

SAMUEL KENNEDY sworn and examined. (No. 21.)

1. *The Chairman.*] What is your occupation?—Engine-driver.
2. *Mr. McVilly.*] How long have you been driving?—About fourteen or fifteen years.
3. You heard the evidence of the driver and fireman of No. 6 train regarding the weather-conditions that prevailed on that morning?—Yes.
4. Supposing you had been in charge of that train and the fog was as dense as these two members of our service say it was, and the view was restricted to 30 yards, what would you have done in that case?—It would depend a good deal on whether I knew the road or not.
5. Supposing you did not know the road?—If I did not know the road, and seeing that I have had a lot of experience as a driver and have a reputation behind me, I would certainly run slowly.
6. At what speed would you have run: what do you call slow?—I should say that fifteen to twenty miles an hour would be slow running.
7. If you did not know the road?—If I did not know the road.
8. And you could only see 30 yards ahead?—A great deal would depend on circumstances. If I had a good idea where I was I would consider I was running safely at fifteen or twenty miles an hour.
9. Supposing you were driving a train of, say, 300 ft. in length, and you were running at fifteen or twenty miles an hour, and you had the Westinghouse brake, in what distance could you stop that train?—I have not got the figures at my finger's end, but I should say you could stop that train in two lengths of the train.
10. In 600 ft.?—Yes.
11. You could only see 90 ft. ahead, remember. Rule 208 says, "When from fog, falling snow, or other causes 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." If you could not stop under 600 ft. with the Westinghouse brake, how do you regard fifteen miles an hour as a proper speed?—I consider that fifteen miles an hour is a very slow speed when a train is fully equipped with the Westinghouse air-brake, and I have sufficient knowledge of the road to be able to judge where the signal is. I would certainly slow down to slower than that when in my opinion I was approaching that signal.
12. But we are assuming that you have not a knowledge of the road. What would you do assuming you had not too good a knowledge of the road?—Seeing that I am an old and experienced driver, if I could not see where I was going I would pull up.
13. If you had a knowledge of the road and knew exactly where you were you would run at fifteen or twenty miles an hour?—Yes.
14. Under conditions where you could only see 30 yards ahead?—That is, if I knew exactly where the signal was.
15. But suppose you suddenly saw an obstruction 30 yards ahead of you and you were running at a speed at which you could not pull up in less than 600 ft.?—A driver has no right to anticipate an obstruction 30 yards ahead when he is running with a tablet.
16. Do you as an experienced driver say that the mere fact of getting a tablet from a station three or four miles in advance is an indication to you that there is no damage to the road by slips or washouts or anything of that kind? Do you say that because you have got the tablet you are quite justified in going at any speed?—The tablet indicates to the driver that the line is clear to the home signal. The platelayers have to go over the road before that train, and I think the driver is quite justified in assuming, once he has received the tablet, that the line is clear to the home signal.
17. If that is so, will you tell me how you would act under this Rule 207: "The engine-driver must at all times be prepared to act upon any signals shown by surfacemen or others on the line. He must not, however, depend entirely on signals, but on all occasions be vigilant and cautious." According to you the tablet relieves you of that responsibility?—No, I did not say so. I would not assume, until I had a warning from platelayers or any other person, that there was danger. Provision is made in the rules for the use of detonating signals and other hand-signals.
18. Then you would assume that other people were to look after the safety of the train and not the driver—that is, that you could commit a breach of all these rules and simply run along blindly because you had got the tablet, leaving the safety of your train to other men who may be engaged on the line?—If an engine-driver had always to ascertain whether the rail was intact and there was nothing on the rail when he was running a train, a great proportion of your trains in fog and stormy weather—for instance, when there is snow—could not possibly be run as they are at the present time.
19. Here is Rule 211: "Engine-drivers must exercise caution when approaching stations, whether they are required to stop or not, and must approach terminal stations, crossing-places, or junctions at such speed as will enable them to stop their trains with the ordinary hand-brakes before entering the station-limits." At fifteen or twenty miles an hour you could not do that?—It would depend how far you could see ahead.
20. We are talking about seeing only 30 yards ahead. I want to know what you would have done on that particular morning. Seeing that the view on this particular morning is supposed to have been limited to 30 yards, at fifteen miles an hour would it comply with that rule? Could you stop the train with the hand-brake?—I did not say that I would run up to the home signal at fifteen miles an hour.
21. Where would you reduce speed?—I would reduce my speed so that, if the home signal were against me, I would be able to stop at it or before I got there.