

9. *Mr. Dickson.*] What distance is Scroggy Hill from where the accident happened—from where some of the trains stop?—It must be somewhere about a mile from the crossing to where the accident happened.

10. Can you show us exactly where the accident happened on that plan?—Yes. It was one carriage and one engine length over the bridge.

11. Was that a big engine or a small engine?—A small engine.

12. That mark on the map, then, is not correct?—No.

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JOHN FRANCIS McDERMOTT made a further statement. (No. 8.)

*Witness:* I should like to make an explanation in reference to a question that Mr. McVilly put to me about this instruction 4 (b)—“Instructions and Regulations for working Single-line Railways by the Electric Train Tablet System.” I said, from the way the question was put to me, that that regulation did not apply on this occasion. I admitted, from the way the question was put to me about non-stopping trains, that the regulation did not apply to this train. I have since read the regulation over, and I think that I did not answer the question as I should have done had I considered the matter properly. I think that the regulation does apply, or did apply, to these trains. It says, “When the approaching train for which ‘Line clear’ is asked is a non-stopping train.” Well, I admit that both these trains were stopping trains. It goes on, “or the station for which ‘Line clear’ is asked is on a grade or near the foot of a grade.” I contend that New Lynn is at the foot of a grade. I believe now that the interpretation I put on it in the first place was correct. It goes on, “‘Line clear’ must not be given unless the running-line between the home-signal posts is clear, and after ‘Line clear’ has been given to approach, the running-line between the home-signal posts must not be obstructed except to allow a train arriving from the opposite direction to enter the station.” I would take it from that that this really intended that train No. 5 should enter from the south end of the yard, and that this “running-line between the home-signal posts” is the main line. It is the running-line for the train that comes from the north. As I say, now that I have read the rule over again I am of opinion that it does apply to New Lynn.

1. *Hon. Mr. Herries.*] Do you say that New Lynn is at the foot of a grade?—Yes, because there is a grade coming down from Scroggy Hill. There is a flat where New Lynn Station stands.

2. You have to go down to the bridge; there is a big grade down to the bridge?—That is down to the Whau Bridge.

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TUESDAY, 11TH SEPTEMBER, 1913.

JOSEPH RICHARD BENNEY sworn and examined. (No. 9.)

1. *The Chairman.*] What are you?—An engine-driver.

2. And your address?—Parnell, Auckland.

3. *Mr. McVilly.*] Do you remember the 28th May?—Yes.

4. What were you doing on that date?—I drove No. 5 train.

5. Will you tell the Committee what happened when you got to New Lynn?—When we got to New Lynn we took the main line. The signal was low. We went up and took water. After taking water I got a signal to pull out. I could not see the signal to come back again, on account of the fog. We stood out there for about four minutes waiting for a signal. Just then my mate sang out “Look out.” Then I looked in front through the window and I saw No. 6 coming round the curve. I immediately gave my engine all the steam possible to go back out of the road, but the crash came too soon. After the accident I assisted the passengers out and wired in for assistance, informing the local foreman that the trains had been wrecked.

6. When you approached New Lynn what signal did you get?—The home signal was at “Clear.”

7. What did that indicate?—Take the main line.

8. After you had taken water at the tanks you pulled ahead?—Yes.

9. Did you at that time look to ascertain what the position of the north home signal was?—Yes.

10. What was the position of that signal?—It was at “Danger.”

11. What did that indicate?—That it was safe for me to go ahead and shunt under its protection.

12. It was at “Danger” for an opposing train?—Yes.

13. This No. 6 from Henderson should have stopped?—At the stick.

14. Before passing the home signal?—Yes.

15. When you pulled ahead did you consider that you were perfectly safe in going ahead under the protection of that signal?—Yes, I did.

16. How far did you pull ahead before you stopped—how far from the tanks?—About 100 yards, I should think.

17. Did you stop on a signal from anybody, or use your own judgment?—I used my own judgment.

18. You stopped then when you thought the van was clear of the north points?—Yes.

19. When you stopped was your engine north or south of that “Danger” signal?—It was south of it. I was inside the home stick.

20. Still under the protection of the home signal?—Yes.