

87. But you saw this slip?—Yes.

89. And after seeing this slip you would be conversant with the nature of the ground, and would be able to judge from your own personal observation?—Yes.

80. And is it a speciality in connection with this claim of £750 and these slopes in the contract that if a slip is due to steepness of slope, then you admit the contractor can claim in the terms of the specification?—Yes; that is, if the Resident Engineer thinks so, and he orders this material to be removed.

81. But, having seen this slip, in your opinion, if it had been 1 in 3 would it still have come down?—I would not like to say that it would not or that it would. Besides, I do not think any Engineer would be justified, because a lump of earth fell out of the face of a cutting, to lift probably thousands of yards of earth, and probably go into an immense expense to slope this cutting at a greater angle, merely for the sake of a small slip falling out of part of it.

82. Hence that justifies my question. I may infer from your answer that by making this slope 1 in $1\frac{1}{2}$, that even if he had paid for this small slip, you would have saved the removal of thousands of yards of earth you have mentioned you would have had to pay for being cut out in order to have this slope?—Not at all.

83. *Mr. Morrison.*] I understand that at the time this contract was let you were Resident Engineer in Auckland?—District Engineer.

84. Thoroughly conversant with all the circumstances surrounding this Makarau Tunnel?—So far as it had advanced during the time I was in Auckland.

85. Tenders had been accepted and the work commenced?—Yes.

86. When you were in Wellington as Engineer-in-Chief it would still be your duty to keep a careful eye for the Public Works as to how the tunnel was getting along?—Yes.

87. I suppose any communication forwarded to you by Mr. Vickerman, the Resident Engineer, you would have the opportunity of reading and dictating a reply to?—Yes.

88. A communication was forwarded to Mr. Vickerman from the department in 1893, saying that owing to exceptionally heavy rains and gales there had been slips, and the embankments had suffered very much, and stating that it was very hard on the contractor. That occurred in 1893?—Yes.

89. What was the reply sent to that?—I do not think there was a reply sent, because, if my recollection serves me right, I went to Auckland at that time.

90. And you did not think it advisable for the department to acknowledge that officially?—I do not say that. I have a distinct recollection of going to Auckland at that time, and anticipating the reply to the Resident Engineer.

91. Then, as far back as 1893 your attention was drawn to the matter of the slips?—Yes; my attention was distinctly called.

92. Then, there was the communication which the Resident Engineer forwarded to Wellington on the 13th January, 1893, stating that the contractors were not responsible for the very large slip that occurred at about that time, and that the department replied on the 15th January stating that the slip was caused by deficient drainage. How was the department to know that that slip was caused by insufficient drainage when the Resident Engineer on the spot forwarded you a communication telling you that the contractor was not responsible?—There is somewhere a letter in connection with this, in which the Resident Engineer said there was a collection of water above this slip, and the slip itself was full of water.

93. Yes; but the water may have gathered in some cavity above —

Mr. Graham here rose to a point of order, objecting that these sort of questions were irrelevant.

Mr. Flatman also thought they ought to confine themselves more closely to the points at issue.

The Chairman ruled the question out of order.

94. *Mr. Wright.*] In your capacity as District Engineer in Auckland had you anything to do with putting down the one particular bore in this ground that was mentioned?—The Assistant Engineer put down the bore.

95. But, you being District Engineer, the Assistant Engineer was under your orders?—Yes; but I did not instruct him. He was instructed to make a survey, and in connection with this survey he put down the bore.

96. Had you anything to do with the specification?—No; the specification was drawn up in Wellington.

97. You know that the bore was put down?—I heard so; of course, the surveyors sent the information.

98. What was the nature of the ground shown by that bore?—Nothing shown; the note simply said that he had found sandstone at 10 ft.

99. He did not go beyond that, but he proved that the substratum was sandstone?—Yes, as close as he could tell from a small bore.

100. Do you think the department was at all guided in the preparation of the plans by the fact that the bore showed sandstone?—I am certain that they were not, because the information was never sent to Wellington at all; it was looked upon as quite local information.

101. Then, the system of the department is to take as little responsibility as possible, and throw the responsibility of the tunnel on the contractors?—Pardon me; no. They do not reckon to give information to the contractors. They may give him all the information there, but they do not guarantee the information. They give him his plans, and there is the country to look at; but they do not give him any other information.

102. You say that the specification was prepared in Wellington, and, although the result of the bore was known in Auckland, that that communication was not made?—It was not on the line of the railway, and therefore was no guide.

103. That is beside the question: it was within a chain of the line of railway, and that is a matter of opinion?—That was two years before this tunnel was started.