

63. But if you have been running over this road for eleven months daily you must know something about it?—Certainly.

64. Well, what is the distance from Scroggy Hill to New Lynn?—I should judge it to be a mile and a quarter.

65. Then you ran into this fog for a quarter of a mile?—Yes.

66. What was the fog like then?—It was not so bad at first, but it got worse as we got into the valley, but the train was under control all the time: it was slowing down.

67. Is not the train under control with the Westinghouse brake at twenty-five miles an hour?—Yes, I suppose it is, even at sixty.

68. What was the speed of the train reduced to?—The application went on previous to entering this road-crossing, and the speed was reduced, but I do not know by how much.

FRIDAY, 12TH SEPTEMBER, 1913.

(Mr. Green relieves Mr. McDermott on behalf of petitioners.)

WALTER FREDERICK ENGLAND further examined. (No. 14.)

1. *Mr. Sykes.*] You heard Driver Corich make the statement that he did not know the road and arranged with you to blow the whistle at every crossing?—I heard him say that.

2. You made a statement that he did not?—No, I will not say that, but I do not remember him saying it.

3. The whistle was not blown at every crossing?—Not that I know of. There are three crossings, and it was not blown at the two top crossings.

4. Is it the usual procedure that you blow the whistle?—No.

5. Is it a rule that the whistle must be blown?—Yes, it must be blown at every crossing.

6. And this particular morning it was not blown?—Not that I can remember.

7. *The Chairman.*] Whose duty is it to blow the whistle usually at crossings?—I should say it would be the driver's.

8. You have never been instructed that as fireman it is your duty?—No.

9. *Mr. Dickson.*] Are you in a position to say it was not blown at this crossing?—I cannot remember.

10. You know the road pretty well?—Yes.

11. You were not firing when the signal-post was in its old place?—No, I do not remember that.

12. Did you get any instructions from the guard when backing that train out at the points?—No.

13. What is the usual course when backing on to the points—who takes the signals from the guard at New Lynn?—I was not on that train.

14. You were originally?—Yes. Sometimes the driver and sometimes the fireman got the signal. It depends on the train. If they are all box wagons you cannot see.

15. The fireman's side is the side you generally get the signals from?—Yes, I have had it.

16. *Mr. Green.*] The engine is sometimes reversed, the smoke-box being the other way?—Not just lately. We have had it reversed.

17. That would mean that sometimes the driver and sometimes the fireman would get the signal?—No. It is never reversed—it is always the same way whenever I have been on it.

18. *Mr. Kennedy.*] You remember on the morning of the 28th May running from Henderson to New Lynn?—Yes.

19. Did any conversation take place between you and the driver as to working the engine?—There was something said going up the bank from Henderson. I said, "We go up on the seventh neck."

20. Had you any special reason for saying that?—No. I could only say it would be the beat of the engine.

21. What is the "seventh neck"?—There are necks all along the sector where the reversing-lever is.

22. Would you have passed the remark if the usual driver had been on that morning?—I could not say. The usual driver would know, I suppose. It would be his own engine, and he had been on it for a long time.

23. Did you tell the driver the way to work the engine because he was a stranger to it?—No, I could not say that. I never gave it a thought. He is a stranger to me, though.

24. You evidently thought he did not know the way to work the engine when you told him?—Yes.

25. Did you think this train was run rashly down the grade from Scroggy Hill to New Lynn this morning?—No.

26. Do you think she was run sufficiently careful considering the weather?—I had no occasion to speak to the driver as to the speed of the train.

27. And do you think, if the driver had been thoroughly conversant with the road, that he had his train under proper control when he passed over the Titirangi crossing?—I think so.

28. Do you think he had the train sufficiently under control at Titirangi to be able to stop at the home signal?—Yes.

29. That is if he had applied the brake at the speed he was going?—Yes.

30. If there had been no fog at New Lynn that morning do you think Driver Corich would have run past the home signal at "Danger"?—No, certainly not.

31. And if there had been detonating signals placed 300 yards from the home signal that morning do you think he would have overrun the home signal?—No.