

BOYD BENNIE, Inspector of Mines, sworn and examined. (No. 3.)

1. *The Chairman.*] I will first ask you, Mr. Bennie, to read your evidence given before the Coroner at the inquest proceedings?—[Witness reads evidence as follows.]

"BOYD BENNIE, sworn, saith: I am Inspector of Mines for the Auckland District—Coal-mining District—and the Hauraki Gold-mining District, including Puhipuhi. I propose to give evidence to show when I first became aware that these mines were liable to give off gas. About six or seven years ago, when Mr. Wight was manager here, I ignited a small quantity of gas in a borehole. These boreholes are put up in the roof of the working-places to ascertain if there is a thickness of coal sufficient left all over the bord or places. Nothing further occurred until the 12th February, 1912, when David Conn, a shiftman in the Extended Mine, got burnt with gas and was idle fourteen working-days. William Willcox, a roadman in the Extended Mine, was also burnt with gas on the 26th March, 1912. Arthur Ruston, in Ralph's Mine, going into the old workings in Dooley's dip, got burnt with firedamp, but escaped injury. This would be between 1912 and early in 1914. On the 9th July, 1914, William Kelly got burnt by gas in Ralph's Mine on the arms, neck, and face, and was off work for fourteen working-days. This was in the stone drive between No. 6 and No. 7 levels on the main haulage-road. Mr. Fletcher reported the occurrence to me. I put in a copy of the letter reporting it [Exhibit T]. [Copy of letter from Mr. Fletcher to Mr. Bennie in reply to Exhibit K put in as Exhibit U.] I put in a copy of memorandum left in the mine-manager's report-book by me on the 2nd July, 1914 [Exhibit V]. On the 14th July, 1914, I visited the mine and inspected the place where Kelly was burnt. The mine-manager was present with me, and we found a little gas over the back of the drive. The cavity was very small and the quantity was small. On the 24th July, 1914, I reported to the Mines Department the result of my investigation of the place where Kelly was burnt. I was instructed by the Under-Secretary for Mines to take legal advice and see if I could enforce the use of safety-lamps in the mine and prosecute the manager for a breach of Special Rule 14, Second Schedule of the Coal-mines Act, 1908. I put in a copy of my letter to Miller and Son, Thames [Exhibit W]. [Their reply put in and marked X.] In consequence of the finding of gas in the mine as reported by the examining deputies I have made a number of visits to Ralph's Mine, and made special examination of the places where gas was reported to be found. On the 14th July, 1914, I found a little gas where Kelly was burnt, at No. 7 at the middle of the stone drive. Mr. Fletcher and Mr. Gowans were with me. We found in a bord in the old workings, No. 7 level south, about 100 cubic feet of gas there. On same day we examined the place in the old workings where the gas was reported to have been found at a fall. I could not find a trace of gas there. In two places where there were falls from the roof the examining deputy reported discovering gas in April, 1914. We could not find a trace of gas there. On my visit of inspection on the 21st August with the manager I inspected the stone drive between No. 6 and No. 7 levels where Kelly was burnt. We found traces of gas over the drive-timbers: the quantity was very small. No. 7 south, behind a little winch in the old workings, was searched for gas, but I could not find a trace of gas. It had been reported by the examining deputy that he had found gas there. I made a two-days inspection of the mine and found the conditions generally satisfactory with the exception of what appeared to me to be an excessive quantity of coaldust. This was on the 21st and 22nd August, 1914. I found the mine satisfactory except that the travelling-road in No. 6 to Taupiri West had and was being watered only on the floor half the width where the men would walk. There was dust along the sides of the travelling-roads. I cannot find a note of such a letter, but I have no doubt I discussed it with the manager. The watering was continued, but not to the full width of the road. I did not give any instructions about watering the sides or roof, as I could not say there was any dust on the walls at all. Prior to receiving the legal opinion I was so impressed with the necessity of something being done in consequence of the accident to Kelly that I wrote the letter [Exhibit Y] to Mr. Fletcher. [Mr. Fletcher's reply is put in and marked Exhibit Y.]

"By Inspector Wright: I have known this mine for nine years and have been inspecting it for that time. I inspected it usually three or four times a year, but this year I have inspected seven times, all prior to the explosion. This was because gas had been found in the old workings. Prior to 1914 gas was found, but not so frequently. It is the duty of every one in the mine to report anything in the shape of gas. During the last two years I have had no complaints from any one employed in the mine either as to gas or anything else wrong in the mine. I have not found gas in the working-places or travelling-roads in such quantities as would, in my opinion, render the use of safety-lamps compulsory. I have never at any time advised the management that safety-lamps should be used in the mine instead of naked lights. I considered I was writing to an intelligent and competent man, and I drew his attention to the matters which I considered dangerous. The only thing that was not carried out as I should have liked was the watering of the travelling-roads, which were not watered at the sides. Prior to Mr. Fletcher's arrival the old workings were not inspected as they are now. As a result of our conversation for more adequate inspection two men were appointed to examine the old workings to guard against spontaneous combustion and also against accumulation of gas. The instances of gas exploding in the mine that I have given are the only ones known to me. In addition to the inconvenience of the coaldust I also considered it a danger. After hearing the evidence of Professor Dixon I am now of opinion that it is absolutely necessary to use safety-lamps. I have now informed the managers of both mines that only safety-lamps must be used in the mine, and 'permitted' explosives according to the British Schedule No. 953 must be used only. There is no doubt that on my inspection on the 21st August I informed the manager that the roads were insufficiently watered. I cannot say positively that we did discuss it. There is no letter on the file and no note in my book of my having called Mr. Fletcher's attention to this matter. I agree with the opinion expressed by Mr. Wood as to the place where the explosion first started. The place where