

43. And the question Mr. McVilly put was that in all probability the driver of No. 5 would have gone further away?—He might have, because he would have a right to go up to the signal. If he had a 300 ft. train and the signal was 250 ft. away he could not get beyond the points to set back, but he would be able to draw further up and set back.

44. There would be reason to go beyond the points?—He would only need to get his van beyond the points.

45. *Mr. Dickson.*] You stated in reply to Mr. Kennedy that you had altered the system at Mount Eden Station, through agitation and talk?—Yes. It was similar to the New Lynn one.

46. Was that alteration made before the automatic points failed to act at Morningside—before the accident at Morningside?—It was about the time of the New Lynn accident.

47. But just after the New Lynn accident you had another accident from the automatic points refusing to act at Morningside, and the train went on the wrong line?—You mean the time the engine went on to the deviation?

48. Yes?—It was before that.

49. So that the Morningside accident had nothing to do with altering the system at Mount Eden?—No.

50. That was prior to the Morningside incident?—Yes.

51. You stated that you have a very large section of railway to look after. Do you consider you have got too much to look after?—I do not know—I have made no representation about that. I do not know that I have. I may say that in all districts which are increasing as fast as the Auckland Section the business is a constantly growing one, and requires a vast amount of attention, which is given. I think that the supervision I exercise ought to be quite sufficient.

52. With regard to the question asked you by Mr. Hine, the evidence that was given here was that the driver did not see the signal till within 30 yards of the signal-post. Supposing the home signal was back at its original place, would not that minimize the danger if there was a fog? The driver could only pull up in a certain distance, and if the home signal was further away from the bridge the driver would have a better opportunity of pulling up before he ran into the other train?—I do not know. It depends on the train. I do not think it would have made any difference. It is a question that I do not feel competent to answer. I am not a locomotive expert.

53. Suppose that the driver can pull up in 300 yards; he was 30 yards off that home signal when he saw the signal: that would bring him 270 yards past the signal before he could pull up, would it not? If the old signal was 400 yards further back than the present one he could have pulled up in less distance than that; he would have been about 30 or 50 yards on the north side of the present signal?—He might or he might not. It is really a matter of opinion. I could not say positively one way or the other.

54. But we all know that the train would not travel any further than necessary past the points—the distance you would go past the points is determined by the length of the train?—Quite so.

55. The grade where the old signal was situated is practically the same as where this one is?—If you want my opinion on the matter I will say that I am firmly of opinion that if a man will not run cautiously and look out for signals it does not matter where you place the signals.

56. *Mr. Kennedy.*] You have said that in your opinion the driver of the train was running at too high a speed to stop at the signal, and that is why he passed it?—I did not say that he was running at too high a speed: I said “probably” he was running at too high a speed.

57. In your opinion, that is?—That is my opinion. Of course, I do not say that it is correct.

58. You have no evidence to bear it out?—No.

59. In your opinion is New Lynn Station near the foot of a grade?—No, I do not consider it is. If you want an illustration of a station at the foot of a grade take Newmarket or Green Lane.

60. What is the meaning of the word “grade”?—It applies to anything that is off the level.

61. Is it level at this signal at New Lynn?—No. There are degrees. You might have, say, 1 in 2,000: that is not level—that is a grade.

62. One in 200: is that level?—No, it is a grade.

63. The rule does not make exception as to what the grade: it merely says “grade,” does it not?—Yes. That leaves discretion. You cannot bind everybody down.

64. There is a grade right down to within a chain and a half of the home signal at New Lynn?—Yes.

65. What marks the station boundary on a road?—The home signals.

66. So that when you have arrived at the home signal of a station you can practically say you have arrived at the station?—You have arrived at the station, but are not in the limits.

67. This grade, though it is light at the finish, runs to within a chain and a quarter, I think it is, of the home signal at New Lynn—this grade of 1 in 204?—Somewhere about that.

68. Notwithstanding that fact you do not think that New Lynn is near the foot of a grade?—No.

69. With regard to the alteration of that signal, your answers lead me to believe that you are of opinion that a train shunting in the yard was quite at liberty to draw right up to that signal?—Yes.

70. That quite close up to the signal is safe?—I consider so.

71. There is a rule here that has not been quoted, No. 161: “When a train has to be shunted from one main line to the other to allow a following train to pass, such train must be set well within the home signal so as to be efficiently protected by it from any train or engine approaching from the opposite direction.” Does that not indicate to you that when these regulations were