

60. Is it according to regulation that a train should back in on the main line?—I take it that it is against the regulations.

61. During your time at that station did you ever get any complaints about backing in the train, or any instructions to carry it out in that way?—No.

62. It was done before you went there?—Yes, as Mr. Harry has informed me, since he went there. He was the porter in charge when I went there. He informed me of that.

63. *Mr. Veitch.*] Of what?—That it was the practice for No. 5 to go ahead and back into the siding. Why he did it was, I believe, because if the train entered the siding at the south end she would not run to time. It would be utterly impossible. She has only one minute after the departure of the other train. Last Saturday morning I saw this No. 5 train stand seven minutes on the siding without doing anything.

64. The home signal—do you know why it was removed closer in?—I have no idea. I could not swear positively that the signal was shifted. I never saw the signal shifted.

65. Are there any distant signals there?—No.

66. Did you make any demand for a distant signal while you were employed there?—No.

67. Or suggest anything?—No; I think the only thing I suggested was about the lighting of the station.

68. Did you ever get any instructions about fog-signalling while you were stationed at New Lynn?—I believe that the Traffic Inspector asked us if we had detonators. I believe we had a couple of tins there at the time I was there.

69. Did you have any notice posted up in your time in regard to fog-signals?—No notice at all.

70. Whose duty was it to see that that notice was posted up?—I consider it the duty of those who look after the traffic to come round and see that this sort of thing is done.

71. Would you consider, then, that it was the duty of the Traffic Inspector to see that that notice was posted up?—Or the Department's. I would put it down generally as the Department's.

72. You say that since the accident there has been a fog-signalling man appointed, to your knowledge?—Yes.

73. When you were doing duty at that station did you have all the things in connection with fog-signalling—the flags, and the lamp, and everything?—I had one hand-lamp and a set of flags for station use.

74. *Mr. Myers.*] What were your working-hours?—I started at a quarter past 5 in the morning, and I generally left the station at between 3 o'clock and half past 3.

75. What was the average number of trains that would pass the New Lynn Station during that period?—I could not state definitely.

76. *Mr. Witty.*] Did I understand you to say that you had to go on the hill to signal the train in?—Very often the driver did not take my signal from the points, and I used to go on to a little bit of a bank there.

77. What is the height of it?—I should think the bank on that side would be about 10 ft. or 12 ft. high.

78. Only a bank and not a hill?—The bank there runs right along, but the actual cutting starts a bit ahead of the points.

79. Could not the signal be seen from the station without your going there?—It was necessary when I was crossing trains. I might have had a train on the main line and wanted to bring a train in.

80. Did you complain of it?—No.

81. I understood you to say that you left the service to better your position?—Yes.

82. Why did you leave composing to enter the Railway service: was that to better your position?—I wanted to have a change and get outside for a while.

83. Not with the idea of continuing at it?—It all depended how it suited me.

84. *Mr. Veitch.*] You say it is contrary to the regulations to pull ahead and back into the siding?—That is what I take from the instruction I have quoted—that is, at the foot of a grade.

85. What occurred on the morning of this accident?—I was not there, but as I explained—

86. How do you know they acted contrary to the regulations if you were not there?—I do not think I stated that.

87. You said the train was pulled ahead in your time, with the home signal at "Danger"?—Yes.

88. And was on the main line in that position when the collision occurred?—I believe the train was in that position.

89. Will you quote what regulation was broken by the men in getting the train into that position in those circumstances?—They were keeping one and breaking another.

90. Which one did they break?—I refer to the instruction about the working of single lines of railway, where it says that a train going out shall not go out on the main line and foul the main-line points at the foot of a grade. I think that is it.

91. How far is the grade from this?—The grade starts practically right from the bridge.

92. You are quoting the Tablet Regulations, are you not?—Yes.

93. Not the rule-book?—No, from the Appendix to the Working Time-table.

94. *The Chairman.*] You are residing now at Kingsland?—Yes.

95. How far is that from New Lynn?—I think it would be about four or five miles. It is on the same line.

96. *Mr. Veitch.*] This is the regulation that you are speaking of: "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," &c. Were either of those trains non-stopping trains?—They were both stopping trains.