

56. You say that the electric car which came up lifted the motor round?—Yes, it lifted the back part.

57. And, having lifted it, did it not strike you as a very small injury to the car considering the lifting?—No, considering the broad surface she struck.

58. How fast was the car travelling when she struck you?—I should think she was going twelve miles an hour.

59. *The Chairman.*] In reply to one question you said you had shut off steam when the collision occurred?—Yes.

60. Supposing there had been a full head of steam on, what would have been the result, in your opinion?—It would have dragged the car right round. She would have pulled herself clear.

61. Have you any idea of what weight the tram-car is?—Twenty-six tons, I should think.

62. You think that with the steam-pressure you had on your wagon it would have been strong enough to pull the car over?—Considering the car was off the rails, she would have turned round. I have pulled 13 tons myself with the motor-wagon. She would twist 30 tons right round.

63. *Mr. Wright.*] Do you recollect saying that when you were at this point in Tory Street, after you had started from getting your charcoal, you saw the car?—I did not see the car until I got to the corner.

64. Where did you first sight the car that ran into you?—When I was going into the first line of rails.

65. When you sighted the car from Island Bay where was the other car which was coming from town?—It had gone. It would be down towards the terminus. I did not attempt to cross until it went by.

66. Let me suggest this to you: You evidently thought the car that collided with you was sufficiently far away to allow you to clear it?—It was far enough away, but it was coming exceptionally fast.

67. Your theory is that this car was driven at too great a speed?—My theory is that the motorman really thought I should be across. He did not attempt to slow up until it was too late. Had he slowed up ever so little before, I should have got across. The car must have been considerably over 40 ft. away.

68. Did you not say you had partially relied on the car stopping at the request stopping-place?—No. I expected him to slow down. It was not very safe to come at that speed without slowing down. I have not seen any other motormen doing it. The fact of the matter was that the motorman thought I should be able to get across. I should not have attempted to get across if I had known he was going to continue at the speed he was coming at. He jammed on the brakes too late, and instead of braking the car she skidded right into me.

69. When you saw him coming you relied on his slowing down in the usual way; otherwise, if you had thought he was going to maintain that speed you would have stopped?—When he saw me on the tram-line I naturally thought he would slow down.

70. What do you understand the position to be with regard to tram-lines when crossing: do you contend that a tram should stop for you?—Not for a moment. If I have room to get across, I go; if not, I stop and let them go.

71. Do you count on them slowing down for you?—No, I do not.

ALFRED HENDLE examined. (No. 5.)

1. *The Chairman.*] What are you?—Firing the engine carrying coal.

2. Will you be good enough to tell us as shortly as you can your impressions regarding this accident?—From the time we left the gasworks, where we took in coke, we headed for Mount Cook Gaol, and just as we got to Courtenay Place there was a car coming from the direction of the Duke of Edinburgh Hotel. The driver let that pass. Just as we cleared that one, and before she went past, there was another car coming from Courtenay Place terminus at the ordinary Courtenay Place rate. I saw him coming, and the driver of the tram-car tried, it seemed to me, to pull up and get the car under control, and then she seemed to pull as if she carried away something and got up speed again, and by that time the steam wagon was half-way across the line. The consequence was that a collision occurred.

3. Will you tell us how far you think the car was away when you first caught sight of her—the car that collided with you?—She was just near Williamson's blacksmith's shop. About 2 chains or $2\frac{1}{2}$ chains.

4. You say that at the time you caught sight of the car that collided with you, you were practically on the other line of the rails?—Yes. She was just standing to let the other car go by, to cross when she made room for us.

5. Do you know whether the driver shut off the steam of your engine?—No, I had nothing to do with the driving at all. It was my work to look after the fire.

6. *Mr. Radcliffe.*] Did you notice whether the motorman of the tram-car appeared to be working the brakes?—He appeared to be working his hand-brake.

7. When the collision occurred did you suffer any damage?—No, not beyond a small cut on the arm from the broken glass of the front of the car.

8. Were you thrown off at all?—No. The driver is on the right-hand side of the engine, and I am on the left.

9. Is the driver on the near side?—On the right-hand side. I was nearest the collision side.

10. *Mr. Newman.*] Can you express an opinion as to the pace the car was going at?—It was the ordinary Courtenay Place pace. I could not say what speed that would be.

11. Was it five, six, eight, ten, or twelve miles an hour?—I really cannot say. I think about six.