

43. If he had seen that signal 300 or 400 yards farther up the hill he could have pulled up the train in the same distance?—He might have done.

44. Do you consider New Lynn Station is at the foot of a grade?—No.

45. Therefore the regulation does not apply to that?—No, not in my opinion.

46. *Mr. Green.*] Do you know why the practice of shunting at the north end of the station has been discontinued?—Yes. In this case the tablet-porter after the accident brought the train into the station and then put it into the siding, and although I did not consider it was a dangerous thing to do, I considered it advisable, seeing that there appeared to be a feeling regarding the matter, to simply issue instructions to tell them to take the trains in at the south end.

47. You consider it safer now?—No, I do not consider it safer. If each man carried out his duty the previous practice was just as safe.

48. What is the necessity for the appointment of a fog-signalman at New Lynn Station now?—The reason seems to be obvious—the driver overran the home signal.

49. Supposing that the Auckland train is running late and the Henderson train is due at the same time, that the morning was foggy, how can one man carry out the fog-signalling at both ends of the yard at the one time?—I am not an expert at one man doing two men's work.

50. Would it not be necessary to have two men in such a case to carry out the work in a heavy fog?—The position is that this man in charge on this morning apparently considered it unnecessary to take out fog-signals. The question of taking out fog-signals rests with the man in charge.

51. Do you suppose that the one man appointed could carry out the work of fog-signalling without an emergency man?—He has got an emergency man there. It was deemed advisable to inform him that in case of necessity he was to call this man out.

52. There was never any necessity before?—The accident shows that there was some necessity for it in a measure.

53. In regard to train-crossing, do you know that instructions were given in reference to trains arriving pulling in at the top end?—In view of the fact that the driver overran his signal I deemed it advisable, until the matter was settled, to advise the porters to take trains in at the top end.

54. *Mr. Mack.*] As Traffic Manager do you think it necessary that you should instruct every one of your staff how to carry out a particular shunt?—It is absolutely impossible.

55. It is left to them to do it in the best way possible?—Yes.

56. And does the fact of instructions being given to the driver of a train to run into a siding at the nearest end entirely eliminate the possibility of accident?—No.

57. As long as the human element is there there is a possibility of accident?—Yes, undoubtedly.

58. *Mr. Kennedy.*] Who is responsible for the appointment of a fog-signalman at New Lynn?—The officer in charge at New Lynn.

59. Is there any other officer who has to see to it?—I am responsible to see that all the regulations are generally complied with, but to expect me to see that every man carries out the rules and regulations is a physical impossibility. I have a staff of eight hundred men under me over a mileage of 450 miles.

60. And who is responsible for seeing that train-crossing is carried out in accordance with the rule?—The Traffic Manager, with the assistance of his Inspector.

61. Were there any fog-signalmen appointed for New Lynn prior to the collision?—I think not.

62. Both have been appointed since?—The second tablet-porter has been told to assist there when necessary.

63. Have they been appointed at any other station since the accident?—Probably. That is a matter of detail.

64. Have you heard of any reports or complaints about the system of crossing trains at New Lynn before the accident?—No.

65. Did your Traffic Inspector report to you about the 23rd May anything with regard to the crossing of these two trains?—Only in connection with a case that Mr. Dickson referred to that occurred in February. I explained that those trains were coming in and the signal was lowered before one train was clear, and the tablet-porter was taken away from New Lynn and placed elsewhere.

66. After that did the tablet-porter tell you anything about what he was going to do in future or did you instruct him?—The instructions I issued to New Lynn were after the accident.

67. Did you not have a conversation with one of the tablet-porters prior to the accident with regard to this little trouble?—No.

68. Did he not tell you that No. 5 was now being brought direct into the siding?—No, I heard nothing at all about that—not prior to the accident.

69. The porter in charge of the signalling at the station on the morning of the collision was suspended?—Yes, he was.

70. And after the Department had investigated the matter thoroughly they dismissed the tablet-porter?—Yes.

71. Can you tell me why the tablet-porter was dismissed?—I do not know.

72. I want you to assume that they were in a fog on the morning of the 28th May—a dense fog: do you think that fog-signalling should have been carried out?—Fog-signalling should be carried out at every station where there is a dense fog.

73. I said "fog"—the regulations does not say "dense fog"?—I must leave that to the officer in charge.