

134. Why did you not report it?—I did not want to be at enmity with the Department through reporting things. I thought that as it had gone on so long others should have pointed it out.

135. Is it not a fact that every member of the Railway service is invited to bring under the notice of the Department everything that is conducive to safe working?—Yes. I had brought a thing under the notice of the Department previously.

136. Did you bring this under their notice?—No.

137. And you considered it dangerous?—Yes.

138. Then you were guilty of a gross dereliction of duty, and you admit it?—I was in one sense, but I wanted to keep to the time-table.

139. Does not the time-table play a part second to the public safety?—It should.

140. But it does, under this rule?—Yes, if for the safety of the public.

141. Well, then, the Department expects you under certain circumstances to regard the safety of the public rather than two or three minutes' delay to a train: is that not so?—I do not look at it in that light at all. I consider that the time-table is put down there for your guidance, and those who make the time-table should provide you with a proper way of working it.

142. The point is this: either you are going to regard the safety of the public as of first importance in accordance with this rule or you are not: now, which is the first duty?—The first duty, according to the rule-book, is the safety of the public.

143. Then if the semaphore signal is up against a train and the shunting operations are carried out under cover of that, the safety of the public is provided for, if the signal is attended to: is that not so?—Yes, if the signal is attended to.

144. During the four years you were in the service, how many times were you examined as to the rules?—I could not say. I suppose, three or four times.

145. Did you ever at any of those examinations ask the Traffic Inspector, or during your time in the service ask any other officer of the Department, for instruction in the rules?—I had several lots of instructions. At the ordinary examination I was asked questions, and I would put the ordinary questions—perhaps a few questions relative to the examination. Mr. Harrison, at Taumarunui, gave me several lots of information on different instructions that I had asked him about in which he had found me lacking.

146. You asked Mr. Harrison for instructions and you got the instructions?—Yes.

147. Did you ever ask the Traffic Inspector for instructions?—Just in the ordinary way—any casual questions that might crop up at the examination.

148. Did he give them to you?—Yes.

149. You apparently had the same opportunity that everybody else had of getting instruction if you asked about any doubtful question. You could get instruction without any difficulty: is that so?—No; I do not think you could always get instruction without difficulty. I will give you a case. On the 6th November, 1909, I asked about some crossing trains at Papatoetoe, and I wrote to the Traffic Office, and got the reply that representation should be made to the Station-master at Otahuhu. When I did not get a direct reply from the Department I let the thing slide.

150. When you were at New Lynn you were in charge of the shift: the men who came in on the trains—the guards' assistants—were under your control while at the station, were they not?—Yes; I considered they ought to be under my control.

151. Did you ever call on those men to assist you?—The men went on with the practice generally. The usual practice was carried out of going in at the north end of the yard.

152. They assisted you at any operations where you wanted help?—Yes, if I asked them they would do it.

153. And you called on them when you required to, I suppose?—Yes. I generally had too much to do otherwise without bothering about them.

154. You called on them when you wanted them, and did not call on them when you did not want them: is that the position?—Yes.

155. If a fog had arisen while you were there and these men were available, you could have utilized any of them to assist you in fog-signalling?—Yes, but I consider that when they arrived it was too late. For this No. 6 train it would have been too late in my time.

156. No. 5, according to the times you have given us, arrives there at 6.45 a.m.?—Yes, according to present times.

157. She is generally in ahead of the other train?—Yes.

158. *Mr. Kennedy.*] You say that the home signals control the entry of trains into stations?—The home signal at New Lynn does.

159. Does it always control the entry of trains into stations?—No, I should not think so.

160. When is the exception?—I think there might be fog-signals put down that would bring the train up.

161. It did not stop the train on this particular occasion?—I was not there to see.

162. Why do you think the Department has provided regulations for fog-signalling at stations?—So that they could be put into operation in case of necessity.

163. You admit that the home semaphore does not always stop a train running into a station?—Yes.

164. The Department seems to have recognized that some other means is necessary on certain occasions such as a fog?—Yes.

165. Can you tell me why they have inserted those regulations in the rule-book?—So that they should be carried out when necessary.