

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