

have only one officer—in other words, are single-handed. The rule provides that the danger-signal may be exhibited on platforms, for at some stations it would be impracticable for the officer to leave his station to go several hundred yards up the line with a signal. He has to book passengers and attend to a great many different duties. He gives the signal from the platform, and it is the duty, according to the rules specifically laid down, of drivers to be prepared to stop outside station limits if they happen to get a signal to stop outside or in the absence of a signal to come in. The absence of a signal where a signal is usually exhibited is a danger-signal, and should be treated accordingly. Rule 352: "The absence of a signal at a place where a signal is ordinarily shown or a signal imperfectly exhibited must be considered a danger-signal and treated accordingly and the fact reported to the signal-man or Stationmaster." I think that shows clearly the position of the rule on the subject. There was no reason why Carter should have entered that station. There was no reason—even assuming the brake had failed—there was no reason why he should not have brought the train to a stop with the tender hand-brake provided he had been going at a reasonable rate of speed approaching the station. The fact that he had not his train under proper control is a serious breach of rule, and in this case, had disastrous results. With regard to the night being an exceptionally bad night—it was admittedly an exceptionally bad night—in the case of an exceptionally bad night it is specially laid down that a man shall be extra cautious and take extra care. The fundamental rule in this rule-book is that of the public safety, and no man has a right to endanger the travelling public. On a dark night he should have been doubly cautious. There is another rule, 354: "When approaching a junction or station the engine-driver must give the proper notice by whistle to warn the Stationmaster or signal-man of his approach, and must not, until he has seen the proper signals exhibited to proceed, run at a greater speed than will admit of his being able to stop his train before arriving at the home signal or the points and crossings protected thereby, or short of any obstructions that may exist, and he must so stop his train if the signals are against him; the engine-driver must as far as practicable have his firemen disengaged when approaching a station or junction so that he may keep a good look-out for signals." In the "Appendix to Working Time-table," which has already been before you, I think there is a rule on page 6, viz., "Speed of trains approaching facing-points: Engine-men must have their trains under perfect control when approaching facing-points, and be prepared to stop at any moment if necessary before fouling the points. They must not draw trains over the points until satisfied that the points are correctly set. A vigilant look-out must be kept when entering stations to see how far the line ahead is clear; and the speed of the train must be regulated accordingly." (See Rule 354.) That was amplified by the following instructions opposite page 6: "The instruction on page 6 does not relieve the traffic- and maintenance-staff of their responsibilities for seeing that facing-points are properly and securely locked as provided in the rules and regulations. The intention of the instruction is that engine-men should exercise judgment and be on the alert when approaching facing-points, and at crossing- and stopping-places have trains under such control as will enable them to be stopped at any time before reaching the points." That of course is borne out by the rules and regulations; in these it is strictly enjoined that you are not to enter a station without first receiving the signal to enter or proceed. On a night like the 11th March, a careful driver would have crawled up to that station very very slowly indeed, knowing he had to make a crossing there, and having the danger of not seeing ahead. One other point has been mentioned, and that is with regard to the senior guard having been left behind. Mr. Carter laid considerable stress on that, and would have you think that the cause of the accident—the approximate cause of this accident—was due to this unfortunate guard having been left behind at Ashburton. Now it has been stated that the assistant-guard who came along with train was a boy. The assistant-guard was not a boy, gentlemen; he was a young man of some twenty-three years of age. He has been in the Traffic Department since January, 1895, so you cannot say he is a boy. That man was taken on the train for the purpose of collecting the tickets, and leaving the other guard in the van. This assistant man replaced the regular man in the van, and for all practical purposes there is no reason to doubt but that he was just as efficient as a regular man would have been. There are one or two things that cropped up with regard to the evidence yesterday. Mr. Carter said—or he gave you to understand—that some restrictions were placed upon his asking questions before the Royal Commission. That was not so; he was given every opportunity to ask any questions through the Chairman. With regard to assistance for Carter; at Royal Commission, at his own request, he asked to have a driver named Dawson to assist him. Dawson is under the impression that he is very well posted on air-brake matters, and so on. The department, at Carter's own request, allowed him to have driver Dawson to assist him. Carter has also said the witnesses attended at this Royal Commission to give evidence against him. As far as is known no witnesses attended to give evidence against Carter. They were present simply to state facts within their knowledge. With regard to Carter's own engine, No. 284, in the collision, Carter has not reported, in the book for that purpose, any defect in the brake of engine in question. Engine went to shop to get cab altered, and some additions. Carter did not draw my attention to the brake-blocks which he now says made the grip very severe, nor did he draw my attention to any defect about his tender air-brake gear. The engine went into shops on the 4th January, 1899, and was sent out of shops on the 18th January, after which date Carter regularly worked the engine until the 11th March without even ever making any report as to the engine or brakes being defective. The brake-blocks were worn flat across the bottom on the 11th March, so that the groove had disappeared from portions of the blocks. That engine had not been reported to have any defects in its brakes from the time Carter first took it in December. He ran that engine forty-four separate days up to and including the day of the accident. In regard to this test Carter speaks of about the brakes not going on on the tender, of that I have not the slightest recollection; in fact, I am perfectly satisfied that he is under a misapprehension. It would not be his place to