

R E P O R T.

To the Hon. the Minister of Railways, Wellington.

SIR,—

Wellington, 23rd March, 1926.

In pursuance of your warrant directed to us, dated the 23rd day of September, 1925, and extended on the 7th December, 1925, whereby we were appointed Commissioners and authorized to inquire into and report to you upon the following matters, namely—

- (1.) What was the cause of the derailment of the Wellington-Napier express train near Opapa Station on the 22nd September, 1925?
- (2.) Are there any circumstances in connection with the said derailment which in your opinion call for comment?

We, William Glendinning Riddell, Esq., Stipendiary Magistrate; James Marchbanks, Esq., M.Inst.C.E.; and William Duffus Hunt, Esq., have the honour to report as follows:—

1. On the 27th September, 1925, Messrs. Riddell and Marchbanks proceeded to Napier, and on the 28th September inspected the track at the scene of the derailment near Opapa, and also examined the damaged locomotive, which had been towed to Napier after the accident.

2. Early in October last Professor Robert Julian Scott, late Professor of Engineering at Canterbury College, was requested to proceed to Napier for the purpose of making an examination of the damaged locomotive and permanent-way and track in proximity to the accident. He subsequently gave evidence before the Commission on the 12th October, and submitted a report setting out the result of his investigations.

3. Sittings of the Commission were held at Wellington and evidence taken on the 8th, 9th, 10th, and 12th October, 1925. As Engine-driver Lavin, the driver of the derailed train, was unable to be present owing to injuries received in the accident, it was deemed advisable not to hear evidence as to the speed of the train at the time of the derailment until after his recovery and ability to appear at the hearing. The evidence taken at these earlier sittings was therefore confined solely to the condition of the permanent-way and track, the locomotive, and the Westinghouse brake, and the schedule times of the running of the Wellington-Napier express. The following witnesses were examined on oath:—

Frederick Charles Widdop, Chief Engineer, Railway Department, Wellington.

Charles Theodore Jeffreys, District Engineer, Railway Department, Wellington.

Alexander Smillie Wansbrough, Designing Engineer, Railway Department, Wellington.

William Alexander Gordon, Inspector of Permanent-way, Railway Department, Palmerston North.

Oscar Richard Savage, Ganger, Railway Department, Opapa.

Donald Martin Robertson, Train-examiner, Railway Department, Waipukurau.

Richard William Joseph Dickson, Brake Inspector, Railway Department, Petone.

Alfred Kinsella Harris, General Superintendent of Transportation, Railway Department, Wellington.

Eugene Casey, Inspecting Engineer, Railway Department, Wellington.

George Streeter, Inspector of Permanent-way, Railway Department, Waipukurau.

George John Bryce, Locomotive Foreman, Railway Department, Napier.

James Forester Mackley, Locomotive Engineer, Railway Department, Auckland.

Robert Julian Scott, of Dunedin, late Professor of Engineering at Canterbury College.

4. On the 12th October, 1925, the hearing was adjourned *sine die*, the intention being to proceed as early as possible after the engine-driver's recovery, and in due course arrangements were made to resume the sittings of the Commission at Napier on the 17th November, 1925. However, prior to the date mentioned a charge of manslaughter arising out of Lavin's conduct as driver of the engine was preferred against him by the police, and in November, 1925, he was committed for trial to the Supreme Court at Napier. In these circumstances the Commission decided to postpone its sittings until the criminal proceedings pending against him were disposed of by the Supreme Court. The result of that trial was Lavin's conviction for manslaughter and sentence on the 1st March, 1926. The jury having found that Engine-driver Lavin had failed to exercise reasonable care and skill in driving the engine prior to and at the time of the derailment, and that excessive speed was the primary cause of the derailment, the main object of the inquiry was then determined.

The Commission resumed its sittings at Wellington on the 11th March, 1926, and to save needless expense it was decided to accept a copy of the evidence of the following witnesses who were called at the trial of Lavin at Napier, viz.:—

Maurice Ryan, police-constable, stationed at Hastings.

Alexander Duncan Shakyns Whyte, medical practitioner, Hastings.

Cecil Romaine Wright, medical practitioner, Hastings.

Percy William Peters, director of McGruars Limited, Napier.

Maurice Begley, slaughterman, Hastings.

Kathleen Begley, married woman, Hastings.

William Henry Jones, monumental sculptor.

Susan Ellen Rutter, of Wellington.

Clara Edith Cross, married woman, Wellington.