

77. When I asked you what you gave Mr. Miller you said this was it, and yet there is something else?—There are the notes also. I think I have them here.

78. You see you have nothing to hide, but this report and these notes never came out before the Coroner's inquest, and have only come out now?—If you were present at the inquest you would have noticed there was a desire to make haste because it had been dragged out so long. I made a statement and then asked the Inspector of Police to put any questions to me. If they had wished any further information they could have had it.

79. Where are these notes?—They are here. [Notes produced and read by witness, as follows.] "23/3/14: No. 7 South.—Found gas in first fall, third bord.—D. Wear, Fireman and Deputy. 23/3/14: No. 7 South.—I have cleared all gas from the same.—J. McGill, Fireman and Deputy. 22/4/14: Little Dip.—Found gas in three falls, winch level.—D. Wear, Fireman and Deputy. 29/4/14: Little Dip.—Found gas in three falls.—D. Wear, Fireman and Deputy. 3/5/14: No. 7 North.—Found gas in a fall behind the pump.—D. Wear, Fireman and Deputy. 15/5/14: No. 7 Section North.—Found gas behind pump.—D. Wear, Fireman and Deputy."

80. Where is that entered in duplicate?—You can get it from the examiner's report-book.

81. That is a copy of his report?—These are extracts which I took from his report-book.

82. Did you tell the Court that you told Mr. Miller that gas had been found in all these places?—I say Yes.

83. Are you positive?—Yes.

84. I want this matter further cleared up. When you sent that statement for counsel's opinion you only made reference to Kelly's case, and that the examining deputy had reported the place clear. Now, on such a statement no lawyer could advise you otherwise than Mr. Miller did?—You read Mr. Miller's opinion.

85. Yes, he said "on the facts submitted"?—The inference was that a place might be worked where there was adequate ventilation.

86. Who ordered you to take the opinion of the lawyer?—The Under-Secretary for Mines.

87. And that was on the 7th August?—I think that was the date.

88. Did you, after the lawyer's opinion, write again urging a prosecution?—No.

89. Did you ever put anything on record to the effect that you regretted that no prosecution had taken place?—No.

90. It might have saved this trouble?—If I had been a prophet and could have foreseen I would have done so.

91. It might have saved this trouble if the prosecution had been gone on with?—I cannot say it would.

92. Is there any other correspondence on the file dealing with your application to prosecute the manager?—In what case?

93. In any case?—I think not.

94. Are you sure? Did you ever write in again asking for a prosecution to be taken?—In reference to this case?

95. No. In reference to any other case?—Since this opinion?

96. Since or before?—Yes, I have prosecuted the manager several times.

97. Since that?—No.

98. Between the 7th August and the 12th September?—No.

99. And since that opinion was taken you have not written to the Under-Secretary suggesting any prosecution?—No.

100. That is the reply you got from the Under-Secretary, dated the 11th August, 1914: "I should be glad to have your views upon this matter, particularly on the proposal to prosecute contained in the last paragraph"?—No, that is addressed to the Inspecting Engineer.

101. Who is the Inspecting Engineer?—Mr. Reed.

102. Then, on this same paper appears Mr. Reed's report, dated 11th August, 1914. Is that his answer to the Under-Secretary for Mines?—Yes, that is his handwriting.

103. It reads as follows: "The Under-Secretary for Mines. Ignitions of gas by which men have been burnt have occurred frequently of late at the Taupiri collieries. A prosecution would do good even if it failed (owing to our obsolete and weak Coal-mines Act), for it would show the public that the Mines Department were alive to the danger, and it would cause the management of the company to give greater attention to the safety of his mine in future. Should an explosion occur the fact that we had prosecuted would be appreciated by the public. I recommend that Inspector Bennie consult a reliable solicitor, and if we are considered by him to have a fair chance to secure a conviction proceedings should be taken, and I will go north to assist the Inspector.—FRANK REED, 11/8/14"?—And the opinion was taken, and read, and handed into the Court.

104. Now, will you please read to the Commission your instruction from the Department to take that opinion?—[Witness reads letter, as follows.]

"Mines Department, Wellington, 17th August, 1914.

"*Gas Explosion, Taupiri Collieries.*

"Memorandum for the Inspector of Mines, Thames.

"WITH reference to your memo. of the 7th instant, I have now to convey you authority to consult a solicitor as to the chances of a prosecution in the above matter being successful, and if there is a fair chance of a conviction being secured you are authorized to institute the necessary proceedings. If required, Mr. Reed will visit the district and assist you with the case.

"H. J. H. Blow, Under-Secretary.

"Per H.E.R."