

points such speed-limits are fixed, and it is within the knowledge of the department that the speed limit is exceeded on favourable portions of the line between such points, and the judgment of the driver is largely relied upon in selecting those portions of the line on which a speed of forty to forty-five miles an hour may safely be run. This is the usual practice everywhere. The whole of the road not having yet been relayed and strengthened, it is left to the discretion of district officers to take up the question where a driver is running at an excessive speed. District officers are constantly watching this question of speed. At present the speeds cannot be defined between narrow limits, as the work of strengthening is in progression. Then there is the point raised this morning about the alleged falsification of train time-sheets. I have been on the New Zealand railways twenty-two years. I have travelled very frequently in the guards'-vans—and I have travelled a good deal—and can only say I have seen nothing of that during my twenty-two years here. I have seen the guards making out the sheets, and have never yet seen any falsification. Personally I do not believe that statement of Carter's. Then, this matter of Carter saying that he was put on the north line to run to Culverden for seven weeks to do away with complaints that had been made of slow running: I do not know anything about that. No date was stated, and it is absolutely without my knowledge; and I think I should have known something about that. I know absolutely nothing about it; it was either prior to my coming to Christchurch, or it is untrue. Then there was some mention made with regard to Rule No. 74: "When a distant-signal is at 'danger' an approaching train must be brought to a stand before passing the signal-post, and then if the driver sees that the way in front of him is clear he must proceed slowly and cautiously within the distant-signal, having such control of his train as to be able to stop it short of any obstruction until the rear of the train is protected by the signal. If the line is still clear ahead the driver must proceed in like manner until reaching the home-signal, where he must stop until either the home-signal is lowered or other signal given according to Rule No. 70. In thus passing a distant-signal at 'danger' the driver must pay particular attention to the gradients, state of weather, condition of rails, and weight of his train." Mr. Carter explained to you carefully this morning that that instruction was not literally obeyed. It is not literally obeyed as a general thing. Where the driver sees the line clear ahead of him, he practically comes to a stand at a distant-signal. He brings his train along at such a crawl that he could stop it at a wagon's length; but, in order to save jerking the couplings, or restarting the train after it has actually come to a stop, it is a usual thing to just crawl past the post. Practically the train does stop there. If they are just crawling past a signal-post that in railway practice all over the world is considered to be observing that rule. Rule No. 141 was quoted—viz., "In addition to any circular memorandum that may be issued special trains are to be timed on to and from all telegraph-stations, and before any special train is despatched notice must be received and acknowledged, if at all practicable, by every Stationmaster on the line. Where there is not time to get written acknowledgment the telegraph must be freely used, and the guard (if there is no guard the driver) of special train or engine must receive written instructions from the Stationmaster who despatches the train directing him when to leave each station and where to shunt for crossing trains." Mr. Carter said that that rule was not observed on 11th March. I think if I show you a special train notice for that train on that date the whole thing will be clear. The whole of the instructions and particulars were printed, and this form [printed list put in] was issued to the staff on the 6th March, and that special train practically became a time-table train, and the staff must have been thoroughly conversant with it. That complies with requirements, and there is nothing whatever in this contention that that rule was not observed. Then reference was made to Rule 163: "Trains sometimes over-running platforms." Of course, that does happen occasionally; generally through some one's want of judgment, usually the driver's. Perhaps Mr. Carter has himself had more experience than most of us; but, as a general thing, it is very, very rare. Then with regard to the first "excursion" having not been put into the siding. That I do not think was necessary. There was no reason to suppose any train would enter that station or any other station without the necessary signal-permission. The fact that Carter's train entered Rakaia Station without permission was a most serious breach of all railway regulations, and the cause of a very serious disaster. If that station had been protected by a most elaborate set of signals, and every contingency provided for, but the driver had failed in his duty, the whole thing might have happened exactly in the same way. If a driver approaches a station at a rate of speed higher than he should with his train, surely something must happen. As to providing for anybody being so negligent as to run in as was done in this case, the thing would not be practicable, nor would it in many cases meet the requirements. Many sidings would not hold these big trains. Rules 138 and 291 were quoted together by Mr. Taylor. Well, I simply submit that is pure quibbling. This is a matter which is entirely within the discretion of the Traffic Manager controlling the traffic for the district. It is ruled by conditions which are special, and very likely unusual and varying for almost every train. It is ruled by the gradients, curves, size of the train, and the conditions generally. It is entirely a matter for the discretion of the Traffic Manager. It does not affect this Rakaia disaster in the remotest degree. It is absolutely extraneous. Now, there is one item of evidence I should like to emphasize here, and that is the evidence given by Mr. Danks. Now, this was the evidence given by him before the Royal Commission:—

THOMAS DANKS sworn and examined.

Mr. Pendleton.] Have you been a driver in the New Zealand service?—No; I was a driver on the Victorian railways.

How long is it since you were there?—I left in 1878.

How long had you been driving there?—Sixteen years.

Did you resign?—I resigned to come to New Zealand to start business.