

63. I would like that put in the evidence. Will you read it, please?—[Witness reads letter, as follows.]

“Office of Inspector of Mines, Thames, 7th August, 1914.

“*Gas-explosion at the Taupiri Collieries.*

“Memorandum for the Under-Secretary, Mines Department, Wellington.

“In reply to your memo. of the 4th instant I beg to state that after careful consideration I am of the opinion that to prosecute Mr. Fletcher, the mine-manager, for a breach of Special Rule 14 in the case of William Kelly, burnt by an ignition of gas in the company's mine on the 9th July last, I may fail to get a conviction, but the moral effect of such a prosecution will be to produce more effective supervision, the value of which we cannot foresee.

“In view of the alleged previous burnings by gas in the mines, apart from that of the 4th instant, it may render it necessary to prosecute. I as Inspector of Mines receive no help from the Miners' Union or their check inspectors, who are as at present constituted the creation of the mining company's directors. I have had no complaints from the union officials or any one of its members, either written or verbally, for over twelve months past.

“I may say that there is very little carburetted-hydrogen gas found in the mine, but for some time past small quantities have been found and reported by the examining officers of the company. In view of that I have repeatedly requested that the roads in the mine where dry coaldust has accumulated should be adequately watered, and all shots fired in the mine to be fired by the fireman and deputy as required by Special Rule 25 (d). The manager has not complied as fully as I would like. The foot-tracks of the travelling-roads only have been watered; and, while the manager has informed me in writing that shots are being fired by officials, I am not quite sure that this is so.

“I cannot recommend that safety-lamps only be used in these mines, for two reasons: (1.) Very little gas is found in the miners' working-places. It has practically always been found in falls of the roof of the old workings, and two officials are specially appointed to examine the old workings. During the week daily inspections are made and a full round of the work is made during the week. (2.) The working-places are 10 ft. to 18 ft. high. The light from a safety-lamp is very poor, and if the mine is to be worked as at present, by present methods, there will be a great increase in the number of accidents to miners and serious accidents, if not fatalities, as the result of defective lighting; the safety-lamps will be damaged and the end in view defeated.

“To prosecute for a breach of Special Rule 14 in Kelly's case will at least have the effect of producing stricter supervision, therefore I now ask permission to summons Mr. Fletcher under Special Rule 14 of the Coal-mines Act, 1908, and also permission to employ a solicitor.

“B. BENNIE, Inspector of Mines.”

Following on that the Under-Secretary authorized me to take a solicitor's opinion, and I consulted Miller and Son, of Thames, as to my chances of succeeding in the case.

64. And you absolutely claimed that the prosecution, if it took place, would possibly save the lives of the men?—Would have the effect of stricter supervision.

65. You say in your letter to the Under-Secretary dated the 7th August, 1914, “The manager has not complied as fully as I would like. While the manager has informed me in writing that shots are being fired by officials I am not quite sure that this is so. The light from a safety-lamp is very poor, and if the mine is to be worked as at present, by present methods, there will be a great increase in the number of accidents to miners, and serious accidents, if not fatalities”?—That is so.

66. That is your report?—That is my opinion.

67. And no prosecution followed?—The reason why was because I was advised that I could not get a conviction.

68. May I ask for your letter of the 27th August, 1914, setting out your case for the opinion of Miller and Son. [Letter handed to Mr. Wilford.] You say that the prosecution did not take place because of the solicitor's opinion?—Yes.

69. Now, in the solicitor's opinion which you read it says, “on the facts submitted to us”?—Yes.

70. And the letter you put in dated the 27th August contains the facts you submitted to them?—Yes.

71. Did you tell Miller and Son that Conn, Willcox, and Ruston had been burned by ignitions of gas in 1912?—I was not instructed to do so.

72. Who fixed what you should say?—The Under-Secretary. It arose out of Kelly's burns.

73. You must surely know that the lawyer should have been advised how many burns had taken place in the last two years in order to interpret this Act. Did you give Mr. Miller any information about Ruston, Willcox, and Conn being burned?—My answer is No.

74. Did you give Miller and Son the information that you gave the Under-Secretary on the 7th August?—I think so.

75. But your letter to Miller and Son is here: three parts of it consist of quotations from the Act. The only information you give the solicitor when you asked for his opinion is, “On the 9th July ultimo a miner named William Kelly was burned by an ignition of CH₄ gas in the Taupiri Coal Company's mine. The examining deputy reported finding gas in Kelly's working-place on the 1st July ultimo, but on each succeeding morning up to and including the 9th July (date of accident) the examining deputy reported the place clear (safe)”.—Yes.

76. Is not that all the information you gave Mr. Miller?—No, I gave him my notes taken from the report-book, showing the occasions on which gas was found by Deputy Wear in Ralph's Mine.