

125. Did you ever call his attention to the fact that he had never reported to you in accordance with that Rule 25?—There is no necessity to call his attention to it.

126. But did you?—No.

127. You know the door leading into No. 6 bord where Martin's body was shown on the plan?—Yes.

128. Was it used frequently or occasionally?—I could not tell you. I used it myself.

129. Can you say whether it was used frequently or seldom?—It could not have been used frequently, and only by officers of the mine.

130. Had it a lock?—No.

131. Do you know Special Rule 16?—I know there was a fence at the foot of that bord.

132. Here is Special Rule 16: "The underviewer or his deputy shall inspect daily the doors in the main airways, and see that they are checked or doubled. No door must be propped or fastened back while on its hinges. The underviewer must appoint doorkeepers whenever necessary. Doors only used occasionally by the underviewer or his deputy must be kept securely locked, and only opened by properly authorized persons." Did you break that law?—I suppose we have.

133. Now, if any of the men had no right in that No. 6 bord where Martin's body was found, at the end of which the door was, the company had neglected to keep that door locked and observe that condition of the law: is that not so? That is clear, is it not? You see that has not been kept. On your own admission it is only used occasionally?—That is so.

134. That law has been broken?—Yes, that has probably been overlooked.

135. Do you know Rule 18, under which the other end of that bord is supposed to be fenced off? It says, "The underviewer, acting under the direction of the manager, shall see that all places not in actual use are properly fenced across the whole width, so as to prevent persons inadvertently entering the same." Was that bord properly fenced across the whole width?—Show me the bord you mean.

136. Was it fenced?—I could not tell you, because it is a bord within old workings.

137. Then, had Martin a right there?—I could not answer you.

138. Had Martin a right there?—I could not tell you whether he had a right or no right.

139. Was it fenced off to prevent him getting there?—I know the entrance to the old dip was fenced, and there was also a fence that led up to No. 5.

140. Do you suggest that there was any fence across the end of bord No. 6?—I could not tell you.

141. Do you see that it is necessary under the law?—It is necessary, where places are disused, to stop men from going in.

142. Is this a disused place?—I call it a place from which the coal had been extracted.

143. Would it be called "disused" when a man was sent there to get rails? Would it not be part of the travelling-road?—I do not know about a travelling-road or a working-place.

144. Do not you think that any explosions which occurred in the mine were sufficient warranty for you to order safety-lamps without waiting for anybody-else's order?—No, because I do not consider that the quantity of gas was sufficient.

145. Do you know section 56 of the Act, which provides for "Defects not provided for by express provision in the Act"—it reads as follows: "If in any respect (which is not provided against by any express provision of this Act or by any special rule) . . ."? Do you not think that under section 56 you could have ordered safety-lamps?—No.

146. We may put it this way, then: that you did not think it necessary?—Certainly I did not.

147. Did you appoint Wear to do the work he did?—I did.

148. Was there adequate air passing through bord No. 6 under Rule 3?—The law does not provide for the air to pass through the old workings.

149. The rule says, "The manager shall see that an adequate amount of ventilation is constantly produced in the mine to dilute and render harmless noxious gases, to such an extent that the working-places of the shafts, levels, stables, and workings of the mine, and the travelling-roads to and from such working-places, shall, so far as is reasonably practicable, be in a fit state for working and passing therein." Was No. 6 in a fit state for "working and passing therein"?—It must have been, according to the last report of the deputy.

150. But look at the result?—Something extraordinary happened.

151. Have you any report of No. 6 bord, in the last twelve months prior to the accident, ever having been inspected either for gas or adequate ventilation?—Only the report of the old-workings deputy made every week, which showed that the ventilation was adequate in there.

152. I ask whether the place has been inspected for gas?—We do not particularize each and every bord in the reports.

153. You have not any report on that particular bord—No. 6?—No.

154. What is the cubic-feet capacity of the fan at Ralph's end—about 45,000?—About 55,000 ft. per minute.

155. Is it large enough for the purpose?—Yes, for the present size of the mine.

156. Is it not a fact that they have installed a fan with five times that capacity in the Extended Mine, which is a smaller mine?—The Taupiri Extended is a larger mine than Ralph's.

157. At present?—Yes. It is worked under difficulties greater than Ralph's, because it has only two shafts, whereas Ralph's has three.

158. Is it a fact that their fan has five times the capacity of Ralph's?—No.

159. What is the capacity of it?—It was got for 200,000 cubic feet, but they are always short of what the makers say. Ralph's fan produces 55,000 ft. of air: that is what we get in the returns.