

32. *Mr. Green.*] If the signal had remained at the original place do you think it would have tended to avert the accident?—It would have helped to—there would have been more room.

33. Could you tell whether the driver put the brake on after you considered he was on the flat and getting near?—The first time I noticed the brakes was previous to the curve.

34. At the foot of Scroggy Hill?—On Scroggy Hill.

35. *Mr. Veitch.*] When you coupled up the train at Henderson were the cars standing in the siding?—Yes, in the second road.

36. And did you come out on the engine and back to the cars and pull them out?—We had to go to the north end of station and go along the line into the south end, and then back on to the rails.

37. Do you say the brakes were coupled up then?—The train was in half—two pieces—and we had to back on to the other half.

38. And were the brakes coupled up then?—Yes, by the guard.

39. Was that the time you tried to pull ahead?—He told me the tap at the back was down. We could not move because the brakes were all on.

40. They would be on the portion that you were coupled up to?—I think they would be all coupled up.

41. Were the brakes on on the latter end of the train?—As soon as you couple them up the air goes through them and puts on the brakes.

42. Was that the time you had a difficulty in pulling out?—Yes.

43. And were the brakes released on that occasion to go ahead?—The guard went back and closed the tap.

44. It was all done by the brake-valve?—Yes.

45. And then you backed out and pulled up to the station?—Yes.

46. You said the fog was pretty heavy at the time the brakes were applied just before the collision?—Yes, it was heavy down in the valley.

47. Would it be fair to say you found it necessary to do so at the point where the brakes were applied?—Yes.

48. Because the landmarks were hidden from view by the fog?—That is so.

49. So that you could not say very definitely where they were applied?—No, I could not say definitely.

50. Is it a fact that there are two handles to the whistle on that train, one on the fireman's side and one on the driver's?—Yes, there are two.

51. Has it been your custom to blow the whistle except when necessary?—The fireman only blows it when he thinks it is necessary.

52. If the fireman has a handle of his own he would not ask the driver to blow the whistle, but do it himself to give a sudden warning?—Yes.

53. *Mr. McVilly.*] In your evidence yesterday you said that you blew the whistle at Titirangi crossing?—Yes.

54. You knew where you were then, did you not?—I had an idea where I was.

55. You remember the departmental inquiry in Auckland?—Yes.

56. You stated there on oath that you knew exactly where you were?—

[Evidence relating to departmental inquiry ruled out.]

57. The distance from the home signal to Titirangi crossing, where you knew where you were, is 260 yards. If you consider it necessary to have a fog-signal there, why did you not tell the driver where he was that morning?—After I applied the whistle I remarked that I thought we were getting close.

58. As a careful man and as a man who knew the road and had some doubt about Corich's efficiency, should you not then have said definitely to Corich that you were 300 yards away?—I had no occasion to do so.

59. Seeing that the level from the foot of the grade to the home signal is 280 yards, and you knew where you were, what benefit would you have gained by a detonator signal being put out?—If we had gone over them we should have stopped, applied the emergency brake, and waited for a signal.

60. You have been examined with regard to the rules?—At times.

61. Rule 208 reads, "When from fog, falling snow, or other cause the fixed signals are not visible as soon as usual, the engine-driver must run cautiously, especially when approaching stations or signal-boxes, so that he may be able to stop the train short of any obstruction should the signals be against him." With your knowledge of that rule, and if the fog was very bad that morning, why did you not see that the driver acted according to the rule, seeing that you, in common with every member of the Railway Department, has imposed upon him the duty of providing for the public safety?—It is very seldom that we are held up outside that stick. I considered when going along there that there was nothing unusual, and I thought we were going right in.

62. Then we come down to this: that you have been in the habit of getting a "Clear" signal there, and you shut your eyes practically and let the driver run on regardless of the consequences, and assumed that the signal would be "Clear" without knowing what the position was?—I cannot see the signal on my side in a fog.

63. That does not rid you of your responsibility for seeing that the driver takes proper precautions under this rule. You say there was a fog, and you tell us that because the signal has always or invariably been "Clear" that you simply let the train run on and did not suggest to the driver that he should proceed cautiously?—I considered it was quite safe.

64. If you were quite safe there was no necessity to put out detonators—that is obvious?—I do not know.