

133. And did you get to the position you took up before you saw any approaching head-light?—Yes, some time before I saw it.

134. Are you quite certain that in exhibiting the light you stood towards the approaching engine?—Yes.

135. And that neither your hand nor elbow could in any way affect the flash-light from your lamp towards the road?—I took particular care of that.

136. Did you see the head-light of the approaching engine?—I did.

137. Can you form any idea as to the distance at which you saw it, from the point at which you stood?—I saw it before she came into the dip. I would be positive in saying I saw her over a mile away.

138. The head-light is of what character?—A white light.

139. Small or large?—Very large.

140. Do you think any man, at the point where you saw that large head-light, would see your danger-signal held on your shoulder?—He would not see it so soon as I saw his.

141. He would not see it a mile off?—No, I do not think so.

142. As far as you can tell, did the approaching driver take any cognisance of your danger-signal?—Not until he was close to me. I heard him give the one whistle, and shortly afterwards three whistles for brakes. They almost followed. He gave one short whistle. I thought at the time he was going to whistle for a signal, and he saw my danger-signal and signalled for brakes at once. They were almost one after another.

143. Was the second train run at any undue speed, in your opinion?—Yes, it passed me very fast.

144. What do you call very fast—can you form any idea?—I have not had much experience. Very few pass Rakaia.

145. Was he running at an exceptionally high speed for the distance he was from the station?—Yes; I did not think it was possible for him to stop at the pace he passed me.

146. Did you see any signal lights from the train coming towards you?—No; I could plainly see the back lights of the train at the station.

147. Did you notice whether the brakes of the engine, tender, or van were on; can you say of your own knowledge?—No, I cannot.

148. I noticed in reading the evidence you gave before the Court that you seemed confused as to the distance of 300 yards with three-quarters of a mile?—I was incorrectly reported in that particular.

149. *Dr. Giles.*] It was a dark night?—No.

150. What sort of weather was it?—It was very bad weather, but not very dark.

151. It was in March?—At a quarter to 7 it was just dark enough for the use of signals, but it was not such a dark night as is currently thought. It was raining very hard—very heavy rain.

152. You were not able to see whether the wheels were skidding or anything of that sort?—No.

MICHAEL GARDINER, Driver, sworn and examined.

153. *Mr. Pendleton.*] Were you driver of the leading engine on the first excursion train on the 11th March last?—Yes.

154. Did you leave Ashburton on the return journey at the right time?—Yes, about 6.5.

155. Did anything occur in running down to Rakaia of a special character to you?—No, nothing whatever.

156. Did you run at about time-table speed?—Yes.

157. Did you arrive at Rakaia at the book-time?—Two minutes before.

158. That is to say, instead of taking forty-two minutes you did it in forty?—Yes. This was the understanding between me and the guard. He wanted to get there a little bit earlier and I gave him two minutes.

159. Did you on approaching Chertsey get the proper signal to run through?—Yes; after whistling for it.

160. Did you on approaching Rakaia get the proper signal?—Yes; after whistling for it.

161. At what distance from Rakaia did you whistle for it?—About on an average a quarter of a mile, or sometimes less. It all depends upon the speed I am travelling at. On this night I whistled well back—I should say a quarter of a mile at least.

162. From the first facing-points?—Yes; about that.

163. Had you shut off steam then?—Yes.

164. And the train was well under control?—Yes.

165. Supposing you had not got the signals you expected, could you have pulled up in that quarter of a mile?—Yes, easily.

166. Did you run direct into the station?—Direct into the station.

167. At what distance did you shut off steam—approximately?—It was between a quarter and half a mile. It might not have been quite half, but it was from a quarter to half a mile. I could not say the exact distance.

168. Your load was a heavy one?—Yes; it was a heavy train.

169. Did the driver of the second engine shut off steam when you did, as far as you know?—Just immediately after me. I looked behind to see.

170. Had you any difficulty, both of you, when shutting off steam between a quarter and half a mile, in coming into the station and pulling up?—No difficulty whatever.

171. Did you use any exceptional brake-power?—I did it with my own engine. It was an understanding between myself and the second engine that I should do the braking myself. That was to prevent the jerking of the carriages.