

163. Where should the express and No. 21 have crossed on the evening of the accident at Rakaia?—At Chertsey, behind me. I should have been into Rakaia, and No. 21 should have gone on to Chertsey.

164. If you had been stopped at Chertsey would there have been greater danger to the express which was coming behind you?—No, because they have a long siding there.

165. When were you made aware of the fact that the guard was left behind at Ashburton?—After the collision. The boy that was assisting the guard came up and told me the guard was left behind. I passed a remark that I thought it was something of that kind.

166. Was it the guard's own fault or any other servant of the Railway Department that he was left behind?—Not to my knowledge. He was a pretty smart guard, but he got so hampered with the many people hanging round the carriages that he could not get on the train without the danger of knocking some of them underneath the van.

167. You have also said that at the time that you tried the brake with Mr. Beattie it did not act. Was it the tender-brake you were speaking of?—That was the tender-brake that would not act.

168. Where had this engine been running previous to the accident?—At Culverden and South.

169. There are some heavy inclines on the Culverden line, are there not?—Yes.

170. Were you ever driving the engine on the Culverden line and coming through Weka Pass?—Yes many times. I have come over it many times with the same engine.

171. And the brakes have never failed with you on the Culverden line?—No.

172. The plain-faced brake is not so severe as the slotted brake?—No it is not so severe. It does not brake like the flat-face on the tire.

173. When the Commissioners were sitting you said you were not allowed to put questions—only through the Commissioners?—Only through them.

174. Did they ever refuse to put any question on your behalf?—No.

175. You had perfect liberty to ask any question you liked through the Commissioners?—Yes.

176. *Mr. Holland.*] What is the speed you should travel at?—On the express you can travel at a speed up to thirty-six.

177. This was not an express train?—No; I think a special is termed about the same as an express.

178. You were not travelling beyond your regulation speed?—I was running between thirty-four and thirty-five. Thirty-five was the highest speed I had done.

179. *Mr. Duncan.*] What speed were your engines capable of running on that night, supposing you gave her all the steam you could. A speed-valve is set so that you cannot alter it?—Yes.

180. Suppose you had the steam blowing off, and you opened your valve and let all the steam on to your cylinders, what rate would she run at with the train you had on that night?—We could run her up to nearly fifty miles an hour if we wanted to.

181. Were you present when the brake was tried after the accident?—I brought that train home from Rakaia myself after the accident, and that brake worked all right, but it did not go on at all at Rakaia; but when I tried it afterwards it worked all right, and all the way home, and I could not account for it at all. It held all right at every station I stopped at afterwards. That train of mine was not protected, and at a station like that the least the stationmaster could have done was to have sent a man out 600 or 800 yards with fog-signals.

182. You did not see the light that night?—I saw the van-light as I was coming up. It appeared to be 700 or 800 yards further down the line. I said to my mate, "What on earth is he doing there?" but when I got two or three chains further on we ran into this other van. The night being so thick, it made the lamp and lights look very dreary and dismal, that you would actually think they were further away than what they were. I was doing my best to stop. I knew the danger I was in with the brake failing.

183. You said if the guard had been on the train and had put on the other brakes, that would have stopped the engine, supposing you had not put on the engine-brakes at all?—Yes, the guard could have stopped it as I could have done.

184. Was there such a brake on this train?—No, only the engine-brake and the usual brake on the carriages and the van—but I do not know that all of them had brakes on.

185. *The Chairman.*] The train that you were driving, what was it called; an ordinary train?—No, a special.

186. Is there any regulation that limits the speed of a train to thirty miles an hour?—I do not think there is that much difference made.

187. Do you know of any regulation that says a train like the one you were running ought not to run more than thirty miles an hour?—I do not know of any regulation to that effect.

188. You say the regulations are frequently broken without difficulty?—Every day nearly.

189. That no bother is made about it?—No trouble whatever is made about it. As long as the work goes on, all is right.

190. So long as the work is done and trains arrive up to time the officials wink at it?—Yes.

191. They allow this, and men are not reported?—As long as a man keeps time and is not reported the better he gets on.

192. Regulation or no regulation?—That is what I found it.

193. How long had those brakes been in use on your section of the line?—Somewhere about three months.

194. Did the officers give you any preliminary instructions before you were allowed to go on with those brakes?—None at all.