and the working of signals should ignore their responsibility and all the blame be put on to the driver? The men who framed these regulations did not intend that. They recognized that during a fog or falling snow an engine-driver could not see the signals, and they provided a means that made it safe to run trains in

a fog or in falling snow. But these men ignored it. They say, "That is not necessary. There is the instruction to the driver; he has to come in so that he can stop with his hand-brake; therefore we do not need to have fog-signals. We do not need to do anything. We will leave it all to the driver." They did, and the result was that the driver could not see where he was; he did not know the road, and a fog came up, and there was a collision; and now these people want to say it was the driver's fault because he did not carry out Rule 211. In my opinion this is a most unreasonable thing. It is recognized by the rules themselves that a driver in a fog cannot tell where he is, and for that reason a number of rules are furnished which provide for detonating signals being placed on the rails in advance of the signal, so as to warn the driver that he is approaching it. This was not carried out. With regard to Rule 211, Mr. Whisker admitted that it was impossible to carry out this hand-brake requirement in going into some stations on the Main Trunk line: it is impossible since we have had our rolling-stock equipped with the air-brake. We know we have a good brake, but the hand-brake has never been improved since then. You had almost as much braking-power in the old days—you had more on some of our locomotives—than you have at the present day. It is not necessary to increase the hand-braking part of the business, and it has not been done, so that on some of our trains the hand-brake would not control a train entering some of our stations. Therefore, the rule, although it is there, cannot possibly be carried out. I think the fog has been conclusively proved by the affidavits and by the disinterested witnesses who have come before the Committee. Now I want to come to the morning of the accident, when No. 5 arrived, and I want to say a few words with regard to the extreme carelessness and laxity of the station staff in the way they shunted No. 5. I think that No. 5, when it arrived at New Lynn on that morning, had three assistants on it, besides the guard. Four men, I believe, were on that train. They knew perfectly well there was a train coming down the bank to come into that station. They knew that the main line had to be cleared as quickly as possible and this train put away. The guard tells you he went to the latrine. He does not even know what his first assistant was doing. He says he thought he was on the engine, but he is not sure. No other one of those four seems to have taken any interest whatever in the putting of this train away—only the one man, and he went up to put the train away, and what part he took in it we have no evidence to show. But he failed to get that train into the siding; and you have the driver's and the fireman's statement that they stood three or four minutes on the bridge just inside the signal, trying to get a signal to come back into the station. They stood there actually until the other train ran right into them. Driver Benney says he could not get a signal to come back on account of the fog. The man who was putting the train away seems to have thought that there was some other obstacle—carelessness; but I do not think he gave evidence before the inquiry. If there had not been a very general fog that morning, why did not Driver Benney or his fireman see No. 6 coming down the hill before they did? They tell you that the train was into them almost instantly. Why? I think there is only one answer to that. They must have been standing there feeling very anxious indeed—I know I would have been. I think Driver Benney would be watching to see if he could get any indication where the other train was, and watching very attentively to get a signal to come back. I think there is only one explanation why he was kept in that position—that the fog was so dense when he pulled ahead that he could not take a signal to come back and he could not see the other train coming down. If he could have seen the other train passing the signal he would not have stood there till it ran into him; he would have backed down, irrespective of any signal. He would not have stood there till the other train dashed into him. If he had got an intimation that the train was passing the signal, even a couple of chains before it struck him, he would have got his train moving and would have minimized the collision. But he admits that he is not sure whether his train was moving at all, and I question very much whether it was. The other train simply lurched out of the fog, bumped into him, and the collision was over. You heard, of course, of the system of shunting this train that Guard Hooten told you of. That is just another proof of the great laxity that existed at this station in the crossing of these two trains. There seems to have been no proper system of putting No. 5 into the siding even when she did pull up there. Mr. Hooten says he gave two whistles for the driver to come back. Now, that is not in the rule-book. As far as I am concerned I do not recollect ever in my life having received such a signal from a guard, or known any one else to do it. If the guard came to me and said, "I cannot see you when you get up there: I will give you two whistles, and when I give them you come back," then I will admit that the arrangement would be satisfactory. But if I was working at New Lynn where he could not see me I would not allow this thing to continue. I would point out to the Department that this train was being pulled ahead and that I could not get a proper signal to come back, and the Department—I have found them very good in this way—would at once say that it must be discontinued, that the movement must be done rapidly and surely, and that a man would be sent up, or else that the practice must be discontinued at once, or that they would have a signal put up. I think it is one more proof that gross carelessness prevailed at that station in the shunting of No. 6 out of the way of what I consider was a very important train—that passenger-train down to Auckland that morning. Now I come to distances, and I think we are in a very great fog about distances. There has been a plan on the table during the inquiry, but as far as I know that plan has not been certified by any one as being correct. No one has come here and sworn that it was a correct plan. I got a man at New Lynn to measure the distances from the foot of the 1-in-45 grade to the signal, and from the signal to the station—in fact, to get all particulars with regard to distances, and I find that they do not agree with the various suggestions made by Mr. McVilly in questioning witnesses. He has estimated the distance at various times in speaking to witnesses. He has made it as much as 30 chains from the station to the foot of the grade, at other times 24 chains, and so on. I asked this man to go up and measure the distances, and he gives me them as follow:

From the centre of the station to the foot of the 1-in-45 grade, 565 yards—that is about 25 chains; from the centre of the station to the signal, 367 yards, or, say, 16 chains; from the signal to the foot of the 1-in-45 grade, 198 yards, or 9 chains. I do not know that he is correct, but I think we should have had proper evidence before us of all these distances, so that there would be no such thing as any doubt about it, or one person stating a distance was so-much and another person saying it was less. Then there has been an attempt made to prove that a grade of 1 in 204 is not a grade. I have looked up one or two dictionaries for the meaning of the word "grade." They are not very explicit on it, but I find that the consensus of opinion is that a grade is anything off the level. Now, why do we not talk straightforwardly and honestly and say that the grade ends where the map shows the level? That map shows the level about a chain and a half off the semaphore. It was contended that the grade was so light that it was not necessary to call it a grade, that we could call it level. Now, by no argument can you make a grade level, any more than you can make white black and white no colour at all. I would just like to convey to you what a grade of 1 in 204 is. In a grade of 1 in 204 you would rise approximately 25 ft. for each mile that you ran, and if you ran between thirty-eight and thirty-nine miles on that grade you would rise 1,000 ft. I do not know the North Island very much, but in Canterbury we have a number of branch lines that run from the east coast up towards the mountains on the Canterbury Plain: they are all reckoned to be very stiff lines, and yet there is not one of them that rises 1,000 ft. in thirty-nine miles—not one. On the main line that I run on myself, between Christchurch and Timaru, we have what we call two banks. One is the Dunsandel bank and the other is the Ealing bank. I will admit that we have a level country, but still we call these banks, and neither of these has a rise of 25 ft. in a mile. The rule says "a grade," and "near the foot of a grade," and here you have a grade which the Department says is 1 in 204. Now, gentlemen, I think you will have no trouble in coming to the conclusion that had the regulations been complied with the accident would undoubtedly not have taken place. The Department have now instructed that the rules are to be carried out. That is all they have done, but it is an improvement on the past method of signalling trains at New Lynn. A number of the regulations are made specially for the benefit of stations situated like New Lynn. Instruction 4 (b) of the Appendix applies to no other stations—only a station situated like New Lynn, I think. It reads as follows: "When the approaching train for which 'Line clear' is asked is a non-stopping train, or the station for which 'Line clear' is asked is on a grade or near the foot of a grade"—these were all stopping trains—" 'Line clear' must not be given unless the running-line between the home-signal posts is clear, and after the 'Line clear' has been given to approach, the running-line between the home-signal posts must not be obstructed except to allow a train arriving from the opposite direction to enter the station." And if you look up Rule 250 you will find how that train is to enter the station: "All trains taking sidings to allow other trains to pass or cross must, unless otherwise instructed, enter from the nearest end, and must not draw ahead and back into the siding except under proper protection." Of course, it is contended by the Department that this train was under proper protection. So it would have been if there were no grade after you left New Lynn going towards Scroggy Hill. It would have been under proper protection if there had been no fog, or, in the event of fog, if there had been detonating signals out and men with them. Then it would have been under proper protection, but not if they were not there. Fog-signals are for the assistance of the engine-driver. It is recognized by the Department that the engine-driver in a fog requires assistance. His difficulty in finding his station and running his train to time is recognized by them, and these fog-signals are a means of overcoming the disability that nature has imposed upon the railways—that is, of running your trains in a fog. And the object of the fog-signals is this: the driver cannot see the signal: he is peering out to see it; suddenly he runs over a fog-signal; it detonates, and he knows then that he is within a measurable distance of the home signal, and he immediately acts in accordance with the instructions that he receives. As soon as he runs over the signal, if he does not get a signal from a man with a lamp giving him "Clear" he must stop immediately. If he got that signal from the man with a lamp, that would indicate to him that the semaphore signal in front of him was "Clear" and the way was clear for him to enter the station. I do not want to dilate on that too much. I know it is a very dry subject and that we are almost bored with it, but to me it is perfectly plain that by not carrying out this regulation at a station like New Lynn it was seeking disaster—in fact, as far as New Lynn is concerned and the cause of this accident, I would almost say that it was an act of God. It was the Person responsible for the fog that morning that caused the New Lynn disaster, and that is usually ascribed to the Almighty. But I am not sure about that. I think the Railway Department have made provision so that when God does send a fog they may run safely; but they did not carry out the Department's rule, and therefore the collision occurred. I have said that these provisions were specially prepared for this station and other stations like it, and that is so. These fog-signals not only add to the safety of the train, but they also add to facility in working the train. If the fog-signals are properly worked and the driver knows they will be there in case of fog, he can enter his station much more quickly—he loses less time. It does not matter how well a driver knows the road, he never knows it in a fog. If there were continual fog he would in time acquire a fair knowledge of the road; but it is only occasionally fogs come, and therefore no driver ever knows the road in a fog. If he knows the road well he may have certain marks. For instance, in this case if he had run over the road a long time he would have known when the grade changed, when he went over the bridge, or when he went over the crossing; but a new man cannot know this. A new man would be perfectly safe there if the fog had not arisen; but once the fog arose he was perfectly helpless. The only safe thing that young man could have done was to have stopped. That would have been better judgment—to have practically stopped and then crawled along until he found out where he was. But I want to say this: that driver was a young man and he was afraid of losing time. If he were an old driver with a reputation behind him in running trains,

a man whom his foreman and the Department knew would run his train to time if that train could be run to time, he would think nothing of pulling up in a fog. But if a young man is on a train like that and he stops, and then crawls into the station and arrives late he is reported, or he has to report it himself, and explain. It is recognized as being a reflection on a man when he gets these reports. None of us like them. It shows there is some dissatisfaction. When this young man would come in late he would be asked why he was late. He would say, "There was a fog." His foreman would say, "If we had had so-and-so there, there would not have been this." And if he repeated the performance I will guarantee that the foreman would consider whether he was suitable for the main line. But if you had an old driver who had consistently run trains and he did this, the foreman would know at once that he was a man who would run his train if it could be done safely, and he would excuse him. I want to point out that a young man, as far as losing time is concerned, is practically between the devil and the deep sea. He is afraid to run late—he seems to think he must get there to time if he is going to make a reputation; and this is a factor that is very likely to make a young driver make a mistake in judgment. Now, when an engine-driver enters a fog in running a train, it is a very trying time indeed for the driver, whether he knows the road or not. The windows that he has been in the habit of looking through to see where he is become at once opaque; the vapour has covered the window. He must put his head outside. Putting your head out in a fog to look sideways or backwards is not very serious, but when you look forward in a fog the air is moist and cold, and your eyes begin to run, and you can see very little indeed. You can see a great deal further when you are standing still than when the train is running. With regard to the speed at which the train went down the hill that morning, there is absolutely no reliable proof that there was excessive running, or that the train was not controlled in a proper manner. The guard himself says that there was no unusual lurching. Some one else said he noticed a lurch that morning, but he had noticed it afterwards. Of course, we know that passengers coming down Scroggy Hill now will feel a great many things; so you can very easily account for that. The practice that was followed at New Lynn of crossing these two trains has never, to my knowledge, been allowed in the South Island: I have not seen it made a practice. I have seen a train, in broad daylight, with a clear view in each way, when it was more convenient, taken up and backed into the other end, but that was done after they had stopped and when they had a clear view. Such a thing as doing it in the dark would not, I think, be tolerated in Canterbury or the South Island for one moment. I never knew of such a thing, and I can assure you I was very much surprised when I heard witnesses state that it had been the practice to cross these two trains in this manner for a long time at New Lynn. I was not at all surprised when I heard that the general public expected an accident, because I state unhesitatingly that it was a dangerous practice, and it is a good job that it is discontinued—in fact, it is a good job that that accident was no more serious than it has been. Now, the question cropped up about the driver talking to his mate, and Mr. McVilly, in his cross-examination, seemed to think that Corich should have spoken to his mate and got answers. Now, I want to say that you are not in a drawing-room when you are in the cab of an engine and she is running down a hill, especially in a fog. This engine was blowing off all the way down the hill. There was a continual roar. There would be the rattle and grind of the wheels and the motion of the engine, and the fireman has his business to attend to; the driver has his business to attend to; and instead of going over and conversing with his mate his head is outside trying to see where he is. If you want to converse with your mate, in most cases you do not talk, you shout. It is only natural that the driver would say to the fireman, "I do not know where these crossings are; you blow the whistle," and it is quite natural that the fireman did not hear him. And with regard to the driver asking the fireman a question about the running of the train, I want to tell you that whether it is a driver on a train or any other man in a position where he has a subordinate under him, there is a reticence in asking the other man what you shall do. Corich that morning was quite competent to take that engine and run that train provided there was no fog. He did not know there would be a fog when he went over Scroggy Hill, and there was not time for him to make all this elaborate preparation in the way of questioning his fireman and arranging for him to do this, that, or the other thing. It is *infra dig*, in fact, to do it. After going over the top of the hill there would be very little time before the accident happened. I cannot say just now what the distance is, but it is under a mile. It would be about three minutes from the time he crossed over Scroggy Hill until the collision took place. So there was not a great deal of time to converse; and you must remember that if a man has his head outside the cab the other man cannot hear what he is saying. He has to turn round and face the man and speak very loudly before he can hear. When Corich got no reply from the fireman he was probably eagerly scanning the track in front of him, or trying to pick up some object or some mark that he would know the road by; and that is why the conversation between the two was not as satisfactory as it perhaps should have been. Now, with regard to the time it would take to learn this road, there has not been very much evidence before you with regard to that. Mr. Benney stated that it would take three weeks to learn the road, but he said you would not know it in a fog then. He meant it would take three weeks to learn the road so that you would know it in daylight. You know a road all right at night, because you can always see the signals; but a man might be running on that road for years and not know it properly in a fog, but he would have a better idea than Corich had. Now, I just want to try to convey to you a proper impression of the experience that Corich had on the north road. Running-shed Foreman Scott said in his evidence that Corich had run in all twenty-one trips on the north road. He did not say Corich had run twenty-one trips past New Lynn. I can give you the trips that Mr. Scott counts up. On the 10th March, 1913, Corich ran trains 27, 22, 33, and 26—four trains; and Mr. Scott credits him with having run four trips on the north road on that date. Now, he ran the same trips on the 11th and 13th March. On three days he ran these four trips. I want to tell you what these four trips were. In the

morning that No. 27 he ran from Auckland to Henderson. That was going up this hill, but learning a road one way does not always teach you it the other way, though it certainly is an assistance. When he got to Henderson he came back to Newmarket that day. That was No. 22 trip—coming back to Newmarket. Then from Newmarket he went to Avondale. That was No. 33 train. Then from Avondale he went to Auckland. You will see that during that day he had only driven once down Scroggy Hill into New Lynn. From Mr. Scott's evidence you would almost suppose that Corich had gone four times from Scroggy Hill to New Lynn, whereas he had only gone once. And on the other two days he had done just the same: the other running was between Newmarket and Avondale. Then, on the 15th he was on a work-train. On the 16th he went from Auckland to Henderson firing: that was on a Sunday. He was firing on the trip up and down. On the 28th he was on a work-train, driving, but on that date he did not get past Henderson—he broke down, and stopped short of Henderson. The next day, 29th March, he was again on the work-train. He did no more on the north line till the 10th April. He then went firing on the work-train. That was one trip up and one trip down. The 29th March was the last day he was driving on the north road until the day of the accident: it was nearly two months from the time he ran a train on that road till the day of the accident. He had been away up at Helensville and Wellsford relieving, but that did not take him over this part of the road. On the 26th he went out firing to Henderson, and the 28th was the occasion of the accident. Corich was on his sixth trip down from Henderson to Auckland as a driver. He had run five trips before. He had done two trips down as a fireman prior to the accident. He had gone five times up Scroggy Hill driving, and three times as a fireman, before the accident. Those were the only trips that Corich made, and they agree with Mr. Scott's statement that he had run about twenty-one trips on the north road; but a good many of these trips did not take him near the scene of the accident, and gave him no opportunity of learning that portion of the road. I myself had an experience in a fog, when I was running the express between Orari and Rangitata; and I can assure you that although I had run on that road for years and years, when this fog came on I found myself practically helpless. When a man gets into a fog, although he knows the road well when it is fine weather, he is practically helpless in the fog, unless he has something very definite to mark where he is. Rule 65 stipulates that when a signal is not seen at its proper time that it is to be treated as a "Danger" signal. This scarcely applies to Corich that morning, because he did not know whether he should see the signal or not. Therefore it is quite useless saying that he should have treated it as a "Danger" signal if he did not see it. He did not know whether he was at the place to see it. One thing I want to say is that I am very pleased indeed there is no suspicion of any liquor in this case. There is no charge of carelessness on the part of the driver in this case—no evidence that he was careless. There is evidence that he made an error of judgment, and I want to know if that is a crime. It is a question, I think. This man, no doubt, did his very best under the circumstances and in the situation in which he was placed from his own point of view—he did the very best he could to carry out the rules and regulations. Where the error was made was that he should have slowed down and stopped if necessary till he found out where he was. But I have pointed out to you the disabilities that a young man labours under. He considers it is a stigma upon him if he runs late, and there is no doubt that was the thought that prevented him from carrying out what I will admit would have been better judgment on his part. Corich is a young man. He is married. You have heard what the Locomotive Foreman has said with regard to his character as far as he knows it, and with regard to his capacity. There is nothing whatever to suggest that he was not doing the best he could at the time the disaster overtook him. There has been a question about the brake. I want, if I can, to convey to you what did take place in descending that hill, and why the brake did not pull the train up at the finish as rapidly as it should have done. Corich, though not having a very definite knowledge of the road, still had a very vivid idea that there was a steep grade down into New Lynn. I think he knew that; he says he knew it. And he knew that he would have to hold his train with his brake. He says that he did so, and his fireman corroborates that, also the guard. He must have done it, because a grade of 1 in 45 is a very steep one, and the train would have gained a very high speed if it had not been braked down. He had his brake on, and there is no doubt that when he got into the fog he held his brake on. When he got near the finish he kept holding his brake on and peering into the fog, and wondering where the signal was, and doing his best to find the station. He had released, and had got hold of the train again with the second or third reduction. But he had during that process been continually depleting his auxiliary reservoir's pressure, and at the very last he held his brake on and watched for the signal, and when he could not see it and the train had slowed down to ten or fifteen miles an hour he thought "It must be a little further on." He, no doubt, noticed that owing to the change of grade the train was slowing up, that it was not so difficult to hold it as it had been further up the road; and, unfortunately, he released his brake, and just at that moment he spotted the bottom of the home signal alongside of him. He immediately dashed his brake on to "Emergency" and tried to stop the train. He had been using the brake; he had probably made a reduction at the top of the hill, and probably just before he reached the home signal instead of having 70 lb. in his train-pipe he did not have more than 50 lb., and if he only had 50 lb. in his train-pipe he would only have 50 lb. or perhaps less in his auxiliary reservoir. The result would be that his brake would have very little effect on the train. It would have an effect, but not the effect that it should have when he tried to make an emergency application. He would not get an emergency application; he would only get a very small application. During Mr. McVilly's examination of Mr. Corich he seemed to be under the impression that because Corich had 75 lb. in his train-pipe, if he made an application of 6 lb. or 5 lb. he would still have the other 69 lb. or 70 lb. for a further application. That is entirely wrong. Although you have 70 lb. in your train-pipe you never can on any occasion put 70 lb. in your brake-cylinder. It is a matter of equalizing. The highest pressure that you can get on a service application of

the brake is to cause the auxiliary reservoir to equalize with the brake-cylinder. That is the highest pressure you can get, and, of course, that does not amount to anything like 70 lb., nor is it necessary to have it. But I will show you that the fact that he had 75 lb.—I do not think he had 75 lb., because 70 lb. is the pressure which all train-pipes carry—is no indication that he had ample later on. Just to show you how the brake acts I will read you a small paragraph from the Brake Instruction-book—the New Zealand Railways own book on the Westinghouse brake: “The brakes are fully applied when a reduction of 25 lb. has been effected in the main train-pipe pressure.” So you see that if Corich had 70 lb. in his train-pipe and brought it down to 50 lb. he would get it on no harder: that is the end of it. That is what the book says, and that is quite correct. It goes on, “The pressure in the brake-cylinders and auxiliary reservoirs having equalized, any further reduction would be waste of air.” The brake is a good brake, but it is no use our saying that because he had 75 lb. in his train-pipe he could keep on using that until he got down to the last 5 lb. This same book tells you that after you have made an application of the brake it is necessary to leave the handle in recharging position for ten seconds. Of course, Corich had not got ten seconds to recharge his brake. I question if ten seconds would recharge it, but it would go a long way towards it. That will show you that unless a man understands the brake it is no use arriving at a conclusion as to what pressure he had in the train-pipe or had not. He had no doubt had a full pressure at the top of the hill, but had gradually frittered it away coming down, and he would have stopped all right if he had not released at the very moment when he should have been applying it in emergency. Pains have been taken in cross-examining witnesses to show that trains would stop at certain distances at certain speeds. That is a matter that is very easily computed, and we do not dispute it at all. That is all quite correct. But it has absolutely nothing to do with the stopping of the train on that morning. Now, gentlemen, it is your duty to find out the cause of this collision. I am going to tell you why it happened. In the first place, No. 6 train did not stop at the signal. Why? Because there was a fog. The Railway officials at New Lynn were at the mercy of a fog. Why? Because they had taken no steps to carry out the Department’s regulations which provided for the safety of the trains and the public in a fog; and, further, because the driver in charge of the train did not know the road that he was running on sufficiently well to be able to stop at that home signal without the assistance prescribed in the rules and regulations—namely, fog-signals. The second main reason is that there was an obstruction on the line, which is contrary to the Department’s own rules and regulations. I do not think I can tell you any more. That is the cause of the collision. I just want to say this: the driver—Driver Corich—is spoken well of by his superior officer. He is a young man. He is married. Mr. Scott has said that he has no reason to think that Corich would take longer to learn the road than anybody else. That means that he is a man of ordinary intellect. There have been numbers of cases in New Zealand where men have passed signals and have not been dismissed, the reason being that the consequences were not so serious as in this case. A number of men have passed signals when there was no fog, yet they have not been dismissed. I have very vividly in my mind just now the case of a very old driver who knew the road thoroughly well. Some years ago at Henley he ran past the signal in a fog. He knew the road well. That man was not dismissed—all honour to the Department. They recognized what he had to contend with. Corich has been dismissed. He has spent a part of his life that is very important to him—eight or nine years—in learning to be an engine-driver, and now the Department have practically robbed him of his railway life by casting him right out for one small error of judgment. I do not think any one can accuse him of anything more than that. I think it must be admitted that he did the best he could under the conditions under which he was working and with the knowledge which he possessed. I will not say he did the best that could have been done, but I think the most you can accuse him of is that he made a small error of judgment, and I think the punishment he has received is out of reason and altogether too severe. I hope that this Committee will be able to suggest that some other punishment might be meted out to him that would be more fitting to a man who has been unfortunate. There is no culpability; there is nothing criminal about it. The man cannot be charged even with carelessness; but we can show that other men were careless and that they led up to this man’s downfall. I thank you for the patient way in which you have listened to my address.

3. *Mr. Sykes.*] It was stated that in the Auckland District no notice was taken of Rule 158 with reference to fog. Is that rule carried out in its entirety in all other portions of the Dominion? Is the Auckland District the only exception?—I can only speak for my own district—it is carried out in Canterbury; and I know it is carried out in Dunedin.

4. To your knowledge drivers have passed signals in the past and have not been dismissed: were they not reduced in grade or punished in some other way?—Yes, they were punished. I said that the results in their cases were not so serious as in this. But they passed the signal in daylight. I mentioned one man who had passed in a fog. I merely mentioned that to show that it was possible for a good man who knew the road thoroughly to miss his signal in the fog.

Mr. MACK, Secretary, Amalgamated Society of Railway Servants, made a statement. (No. 28.)

Witness: I should like to say a word or two with regard to this matter, and I will be as brief as I possibly can. I was not aware that it would be competent for us to review the evidence after we last met the Committee. I was notified that the evidence could be looked at, but I wrote to your secretary telling him that I had no desire to go over the evidence at all; but there are one or two things I would just like to mention. With regard to the statement made by Mr. Kennedy that the regulations had not been complied with, I respectfully submit there is no regulation in the book dealing with this matter that he can say has been neglected. To infer that the regulations have not been complied with is to say that the officials who were there

had not carried out certain regulations with regard to fog-signalling. I have had considerable railway experience extending to twenty-eight years, and I say that if the home signal is not a protection to the station, then no train running in the Dominion is safe. This is one of those unfortunate cases in which the human element has failed, and there has never yet been devised a system throughout the world where it could be absolutely said that the railway running was absolutely safe. They have to depend to a very large extent upon the human element. And Mr. Kennedy has already admitted that it would have been better to have carried out the rule—to have reduced speed and stopped if necessary. That is the seat of the whole trouble. When the driver saw that there was a fog it was his clear duty under the rules to reduce his speed to such an extent as would enable him to stop his train before reaching any obstruction, whether that obstruction was 10 or 20 or 30 yards away. As far as the tablet-porter is concerned and the crossing of trains, the tablet-porter was strictly within the rules in taking that train out and backing it into the siding. Notwithstanding the fact that there is a rule to say that trains, unless otherwise directed, shall enter from the nearest end, there are some cases where this is an impossibility. I can give you an illustration. Many of you, I dare say, have been to Rotorua. It is not possible for a heavy train to come in at the nearest end in entering a station like Ngatira. If the train were to stop at the nearest end the driver could not get started again, because the near end is on the grade. It is necessary for the train to go ahead and drop back into the siding for crossing purposes. There are many stations like that, and the home signals are provided for the express purpose of protecting trains that require to work at the station at either end. The tablet-porter was perfectly justified under the rules; it has been shown by the expert evidence that has been called that he was justified in taking the train out and backing it in if necessary. The engine-driver of this train was justified in going right up to the home signal. He would not be justified in going outside the home signal, but he was justified in going right up to the home signal and backing into the siding if necessary. Unfortunately the driver of the approaching train, from some cause or other, overlooked the home signal. Mr. Kennedy has admitted that that is so. The whole text of the argument as we have heard it has been for a mitigation of the punishment. As far as the tablet-porter is concerned, I respectfully submit there is not one tittle of evidence to implicate him in any way.

1. *Mr. Dickson.*] Can you explain why the Department has altered the system of running the train into the siding?—No, I cannot explain why the Department have instructed them to take trains in from the nearest end. They think, perhaps, that it is advisable. I may say that it is quite possible to take a train in from the nearest end and find that that train is too long for the siding, with the result that a portion of the train would be standing upon the main line. If the fog was so dense that the driver could not see the signals, it is just as likely that he would crash into the rear end of that train. I can give an instance, if necessary, where such an accident did almost occur. In that case there would be a heavier loss of life than there would be under ordinary circumstances.

R. W. McVILLY, Chief Clerk, Railways Department, made a statement. (No. 29.)

Witness: I will not take up much of the time of the Committee. Mr. Kennedy, in his very laudable desire to do the best he can for his client, has carefully evaded the main point—that is, what was the cause of the accident. He has looked everywhere, and he has been prepared to attribute blame to everybody except the man on whom the responsibility should properly rest—that is, the engine-driver of No. 6 train. The engine-driver of that train had at his command an absolutely efficient brake; he had a train that was quite readily controllable with the engine that he had and the brake-power at his hand. He contends that he ran into a dense fog. I submit the evidence on the other side has disproved that. You had driver Benney, who said that he could see the home signal from the tanks: that is a distance of at least 100 yards. You had Guard Carr's evidence—he was riding in a carriage on No. 6 train: he said that he looked out of the carriage and he could see 150 to 200 yards. Now, as he was on board that train I submit that that clearly disproves the contention of the engine-driver of No. 6 that the fog was so dense that he could not see ahead had he been looking. The fact of the matter is this, and it was given away in evidence by Fireman England: Mr. England said, "It is very seldom we are held up outside the stick. I considered when going along there that there was nothing unusual, and I thought we were going right in." Now, in a nutshell that is exactly the position. Either the driver was not paying proper attention and looking out as he ought to have been, or his attention was momentarily distracted and he did not see the signal when he ought to have done. His train was running faster than he thought it was, because he thought he was going into the station. There are a number of rules which govern the position, but one rule that has been quoted by Mr. Kennedy—Rule 245—I will deal with, because it has been contended to have rather an important bearing on the matter at issue. Rule 245 says, "When trains timed to cross at a flag station arrive simultaneously at the crossing-place both trains must be brought to a standstill before fouling the points at either end of the station-yard. The guard of the train that is to take the siding will then bring his train into the siding." This applies on sections where there are no tablet-porters and to stations where tablet-porters are not in charge. For all the purposes of crossing trains and for working the station the tablet-porter for the time being is a Stationmaster: he has the same responsibilities except in regard to accounting. Therefore Rule 245 does not apply to New Lynn. The rule that does apply to New Lynn is Rule 157. The rules that apply to the driver are first of all those respecting signalling. Without labouring the question at all let me say there is no doubt whatever that had he complied with Rule 82, which directs that a home signal is never to be passed at "Danger," the collision would not have occurred. So far as the other

points that have been raised are concerned, I do not think it is necessary to touch on them at all; but I anticipated that we should hear something about the station and the grade. The home signal for No. 6 can be seen 33 chains away—nearly half a mile. To the centre of the platform from the end of the 1-in-45 grade is 30 chains. Now, out of those 30 chains the first 10 have a fall of 1 in 204. Mr. Kennedy has told you a lot about what 1 in 204 means if you run so many miles. Of course, if you ascend a 1-in-204 grade long enough you will get into the clouds: we all know that. The point is, what difference would a grade of 1 in 204 make in 10 chains? The next 6 chains are dead-level; then there are $3\frac{1}{2}$ chains of 1 in 194, uphill; then 2 chains of 1 in 220, down; and then $7\frac{1}{2}$ chains level to the station. That is exactly the position. That makes a total distance of 1,980 ft. from the foot of the grade to the station. It has been shown in evidence that the train could have been stopped, running at twenty-five miles an hour, with an ordinary application of the brake in 262 ft. Therefore the driver could have stopped No. 6 train in one-seventh of the distance that he had. On the question of the speed at which he was travelling you have had various estimates, but this fact speaks for itself—that when he struck a standing train weighing about 158 tons he drove that train back 110 ft. Mr. Kennedy has told you that the train was standing—that Engine-driver Benney had not got steam on. Benney himself said in his evidence that he had given the engine steam, but he did not think she was moving. Taking that view of it, you can draw your own conclusions as to the speed at which the driver of No. 6 was running when he struck the standing train. I think that in a matter of this kind, where the point at issue is the cause of the accident and where the cause of the accident is so clear, it is greatly to be regretted that the man who was at fault did not frankly, when he came before the Committee, admit—he admitted his fault frankly at the outset—that by some means or other which he could not explain he had overrun the “Danger” signal.

1. *Mr. Sykes.*] With reference to the plan submitted to the Committee—it is a certified plan, I assume?—I can get it sworn to, if you like. I may say that it was not prepared for the purpose of this inquiry at all—it was prepared for another purpose altogether.

Mr. Kennedy: I would not like to suggest that the Railway Department would put a plan in that was not correct. I merely mentioned, owing to the divergence of opinion there has been on the question, that the plan had not been sworn to as correct; but I am quite prepared to take the plan as correct.

2. *Mr. Dickson (to Mr. McVilly).*] Can you give us any explanation as to why the Department have altered the system of putting the train in at New Lynn?—If an alteration has been made it has been made by the District Officer. So far as the Department is concerned the system that was followed on that day is a correct and proper system. It is in accordance with the rules, and there was no necessity to alter it—if it has been altered. I am not aware that it has. Mr. Bowles said he had directed that the regulations should be carried out. Rule 157 covers that.

Mr. Kennedy: There is just one thing I would like to mention. Mr. McVilly seemed to be under the impression that Corich had been used to this signal being down, and that he was taking it for granted. Now, Corich had never run this train in his life before, and he would not know in what way the signal had been manipulated, and therefore he would not be misled by the train usually going in without being stopped. He would be on the alert, no doubt, for that signal. Then, with regard to Driver Benney having given steam to his engine and whether she had moved or not: I do not want to say whether she had moved or not, but he had given his engine steam; she may not have moved; but immediately the other train bumped into her she would move, and the steam that would be in the cylinders at that time would help to drive this engine along. Then, with regard to the alteration of the system of shunting No. 5 and No. 6 at New Lynn, we have had a number of witnesses admit that it would be safer to come in at the bottom end, although they have contended that it was safe the way it was done. I think myself they are very foolish, because the proof has been that it was not safe. They admit that it would be safer if there was nothing on the main line. I do not know why Mr. McVilly contends that Rule 157 is the only one. I think he should take No. 158 also.

Mr. McVilly: This is not at the foot of a grade.

Mr. Kennedy: It is not that far off the level, though. Mr. Richardson even said straight out that it was at the foot of a grade. Every one else says that except those who are trying to maintain that it is not.

The Chairman: At what distance would you consider a station near the foot of a grade?

Mr. Kennedy: Why is that rule put in the rule-book? Supposing the brakes failed on that train going down Scroggy Hill: that is why the rule is there. Supposing the brakes failed, what would be the result? You would then have the hand-brake only. You could not stop very rapidly, and you perhaps would not find it out till you were near the foot of the hill. You need to have a station far enough away from the foot of a grade, so that the train will not run right through it.

Hon. Mr. Herries: Would you call Thorndon Station at the foot of a grade?

Mr. Kennedy: No, I do not think I would.

Mr. McVilly: With regard to Mr. Kennedy's last statement, I should like to say this: with a station that distance away and with that train, if the Westinghouse brake had failed the engine-driver could have pulled up with his hand-brake and with assistance from the guard. We used to do it in the Dunedin District. At stations within a quarter of a mile of the foot of a 1-in-50 grade we stopped trains with the hand-brakes—trains that were coming in at fifteen miles an hour.

Mr. Kennedy: If you asked all the railway men in New Zealand they would tell you that that station is near the foot of a grade.

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