

would not require to use the Westinghouse brake except to stop the train at Ngatira. That night we used it to stop, but very lightly indeed.

*Prendergast:* When we release the air, it is done by moving the driver's brake-handle. When I got signal to apply brakes I looked at gauge. I do not know whether I looked at gauge after releasing brake. So far as gauge is concerned, I could not say if brake was connected throughout the train. In pulling up at Ngatira the tender brake would be sufficient to pull up the train. I have always used the Westinghouse. Both engines took in water. I filled right up, and I suppose other engine did. That would take us with a full load to Rotorua. As far as I can remember it was five minutes to 8 when I left Ngatira. I spoke to Cooper at Putaruru. I said, "If you are short of steam or water on the bank, give me a signal and I will stop." Cooper had not, I think, worked that engine on that grade. He said to me, "I do not know the road very well. It is five years since I was on it." Not knowing, he might go on steaming over the top of an incline. I would stand while he filled his boiler up from the tender if necessary. I had command of the brakes. When we had the conversation was the time I went to him about the headlight. From Ngatira we started to go up the incline. I had to use the sand-gear, and the night being frosty the engine was slipping. I found the load extra heavy. It was so heavy that my fireman (Pee) said he did not think Cooper's engine was doing as much as it should have done. Our engine was working heavier than she did with a schedule load. It was just as much as we could get along with. I am acquainted with the rules as to ascending and descending inclines. The first time I have heard of the rule at page 6 of those rules was at the inquest at Rotorua when it was read out. I have not had the Appendix for two years. I do not remember the rule being in it. I do not remember ever seeing it at all. Assuming it was there, I either did not read it or I forgot it. I should say it was there. I have not had the Appendix for about two years. I lost mine. I applied for another the Christmas before last to the Running-shed Foreman. I got a reply stating they regretted not being able to supply it, as they had none on hand. I do not dispute that that regulation was in force at time of accident. That Appendix was issued before the Westinghouse brake was introduced, and I think that rule applied to trains where only hand-brakes were used. I have not been so instructed. I only *think* that is so. I remember seeing a notice similar to Exhibit No. 18. I do not think that notice modifies or alters in any way the instructions on page 6. After what has happened I would now apply Regulation 6. That night had I known of that regulation I would have applied it. I admit I have received no instructions from the Department that that regulation is to be ignored. I am well acquainted with the "General Instructions to Trainmen." The guards do not traverse the whole length of train to see that the brakes are applied to every vehicle when the brake-test is made. That is only done by train-examiners, and the guard does not do that if there is no train-examiner. The regulations as to running the pump is adhered to. The regulation as to keeping air-pump of leading engine, when there are two connected, constantly working is adhered to. Regulation on bottom of page 9 is also adhered to.

I heard the signal I had arranged with Cooper to give at about the 48-mile peg. I do not think we were going more than four to five miles an hour. The train was pulling heavily. That may have been due to some of Westinghouse brakes "creeping" on, but I had no reason to think so. The heaviness of the train may have been caused by the air escaping from the rear of the train, and the brakes going on in consequence. When I got Cooper's signal I shut off steam and applied the Westinghouse brake, making about a 15 lb. reduction; that was a good reduction—sufficient to hold the train without the engines coupled on. After we stopped Cooper jumped down with a torch. I jumped down too. Before the application of brakes there was a pressure on the gauge of 82 lb. or 83 lb. Before jumping down I did not give my fireman any instructions. Cooper remarked that he thought he had broken down. We both got out on right-hand side of our engines. When Cooper said he thought he had broken down we began to look round and try and find the cause to see if she had broken down. I examined Cooper's engine on both sides. Examined the right-hand side first. I crossed to the left side between Cooper's engine and mine. Then we came back the same way to the right, and Cooper decided he would go underneath his engine, and he did so towards the front of the cylinders. We said nothing to firemen except that I asked one for a hammer which he passed to me. Cooper was under his engine about eight minutes. I passed him the hammer when he was underneath. He tapped the different keys to see if they were right. He had the torch underneath. He came from underneath, and he said he could find nothing wrong. After he came from underneath he suggested that we should cut off and move slowly ahead to examine different parts in different positions. I agreed. I passed the remark that I would cut off. Before doing so I went along to my engine. I told Cooper that I would release the brakes, pump the train up, and then apply them afresh. I left Cooper on the track beside his engine. I heard him tell his fireman to put the lever forward and put some steam on. This was necessary to hold the train, as I was going to release the brakes. I went along to my engine and got into cab, and Cooper followed me. He stood on one of the steps. I put steam on to hold the train while I released the brakes. I then released the brakes. I put the handle in the release position. My dial showed about 15 lb. reduction before I released the brake. I released the brake, the pump acting automatically, and the same action recharged the pipes up to a little over 80 lb. I did this myself. The action of relieving recharged the brakes also. There is no governor attached to the pump on my engine. It is not necessary to shut steam off to keep the pressure down. I let her pump. After recharging brakes I put the brakes on again, making a reduction of between 30 lb. and 40 lb; 25 lb. is supposed to put the brakes full on. I put the extra pressure on as an extra precaution. 25 lb. would put the brakes on as hard as a reduction of 30 lb. or 40 lb. would. I personally operated the brake. During this time Cooper was standing on the step of my engine. When he gave instruction to his fireman Cooper was standing half-way along my engine. When the two engines were under steam, they did not move backwards or forwards. I left my engine steam off and brakes full on and I went to uncouple. Cooper was beside his engine.