

last five years I have had practically no experience of that incline. Knowledge of the road is important on a dark night. Trains have stopped on the bank either for want of water or steam. The Westinghouse brake then holds the lot. If it was not holding you could put on steam and hold the train. If I had not implicit confidence in the Westinghouse brake I would not have gone under the engine at the risk of my life. I went on the cowcatcher at the risk of my life.

*Court:* When I speak of Westinghouse brake I have in my mind the brake extending the whole length of the train. When the engine is detached the brake remains available for the rest of the train when it is already charged. It takes some considerable time to leak away. I say Rule 231 is in force. I do not suggest that rule is to be ignored because of the Westinghouse brake. I would not ignore that rule or rule on page 6 now. I am supplied with the General Instructions for Use of Westinghouse Automatic Air-brake. I am well acquainted with those instructions. Speaking generally they are complied with. I think all other brakes are to be ignored when the Westinghouse is applied. The hand-brakes are never used when approaching stations. Except for shunting purposes they are never used. Each vehicle is not examined at all stations before the train proceeds on its journey. Each vehicle is not examined at Putaruru. I cannot say that the brake-test rules have been observed. If those rules were observed the train would never reach its destination.

THOMAS MAURICE COOPER.

Taken and sworn at Auckland, this 27th day of August, 1907, before me—CHAS. C. KETTLE, D.J.

This deponent, HAROLD PEE, being sworn, saith:—

I am a fireman, employed on New Zealand railways. I have read the newspaper reports of the evidence given at the inquiry. I have not discussed it with anybody. I was present at the inquest at Rotorua. I have been five years in the railway service. I have been a fireman two years. Before that I was a cleaner. On the 3rd August I was employed as fireman on Taylor's engine. I joined at Frankton. On arrival at Putaruru my engine was engaged in shunting. After the engine was finished shunting and the train marshalled, the train was put on a siding. I could not say the time we finished shunting. I took no notice of the time. After the train was put on the siding the engine stood in front of it, but I cannot say whether it was attached or not. I remember Leydon coming in with a train. He was shunting—at least, his engine, T 102, was shunting, but who was in charge I do not know. While that engine was shunting we had pulled out—the engine alone. After some time our engine was run back and coupled on to the other engine. I do not think I heard a conversation between Cooper and Taylor as to which engine was to lead. I heard no conversation of any kind between them as to the engine. I saw them talking to one another before the train started, but I do not know what they were saying. They were standing down by their side. I was on my side of the engine. I think this was after we were coupled together. We were coupled a few minutes only before we started. When Westinghouse brake is applied you can hear the air escaping. You hear a row in the engine when the brake is applied—not a thud outside the engine. I was standing on my side when the driver tested the brake. I remember the test being applied. I believe the brakes were tested on the 2nd August, but I do not recollect it. I have a distinct recollection of hearing the brakes applied on the 3rd August. Sometimes the signal is applied on my side, and I tell the driver. I look out for signals from the guard when I expect one. I do not look out for signals at Putaruru when going to Rotorua. I was not on the lookout for signals that night from the guard because it was not on my side. I heard the brakes applied that night, and I heard them come off. It is an operation gone through at a good many stations. After shunting at Putaruru Taylor did not leave the engine until the time to start. I do not remember if we took water at Putaruru. We do not often do so there. The guard and porters generally make up the train. It was dark, and I could not say who I was working with. I did not do any coupling or uncoupling. I do not know who made up the train. I know the men at Putaruru, but who made up the train that night I do not know. I only saw the lights the men were carrying, but could not see who was carrying the light. Lowe, the guard, was one, Porter Tyer was another, and the porter stationed at Putaruru—I only know him as "Frank." I do not know of any one else assisting. As far as I know these three made up the train. I have not since heard who made the train up. After leaving Frankton we took water at Matamata, Tirau, and Ngatira. Cooper's engine took water at Ngatira. I could not say if Cooper's engine took water at Putaruru. They could have done so without my knowing. I cannot remember if we took water at Putaruru. It is not usual. I remember stopping on the incline. Cooper gave a short whistle. The Westinghouse brake and my hand-brake on tender were both applied. The hand-brake would not have been sufficient to stop the train. We were travelling very slowly. We would have pulled up with hand-brake, but we could not have held the train with it. It is only meant to hold the tender. Cooper did not come up to our engine after we pulled up. Taylor went back to Cooper to see what was the matter. I cannot remember if Taylor gave me any directions before he went to Cooper. He took a torch with him. He lighted it. I saw him talking to Cooper. They were standing alongside of Cooper's engine. I could not say how long they stood there. I did not take notice. Next I saw was Cooper underneath his engine. I do not know how long he remained under his engine—whether it was one minute or ten. I have no idea how long he was under his engine. I do not remember now what I said before the Coroner. I forget if I gave the Coroner an idea how long it was. I cannot give an estimate or guess. Taylor was a long time away, and I got off my engine and went back to see what they were doing, and I then saw Cooper under his engine. I did not see him go under. If I said to the Coroner that I did see him go under I must have seen him go under. I forget now what I said. I can remember pretty near all I saw. I now remember that I saw Cooper go under his engine. I recollect it now and not because I have been told what I said before the Coroner. I saw him go under the engine while I was looking out of my side window. I saw him crawl under the engine