

400. Were you going at what you consider a usual pace, or slower or faster?—I reckon we were going at about express speed.

401. Do you know what that is?—No.

402. Have you ever travelled with expresses on that line?—Yes.

403. And you thought you were travelling that night at express speed?—Yes.

404. Did you at any time, on the road running from Ashburton to Rakaia, endeavour to give a signal to the driver?—Yes.

405. When?—After leaving Chertsey.

406. Why did you do that?—In the first place, an assistant guard does not compare his special-train notice with that of the driver; and, in the second place, the guard having been left behind, I wanted to make sure that the driver understood his crossing-place.

407. Do I understand that your exhibition of the signal was with the view of stopping the driver?—Yes; at the next station.

408. Where was that?—At Rakaia.

409. *Dr. Giles.*] What signal did you use?—A green light on the sideways.

410. *Mr. Pendleton.*] You first showed that after leaving Chertsey?—Yes.

411. Did you get any response?—No.

412. Did you continue to show it?—I continued to show it.

413. Did you show it continuously?—Barring the time I went into the van. I went into the van to give the brake a turn.

414. What for?—Because I thought we were getting very near to Rakaia. There was a young man in the van named Fitzpatrick, one of the committeemen. I said to him, "Give the brake a turn."

415. Whereabouts was this?—I could not form any opinion where it was. He said, "Which way do you turn it?" and I stepped inside and got hold of the brake myself, and gave it several turns, and he said, "Oh, I can do the rest," and then I saw him turning it on. I went to the door again and saw him turning it on pretty well as far as he could do, and I continued to wave the green light after that.

416. You knew that the train would have to stop at Rakaia?—Yes.

417. Then, why were you waving a green light to the driver to stop at a station where you knew he was going to stop?—I was not aware that he knew he had to stop. Of course, he had his special-train notice, as I had.

418. Do you know that Fitzpatrick put the brake on some distance from Chertsey, and kept it on, or did he not?—Yes; after he had put it on he leant on it, or rested on it.

419. Did you continue to show the green light right into Rakaia?—Yes.

420. Did you at any time see any one give you a response—either a whistle, a light, or anything of the kind?—No.

421. Did you see O'Neill at Rakaia?—My attention was drawn to him by him singing out. He was on the opposite side of the train. He called out, and I saw his red light.

422. I notice that you expressed an opinion at the trial that there was no reduction of speed after leaving Chertsey up to the time of the accident: do you adhere to that opinion?—No. I think my expression was that there would be no reduction of speed until the driver got up to about where O'Neill was with the red light.

423. Is that your opinion now?—Yes.

424. Was the van attached to the train on which you were riding one in which you had been before?—I have been with the van once or twice on country lines and branches before—on this particular van.

425. Running at a lower speed?—Not express speed.

426. You said the van swung all the way?—Yes, it was rocking from Ashburton.

427. Unusually so, in your experience?—No, I do not think so—not more than these vans would do. I do not suppose it would rock so violently at low speed.

428. Have you travelled with the vans of the express trains?—Yes.

429. Did the van rock more than the vans of the express?—Yes, much.

430. Are they of different construction?—Yes.

431. They are not smaller vans?—No, larger.

432. *Dr. Giles.*] Did you hear three whistles at the time you approached to where O'Neill was standing?—No.

433. And you had had your brake on long before that?—A considerable time before.

434. Did your brake hold or bite properly?—I looked down to see if the wheels were skidding, because it is against the rules, but they were not skidding.

435. Was it retarding the pace?—I think it must have been.

436. You do not know whether there was anything faulty with it? It was not missing its hold?—Not that I could tell.

437. The driver says that he gave three whistles, which meant, amongst other things, that the brakes were to be put on, and he noticed, notwithstanding, that the brake of the guard's van did not appear to be acting?—Yes.

438. You do not corroborate that?—No.

439. You never heard the three whistles at all?—No.

SAMUEL HUGHES, Driver, sworn and examined.

440. *Mr. Pendleton.*] You were driver of the Methven engine on the 11th March?—Yes.

441. Standing at Rakaia Station on the branch line?—Yes.

442. Were you there when the first excursion train came in from Ashburton?—Yes.

443. Standing in the same position?—Yes.