

511. You said there are only 44 yards between the two mines. Did you mean by that answer that the barrier between the two mines is quite thin, and that an explosion in one mine might cause an explosion in the other mine?—It would not blow through 44 yards of solid coal, if you have that barrier, as you infer.

512. Is the barrier sufficient between the two mines to make them for all practical purposes two separate mines?—I am unable to state, not having measured the barrier.

513. Do you consider that 44 yards of solid coal is sufficient to resist an explosion?—Yes.

514. Are not the explosives which are used in these mines the explosives which are contemplated by the Coal-mines Act?—Which Coal-mines Act?

515. There is only one?—You refer to the obsolete Coal-mines Act at present in force.

516. I am referring to what is the present law?—For perhaps a few hours more.

517. I said the Coal-mines Act for 1908. There are one or two amendments, but that is the principal Act according to the interpretation clause. Are the explosives used in these mines the explosives contemplated by the existing Act and the special rules under it?—The existing Act does not specify what class of explosives shall be used in a mine, but section 56 makes provision by which the Inspector of Mines may forbid the use of dangerous explosives such as your company is now using in the Taupiri Mine from being continued.

518. Do you say that the explosives which are now being used in this mine are not contemplated by the Act?—The Act does not define which explosives are safe and which are dangerous, but it gives the Inspector power to object to dangerous practices. And with a view to safety the Inspector notified your company about ten days ago not to use these dangerous explosives, and you are continuing to do so in defiance of his order, notwithstanding that the Commission is sitting here.

519. Does the Act permit the use of the explosives now being used?—I am not a lawyer. The Act does not specify the names of the explosives.

520. You are a responsible officer of the Department, its Inspecting Engineer; have you ever had occasion to consider whether the Coal-mines Act permitted the use of explosives now being used?—Directly, no. The Royal Commission on Mines, 1911, of which I was a member, considered this matter and found that there was no direct provision in regard to any special class of explosives. Consequently they recommended those explosives on the English Home Office permitted list, but as nothing exists in the Act specifying which explosives shall be used we can only apply section 56 to the case, in my opinion.

520A. Do you agree with the report of the Royal Commission that there are practically no explosives prohibited by the Act?—The Act does not directly recommend or prohibit.

521. Have you ever had occasion to consider section 40 of the Act?—Yes, I have had a great deal to do with section 40.

522. You know its provisions?—Yes, very well.

523. Look at subsection (2) of section 40. It says, "The use of gunpowder or other explosives or inflammable substance in a coal-mine shall be subject to the restrictions and provisions following"?—Yes.

524. Do you believe that that means that these explosives can be used subject to the conditions?—Those are only some of the conditions.

525. Have you always understood that that gives power to use these explosives subject to the conditions?—No, I have not. There are other provisions which common-sense dictates, and which are not enumerated there.

526. Then you do not consider that explosives of the kind mentioned in subsection (2) may be used according to the conditions laid down in the Act?—The Act is good as far as it goes, but it does not detail or specify many dangerous uses of explosives.

527. Then do you contend that there are other provisions not set out in the Act which must be observed before these explosives can be used?—I do. Under section 56 we have power to enforce them as regards flameless or permitted explosives.

528. Have you or the Department ever ordered any other conditions to be observed in the use of explosives in the mine, other than those specified in section 40?—I have no record. Ask the Inspector of Mines who is the responsible officer.

529. You have no knowledge of it?—I have no knowledge of it.

530. Have you ever recommended to the Department the necessity of adopting other conditions for the use of explosives than set forth in section 40?—Certainly, our Royal Commission recommended it.

531. Did you?—I was a member of the Commission. I did recommend it as a member, and signed the report.

532. May I say that except as a member of the Royal Commission you have not recommended them?—No, I recommended them for another colliery—Kaitangata, and for Ralph's Colliery in my recent letters.

533. Other conditions?—Permitted explosives.

534. Then you did not recommend the use of any other explosives than those which were in use at this colliery?—I also conferred with Mr. Bennie, and advised him privately—not officially—to have safety explosives introduced here. That was my private advice, and he followed it.

535. Why did you not officially place on record your belief that the safety of the mine required conditions to be observed beyond those in section 40?—The accident happened only three weeks ago, but in my letters to the Under-Secretary several months ago—namely, on the 29th July—I recommended to him that only flameless explosives should be used at Ralph's Mine.

536. You only recommended the use of permitted explosives three weeks ago?—No, you are mistaking my position—I am not the Inspector of Mines, to directly address the manager.