

231. *Mr. R. McKenzie.*] Are the Inspectors subject to your instruction, Mr. Hayes?—No, I cannot say that they are, and I never presume to instruct them. When I was an Inspector the departmental Engineer certainly never gave me instructions as to the carrying-out of my duties.

232. As a matter of fact, you say you have not got the power to instruct the Inspectors?—I consult with them, but I do not know that I instruct them.

233. Do they act under your orders?—No.

*Hon. Mr. McGowan :* Mr. Hayes has made the matter as clear as possible. All the Inspectors are under the control of the Minister; and Mr. Hayes and the others are under the Act. An Inspector must carry out the law. I have no power to interfere under the law.

234. *Mr. R. McKenzie.*] As a matter of fact, Mr. Hayes, did you not always consider it was not worth while to put this fire out?—I cannot say that.

235. What opinions did you form when you were there as to putting the fire out?—I thought it was most desirable and necessary to get it out, and that the steps taken by sealing off the air were reasonable and practical, and such as are carried out all over the world.

236. Did you consider yourself the responsible party to see that the fire was put out?—No, I do not know that I did consider myself a responsible party.

237. You did consider that you had responsibility in seeing that it was put out?—I do not see where my responsibility would come in. The place was in the hands of the company as lessees.

238. You are a Government officer, and you did not consider it part of your duty to see that that fire was put out?—In a general way, Yes; and I satisfied myself that as far as possible what could be done had been done. The mine was stopped off with plank stoppings right across both entrances. These stoppings confined the air.

239. Do you think that anything that would not hold water would hold air?—Yes.

240. You think water will go through anything more easily than air?—Yes, most decidedly. Under pressure water will find its way where air under the normal pressure of the atmosphere will not.

241. I will undertake to say that air under pressure, which would be the case in this instance, would find its way where water would not?—Yes, under pressure.

242. You say that you did not recognise it to be part of your duty to take any steps to put the fire out?—I say this: As a matter of duty I went to see the place, and found that what was done was in accordance with the usual practice all over the world.

At this stage the examination of Mr Hayes was adjourned till the next meeting of the Committee—Wednesday, 26th September.

#### FRIDAY, 28TH SEPTEMBER, 1900.

#### Examination of Mr. HAYES continued.

1. *Mr. R. McKenzie.*] Have you the last half-yearly reports sent in by the Inspector?—Nothing beyond what is published.

2. Have you not the report sent in last December?—Not with me. That is published in the annual reports. It is in print.

3. Under the Act or regulations is it not necessary for owners of mines standing idle to give notice to the Inspector, and the Inspector to send notice to the Minister?—If a mine is absolutely abandoned, or the workings discontinued, there is a provision in the Coal-mines Act directing notice to be sent.

4. Has that notice been sent?—I presume it would be sent to Mr. Tennent; it would not be sent to me. I am not a District Inspector, and have no statutory power.

5. Did you get any written instructions when you were appointed as to what your duties were?—Simply as Inspecting Engineer to the department.

6. Did you get any instructions as to your duties?—None whatever.

7. You do practically as you like?—I do not say that at all.

8. I think you said you are of opinion that every scientific and practicable method was adopted to try and put the fire out as soon as it was discovered?—I think so.

9. Do you think putting a fan in the mine was a scientific and practicable method of putting the fire out?—Since I was here last week I have looked more closely into that with respect to the conditions reported by Mr. Dixon, and I am perfectly satisfied that the course taken was a perfectly right one.

10. You say that to bring a fan to bear on a fire was a proper course to take?—Under the circumstances, Yes, decidedly.

11. What circumstances?—The circumstances were these: the mine was so full of smoke and poisonous gases that, to enable the men to live in it, it was necessary as far as possible to remove the deleterious smoke and poisonous gas.

12. How do you know the mine was full of smoke—you did not see it?—I think it would save a great deal of time if I gave you Mr. Dixon's report on the whole thing.

13. I ask you how you know the mine was full of smoke if you were not there?—I was not there, but I think my answer is quite feasible and possible. I must base my opinion on the reports. I was not there at the time.

14. Why did you not say so?—I did say so.

15. Coming back to the tampering with this dam: did you see that tampering yourself?—No. It was discovered after I left.

16. After you left in June?—Yes. In July.

17. There was a charge of dynamite?—That was after I left.

18. Were you in the mine?—I was in as far as it was possible to get.