

151. *Mr. McVilly.*] Regarding the removal of the semaphore, you said you thought had the semaphore been left in the old position it would have averted the accident?—I did not say it would—I say it might have.

152. Provided it had been seen?—Yes.

153. At what distance can you see the semaphore at the present time?—You can see that semaphore from the time you get over the top of Scroggy Hill—that is, under good weather-conditions.

154. Show me on the map?—From this crossing right on top of the hill. [Place indicated.]

155. That is a distance of 33 chains—practically half a mile?—Fully half a mile, I should think.

156. You can see the signal in good light half a mile away?—Yes.

157. You said just now to Mr. Kennedy that you would not be prepared to accept the entry. Do you dispute the correctness of the tablet-book?—No; but I say that I took no time whatever.

158. If the tablet porter swears that the entry in that book is correct, would you be prepared to dispute it?—No.

159. Would you accept that statement?—Yes, I have to, because I took no time myself.

160. *Mr. McDermott.*] Have you ever in your experience of driving known or seen the fog-signalling regulations carried out in New Lynn?—No.

161. Have you any idea of any regulations being issued that have been carried out since?—No.

CHARLES GRAHAM LITTLE sworn and examined. (No. 10.)

1. *Mr. McVilly.*] What are you by occupation?—A fireman.

2. Address?—Ponsonby, Auckland.

3. You were fireman of No. 5 train on the 28th May, were you not?—Yes.

4. What was the weather like when you came to New Lynn?—Fairly foggy.

5. Did you run in at the usual speed?—We eased up a little bit to see the signals. The signals were not on my side.

6. Did you have any difficulty in picking up the signal?—No difficulty that I know of.

7. You ran in on the main line?—Yes.

8. Straight to the water-tanks?—Yes.

9. You heard the evidence of your driver in connection with what took place after he took water?—Yes.

10. Do you agree with it?—Yes, quite.

11. Who saw No. 6 first—you or the driver?—I saw No. 6 first.

12. What did you do then?—I warned him, and then I jumped off our engine.

13. Have you any idea what period of time elapsed between the time No. 6 whistled and the time you saw her?—It would not be very long. I could not say definitely.

14. It happened very quickly?—Yes, it was not very long.

15. When you pulled ahead, before you moved from the tanks, are you certain that the north home signal was against No. 6?—Quite certain.

16. Did you keep your eye on that signal from time to time to see that it was still kept at "Danger" all the time you were on the main line?—Yes, I would naturally watch it while we pulled out.

17. Up to the time you heard the whistle and jumped off, are you prepared to say that the signal was at "Danger"?—Yes, quite prepared.

18. In those circumstances No. 6 should have stopped before fouling that signal?—Yes.

19. *Mr. Kennedy.*] When you pulled up at the bridge, how long did you stand before the collision took place?—I suppose it would be some time between three and four minutes.

20. Did you look back to see if you could get a signal?—Yes.

21. Who usually gets the signal to push back after you pull up like that?—It has to be given on the driver's side on account of the bank.

22. Did you look back to see?—Yes, I had a look back.

23. Could you have seen a man if he had been on the bank?—No, I do not think I could.

24. Why?—Because he could not see the engine on account of the bank.

25. Did you say that this is the usual way to give the signal—from the bank?—No; the signal is given from the driver's side.

26. On the bank?—No; the bank is on the fireman's side.

27. Why could you not see a man on the bank on your side?—I suppose the bank kept him from my view.

28. What hid the bank from your view?—The train itself. It is on a curve.

29. If a porter or shunter swore that he stood on that bank and could see your engine and tried to attract your attention, would you say he was wrong?—Yes. I say that he could not see the engine.

30. How long have you been running on that road?—About twelve months, I suppose.

31. Do you know the road well?—Yes, fairly well.

32. Do you think that if a young driver who had had only about half a dozen trips on that road had been running that train No. 6 that morning he would be liable to run by that home signal?—Inside that time, I think he would.

33. *Mr. McDermott.*] You have heard the evidence in regard to this instruction 4 (b): do you know the regulation?—I think I know it.

34. Do you consider that that regulation applies to New Lynn?—No.