

all reasonable precautions to insure the safety of their train. That is my deliberate opinion. I am not here in the capacity of chairman of my branch. The butt of that train came through from Frankton. The guard would be in absolute charge of the shunting at Putaruru. The Stationmaster would not interfere with Guard Lowe as to the making-up of his train. Guard Lowe would not consult with the Stationmaster. The Stationmaster would not in any way interfere with the shunting or the brakes. Lowe was an experienced guard. The Stationmaster would come out and ask the guard if his train was in order, and if he had tested the brakes and was ready, and he would take the guard's word. It would not be practicable for the work to be carried on in any other way. Before the guard started to test the brakes he would make an examination of the coupling of each new vehicle that had been attached unless he had an experienced man with him, when he would depend upon him just as much as the Stationmaster depends upon the guard. It is not obligatory on the guard to personally inspect every new coupling provided the guard has a man whom he considers experienced and in whom he would trust.

*Court:* Where that experienced man left it to another experienced man, the guard would use his own common-sense as to whether he made a personal examination.

*Baume:* If all the regulations were strictly observed the railway service could not be carried on. No train would run to time if the Stationmaster had personally to examine the couplings. It would not be possible for the service to be carried on as the Department expect the service to be carried on. The guard could not run to time if he attempted to carry out the regulations. Guard Lowe would be satisfied the train had been properly coupled before he made the brake-test, and I believe he would satisfy himself. After vehicles have been attached or detached the guard stands by his van and signals for the brake-test, and the operation of the brake satisfies him.

*Prendergast:* If I were in charge of a train under the same circumstances as Guard Lowe was, and the engine was cut off on the incline, I would not expect to receive any warning. I have never known a guard to receive a warning under similar circumstances. I consider those engine-men were justified in detaching their engines and leaving the train without any communication to the guard. I have never had a train stop on the grade and the engine detached. In such a case I would put on my hand-brake and go to see what was the matter. I differ from Guard Hampton. I consider Guard Lowe or some one should have put on the hand-brake and gone up to the engine to see what was the matter. I do not think he should have put on other hand-brakes as he walked up until he found out the cause of the stoppage. In the event of a short stoppage on the bank the object of putting the hand-brake on would be to give the engine-men a slack coupling to get away. The guard's van would not hold the train, but it would hold it sufficiently to give the engine a slack coupling. As he heard the train starting again he would release his brake. I know Rule 231. I consider three hand-brakes and one van-brake together with the Westinghouse brake was sufficient under the circumstances. Before they lifted the hook of the engine they would know if the train was standing or not. The stoppage of a heavy train on that bank is not unusual, but I have never known the engines to be detached there. Had the guard been notified he could have taken every precaution to insure the safety of the train. The engine-driver is equally responsible with the guard, and no doubt the driver would take the same precautions as the guard would. I do not say that Rule 231 does not apply to a train fitted with Westinghouse brake, but I say that the rule applies more to a train not fitted with Westinghouse brake, and there are sections in New Zealand not fitted with the Westinghouse brake. We rely upon the Westinghouse brake. Nine out of ten guards would have done as Guard Lowe did that night.

*Court:* I know page 6 of Working Time-table. I think that rule is still in force. I do not consider one of the engine-men ought to have whistled in accordance with that rule when they stopped, because these whistles are given occasionally when brakes are required to be taken off. I know Rule 317. In my opinion as an experienced guard, they should not have whistled under rule, page 6, that night. I would understand from three pops of the whistle on an incline that the driver wanted the guards to apply brakes. Several times I have had three short whistles given me to indicate that the brakes are dragging. There is no rule saying three short whistles shall mean brakes are dragging. Experience would teach the guard immediately the train stopped to apply his van-brake without a whistle. I say that is what he ought to have done. After the experience of this accident I would not as an engine-driver disconnect the engines without warning the guard. The rule states they were to whistle, but I do not think it necessary. Now, after the accident has happened, I would expect them to whistle. I do not know of any case where the engine has been detached on an ascending grade. This is the only case I have ever heard of.

*Baume:* The application of the van-brake would be a further precaution, but I do not think it would have saved the train. The most sprags I ever saw on a van are two, either before or since the Westinghouse brake came in. Reliance is placed on the Westinghouse, and the others are merely additional precautions.

*Court:* For reliance in the running of a train, the guard practically entirely relies on the Westinghouse brake. Coming into Auckland Station I would put my hand-brake on. Under those conditions I do not depend entirely on Westinghouse brake. There is an instruction to apply the hand-brake and it is done in practice, but if the Westinghouse failed the train would go through into the street.

J. MACK.

Taken and sworn at Auckland, this 30th day of August, 1907, before me—CHAS. C. KETTLE, D.J.

This deponent, FREDERICK SYMONDS, Jun., being sworn, saith:—

I am an engineer by trade, and reside at 32 Wakefield Street. I am employed at A. J. Park and Co.'s, Quay Street. I wrote the letters produced (Exhibit No. 22). I have not been requested by any one to come here. I was connected with the railways nine years as a fitter. I have worked at repairing Westinghouse brakes. When a fitter is repairing brakes he has to ask the driver