

80. Is it not a fact that the porter who is off duty has now to see to it?—Should the porter consider it necessary to put out fog-signals he may call on the porter off duty.

81. That was not in existence before the accident?—No.

82. Is not that tantamount to appointing fog-signalmen?—No.

83. If there was a fog at New Lynn on the 28th May last, should fog-signals have been put out?—Yes, if dense.

84. And if there was a fog at New Lynn on the 28th May last, was it a breach of the regulations for No. 5 to pull out and back in at the south end?—Yes, if there was a dense fog, certainly.

85. Would it be possible for one man to carry out fog-signalling at New Lynn?—Yes, quite possible.

86. In the manner described in Rule 155?—Yes. He has to do the most important train first.

87. Have you examined the porters at New Lynn with regard to the rules and regulations?—Yes. I examined them about twelve months ago last June. This year I missed them.

88. That was about eleven months prior to the accident?—Yes.

89. Did you examine them in the rules relating to fog-signalling and crossing of trains?—Yes.

90. Are you quite sure they thoroughly understood them?—Yes.

91. Did the examination deal with the appointment of fog-signalmen?—No, not with the appointment.

92. Had you occasion to inquire into any signal irregularities prior to the collision?—Yes, the one in February mentioned by Mr. Dickson which inquiry was about a week prior to the accident. There was only the one as far as I know.

93. Did you ascertain by that inquiry how No. 5 was being shunted to allow No. 6 to pass?—No, I did not ascertain that, but when I went out to inquire into the signal irregularity committed by Porter Mooney he said that, ever since, No. 5 train had been brought in at the nearest end. I reported to that effect to the Manager a week before the accident.

94. Did you impress on him that it was necessary to bring it in at that end?—No, I did not consider he was wrong in pulling the train ahead and backing it into the siding. I did not consider he was wrong, although he said that ever since he has brought it in at the nearest point to obviate any risk.

95. But there was no question of fog?—No, that is right.

96. Do you not think it is more desirable that the rule should be carried out—Rule 250?—He did not break the rule.

97. From your experience as a railway man do you not think it is better to pull in at the first points into the siding or go up on the main line and shunt?—I think it is better.

98. It is safer?—I do not know that it is safer. It is better: it is no safer.

99. In the event of the train from Scroggy Hill, either through carelessness or inability, or anything else, rushing down the hill, do you not think there would be less chance of an accident if No. 5 was always taken in?—Yes.

100. Then it would be a safer system to bring it in there?—Yes, in that way.

101. Now, if it was a foggy morning would the manner of shunting those two trains on that morning be contrary to regulations?—Certainly, if dense.

102. One of the tablet-porters told you on about the 20th or 24th May that in future he would always bring No. 5 into the siding?—Yes.

103. With regard to the irregularity that happened, he said there had been a misunderstanding between him and the assistant on the train, and he was not going to run any risk of a repetition, did he not?—Yes.

104. So that evidently Tablet Porter Mooney himself was under the impression that it would be safer to pull into the first pair of points?—Yes; he said he would not risk it again.

105. He recognized there was a risk, then?—That is what he said.

106. Have you yourself seen trains crossing in this manner at any other station?—No.

107. Do you consider that New Lynn is near the foot of a grade?—No, I do not, in view of other stations that are at the foot of a grade. There is 200 yards of level road and another 200 yards on a grade of 1 in 204.

108. Starting from Scroggy Hill you have a grade of—?—One in 45 at Scroggy Hill itself. Then you go on to about 1 in 204 for about 200 yards, and then another 200 yards level.

109. Is it level before you get to the home signal?—No, before you get to the station.

110. The station begins at the home signal, does it not: that is the stopping-place for the driver?—Yes.

111. He had not got the level to run on, had he?—One in 204 is practically level.

112. When do you strike the level when you come down?—At Titirangi crossing.

113. How far is that off the home signal?—I could not say from memory.

114. You have never done any engine-driving, I suppose?—No.

115. You have not had any experience in the running of trains?—No.

116. You cannot speak with first knowledge of speeds?—Oh, yes; from travelling as a passenger I have an idea at what speed a train is running. I have a pretty good knowledge of speeds.

117. You have stated that the engine-driver on this particular morning, with a fog at New Lynn, should have run cautiously?—Yes.

118. Will you let us know what you think would be a proper speed for the driver to follow from the time he entered the fog until the train was stopped?—I would not say anything in regard to speed. All I say is that he should run cautiously.

119. If you could say something with regard to speed then, why do you now object to answering any question?—If you ask me a question I will answer it, but on the general question I cannot answer.