

126. Then if the air-pressure was 75 lb., or in excess of the regulation pressure, the driver would be responsible for that, and not you?—Yes.

127. With regard to the question Mr. Dickson put to you about this train on the occasion in question having been stopped four car-lengths past the signal: that would be half-way?—Half-way.

128. If the other train had not been there to stop this one you would have expected the train to go into the station?—Yes.

129. At the speed at which it was running it would not have stopped until after it had passed the home signal: is that not so?—It would not have stopped at the signal.

THOMAS WILLIAM MORTIMER sworn and examined. (No. 16.)

1. *The Chairman.*] What is your occupation?—At the time of the collision I was a tablet porter.

2. Your address?—New Lynn.

3. *Mr. McVilly.*] At what time did you commence duty on the 28th May?—I came on that morning at about 4.15.

4. Did you notice the weather-conditions at that particular time?—Yes.

5. Was there a heavy fog?—No, there was no fog.

6. Were you on duty when No. 5 train arrived?—Yes.

7. At what time did No. 5 actually arrive?—At 6.44.

8. That is according to the entry in your train-book?—Yes.

9. Is that entry accurate?—Yes.

10. Did you make it at the time?—Yes.

11. How was the semaphore set for No. 5?—For the main line.

12. How far did No. 5 pull in?—The engine pulled down to the tank when she came in on the main line.

13. At that particular time what position was the north home signal in?—At "Danger."

14. That is the signal that applies to No. 6?—That is so.

15. Did you expect that signal to stop any train from the north outside the limits of your station?—Yes.

16. You know Rule No. 83, I suppose, "No train may pass a home signal at 'Danger'": You know that rule?—That is so.

17. The exceptions were not carried out that morning—that is, you did not give any signal for No. 6 to come in, or the signal was at "Danger"?—Yes.

18. And in that position it should not have been passed?—No.

19. The levers that operate the semaphore signals are on the platform?—Yes.

20. Were both locked that morning after No. 5 arrived?—Yes.

21. And were they kept locked right up to the time of the collision?—Yes.

22. Are you certain of that?—Yes.

23. When No. 5 arrived did you get the Avondale tablet from the driver?—Yes. I then put it through the tablet-machine and took one out for No. 6. I then went on booking some passengers who were at the ticket-window.

24. How many passengers did you book that morning?—About six or seven.

25. You had no rush with the passenger traffic?—No.

26. Was there anything so far as the passenger business was concerned that morning to prevent you carrying out your other duties?—No, nothing at all.

27. While you were engaged in putting the tablet through for No. 5 and taking out a tablet for No. 6, what became of No. 5 train?—I got the tablet and placed it in the sling and went out to the door as usual to see if No. 5 went into the siding.

28. No. 5 had pulled down from the tank?—Yes, and was standing at the north end of the yard waiting to go into the siding.

29. Was that particular movement operated under cover of the north home "Danger" signal?—Yes.

30. You are certain the north home was still showing "Danger"?—Yes.

31. And the shunting operation of No. 5 that morning was carried out in the usual way?—Yes.

32. Did you consider that practice of shunting under cover of the north home "Danger" signal safe?—Yes.

33. You know Rule 158?—Yes.

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

35. Why?—Because I do not consider New Lynn is at the foot of a grade.

36. Rule 157 reads, "No engine or vehicle must be shunted or moved from one main line to the other, or from the main line into a siding, or from a siding on to the main line, or allowed to stand on main line, unless protected by the proper signals, exhibited as may be required; and where fixed signals are not provided hand-signals must be used." Do you know that?—Yes.

37. You were carrying out that movement under that rule?—Yes.

38. And did you consider it safe?—Yes.

39. Tablet Instruction No. 4 (b) reads, "When the approaching train for which 'Line clear' is asked is a non-stopping train, or the station for which 'Line clear' is asked is on a grade or near the foot of a grade, '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