

19. Supposing you were driving No. 6 approaching New Lynn Station with the conditions such as Driver Corich stated and you knew you had a crossing to make, what would you have done?—I would have run at a speed that would have enabled me to stop within 30 yards if I could only see 30 yards.

20. You would not have considered yourself justified in running along at fifteen miles an hour?—No.

21. Supposing the position was that he could not see the signal at all, what would you have done?—I would have reduced speed to practically a walking-pace. It would mean a loss of time, but it is far better to lose time than to have an accident.

22. With regard to loss of time, have you ever been found fault with as a driver for losing time owing to weather-conditions where the safety of the public required it?—No, never.

23. Where you have a regular crossing to make under the time-table, in coming to a station do you assume that the line is clear right into the station because you have got the tablet?—Certainly not.

24. Would you expect it would be possible or probable that shunting operations would or might be going on under Rule 157—that is, assuming the home signal is at “Danger”?—Yes.

25. And if the home signal was at “Danger” would you conclude that shunting operations were being properly conducted?—Under cover of that signal, yes.

26. You have heard the practice that was followed by the tablet-porter—that he brought in No. 5, that she went up to the tanks for water, then pulled ahead, and was preparing to back in when the collision occurred. All those movements were done under cover of the home signal: do you think that was proper?—Yes, I consider so.

27. Rule 189 says, “The engine-driver is responsible for the safety of the engine, and equally responsible with the guard for the safe working of the train; and he must make himself thoroughly acquainted with the line over which he runs, and also with the signals governing the traffic.” Under that rule would you consider that the driver was acting in a proper way with regard to the safety of his train if he ran on into the station at a high rate of speed when he could only see 30 yards ahead?—No, I should not.

28. You consider that the driver under that rule is responsible for the safety of the train during the whole of the journey?—I always consider that I am.

29. Rule 207 says, “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.” When the weather-conditions were as bad as Mr. Corich has stated—we are assuming now that they were bad—do you consider that vigilance was being exercised or proper precautions taken in running fifteen miles an hour?—No, or that accident could never have happened, in my opinion.

30. Rule 208 says, “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.” Do you consider that that rule was carried out on that morning by running at fifteen miles an hour if the conditions were what Mr. Corich stated them to be?—No.

31. Do you think he could have complied with the latter part of Rule 211, regarding a driver stopping his train with the ordinary hand-brake at the station?—Apparently he could not stop it with the Westinghouse brake.

32. You heard the question that was put to Mr. Kennedy just now about the short distance this train ran past the home signal before he stopped. You think he was stopped by the train in front?—Yes, I feel confident that that is what stopped him.

33. If that train had not been there you do not think he would have stopped in that 110 ft.?—He might have run a train-length past that point.

34. And he might have gone into the station?—Probably he would.

35. You heard the evidence of Mr. Corich’s fireman—that it was not usual for them to stop outside the home signal. Do you think they were running along with the intention of going straight into the station or in expectation of getting a “Clear” signal in?—Judging by results, yes. In other words, if Mr. Corich had been taking the precautions he should have been taking he would never have got where he was.

36. Mr. England said they did not usually have to stop outside the signal: that meant that they expected the line clear up to the station. Do you agree with Mr. Kennedy’s evidence, that the fact of having a tablet is sufficient authority for a driver to run along at any speed between two stations?—Certainly not.

37. *Mr. Sykes.*] You have heard all the evidence that has been given at this inquiry. In your opinion did the tablet-porter take all necessary precautions to ensure the safety of the train?—I consider that he did.

38. *Mr. Dickson.*] You say that you were for nine months stationed at Henderson and were running that train: were you running the same train for nine months?—Yes.

39. In what year was that?—Some time in 1903.

40. Ten years ago?—Yes.

41. Was Scroggy Hill a stopping-place for any trains then?—No.

42. You know that it is a recognized stopping-place now for several trains?—I have heard that it is.

43. When have you been to New Lynn since you went off in 1903?—About twice.

44. Was there a tablet-porter at New Lynn when you were running the train?—I will not swear that there was a tablet-porter there.