

23. Were these continuous remarks of his to the men and others during the progress of the work?—Yes, they were; but I could not tell whether he was chaffing or not.

24. Still, remarks were made by him that it was ridiculous to speak about the enormous weight on the timbers?—Yes.

25. Do you remember any special occasion on which Witheridge ordered the sill to come out, even after deciding to leave it in until the brickwork reached the spring of the arch?—Yes; one particular occasion I remember well. I was in charge of the brickwork at the time. I was sent out for to the minor shift, and when I arrived the sill and the main legs all were standing, and were to be left in there. Mr. Witheridge said, "There is nothing in these, you had better take them down." I remonstrated; but he said, "It does not matter, they will have to come out." I took the sill, the main legs, and the bottom sill out.

26. Do you remember my instructing you not to take a particular sill out, notwithstanding any instructions from Witheridge to the contrary?—Yes; on one particular occasion Mr. McLean was going to town on the Saturday evening, and he said to me, "No matter what Mr. Witheridge says about this sill, you are not to take it out." I replied, "Very good." I may tell you, on this particular occasion the sole-plates were left in, and when they got to the springing of the arch I met Mr. Witheridge going out. He said, "Before you go on with the bricking of the arch you must take that sill out, or if not the ends must be cut off." But I would order neither the sill to come out nor the ends to be cut off, as I thought it was my duty to my employers not to.

27. How long and how often was Mr. Witheridge in the tunnel during the excavating?—That I could not say; he was not very often in during the excavation, because he had to look after the brick-shift, and probably he was tired.

28. Not long enough, at any rate, to judge as to the weight of the ground that was on the timber, where the weight came on the timber, and how the pressure was bearing on the timber?—No, I do not think so. I do not think he was long enough in the excavation to be able to judge as to that.

29. And when he came back did he not sometimes delay the work for hours testing the centres, which might easily have been done when I was putting them in, thereby keeping the whole shift waiting?—Yes; I have known him do that.

30. *Mr. Morrison.*] You stated that you were working in this tunnel for a period of from eight to ten months. How long did it take to go through with this tunnel from start to finish?—Close on six years.

31. So that your experience in connection with the piercing of this tunnel only extended over a very small portion of the time?—Yes; and in this particular place where the tunnel collapsed.

32. The whole period you were employed in charge of a gang on this tunnel was during the time you were piercing what was known as the soft ground?—No; I was not employed on this particular job after the collapse.

33. What was the extent of the collapse that took place?—The whole crown came down.

34. Over what length?—11 ft. We were taking out 11 ft. lengths, and the whole length came in.

35. But this collapse took place at the same time Mr. Witheridge told you to take out the sill, or cut the ends off?—No, sir, there was no collapse at that time.

36. No collapse took place as the result of his order for you to either take out the sill or cut the ends off?—Not on that particular occasion.

37. When the collapse took place, had the sills been taken out by Witheridge's direction?—I could not tell you that; it was a general order to take the sills out.

38. But on this special occasion that you remember, when Mr. McLean gave you those special instructions, and when Mr. Witheridge interfered saying that you were either to take them out or cut the ends off: as the result of that, did anything happen?—No, sir.

39. *Hon. W. J. M. Larnach* (to Mr. McLean).] Was Mr. Witheridge representing the Government?—He was.

40. The whole of the six years referred to?—Yes; up to the collapse.

41. Then, the collapse happened about six years after the contract was commenced?—Three years.

42. Then, during the whole course of the brickwork part, did Mr. Witheridge interfere in the same way in reference to the sills?—During the whole time.

43. Did you ever make complaint to anybody about it?—To the Resident Engineer I did many times.

44. Have you got evidence to that effect?—Yes; my brother, and others.

45. Did you ever complain in writing?—No; I made no complaint in that respect in writing.

46. Merely verbal?—Yes.

47. Did you not think that, as this was a very important matter about these sills, it was necessary to put this complaint in writing?—Well, that is a mistake I made; I certainly should have done so. But Mr. Vickerman was up every month, and I complained every time to him.

48. *Mr. Flatman* (to witness).] You say Witheridge insisted on the sills being taken out. How long had they been in before he had insisted on their being taken out?—They had only been in two days.

*Mr. McKenzie*: It was a temporary structure.

49. *Mr. Duncan* (to witness).] You stated you were not in charge of the work when this collapse happened?—I said I was in charge of the work when this particular collapse happened.

50. Were the sills taken out on that special time?—The sill was out on that particular occasion prior to my coming into the tunnel on the shift.

51. How much of the brickwork was up at that time?—The brickwork and arch were all completed.