

770. Do you not think it right that the Minister, or the Public Service Commissioner, should appoint the best man for the position?—Certainly.

771. Without being handicapped by having a statutory appointment forced upon them?—I do not care to express an opinion about what my superiors are likely to do; they please themselves.

772. Have you ever during your term of office advised the owners or the lessees of this mine on any point in connection with the safety of the mine?—I do not think I have. I have no recollection. It is not my duty.

773. You remember your letters of the 29th ultimo and the 13th July to the Under-Secretary?—Yes.

774. When you wrote those letters did you consider there was reasonable grounds to apprehend danger from firedamp in the mine?—Yes, the Under-Secretary had sent me Inspector Bennie's reports, and as the result of studying them I wrote those letters.

775. Now, you know the provisions of Special Rule 14, which says that "the underviewer, under the directions of the manager, shall see that locked safety-lamps are used and naked lights excluded whensoever or wheresoever danger from firedamp is apprehended"?—Yes.

776. Those conditions existed, according to your opinion: why did you not press for action to be taken under Special Rule 14, irrespective of a legal opinion?—This opinion was received by me three days before the disaster. My letter of the 29th July was written after hearing that Kelly had been burnt, and with a view to urging the introduction of the Coalmines Bill. In a private letter to Mr. Bennie I advised him to get an opinion, and he wrote to the Under-Secretary and asked for permission to do so. I was the originator of the proposal.

777. Then, you did sometimes privately advise Mr. Bennie upon certain matters, and he acted upon your advice?—I went out of my way to aid my friend.

778. Is it not an odd thing that you did not similarly go out of your way and advise him that the men ought to be withdrawn from the mine because of the conditions which you considered dangerous?—I did not do so; the responsibility was not mine.

779. Do you consider all ignitions of gas-explosions?—Yes, but it is a fine point sometimes.

780. Irrespective of the quantity of gas?—If it were small I would term it a minor explosion.

781. Did you ever consider it to be your duty as a Inspecting Engineer, or the duty of the Mines Department, or the duty of any of its officers, to test the inflammability of the coaldust in the New Zealand mines?—You are asking something after the event. I did not regard it as our duty prior to this explosion.

782. Professor Dixon has testified to the inflammability of this coaldust. The Mines Department did not consider it part of its functions to test coaldust?—I knew the danger of coaldust as long ago as he did.

783. The point is that we have it in evidence that up till the present the Mines Department has not made any tests as to the inflammability of coaldust; may I assume, therefore, that you or the Department did not consider it your duty to make such tests?—From the knowledge which we have now, it would have been wise if that had been done.

784. But up to the time of this explosion did you or the Department ever consider it your duty to test the inflammability of coaldust?—We did not up till then consider it necessary.

785. Would you consider that the manager of a coal-mine might reasonably think it was not his duty to test his coaldust?—I do not think he could reasonably be expected to consider it necessary.

786. You told us yesterday about the suppression and concealment on the part of the person in charge of these mines?—In connection with these explosions, yes.

787. You are aware, are you not, that the vouchers which have been produced to the Commission regarding the payment of compensation to Willcox, Conn, and Kelly disclose the fact that these men were burned?—Yes, they say burns were received, but they do not say what caused them.

788. One of the vouchers says it was gas?—Yes.

789. Which one says that?—Willcox: "Burns on face due to gas." This is not forwarded to me or to the Under-Secretary. It is an application that comes to the clerical branch of the Department for the Coal-miners' Relief Fund.

790. Do you consider that a person who wanted to conceal the fact would send that forward with an application?—That document is merely the doctor's certificate of injuries, with the period of incapacitation from work.

791. Who sends it?—The medical officer.

792. It is not the man who sends in the application?—No, neither does the company put a scratch of the pen upon it. It is the doctor's certificate accompanying the Inspector's certificate for payment.

793. The management of the mine, of course, knows the practice adopted in obtaining settlement of all claims for compensation?—It is to be concluded so.

794. And the practice was followed in this case?—For compensation, yes.

795. Now, would not the doctor get his information from the mine officials?—No. The burning accident might not have happened in the mine at all, it might have happened in the smithy for all Conn or Kelly's certificates indicate.

796. Do you think it was the Inspector's duty to ascertain whether the burns were received in the smithy or in the mine from gas?—Not unless his suspicions were aroused. I do not think it is reasonable to expect him to hold an inquiry upon every voucher.

797. The claims coming in are numerous?—Under this Coal-miners' Relief Fund there are hundreds.

798. It is a common thing for these burns to take place?—No, there are all sorts of claims.

799. You do not examine them critically—anybody in the Department?—They are attended to in the clerical branch of the Department. They do not come under my own notice.

800. You have told us that this mine and the conditions pertaining to it are unique?—In my opinion.