

A. After we fired the shot my mate went back first to the place. He got in, I suppose, 5 or 6 feet, it may be 3 feet, off the face; there was a lamp in his hand, a flare lamp, and it lit up and blazed all over the roof, you know.

1899. Q. You say it blazed all over the roof: how far did it blaze? A. Perhaps 10 feet back, I suppose. Just a bit of a flap you know: a bit of a flare back.

1900. Q. Did it burn your mate? A. No. It was a very small quantity of gas; and it would just go close to the roof. Of course my mate popped himself back out of the road. He had his lamp up like this [*indicating*] looking to see what the shot had done.

1901. Q. How long was that after the shot had been fired? A. About a minute. I know I was stopping, having a drink, at the time.

1902. Q. Had the smoke cleared away at that time? A. Pretty well. It could not get away extra quick.

1903. Q. And was anything done after that happened by either you or your mate? A. I told the deputy when he came in about it.

1904. Q. Who was it you told? A. David Evans.

1905. Q. What was he? The day deputy? A. The day deputy.

1906. Q. What was it you told Evans? A. I told him when he came in about 1:30—I go out at 2—that there was a bit of gas lit up in the place. “Oh,” he said, “there is no gas here.” I said, “No, it is burnt now. It has been here right enough.” Then I told him that we had not air enough to clean it out properly; and he said, “The brattice is well up at the face.” I said, “Yes, but there is no room at the back of it.” I showed him where there was not room. This place was broken away 4 yards wide for about 4 yards in; and there were points and curves put in, and the brattice the other side, until actually there was not room enough for the air to come round at the back of it. We took the air in at the road; and there was no space for it to go back: in fact, I could not get to the back of it. I described that to him, and he said, “Oh, well, you have not far to go now.”

1907. Mr. Wade.] Q. You mean that the brattice was too close to the rib? A. Yes.

1908. Mr. Bruce Smith.] Q. No room between the face and the brattice? A. No. It was wide enough in the place. It opened on to 8 yards wide, and back here it was only 4 yards, or hardly that. There was a lump that I could not get past between the brattice and the coal at the back of it. I told him there was not enough space, such as I had been used to having, and he said, “Oh, you will be finished directly.”

1909. Mr. Lysaght.] Q. Could you show at all where this bord 40 was? Did you travel the 6th Right rope road to get to your place? A. At that quarter this road was not started. It was started the following quarter.

1910. Q. Did you turn into the 6th Right to get to your working place? A. I turned in just exactly opposite Mat's Flat.

1911. His Honor.] There may have been some change in this No. 40; if there has been Mr. Rogers could explain it.

1912. Mr. Lysaght.] Perhaps Mr. Rogers could show him exactly where he was working?

1913. Mr. Rogers.] Q. You know James' heading? A. Yes.

1914. Mr. Rogers.] These were forty at that time (*indicating on the plan the bords off James' heading*).

1915. Witness.] It would be somewhere down James' heading I was working; somewhere off James' heading.

1916. Mr. Lysaght.] Q. Can you say what time in the quarter it was? A. I could not tell you exactly.

1917. Q. Was it two quarters before the disaster? A. Yes.

1918. Q. Was it about Christmas time? A. It must have been the quarter after Christmas.

1919. Q. Just try and think whether it was after Christmas? Yes, it was.

1920. Q. About how long? A. It is like four quarters back. It was in the first quarter of the year.

1921. Mr. Robertson.] Q. Last year? A. Yes, at the beginning of last year. That is when it was.

1922. Mr. Lysaght.] Q. Now, can you tell us any other occasion when anything happened to you? A. About a week afterwards it lit up again.

1923. Q. I want the full details of that. “Lit up” is no information to us? A. I went back after I had fired a shot. I went back to look what the shot had done.

1924. Q. Was this in the same place? A. The same place. And I went back with my lamp on my head, hooked on my cap.

1925. Q. How long after the shot had been fired? A. About a minute, perhaps, or something like that. And when I got back near the face there was a bit of a light up again, of course. I reported that to Mr. Evans the same way.

1926. Q. When it lit up again, what did you do? Did it burn you? A. No. I felt it warm, and I popped back. It was a light on my cap; I felt it a bit hot on my face.

1927. Q. How far were you from the face? A. About 3 feet, I suppose, when it lit; something like that.

1928. Q. What happened then? A. When Mr. Evans came in I reported to him, and he told me the same thing—that we would soon be finished there.

1929. Q. Do you know how far it went back? A. Four or five yards back from the face.

1930. Mr. Wade.] Q. Did you see it? A. Oh, yes. It was no trouble to see it.

1931. Q. Did you see how far it went back? A. I saw it blaze up to the bord, and then come back to the face and knock itself out.

1932. Q. What time did you see Mr. Evans? A. Somewhere about 1 o'clock, or between 1 and 2. He generally used to be round about that time.

1933. Q. What did you say to him? A. I told him the gas lit up again; and he told me the same yarn, that we would be finished there soon; that we were near the distance—the bord was very near down the distance.

1934. Mr. Bruce Smith.] Q. Just tell me exactly what he said? A. He said, “Oh, there could not be any gas; it was only my fancy”—well, to make it appear that I did not know what it was at all. But I know better than that. I had seen a bit of gas before that day.

1935. Q. He told you you would soon be out of the district? A. Yes, he said the place would soon be stopped; it would soon be far enough driven; and we were nearly done there.

Witness—C. Smith, 8 January, 1903.

1936. *Mr. Lysaght.*] *Q.* Was your mate with you on that occasion? *A.* Yes; he was present both times.
1937. *Q.* Was your mate present when you had this conversation with Evans? *A.* Yes.
1938. *Mr. Bruce Smith.*] *Q.* Is your mate alive now? *A.* Yes; he is working at Mount Kembla.
1939. *Mr. Lysaght.*] *Q.* Do you know of any other place? *A.* I never saw any gas in any other place. The next place to me I heard a man telling Evans when he was coming out — (*Interrupted*).
1940. *Q.* Now, let me have the particulars of it.
1941. *Mr. Wade.*] I would ask the Court if it would not be more regular to ascertain if the man is alive whom he heard speaking to Evans; and, if so, would not it be better to have that man?
1942. *Mr. Lysaght.*] I want to confirm it while I have this witness here.
1943. *His Honor.*] This is not a conversation with this witness, but a conversation with Evans which this witness overheard. Under the circumstances that is admissible. The other man may be able to confirm it; but the evidence of a conversation given by a person who heard it is just as good as the evidence given by the person who spoke.
1944. *Mr. Lysaght.*] *Q.* What bord was it that you speak of where you heard the conversation? *A.* Thirty-nine bord, the next bord to mine.
1945. *Q.* Who was working it? *A.* Fred. Jackson. I was just waiting for him when I was going home.
1946. *Q.* Where is he now? *A.* He is working at Mount Kembla.
1947. *Q.* What was the conversation that you heard? *A.* I was sitting waiting while Jackson put his clothes on to go out at 2 o'clock; and I heard him say, "There is gas lit up in our place to-day, Dave."
1948. *Q.* Who is "Dave"? *A.* Dave Evans.
1949. *Q.* He was speaking to David Evans? *A.* Yes.
1950. *Q.* What else? *A.* That is all I heard him say. And he said, "I will go and see your mate."
1951. *Q.* Who said that? *A.* Dave. Dave was going down the bord at the time to look at the place.
1952. *Q.* When was that? *A.* It was about the same week as when it lit up on my head. I could not say to a day or two. I did not take any notice of it exactly.
1953. *Q.* Now, is there any occasion that you know of the existence of gas when it was reported, in your recollection of Kembla? *A.* I have heard men talk about it before.
1954. *Q.* Have you heard them talk to officials? *A.* No
1955. *Q.* Then I do not want it. Is that all you want to say about the presence of gas in Kembla? *A.* Yes.
1956. *Mr. Lysaght.*] Might I ask Your Honor again the scope of Your Honor's ruling regarding this opening of the safety-lamp in Kembla. I am instructed this morning that it has become a serious matter there; and this witness himself had to speak to the shot-firer about opening the lamp.
1957. *His Honor.*] That is a question, of course, that would have to be decided, on the policy or the expediency of allowing a certain amount of latitude to a shot-firer; and you contend now that it is permissible to you to show that shot-firers at present are not as careful as they ought to be.
1958. *Mr. Lysaght.*] Yes, Your Honor; and Mr. Wade contended yesterday, in effect, to a witness that it was not a dangerous practice to open a lamp and fire the fuse in that way if certain conditions were observed.
1959. *His Honor.*] Supposing that all the precautions which are prescribed by the Act were observed; do you suggest then that there might be a danger?
1960. *Mr. Lysaght.*] There might still be a danger. In practice these precautions are not at all observed; and, therefore, it is an unwise escape to allow them to have. I submit also that it is very difficult in practice to make them observe these precautions; and this gives a loophole which may cause disaster.
1961. *His Honor.*] You say in effect that that loop-hole is taken advantage of in an improper manner, for the purpose of giving force to your contention that the loophole should not be allowed at all.
1962. *Mr. Bruce Smith.*] The fact of its being a practice now does not throw any light on the danger of it. The danger of it can be shown by abstract evidence, by the opinions of competent men that it is a dangerous practice. It is not necessary to go into evidence as to what is being done.
1963. *His Honor.*] That is rather a difficult question. It is more a question of common-sense than of law.
1964. *Mr. Bruce Smith.*] I think the evidence will satisfy your Honor that there is more danger of ignition of gas from the shot itself than from the naked light. My friend wants to get evidence of what is being done; but that does not throw any light on the problem of the danger of doing it.
1965. *His Honor.*] It stands in this way: The contention is that it is legitimate to show how human nature will work in the future by showing how it has worked in the past. To take an extreme case, if you go away from this country altogether, and go to South Africa, it might be suggested that in a mine worked by black labour a certain provision always accepted in England, where white labour is used, was not expedient because it gave a little too much latitude to the peculiar operations of the negro mind. In that case it appears quite clear that it would be permissible to show that, in spite of past experience that under other conditions it was quite safe to give this latitude, the facts disclosed that it was unsafe to give the latitude under those peculiar conditions.
1966. *Mr. Bruce Smith.*] That evidence of its unsafety is abstract evidence. I do not object to that.
1967. *His Honor.*] Here the suggestion comes a little closer home. It is suggested that, owing to the peculiar operations of the Caucasian mind, it is not safe to allow this latitude.
1968. *Mr. Bruce Smith.*] But the bald evidence that a certain practice is going on does not show the danger of the practice. If it could be shown to be dangerous, I would like evidence of that kind to be given by practical men.
1969. *His Honor.*] The evidence that the practice permitted by the rule is going on, in the face of the absence of evidence that any accident has followed from it, is rather proof of its expediency than of its inexpediency; and, therefore, it would not be any evidence to show that it is inexpedient.
1970. *Mr. Bruce Smith.*] But I say that the fact of the thing being done is no proof of the danger of it—has no bearing on the question of the danger of it.
1971. *His Honor.*] But suppose it could be shown that it was done several times, and some small accident had followed?
1972. *Mr. Bruce Smith.*] Then I would admit it at once.
1973. *His Honor.*] Mr. Lysaght, are you going to show that any accident has followed from this practice being adopted?

1974. *Mr. Lysaght.*] No. But I do propose to show that all the conditions were there for a very serious explosion. A lamp was unlocked and a fuse fired in a place that was dusty; and the precautions necessary were not taken; and this person was present.

1975. *Mr. Bruce Smith.*] Is this since the explosion?

1976. *Mr. Lysaght.*] Yes. Your Honor will see how important this matter is, and that, if you allow the loophole in the Act for the unlocking of the safety-lamp to light a fuse, the whole safety of the mine is dependent upon the strict observance of the precautions for watering.

1977. *Mr. Bruce Smith.*] That can all be disposed of by a hypothesis. If it is going on is it dangerous?

1978. *Mr. Lysaght.*] I would ask leave to show that it is going on, and to show that they do take advantage of this loophole in an improper way; and therefore this loophole should not be there for them to take advantage of.

1979. *His Honor.*] You wish to show that the whole thing is inexpedient because in practice one or other of the precautions prescribed is commonly omitted; and therefore it is not really expedient to allow a loophole with such a complicated mass of precautions that it is very likely that those precautions will, some of them, be omitted, and the result of such an omission would probably be an accident. You say in point of fact that, although there has not been an accident, it is only an accident that there has not been an accident?

1980. *Mr. Lysaght.*] Precisely.

1981. *His Honor.*] And that is practically equivalent to the happening of an accident.

1982. *Mr. Wade.*] I take the same objection as I took the other day in regard to this matter. In the first place it is absolutely outside the scope of the Commission to deal with a practice that has arisen since the disaster.

1983. *His Honor.*] This is a practice that I understand at present is sought to be proved by evidence of what occurred before the disaster.

1984. *Mr. Lysaght.*] Evidence subsequent to the disaster.

1985. *His Honor.*] Evidence of a state of affairs continuing since the disaster?

1986. *Mr. Lysaght.*] There were no safety-lamps used before the disaster.

1987. *His Honor.*] We want to understand this clearly.

1988. *Mr. Wade.*] Safety-lamps have been introduced, I think, during the last two months and a half—somewhere about October—and the allegation is—and I will assume it is proved—that under the operations in the mine the safety-lamp is opened and a shot is fired. I point out that that is outside the scope of the Commission.

1989. *His Honor.*] It is not suggested by Mr. Lysaght for a moment that this course of action had anything to do with the explosion itself. That cannot by any possibility be suggested. There is no doubt about that. It is entirely confined to the question of recommendation.

1990. *Mr. Lysaght.*] Certainly, your Honor.

1991. *His Honor.*] Now, the question of recommendation is a question of recommendation in relation to the possibility of an explosion—the possibility of an explosion probably arising, we may say certainly arising, from the presence of inflammable gas; and the suggestion is that it was the presence of inflammable gas that led to this explosion. The Court has everything therefore to do with the question of the future treatment of all matters concerned with the possibility of explosions arising from the existence of gas in the mine; and, therefore, it seems to us all that this is a matter connected with that part of the duty of the Commission which is to inquire into what shall be done in the future, what shall be prescribed in the future, in relation to that particular important matter which is immediately within the cognizance of the Commission. It is different altogether from the question of what led up to the accident.

1992. *Mr. Wade.*] It brings it back to the same point, that my friend, Mr. Bruce Smith, put to the Court, that a host of witnesses of the fact that this practice is being adopted now does not carry the case any further: because it might be said on all sides "We admit that the practice is being adopted which the Act allows, of safety-lamps being unlocked to light the fuse to fire the shots; but still it is a question of argument as to the dry and dusty conditions of the mine, and the possibility of the presence of gas." And, even supposing nothing at all is proved in this case, the question is whether the rule laid down in the Coal-mines Regulation Act, under Rule 12, is sufficient, as a matter of fact or a matter of prudence, or whether it ought not to be limited in the way suggested on the general ground of the fallibility of human nature. If this question is gone into, as I said yesterday, we shall be compelled to go into every detail with regard to all these matters, and to deal with the question of gas having been present there, of gas having been found or not, and of gas having been cleared away or not; and, further, whether the place was dry and dusty. On all these questions it will involve the calling of evidence in rebuttal: and, whether the Commission come to the conclusion that the Company have or have not answered the contentions advanced here, they will not be any further ahead than at the present moment; because there is this consideration, that there has been no accident resulting from it. If there had been an accident it would emphasise this proposition, that the general rule should be further limited and qualified. It is not for the purpose of shielding any person in the mine that I object; because there is a perfectly clear remedy open to anybody aggrieved by the action of coal-mine officials. They have full power to prosecute either the Manager, who has a knowledge of these things and allows them to be done, or to prosecute any official of the mine, other than the Manager, who allows these things to be done. If a man has done wrong by the violation of this rule, he can be punished under the Act. Whether this rule is advisable or not is a question which seems to me entirely an abstract question, which can be argued from a perusal of the words, and the words only, of this general rule here, and nothing more. I say, whatever the conclusion is that Mr. Lysaght proposes to prove, if it is proved or not, the Court will not be any further ahead. If no accident be proved as the result of this practice the matter should simply be confined to the abstract view of the question.

1993. *His Honor.*] The Court takes this view of it: this is a very important rule. If advantage is taken of any concession which is allowed by the rules, it is very important that every precaution prescribed by the rules should in all cases be adhered to, and carried out. It is suggested, and it is properly suggested, that the rule is not a good one; that the precautions are too complicated. For the purpose of showing that in point of fact that is so, it is sought to prove by particular cases, repeated cases, that those precautions are being overlooked—that, we will say, one or other of them is being overlooked—and it is sought to found upon that fact the conclusion that in point of fact it is inexpedient that the rule should

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Witness—C. Smith, 8 January, 1903.

remain as it is. The Court thinks that on the whole that evidence is properly tendered, and allows the evidence to be given, whatever inconvenience may follow, or whatever time may even be possibly wasted by the answering of that evidence. The Court does not think it proper to refuse to hear the evidence; although the Court may be quite as well able to judge of the expediency of the rule without it as with it. That may be so. The Court does not see its ways to reject the evidence.

1994. *Mr. Wade.*] I have one other objection besides Mr. Bruce Smith's.

1995. *His Honor.*] You are objecting to the evidence of concrete cases of violations of this rule being admitted?

1996. *Mr. Wade.*] Quite so.

1997. *His Honor.*] The Court admits evidence of specific cases. Of course their value varies with their number.

1998. *Mr. Bruce Smith.*] I think I ought to say as representing the Chief Inspector that, if this practice is going on, and is deemed to be dangerous by the miners to the extent represented by Mr. Lysaght, they ought at once to make some representations to the Department with regard to the continuance of what they deem to be a dangerous practice.

1999. *His Honor.*] This Court is not going into the question of what the miners ought to do.

2000. *Mr. Bruce Smith.*] I mean in addition to the inquiry now going on. This is the first time that it has been brought to the Chief Inspector's notice that the miners are in a state of fear with regard to this practice going on.

2001. *His Honor.*] This inquiry cannot go into that question.

2002. *Mr. Lysaght.*] Mr. Bruce Smith will permit me to say that the Inspectors can see that practice if they go and look.

2003. *His Honor.*] If that evidence is given it may help Mr. Atkinson himself to come to some conclusion.

2004. *Mr. Lysaght.*] *Q.* Now, I want you to tell us when, recently, a shot was fired at Kembla in your working place, and by whom. And give us the particulars of how it was fired. Where were you working? At what number? *A.* I am working in the second drive, No. 1 District.

2005. *Q.* What is it, a pillar or a bord? *A.* A bord.

2006. *Q.* Do you know the number of the bord? *A.* Sixty-five.

2007. *Q.* Is that the bord where a shot was fired that I am going to speak of? *A.* Yes.

(Mr. Rogers said that No. 65 is not marked on the plan: it is a new place. He indicated its locality on the plan).

2008. *Mr. Lysaght.*] *Q.* Taking the condition of that particular bord, is it or is it not what you would call a dusty place? *A.* Yes, the coal is very dry itself.

2009. *Q.* Is it or is it not a dusty place? *A.* Yes, it is a bit dusty.

2010. *Q.* And can you give us the day that the shot was fired in that place, and by whom? *A.* Well, I worked in it three days; and we fired each day.

2011. *Q.* Take the first day you worked in it, when was that? *A.* The Monday after Christmas; that is when I started.

2012. *His Honor.*] *Q.* This Christmas? *A.* Yes.

2013. *Mr. Lysaght.*] *Q.* And what was the next day you worked? *A.* Tuesday and Wednesday.

2014. *Q.* Now, on the Monday after Christmas who fired the shot? *A.* John Forsythe.

2015. *Q.* What is he? *A.* He is what we call the fireman or deputy, or whatever they term it.

2016. *Q.* Is he the person appointed to fire shots? *A.* I suppose so. He comes there at any rate.

2017. *Q.* About what time was this shot fired on the Monday? *A.* About 2 o'clock, I believe.

2018. *Q.* At the time of the firing of the shot were there present those dusty conditions? *A.* Oh yes, it was a little bit dusty.

2019. *Q.* Was anything done towards watering the place?

2020. *Mr. Wade.*] I think the best thing is to ask him what was done.

2021. *Mr. Lysaght.*] *Q.* Tell us exactly what was done by the shot-firer, and how the shot was fired? *A.* When the shot-firer came in he said "Are you ready?" I said "Yes." So he took his knife out and cut the fuse off. We leave it hanging on the hole, the bunch of fuse; and he unlocks his lamp, and screws the bottom off, and lights it.

2022. *Q.* Lights it with what? *A.* With his lamp, the naked light. And I had not been used to seeing suchlike in my time before in my life. I told him I did not think it was good enough for me to be working with a locked lamp, and his lighting the shot with an unlocked lamp: I did not feel comfortable, and did not like it; and I said I had been in mines where the lamps had been locked for years and I had never seen one unlocked.

2023. *Q.* What answer did Forsythe make to you? *A.* I do not know what sort of answer. He did not say much. I said "Have you not got a bit of wire and guys?"; and he said "No, there are no guys in my lamp." That is, wire guys to put wires through to light it.

2024. *Q.* And he said "No, there are none in my lamp"? *A.* He said no, he could not get at it; there was no other way but to unscrew it; not with that lamp he had.

2025. *Q.* After he fired the fuse what happened? *A.* The shot exploded then and knocked down the coal.

2026. *Q.* Did you notice any further result from the explosion of the shot? *A.* Well, it was a bit smoky and dusty for a minute or two, but nothing much.

2027. *Q.* What do you mean? *A.* The dust rose along with the smoke as we were going back.

2028. *Mr. Wade.*] *Q.* You say not very much? *A.* I say not very much. A little dust and smoke when we were going back.

2029. *Q.* Now, is that all that the shot-firer did? *A.* Yes, that is all he did.

2030. *Q.* Was anything at all done to water the vicinity where the shot was being fired? *A.* I never saw any.

2031. *Q.* If it had been done must you have seen it? *A.* I should have felt it too.

2032. *Q.* In your opinion was that a dangerous thing to do? *A.* I thought it looked very dangerous to have a naked light to light that shot.

2033. *Q.* As a practical miner? *A.* Yes. Though it might be safe enough, it did not look safe and it did not look comfortable; that is my meaning.

2034. *Q.* As a practical miner, in your opinion it was a dangerous thing to do? *A.* Yes, it did not look comfortable at all.

2035. *Q.* Was there only one shot fired that day? *A.* That is all.
2036. *Q.* Tell us exactly what happened on the Tuesday? *A.* We fired two shots on Tuesday.
2037. *Q.* Give me the full details of it? *A.* The same way exactly as we did on Monday.
2038. *Q.* What were the conditions as to dust? *A.* Just the same. We fired the shot, and a couple of hours afterwards we fired another one.
2039. *Q.* And on those occasions did the explosion of the shot raise the dust? *A.* Just about the same.
2040. *Q.* About how high was it the dust was raised on each occasion, roughly? *A.* When I was going back to the shot there was smoke and dust all though the place; a haze of it, and smoke on the top.
2041. *Q.* But the dust you saw was permeated through the whole place? *A.* Yes, a certain amount of it, dust and smoke.
2042. *Q.* On the Tuesday did you say anything to him about that? *A.* Oh, we just had a bit of a laugh then. We got more used to it. You can get used to anything; you get hardened to anything like that.
2043. *Q.* Now, were any precautions taken on the Tuesday regarding watering that vicinity? *A.* No.
2044. *Q.* On the Wednesday what happened? *A.* We fired one shot on the Wednesday.
2045. *Q.* In the same way? *A.* Yes.
2046. *Q.* Forsythe? *A.* Yes.
2047. *Q.* In what way did he fire it? *A.* Just the same way as the others.
2048. *Q.* Were the conditions the same? *A.* Just about the same then.
2049. *Q.* And after the explosion what about the dust rising? After the shot had been fired, after it had done its work, what about the dust rising in the place? *A.* It would not be bad; it settles down you see after a few minutes.
2050. *Q.* But did it rise? *A.* Yes, of course it rose with the shot exploding.
2051. *Q.* And settled down again? *A.* Yes.
2052. *Q.* On the Wednesday were any precautions taken as regards water? *A.* I never saw anything; no change at all.
2053. *Q.* Are those the three occasions you speak of? *A.* Yes.
2054. *Q.* Now, do you consider, as a practical miner, that it is essential to the safety of the mine that the safety-lamp should not be used to fire a fuse? *A.* It is more satisfactory to me to see them use the wire than to use the naked light.
2055. *Q.* Do you consider it is essential to the safety of the mine, as a practical miner? *A.* Yes, I do.
2056. *Q.* In all the mines that you have worked in in any other part of the world, have you known the safety-lamp to be used to fire the fuse? *A.* Not the naked light; never. I have always been used to lighting with touch-paper, and I reckon it is the safest thing you can have, too. I do not believe in fuse even to light the shot.
2057. *Q.* What is touch-paper? *A.* You make it with saltpetre. The fuse blazes, spits, as we term it. The last time I was at Kembla I have seen the fuse blaze. That was the first quarter we worked after the explosion, like—the last quarter we term it.
2058. *Q.* You are a member of the Union? *A.* Yes.
2059. *Q.* Recommendation No. 1 [*Recommendation read*];—what do you say in support of that recommendation? *A.* I support that at any rate. You cannot get too much of that, at any rate.
2060. *Q.* Give me some reasons why it is essential that deputies and shot-firers should have this theoretical knowledge? *A.* You mean, like, being examined?
2061. *Q.* Yes, by the Examining Board? *A.* Yes; because some men are sent to a job to do it and are not competent for the job. Plenty of men a bit favoured, or a relation, or anything of that—they send them to the handiest, easiest job, with the biggest money. That is how I look at it.
2062. *Q.* As far as you observed from the shot-firing by this shot-firer Forsythe in this way, in your opinion did he appreciate the danger that was there? *A.* He appreciated what I said, that I did not think it was hardly fair to unlock that light to do that.
2063. *Q.* Did he appreciate it? *A.* Yes; he agreed with me that it was not right.
2064. *Q.* Did he give any reason for continuing that practice though it was not right? *A.* No; he said the other man had been doing it before they had changed shifts. He had been on night shift—the other man. The ground had been standing idle for a while.
2065. *Q.* The only reason he gave was that the other man had been doing it before? *A.* Yes; the other man on the other shift.
2066. *Q.* Well now, have you anything else to add why deputies in particular and shot-firers should pass an examination? *A.* I say they should for the safety of the people that work in the mine. I have seen any amount of different bosses and deputies in mines in my travels. I have seen broken-down butchers come and get a job straight away as boss, and they had no experience or anything.
2067. *Mr. Bruce Smith.*] *Q.* Here, or in England? *A.* In Queensland that was. I could not stand him very long; I know too much.
2068. *Mr. Lysaght.*] *Q.* What was he? *A.* Deputy.
2069. *Mr. Wade.*] That was in Queensland.
2070. *Witness.*] I am just saying where men get shoved into billets where they are not qualified to do the work.
2071. *Mr. Lysaght.*] *Q.* In this State can you point out cases where men who, in your opinion, were incompetent, were appointed as deputies and shot-firers, leaving out Kembla?
2072. *Mr. Wade.*] Take Kembla.
2073. *Mr. Lysaght.*] *Q.* Take John Morrison, if you like; the man who did not inspect the wastes. I will just read you something. David Evans' evidence:—
- My duties as day deputy would not include looking for gas, and Kembla Mine may have been full of gas and yet I not know, and it was not my duty to look for it.
- If a day deputy stated that, would you consider he was a competent man to be a day deputy?—
2074. *Mr. Wade.*] I object to that. It is outside the scope of the inquiry. The only question is whether they (deputies) should be examined.
2075. *His Honor.*] That is a matter for argument from the evidence before the Court, rather than a matter to be put to a particular witness. I do not say that it would not be legitimate to put a question like that to Mr. Atkinson; possibly it might.
- Mr. Lysaght.*] Very well.

Witness—C. Smith, 8 January, 1903.

2076. *Q.* Now, coming to Recommendation No. 2 [*Recommendation read*];—is that, in your opinion, a wise and necessary precaution? *A.* I have an opinion that they should order Davy lamps if it is necessary, or safety-lamps.
2077. *Q.* And with whom would you leave the deciding of that? *A.* The Inspector should be the man for it, in my opinion.
2078. *Q.* No. 3 [*Recommendation No. 3 was read*]? *A.* I agree with the fan. You cannot beat a fan for regular air.
2079. *Q.* Now, you can say as much as you want to on that matter. What reasons have you for supporting this particular recommendation? *A.* Because a furnace is never kept regular; it cannot be kept regular. If it is fired up it will pull for awhile, and it will dull down again; and a fan is one continual pull—more pull altogether, more strength, and regular.
2080. *Q.* In what other way is a furnace objectionable? *A.* It makes a difference sometimes which way the wind is blowing outside a mine; and it does not make any difference to a fan at all. In my opinion, it does not. And that is about the main one, too, the way the wind blows.
2081. *Q.* But, in case of a disaster, what are the advantages of a fan? *A.* Do you mean to prevent a disaster?
2082. *Q.* In case of a disaster, in what way would a furnace be distinctly objectionable? *A.* I do not know.
2083. *Q.* Supposing the disaster in Kembla had happened in the shaft section instead of in No. 1 Right? *A.* It would have gone up the shaft for a certainty.
2084. *Q.* What would be the most probable result? *A.* I could not tell you that.
2085. *Q.* What would be the effect on the fire;—had an explosion of this magnitude originated in the shaft district, what would have been the probable consequences? *A.* It would go up the upcast shaft.
2086. *Q.* What would follow from that? *A.* It would strip the whole shaft. It would wreck it.
2087. *Q.* What would follow from that? *A.* Of course we would be all smothered in a few minutes. Of course the job would stop at once—no upcast, no air.
2088. *Q.* In any part of the mine? *A.* No.
2089. *Q.* Now, Recommendation No. 4 [*Recommendation No. 4 was read*];—I do not know what you would say upon that matter, as to the sealing off of the wastes, or as to whether they should be ventilated? *A.* I do not know exactly what they term wastes. What they term wastes in the Old Country is the country that stands on pillars not drawn out.
2090. *Q.* Well, after the pillars have been drawn? *A.* Oh, that should close all up. You would want nothing there. It is supposed to fall bodily.
2091. *Q.* But if it does not close all up? *A.* Then you must block it up—that is my opinion.
2092. *Q.* Seal it off? *A.* Yes.
2093. *Q.* Recommendation No. 5, “All places except prospecting drives to have cut-throughs not more than 30 yards apart”? *A.* Yes; I will agree with that, too.
2094. *Q.* From your general experience, what has been the distance of cut-throughs in England;—how far have they been apart as a general experience? *A.* I think about 30 yards and 35 yards; but it just depends on the nature of the roof over them.
2095. *Q.* In your opinion, would cut-throughs 30 yards away from one another interfere with the safety of the roof in any way? *A.* If it is a weak roof it would. The bigger the pillar, the better for the roof.
2096. *Q.* But would it interfere to a material extent, say, with the general run of roofs? *A.* No; I do not think it would.
2097. *Q.* And do you consider that 30 yards apart would be a reasonable distance? *A.* Yes, I think so.
2098. *Q.* Recommendation No. 6, “Inspection with locked safety lamp in all cases.” There is an exception in the Act which provides that they need not inspect in the morning if gas has not been discovered for twelve months before;—do you think that exception should be abolished, and that there should be an inspection with a safety lamp in every place? *A.* Yes, there should be.
2099. *Q.* Recommendation No. 7;—are you familiar with the use of the hydrogen flame? *A.* No, I am not.
2100. *Q.* You do not understand that? *A.* No, I do not.
2101. *Q.* Do you consider it expedient to have a monthly examination with a lamp that will show less than 2 per cent. of gas? *A.* I can hardly tell what 2 per cent. of gas is. I could tell the thickness of it myself if I tried it.
2102. *Q.* Recommendation No. 8 [*the Recommendation was read*]; what do you say to that;—do you think that 500 cubic feet of air should be supplied for the consumption of a horse per minute, in your opinion? *A.* I do not exactly understand the measurement of air myself.
2103. *His Honor.* It is very clear that none of the miners pretend to understand that. They contend that, if 100 cubic feet are necessary for a man, more ought to be provided for a horse. It is very clear that 100 cubic feet is the amount required for a man, with a margin added; and if a horse requires five times as much as a man, you do not want to multiply both man and margin. If a man requires 60 cubic feet, and 40 cubic feet is the margin, and the multiplier 5, you would multiply 60 by 5, and add the margin, 40.
2104. *Mr. Lysaght.* *Q.* Recommendation No. 9, “All doors erected so as to close and remain closed of own motion”? *A.* I agree with that. That is very good.
2105. *Q.* Is that the practice in England in collieries? *A.* There is a boy to open the door and shut it again.
2106. *Q.* But were they, as far as you know, self-closing doors? *A.* Some had.
2107. *Q.* And (Recommendation No. 10) “Double doors on drives between main intakes and returns and main headings”; you understand—the double doors instead of the single doors;—you approve of that? *A.* Yes.
2108. *Q.* “Extra supply of safety lamps and their requisites, equal to one-third of number of persons employed below ground, to be kept constantly in good order and ready for use” (No. 12)? *A.* That would be very handy.
2109. *Q.* What was your experience at Kembla? *A.* I could not find any after the disaster.
2110. *Q.* Did you look? *A.* Yes; because I wanted to get hold of a good lamp.

2111. Q. How long were you delayed? A. I think there were some came.
2112. Q. Where did they come from? A. I do not know. I saw them come in some cases. I do not know where they came from.
2113. Q. Until those lamps came from outside quarters, could you get a lamp to go into the mine? A. No, I could not. There were only four we found, I think, altogether; and I could not get one of them.
2114. Q. And if you had been able to get a lamp immediately, do you think you could have rendered greater assistance in saving life? A. A lot of us could. We could have got further in sooner.
2115. Q. (*Recommendation No. 13 was read.*) Do you know anything about the watering of coal-mines? A. I have seen them watered in places, but not many.
2116. Mr. Bruce Smith.] Q. Where is that—at Home? A. Yes, on the dusty roads.
2117. Mr. Lysaght.] Q. Do they water the travelling roads too, as well as the haulage roads? A. In some places they do—where it is a bit dusty.
2118. Q. You might tell us on an average how often you saw Mr. Rogers, say, in a month or three months or a week—how often did you see Mr. Rogers underground? A. I could not tell you. I have heard tell of him many a time when I have not seen him.
2119. How often have you seen him underground? How often has he come to your place? A. About six or seven times, perhaps.
2120. Q. In two years? A. Yes. I could not tell you exactly how many times.
2121. Q. (*Recommendation No. 16 was read.*) In your opinion, are those manholes now quite large enough in case of accident or any skips getting away; or would they be better enlarged? A. What is the size?
2122. Mr. Lysaght.] They are 3 x 4 x 6.
2123. Mr. Bruce Smith.] But you are telling him.
2124. Mr. Lysaght.] He knows the size; but he does not know the lineal measurement.
2125. Mr. Bruce Smith.] But there is a lot of this evidence in which you ask, "Do you remember all this?" and he says "Yes"; and that does not help the Commission at all, unless he gives some experience.
2125. His Honor.] Not at all. The question is whether his experience is that the manholes are not big enough.
2127. Mr. Lysaght.] Q. In your experience are these manholes large enough to provide for danger? A. I do not know what size these are; but what I have been used to are 6 x 6.
2128. Q. In what collieries were these manholes 6 x 6? A. In the Old Country; but, of course, I did not notice very much anywhere else.
2129. His Honor.] Q. You mean 6 x 6 whatever the height might be? A. I mean in from the rope to give us room to get in.
2130. Q. It has nothing to do with the height? A. No. 4 feet is the height of some, but that is the square 6 x 6 x 4.
2131. Mr. Lysaght.] Q. (*Recommendation No. 18 was read.*) I think that has been touched when I was giving his evidence generally. If you think that instruction should regularly be given as to how they can get out of the mine? A. Oh, yes.
2132. Q. Do you know all the ways to get out of Kembla? A. There is one road I do not know very well to get out.
2133. Q. Which one is that? A. What they call the daylight tunnel, from the shaft.
2134. Q. How many ways of getting out are there in Kembla? A. There are four tunnels that I know of besides the shaft; and I count that a way too.

Cross-examination by Mr. Wade:—

2135. Q. Have you not found out these different roads out just by yourself? A. I have only been compelled to find one road out: that was the day of the explosion.
2136. Q. It is not an answer to my question. Have you found out the rest for yourself; or were you taken out specially? A. No. I have been in the other roads. That is all I know.
2137. Q. I want to know, have you found them out for yourself, or has some official taken you round and shown you? A. No official.
2138. You found them out for yourself? A. Yes.
2139. Q. And the only one you do not know very well is this one round by the shaft daylight tunnel to the extreme left of the plan? A. Yes.
2140. Q. That is the one that goes round by the face of the old long-wall workings? A. Yes.
2141. Q. That is a tremendously long way round? A. Yes.
2142. Q. Miles and miles? A. I do not say miles and miles, but perhaps it would be a couple of miles.
2143. Q. Not more than that? A. It cannot be much more than that; perhaps less.
2144. Q. Now, how did you find your way out on the day of the disaster; just by using your common sense? A. Yes. I found the way by meeting the fresh air.
2145. Q. You could tell when the breeze was coming in; and you always kept your face to the breeze? A. Yes.
2146. Q. And you got out along a road you had not travelled before? A. Yes. I had never seen it before.
2147. Q. Now, about these manholes in England, 6 x 6; do you know how far apart they are? A. I could not tell you—20 yards, I think, we used to have them. Then there was one in between on the other side; so that if you missed this you could get that one.
2148. Q. Do you know how wide the roads were? A. We had different widths there. We had double roads in some places. They used to run what we call engine sets.
2149. Q. Were they all 6 x 6? A. That is what we used to reckon to make them.
2150. Q. You have known of no trouble in New South Wales from the manholes being too small? A. I never heard tell of it anyway. I never heard tell of any working man grumbling about the manholes being too small; in fact, in Mount Kembla there is not much danger, because it is a very steady rope. If it had been running an engine plane, that is where you want the manholes.
2151. Q. With an engine plane you have no time to get out of the way if you are walking on the rails? A. No.
2152. Q. You said you approved of a monthly inspection—do you remember saying that? A. Yes.

2153. By whom? You did not tell us that, I think? *A.* By the officials of the mine, I should say.
2154. But they inspect every morning, do they not? *A.* Yes, but the monthly inspection is to go through all the old air-roads.
2155. *Q.* You would not suggest a special inspection for gas once a month in addition to the daily inspection? *A.* What I mean is about the special inspection. I thought it would be the Inspector who would go round once monthly thoroughly to see that these other men have done it; to see that everything had been kept right.
2156. *Q.* You know that every working place is examined for gas before the man starts work in the morning? *A.* I believe that.
2157. *Q.* It ought to be done every day? *A.* If it is not, it should be.
2158. *Q.* And you know it ought to be examined again during the daytime? *A.* Yes; before a shot is lit up it should, in my opinion.
2159. *Q.* And you know that the workmen themselves are supposed to examine the place whilst at work? *A.* Oh, yes.
2160. *Q.* Look out for gas or unsafe roof, or anything like that? *A.* Yes. I always trust to myself for anything like that.
2161. *Q.* Well, if it has been examined in that way day after day for a whole month by the deputies, do you see any reason for the deputy again making a special examination at the end of the month for gas? *A.* Well, sometimes if there are three or four men together going round, the bosses and all the lot, they might hunt something up that the other men would not be bothering to think about.
2162. *Q.* What would they hunt up in the way of gas;—if the deputy could not find it, and the miner in his place could not find it, what would you expect the deputy to find? *A.* Not in the working place.
2163. *Q.* You do not think there should be any examination of the working places? *A.* No, not if they are examined in the morning.
2164. *Q.* Now we come to the waste workings;—you think there should be a special inspection of the waste workings once a month? *A.* Yes, I think that.
2165. *Q.* Do you know that is done now, in Kembla, at all events? *A.* I do not know whether it is done now or not. I never saw any report book.
2166. *Q.* And, if the miner has reason to think that matters are not going quite straight, he can always get the check-inspectors to go round, can he not, on behalf of the body of men? *A.* I do not know whether he can always get them. He can get them only so often.
2167. *Q.* You know you have the right to send them round, if you like? *A.* Yes.
2168. *Q.* I suppose you will admit that you have got some competent men at Mount Kembla Mine, who are fit to act as check inspectors? *A.* I could not say there were many.
2169. *Q.* Two will do, you know, even in Kembla itself? *A.* Oh, you would find two right enough.
2170. *Q.* You could find two fully competent men in Kembla to act as check inspectors? *A.* Oh, yes.
2171. *Q.* And you could easily pick out other competent men from other parts of the district? *A.* Yes.
2172. *Q.* And, if they do their work properly, it ought to be a proper check on any carelessness on the part of the Managers? *A.* It ought to be. That is what we send them round for.
2173. *Q.* And, as a practical man, you know when gas is present by the cap on your safety-lamp? *A.* I have found it out once like that.
2174. *Q.* And you know it? *A.* I have found it out once like that. Yes, I know that was gas that time.
2175. *Q.* That is the ordinary safety-lamp;—what did you use, the Davy? *A.* When I found the gas? I thought you meant when it lit up.
2176. *Q.* That was the naked light? *A.* Yes.
2177. *Q.* I am talking about the safety-lamp? *A.* I would use the Davy rather than anything.
2178. *Q.* And you know that on the Davy lamp a cap appears on the flame? *A.* Yes.
2179. *Q.* And that has always been regarded by practical miners as a good enough guide for the presence of gas? *A.* Oh, yes; it is a good guide. I would trust myself anywhere with one of them.
2180. *Q.* Then, would you be satisfied if you had competent check-inspectors, and they examined with the ordinary safety-lamp to look for gas? *A.* Yes, certainly. I could not help it: if we picked the men I should be satisfied. But, of course, the more inspecting the better. You cannot inspect too much.
2181. *Q.* But there is such a thing as money? *A.* And there is life there, too. I consider myself as well as money.
2182. *Q.* You would trust your own fellow-men, your check-inspectors, to look after your life? *A.* Yes; if I picked them.
2183. *Q.* You have the right to choose the men yourself? *A.* I have a say in it.
2184. *Q.* In regard to cut-throughs, you say that you would have them 30 yards apart, in England, unless the roof was bad? *A.* Yes.
2185. *Q.* Did you not also say that the bigger the pillar with a bad roof the safer? *A.* Yes. Where there is a rotten roof it will not do to work with too small pillars.
2186. *Q.* Do you know what the size of pillars is in England? *A.* They work different sizes, according to the strength of the roof.
2187. *Q.* Take a place with a big cover overhead? *A.* A strong roof?
2188. *Q.* No, with a weak roof;—do you know what size the pillars run to there? *A.* I have been in places where the bore itself is only 14 feet wide.
2189. *Q.* And what would be the size of the pillar? *A.* About 25 yards square. I could not say exactly.
2190. *Q.* And then 14 feet space again, and 25 yards pillar again? *A.* Yes. That is only where there is a bad roof.
2191. *Q.* And, the deeper you are, the wider, the bigger, your pillar ought to be? *A.* Yes.
2192. *Q.* The deeper you are below the surface? *A.* Yes; the stronger you get the roof.
2193. *Q.* Is it not a fact that the deeper you are from the surface the bigger your pillar ought to be? *A.* Yes; and you can take a wider drive in to start with. You would drive the place wider. Instead of being 14 feet, you could take them, perhaps, 8 or 9 yards wide, if you had a strong roof.
2194. *Q.* I want to get this general question settled first of all: as a practical man, will you say that the deeper you are below the surface the bigger your pillars ought to be? *A.* Yes; I would say that. My real meaning is, with small pillars you get better air round. Smaller pillars, better ventilation.

2195. Q. Do you recommend as a practical man small pillars in a big mine? A. Yes. There are a lot of different ways of pillaring.
2196. Q. Would you recommend as a practical man small pillars in a big mine? A. Not too small.
2197. Q. You have to sacrifice some of your ventilation in a deep mine for the safety of your roof? A. Yes.
2198. Q. Now, with regard to the wastes, is it not your idea as a practical man that, when the pillar coal is taken out and the timber is drawn, the roof is supposed to fall down and close up? A. It is supposed to; to close bodily as I term it.
2199. Q. To close up tight? A. Yes.
2200. Q. And is it not the idea that in that way you make that part of the mine more solid? A. It will get settled after a time.
2201. Q. And it helps the other part of the mine too? A. Oh, it helps the other and eases the weight.
2202. Q. Now, with regard to the furnace, you said that if an explosion had taken place near the shaft it would have rushed up the shaft? A. It should do so.
2203. Q. What did you say then, that it would wreck the shaft? A. It could not help it.
2204. Q. How do you mean? A. It would shift the timber and bricks that would be there out of their places.
2205. Q. And fill the shaft right up? A. I do not know that it would fill it right up; but it would more or less block it.
2206. Q. It would more or less block the air-shaft? A. It would block the furnace.
2207. Q. It would block the air running up to the surface? It would disturb the air current? A. There would be nothing to force it up there if the furnace was stopped.
2208. Q. If the shaft was blocked it would block the passage and stop the air getting up to the surface? A. Yes.
2209. Q. Is that what you mean by wrecking? A. Yes.
2210. Q. And would not the same thing happen if you had a fan? A. It would for a time.
2211. Q. And when you got the shaft cleared out and the passage clear again you would restore the ventilation? A. Yes; but where I have seen the fans they have always a spare engine and fan.
2212. Q. If there is an explosion there is the same trouble whether it is a furnace or a fan? A. If it is closed up.
2213. Q. Do you know of any case yourself where the shaft has been wrecked like that and closed up? A. I know of one in Durham; but it did not close it right up.
2214. Q. What was the ventilation there? A. It was a downcast.
2215. Q. I am talking of upcasts? A. The explosion caused this.
2216. Q. I want to know if you know of a case of an upcast where it was wrecked by an explosion? A. That is my opinion.
2217. Q. That is what I want to get at. It is only theory? A. My experience shows me that I will get better air and more constantly with a fan than with a furnace.
2218. Q. Do you want to say that a furnace is dangerous or that it is not so good as a fan? A. I do not say it is dangerous; but it is not so good as a fan, because it is not as constant.
2219. Q. Now, you said with regard to the first matter, the examination of deputies and shot-firers, that relationship has shoved them into a big job? A. Sometimes.
2220. Q. Do you know of any in this district? A. No.
2221. Q. Do you know of one in this district? A. No.
2222. Q. Do you know of one in New South Wales? A. I have only worked in this mine in New South Wales.
2223. Q. You do not know? A. I have heard talk one way and another.
2224. Q. Do you know of one instance where it has been abused in that way? A. I do not know of one instance at present; but I know it would be a fair way to examine.
2225. Q. You mean there is always that risk? A. Yes.
2226. Q. Now let us come to the question of the explosion—you think it began over here, somewhere near Tost and Bunn's place? A. Yes.
2227. Q. Were you down the No. 1 main level at all? A. I came along somewhere across into that, to come round to this here 5th Right.
2228. Q. Now, you know where the 5th Right is, where that joins the main No. 1? A. Yes; I worked there two quarters.
2229. Q. Were you in the main No. 1 tunnel outbye of No. 5 Right any time after the explosion? A. Only that time when I came across there.
2230. Q. Then you crossed inbye of No. 5 Right? A. I came from the old No. 5 through Powell's Flat.
2231. Q. Along No. 4 Left travelling road, then upwards towards Test and Bunn's place? A. Yes.
2232. Q. And then you crossed into ———? A. No. I think I came down a little and then crossed.
2233. Q. Then you only just crossed No. 1 main road? A. Yes.
2234. Q. Then you were not down on No. 4 Right at all? A. No. I was not down here to this other rope road.
2235. Q. You were not down at No. 4 Right at all? A. No. I was not in that place at all. I went round that rope road after.
2236. Q. Now, what do you think—you told us that walking down No. 4 Left travelling road you found the dust on the side of the props near this No. 1 road? A. Yes.
2237. Q. What direction do you think that showed? A. It showed that the force had come like meeting me as I was coming up.
2238. Q. You think that the force of the explosion had come from No. 1 main road into No. 4 Left towards Stafford's Flat? A. My opinion was, when I saw it, that when the explosion occurred it gave a force like back towards this 80.
2239. Q. Never mind about that at present; you saw on this No. 4 travelling road, between Stafford's Flat and No. 1 main level, dust on the side of the props nearest No. 1 main level? A. Yes, nearest this way.
2240. Q. Now, which way do you think that shows the explosion travelled? A. Well, of course it forced some dust that way towards the shaft.

Witness—C. Smith, 8 January, 1903.

2241. *Q.* You think that showed that the explosion travelled from No. 1 level toward's Stafford's Flat?
A. I do not know which way it travelled.
2242. *Q.* What do you think that shows about the direction in which the explosion travelled. You saw soot or dust on the props in the travelling road, the 4th Left, between No. 1 main level and Stafford's Flat?
A. Yes.
2243. *Q.* And you think the explosion travelled in that road?
A. A part of the force.
2244. *Q.* A part of the explosion?
A. Yes.
2245. *Q.* Which way do you think that travelled, from No. 1 towards Stafford's Flat, or from Stafford's Flat towards No. 1?
A. Towards No. 1 the main force of it travelled, from what I can see of it.
2216. *Q.* What direction do you think this explosion was going when it put this dust on the side of the props nearest to No. 1?
A. My opinion was that the explosion was coming towards No. 1 main heading.
2247. *Q.* Well, after that we get to the 4th Left travelling road?
A. Yes.
2248. *Q.* You told us the props had the dust on the opposite side to you as you were walking towards No. 1?
A. Yes.
2249. *Q.* Now, how do you think the explosion travelled in that 4th Left—the way you were walking or in the opposite way to what you were walking?
A. Of course the force of it came towards meeting me—some of it rather.
2250. *Q.* And it put the dust on the props on the side it came from?
A. Yes, on the side it came from.
2251. *Q.* Did you make any attempt to trace this—to trace the cause of this explosion?
A. No, I was not allowed.
2252. *Q.* I want to know did you?
A. I did not. I was only taken round with the deputy.
2253. *Q.* And you say that in that 4th Left travelling road you think there had been flame?
A. The 4th Left? I was not there.
2254. *Q.* You have been telling us about it?
A. The 5th Left—oh, the 4th Left—I know now.
2255. *Q.* Do you say there had been flame coming down that road?
A. I do not think there would be much flame. It was like a concussion.
2256. *Q.* Do you think there had been any flame?
A. I do not think there had been any flame where I first noticed the dust
2257. *Q.* Do you think there had been any flame in the No. 4 Left travelling road?
A. Yes, towards the main heading there had.
2258. *Q.* You did not examine the dust, did you?
A. I did not examine the dust. I could see it was a sort of grey-looking dust.
2259. *Q.* Did you see the appearance as if the dust had been blown by wind in No. 4 left travelling road?
A. Yes, it looked blown by wind, of course.
2260. *Q.* It was more like wind than anything else?
A. I knew it must have been carried by wind by the way it was hung on the props.
2261. *Q.* You know the feeling you get on the drum of your ears if you get a heavy pressure of air on them.
A. Yes.
2262. *Q.* Was that the kind of feeling you had on the 31st?
A. No, it was more a shaking sound. It seemed a weight on the drum of the ear, and it seemed like a motion with the pressure.
2263. *Q.* Did you hear any sound?
A. I heard no sound. That was the first I noticed of it.
2264. *Q.* You say you were in two small explosions before; take the first one, where your shirt was taken off your back. Who was with you at the time?
A. My brother.
2265. *Q.* Was he the cause of the explosion?
A. No; another man that was working with us.
2266. *Q.* In the same place?
A. He was not directly in the same place. We were just having tucker then; having "crib," as we call it.
2267. *Q.* What did the man do?
A. We were working with the naked lights. After we had our tucker we went back to work this hole in the canch, and as soon as he got near the place it lit up and went over us to the main face; and it came back then on the same road, and took my shirt off as it came back.
2268. *Q.* How far did it travel?
A. About 50 yards up and came back.
2269. *Q.* That was more like what happened to you in your bord 40 this time last year than like the explosion on July 31st?
A. Of course, in bord 40 there was not half so much of it.
2270. *Q.* It did not travel all over the mine and wreck the mine like this thing in July?
A. No, it knocked two or three trap-doors down, and two or three stoppings and that like, and went out to the back heading; and it stopped there; there was too much air for it there.
2271. *Q.* And the second explosion, was that the same kind of thing?
A. Yes. There were six or seven men burnt the second time; and two of them died.
2272. *Q.* But there was no report?
A. Oh yes, a certain amount of report, of course, like an explosion; like an explosion of powder, only more louder and shriller and sharper.
2273. *Q.* You say that it was like an explosion of powder?
A. Only shriller like.
2274. *Q.* You mean louder?
A. Sharper.
2275. *Q.* You never felt an explosion like that one that took place in Kembla?
A. I never felt one as severe as that was.
2276. *Q.* Now, coming to these times when you say you saw gas, do I understand the position to be this, that if the brattice had been arranged properly the air current would have carried away what gas there was?
A. I quite think it would have swept it out.
2277. *Q.* If the current had been properly arranged, if the brattice had been put in the right place?
A. Yes; there was plenty of air if it had been shoved round the place.
2278. *Q.* Plenty of air to clear away the gas if the brattice had been arranged properly.
A. Yes.
2279. *Q.* Your complaint was with regard to the brattice not being properly arranged?
A. Yes.
2280. *Q.* That applies to both those occasions?
A. Just in the one place.
2281. *Q.* In No. 40?
A. Yes.
2282. *Q.* Are you not always supposed to wait a good time till the smoke clears away after a shot before you go back to the place?
A. I have not seen any Rules or Regulations.
2283. *Q.* Never mind about Rules, is not that your experience?
A. My experience is not to go back too soon if I know she is warm with the smoke.

2284. *Q.* Is not your experience that you wait some time to go back? *A.* If you had time. If you wanted to go back to fill a skip you would, but if you had full skips you would wait to do it.
2285. *Q.* In both these cases there had been a new face opened up by the shot? *A.* Yes.
2286. *Q.* How much coal was brought down by the shot? *A.* I suppose about 7 or 8 tons.
2287. *Q.* Now, let us come to these shots fired by Forsythe—had you worked with safety-lamps in England? *A.* Yes.
2288. *Q.* Were they gassy mines you worked in? *A.* Yes.
2289. *Q.* Would you call them very gassy? *A.* The one I worked in was very gassy, in the county of Durham; a mine called Washington Colliery.
2290. *Q.* I want to know was gas always there? *A.* Oh, yes; there were always safety-lamps there all through that mine.
2291. *Q.* Could you always find gas, every day? *A.* We always used to keep everything locked.
2292. *Q.* Could you find gas any day with the safety-lamp? *A.* In some parts of the mine you could.
2293. *Q.* In communication with the air current? *A.* Yes; if there were any little pot-holes in the roof there would be gas in.
2294. *Q.* Now, how old was this bord that you were working at, No. 65, the other day when the spot were fired? *A.* No. 65?
2295. *Q.* How long had you broken into that place? *A.* I just came to it on the Monday. That was the first day. It had not been working very long before; not long, I know.
2296. *Q.* Then the dust, even on the third day, was only about three days' dust? *A.* They had been working in it before us.
2297. *Q.* I want to know how far the bord was in? *A.* I can tell you exactly, because they measured it the day I was there.
2298. *Q.* Tell us then? *A.* About 18 yards in.
2299. *Q.* The men had been working, I suppose, something about a little over a month, would that not be so? *A.* I do not know how long the men had been working before us. I was strange when I came, and started there.
2300. *Q.* There had not been very much driven in the bord, beyond just the skip coming in and taking the coal out? *A.* That is all.
2301. *Q.* I suppose you do not know whether gas had been found, whether there had been any sign of gas or not in that bord on the examination before work commenced? *A.* I always looked for myself before I went in.
2302. *Q.* Did you find any gas? *A.* No.
2303. *Q.* As far as you know it was perfectly free of gas? *A.* Yes.
2304. *Q.* And it has been all along? *A.* Since I have been in it.
2305. *Q.* Do you know this, that any part of the mine that is really dusty is heavily watered during the night? Do you know that is a fact nowadays? *A.* I know of one place I worked in, it was done on one night. They put a skip of water in. Still it did not need it.
2306. *Q.* They only water when it is wanted? *A.* It was a dry place just started; and it was never needed afterwards.
2307. *Q.* That is since you began work after the accident? *A.* Yes.
2308. *Mr. Bruce Smith.* *Q.* That is the place you are in now? *A.* No. I worked three months in that one that I am speaking of, about the water. It was in a pillar.
2309. *Mr. Wade.* *Q.* Now, you talk about a fuse blazing at times—do you know where those fuses were lit? *A.* Yes, in the same place I am speaking about the watering.
2310. *Q.* What were they lit with? *A.* With a wire.
2311. *Q.* It was the wire that made the blaze, not a naked light? *A.* It was a naked light after it blazed.
2312. *Q.* But it was lit with a wire? *A.* Yes; but still they do not blaze every time.
- Cross-examination by Mr. Bruce Smith.
2313. *Q.* Where were you working when this watering was carried on? *A.* In the shaft section.
2314. *Q.* That was after the accident? *A.* Yes.
2315. *Q.* Had it ever been watered before? *A.* I could not tell you.
2316. *Q.* To your knowledge? *A.* It had not been until we started.
2317. *Q.* But after the accident you saw it watered? *A.* I saw water in my place.
2318. *Q.* Was it watered with one of those tank skips and a spray? *A.* I never saw how it was watered. I found the water in next morning.
2319. *Q.* You said just now "One skip of water"? *A.* That is what I estimated. I saw it lying across the place.
2320. *Q.* Before that was done was the dust lying about there? *A.* Yes, a little dust before that.
2321. *Q.* You considered it slightly dusty before? *A.* Yes.
2322. *Q.* And what was the effect of this watering? *A.* It settled the dust.
2323. *Q.* I mean in your opinion it rendered it more safe? *A.* Yes.
2324. *Q.* But you cannot tell how it was done, or when? *A.* It was done in the night.
2325. *Q.* How long were you in the place after that before this calamity took place? *A.* I was in there three months after that—well, thirteen weeks.
2326. *Q.* It was after the accident and after this watering? *A.* Yes.
2327. *Q.* Was it watered again after that? *A.* I never saw any water in after that.
2328. *Q.* Do you mean to say that the dampness produced by the one watering was sufficient to keep the dust down? If it was not watered again for thirteen weeks, did it get dusty again? *A.* No. The coal was naturally damp when we got working it.
2329. *Q.* Then how did it become dusty? *A.* It had been standing idle for six, or eight, or ten, weeks.
2330. *Q.* It had been standing for some time; and this watering was done before you began again? *A.* We worked for one day; and then this watering was done the next night.
2331. *Q.* And after you began working there it was watered at night? *A.* Yes.
2332. *Q.* And after that it did not need water? *A.* It was naturally damp.
2333. *Q.* You have spoken of the danger, in case of explosion, to the upcast? *A.* Yes.
2334. *Q.* Will you tell the Commission what greater danger there is to the upcast where there is a fire in use than where a fan is used? *A.* I could not tell you.

Witness—C. Smith, 8 January, 1903.

2335. Q. You see you have undertaken to tell the Commission here that you think a change ought to be made in the Mount Kembla Mine by substituting a fan for a fire; and the only reason you give for it is that if there were an accident near the upcast it might bring down the walls of the upcast and stop the orifice in the mine? A. Yes.
2336. Q. Now, I want you to tell the Commission what would prevent that from happening if there were a fan on the top instead of a fire at the bottom? A. I was not meaning in that way at all. I was meaning the regulating the air by the fan preventing an explosion. That is what I was trying to get at.
2337. Q. I know you spoke of the irregularity; but I want to pass that for the present. Are you in a position to show the Commission that there would be any less danger to the upcast from an explosion where there was a fan than where there was a fire? A. I could not say that.
2338. Q. Then your only reason is what you call the regularity of the fan? A. Yes, that is my only reason.
2339. Q. As a practical man? A. Yes.
2340. Q. Have you had any reason in Mount Kembla Mine, as a practical man, to find fault with the regularity of the air? A. Yes.
2341. Q. Have you complained to anybody? A. I have complained to the deputy.
2342. Q. Which Deputy? A. To the different ones at the time in the different sections I have been in.
2343. Q. What have you complained? A. Told him it was very dull to-day, and that sort of thing.
2344. Q. And you have been in mines with a fan? A. Yes.
2345. Q. And you have never had to complain in that way? A. Yes.
2346. Q. So far as you know, except that there is a little more regularity where a fan is used than where a fire is used, that is your only reason? A. Yes.
2347. Q. I want to get at the bottom of your knowledge. You know nothing with reference to the greater danger of the breaking down of the upcast; and you say that even with the fan it is not very much more regular? A. No.
2348. Q. Have you the slightest idea what it costs to change a mine like the Mount Kembla from a fire to a fan? A. It would cost a good bit at Mount Kembla.
2349. Q. That is rather vague, a good bit? A. I could not tell.
2350. Q. You have never considered that? A. I will tell you what I have considered. I know that there is an engine on the top of the shaft now; and I know it would be very handy for the job.
2351. Q. Do you know whether it would cost £100 or £1,000? A. I know it would not cost £1,000.
2352. Q. That is the extent of your knowledge? A. I do not go to estimate the cost of it.
2353. Q. You have told us about this shot that was fired: was that place as dusty as the one you went to last quarter where they watered? A. Which shot do you mean?
2354. Q. The shot that was fired in the way that you disapproved, by the opening of the safety-lamp? A. That is this quarter.
2355. Q. You told us that was a little dusty? A. Yes.
2356. Q. Was that as dusty as the place you went to last quarter where they watered? A. No, not quite so dusty.
2357. Q. What do you consider the most dusty part of that mine, with all your experience of it? A. I have not been all over it.
2358. Q. I know that. What is the most dusty part of it? A. The 5th Right.
2359. Q. That is the 5th Right off No. 1? A. Off No. 1 main tunnel.
2360. Q. What about the 4th Left? A. It was always damp enough that way.
2361. Q. Is there any difference in the amount of dust in that mine in the summer and in the winter? A. Oh, I quite think that the air coming from the daylight is damper air.
2362. Q. I am not talking now of theory, but of your practical experience in the mine. Is there any difference in the amount of dust in that mine in the summer and in the winter? A. It is always dry and dusty in the summer.
2363. Q. How does the present condition of dustiness compare with what it was, say, four months ago? A. I have not been working in the same part where it was dusty since the explosion time.
2364. Q. Have you seen any part lately that you saw four months ago? A. No. I have not been in that district since.
2365. Q. And you cannot speak generally as to whether what anyone saw now would be a fair sample of what it was four months ago before the explosion? A. I know the same part where I saw that dust is not working yet, not much of it.
2366. Q. You cannot compare now any part with what it was before the explosion? A. No. I have not been in that part since.
2367. Q. Now, you spoke of the time of the explosion, about telling somebody that the wheeler was "blown to blazes." Those were your words? A. Laidlaw said that to me.
2368. Q. Did you find out afterwards what he was referring to—the horse or the man? A. The wheeler was blown up the road.
2369. Q. Was he referring to the horse or the man? A. The man.
2370. Q. Did you find out afterwards where he was blown? A. I found him then.
2371. Q. Was he lying down? A. Jack Laidlaw had hold of him.
2372. Q. I want you to tell me where he was, and in what direction he was blown? A. He was in 90 bord.
2373. Q. You know the north and south—was he blown down south or north? A. He was blown up these bords, up 90 bord.
2374. Q. Really blown up towards the working? A. Yes.
2375. Q. What was his name? A. Cliff. Hammon.
2376. Q. He is alive now? A. Yes. He has just started to work here again.
2377. Q. Did you speak to him afterwards? A. After I got him through the brattice, where there was better air.
2378. Q. What did he tell you? A. He said "My horse is lying down there."
2379. Q. Did you go and see the horse? A. I said "No, never mind your horse."
2380. Q. Do you know where the horse was blown? A. Only shifted among the props.
2381. Q. Was he blown in the same direction? A. The same direction, inbye.
2382. Q. Now, in describing the explosion you said it went one way and another; and you waved your arm like that (*imitating*)—what do you mean by that? A. My meaning is it was like a shot going off.

2383. *Q.* Is that something you saw or something you imagined? *A.* I know the smoke was up, and dust up, near where Cliff. Hammon was.
2384. *Q.* I want to know what you saw to cause you to say it went that way and that way (*imitating*)? *A.* That was the time I went up those other bords: it went in different ways. But you have me in 90-bord now.
2385. *Q.* That was on the day of the explosion? *A.* Yes.
2386. *Q.* You said it went one way and another, and you did this (*waving his arm*); what do you mean by that;—did you have experience of its going in different ways? *A.* Yes; it was— (*Interrupted*).
2387. *Q.* What were you referring to when you said that;—what part of the mine were you referring to? *A.* To the 5th Right.
2388. *Q.* Near Tost's bord? *A.* No.
2389. *Q.* You were not speaking of the shaft district? *A.* No.
2390. *Q.* Now, I want you to tell the Commission—you see it is a rather significant and suggestive gesticulation—you say it went right and left, one way and another? *A.* It must have gone in different directions to get round the props: that is my opinion of it.
2391. *Q.* Did you form the conclusion that the forces went in different directions? *A.* It would do.
2392. *Q.* That is theory;—but I want to know what it did do in your experience? *A.* In my experience it spun all round the props, because it was all round the props.
2393. In some places you found it on one side only, and in others all round? *A.* As you come to get up more I found it all round.
2394. *Q.* I do not know whether you formed the opinion that it was simply one explosion from one centre, or whether there was a series of explosions? *A.* I have noticed only the one. I only felt that one.
2395. *Q.* Have you had any experience of coal dust explosions;—do you know anything about them theoretically? *A.* No. I never read anything.
2396. *Q.* Now, will you tell me which you consider more dangerous, lighting a fuse at the naked flame of a lamp by opening the lamp, or firing a shot with gunpowder? *A.* The gunpowder will explode gas from my experience.
2397. *Q.* Which, in your experience, is more dangerous, firing a shot of gunpowder where there is gas, or opening a lamp where there is gas? *A.* Opening a lamp would be dangerous.
2398. *Q.* Which is more dangerous in your opinion? *A.* I say the naked light is dangerous.
2399. *Q.* The naked light in your opinion is more dangerous than firing a shot with gunpowder? *A.* In my opinion.
2400. *Q.* You did not object to firing a charge of gunpowder? *A.* No. Too much powder in the hole will explode the gas if there is any there. I would like to hold the charge myself.
2401. *Q.* You told Mr. Wade that you did not know of any case in this district in which either a relative or a favourite has been put into a responsible position? *A.* No; only the talk I have heard.
2402. *Q.* You said you had seen the roads watered at home? *A.* Yes.
2403. *Q.* In what mines had you seen them watered? *A.* I had seen them in the Dudley Colliery where I was working.
2404. *Q.* How many years ago? *A.* Twenty-five years ago.
2405. *Q.* You tell the Commission that twenty-five years ago it was the practice in the Dudley Mine, in England, to water the roads? *A.* Yes.
2406. *Q.* How were they watered then? *A.* They used to be watered with tanks; iron tanks.
2407. *Q.* Skip tanks? *A.* Yes, on the night shift always.
2408. *Q.* You have seen these used: how did they water—with a hose or spray? *A.* They used to have an old pipe and let it run out.
2409. *Q.* Just on the ground? *A.* Yes.
2410. *Q.* But no spray on the sides or the roof? *A.* No, only just to keep the dust down on the haulage road as we call it.
2411. *Q.* And that was regularly done there? *A.* Yes, if it got too dry.
2412. *Q.* Now, was the Dudley a more dusty mine than Mount Kembla? *A.* Yes, in parts.
2413. *Q.* And less dusty in parts? *A.* Yes.
2414. *Q.* And more in parts? *A.* Yes.
2415. *Q.* On the whole, was it as dusty as Mount Kembla? *A.* Well, I believe that Mount Kembla is more dusty.
2416. *Q.* And how long were you in the Dudley? *A.* Five years. I went there as a boy.
2417. *Q.* And that system of watering the mine was carried out the whole five years you were there? *A.* Yes, for anything I know. I was not always there to see.
2418. *Q.* As far as you know it was a regular system twenty-five years ago? *A.* Yes.

Re-examination by Mr. Lysaght:—

2419. *Q.* Do you know whether a special payment was made for the watering at Dudley Mine?
(*Mr. Wade objected*).
2420. *Mr. Lysaght.*] I want to show that it was not casually done by a contractor for getting out material, as it is in the evidence that it was done at Mount Kembla.
2421. *Mr. Wade.*] That is not in the evidence.

Examination by His Honor:—

2422. *Q.* When you speak of a pipe, just explain how the pipe was used? *A.* The pipe was on the tank, just an inch pipe or so, and it was let run as they ran along the road.
2423. *Q.* Was the pipe put from side to side? *A.* It was in the centre between the two rails.
2424. *Q.* Was there anything to distribute the water across the line of the road; or did it only run down the centre of the road? *A.* Just down the centre, and let it run as it could, like.

Re-cross-examination by Mr. Bruce Smith:—

2425. *Q.* Was it really a means of getting rid of the water? *A.* No, to keep the dust down and keep the road sound—to keep the sleepers solid.
2426. *Q.* Do you know that even before this explosion it was customary to get rid of water in the Mount Kembla Mine from some places where there was a great accumulation, by taking it in and letting it drop all along the road out of a tank, turning a tap on? *A.* Yes, I know that.
2427. *Q.* Do you consider that was done to lay the dust? *A.* Not altogether; to get rid of the water.

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2428. *Q.* From your experience in Dudley, was it done for the same purpose? *A.* No.
 2429. *Q.* Had you any superabundance of water in the Dudley Colliery? *A.* Oh, any amount of water.
 2430. *Q.* Were these tanks used to carry the water away in places where the water was in the way of the line? *A.* In these places I am speaking of the tanks were sent along specially to water the road.
 2431. *Q.* How do you know that? *A.* Because the dust was lying along on the engine plane, we call it, hauling big ropes.

Re-examination by Mr. Lysaght:—

2432. *Q.* While you were working in the 5th Right, which you say was dusty, was any part of it ever watered before the disaster? *A.* I never saw any.
 2433. *Q.* Now, you spoke about this, that at times the air was slack, and you complained to the deputy, can you remember any time shortly before the disaster complaining about the air being slack, and, if so, when;—just think now as carefully as you can, before the 31st July, as to any complaint you made concerning the air being slack, and your asking for better air? *A.* I never did, the last two quarters before the explosion, because I was in the 5th Right getting the first air almost.

Examination by Mr. Robertson:—

2434. *Q.* At the Dudley Colliery you are referring to, what was the system of haulage, main and tail?
A. Yes.
 2435. *Q.* And, of course, the speed of the main and tail rope is very great? *A.* It is; yes.
 2436. *Q.* And it is necessary to keep a very good road? *A.* It is.
 2437. *Q.* And without the watering would it have been possible to keep a good road? *A.* That is what I know; it was to keep the road solid.
 2438. *Q.* And with the main and tail rope system, owing to the great speed more dust is produced? *A.* Oh, yes, certainly.
 2439. *Q.* And what is the system at Mount Kembla? *A.* It is the endless rope here.
 2440. *Q.* A very slow speed? *A.* Yes.
 2441. *Q.* No dust is produced? *A.* It could not lift the dust. There would be very little dust lifted by the speed at Mount Kembla. It would be very light (dust) if it did.
 2442. *Q.* Does it produce much dust? *A.* No.
 2443. *Q.* It is a very slow speed? *A.* Yes, about a mile or 2 miles an hour.
 2444. *Q.* Irrespective of the necessity for keeping a good road, do you think the roads at Dudley should have been watered? *A.* I do not think they would, so much.
 2445. *Q.* It was a matter of keeping a good road? *A.* Yes.
 2446. *Q.* Do you know whether this systematic watering was in force at any other colliery at that time?
A. I never heard of it.
 2447. *Q.* In your examination of the workings some time after the explosion, you speak of having found soot? *A.* Yes.
 2448. *Q.* Were not you mistaken? Was not that fine dust? *A.* That is what it seemed to me.
 2449. *Q.* You know the difference between dust and soot? *A.* It was different dust from what I had seen in Mount Kembla Mine before.
 2450. *Q.* It was not the soot you get from a chimney? It did not stick to your fingers? *A.* No. It was a very gray dust. I noticed it was a new dust for Mount Kembla.
 2451. *Q.* In the place you have referred to, when some shots were fired by Forsythe, was there any gas there? *A.* No.
 2452. *Q.* What was the explosive used? *A.* Powder.
 2453. *Q.* Gunpowder? *A.* Yes.
 2454. *Q.* You said something about manholes. You are aware, of course, that there are hundreds of manholes very much larger than the statutory requirements? *A.* Yes, there are some larger. Yes, a board in with a stopping put in is a manhole.
 2455. *Q.* As a matter of fact, the majority of the manholes are very large? *A.* Yes, I daresay they are. I never took much notice.

Examination by His Honor:—

2456. *Q.* That dust you speak of which you call soot—did you notice anything as to its smell? *A.* Yes.
 2457. *Q.* What did you notice as to the smell? *A.* I could not tell what sort of a smell it is like. The mine smells in parts to-day just the same.
 2458. *Q.* Yes, but when you judged it to be soot, when you called it soot, did you go by the smell of it or by the feel of it? *A.* By the feel—all the place smelling the same in that way.
 2459. *Q.* And it was different from what you saw before? *A.* It was different dust.

[At this stage Mr. W. R. Pratt attended to take shorthand notes of the evidence and proceedings.]

Examined by Mr. Ritchie:—

2460. *Q.* How did he fire the shot? *A.* He tried the roof where the shot was to be fired. He put his lamp up to the roof and brought it back again.
 2461. *Q.* What do they do to learn whether the hole is properly charged? *A.* We are supposed to have it ready for them.
 2462. What means are taken to learn whether the hole is in the solid? *A.* He comes back after the shot has gone off.
 2463. *Q.* Not before? *A.* No.
 2464. *Q.* Do they make any inquiries as to measurements? *A.* A man may ask what depth the shot is fired; but I only saw one man measure the hole.
 2465. *Q.* Do you advocate ventilation by fans instead of by furnace? *A.* Yes, I know it is more regular air, and gives greater safety.
 2466. *Q.* Do you allow the question of cost to come in? *A.* Yes, to a certain extent.
 2467. *Q.* Then you allow yourself to be in danger if the question of cost comes in? *A.* I would not have the danger for all the money they have got.
 2468. *Mr. Wade.*] We have not taken any exception to that.
 2469. *His Honor.*] I know you have not done so.
 2470. *Mr. Bruce Smith.*] I would like to say, of course, that there is a limit to the question. If that were not so, you would never run trains, for instance, more than at the rate of 10 miles per hour, and ships would have to go to sea side by side for fear that one would be wrecked. All I want to know is whether

whether the witnesses have taken into consideration the question of expense in connection with that of the danger.

2471. *Mr. Ritchie.*] *Q.* Do you think it practicable to have fan power at Mount Kembla? *A.* Yes, I think it is, because the air is so irregular because of the wind.

2472. *Mr. Bruce Smith.*] My idea of the matter just referred to is this: that it is a question of the adoption or otherwise of improved machinery. The question was raised in connection with a spark arrester being attached to a train. They had a spark arrester, but the question was raised whether or not they ought to have the best spark arrester; and it was pointed out that to have the best spark arrester always attached to trains would mean constant expenditure, because of the constant improvements that are made in arresters.

Re-examined by Mr. Lysaght:—

2473. *Q.* Upon what do you base your statement with reference to the shots that were fired? *A.* I said that he brought the lamp up to the roof, and put it a few feet above where the shot would be let off; that is, that the shot would be 2 feet below the roof.

2474. *Q.* What sort of lamp was it? *A.* It was a Glennie, or some kind of a safety-lamp like that.

MR. FRANK McDONALD was sworn and examined as under:—

Examination-in-chief by Mr. Lysaght:—

2475. *Q.* What is your name? *A.* Frank McDonald.

2476. *Q.* What are you? *A.* I am a miner, working at Mount Keira Colliery.

2477. *Q.* How long have you been there? *A.* About twenty-seven years.

2478. *Q.* Have you worked in other mines besides? *A.* No.

2479. *Q.* Are you a member of the Delegate Board of the Miners' Union? *A.* Yes.

2480. *Q.* Did you attend a meeting when certain recommendations were made, to be submitted to the Commission? *A.* Yes.

2481. *Q.* Were you one of the persons who went to the Kembla Mine after the explosion? *A.* I went there, but did not go inside. I was simply making stretchers to get the men out.

2482. *Q.* Do you know anything with regard to the number of safety-lamps available when you got there? *A.* There were no safety-lamps there, or if there were any — (*Interrupted*).

2483. *Q.* Do you know whether there was any difficulty experienced in getting lamps? *A.* Yes; there was a great deal of difficulty experienced in getting lamps. They had to send along the coast for lamps in order to get into the mine. In fact there was a great deal of delay on account of there not being sufficient lamps.

2484. *Q.* In your opinion, did that delay operate as a factor in preventing men's lives from being saved? *A.* Of course, they would have got in much quicker if there had been lamps there.

2485. *Q.* Did you have to go into the Mount Kembla Mine to make an inspection? *A.* No.

2486. *Q.* Then you know nothing of the case from your own knowledge? *A.* No.

2487. *Q.* Now, with regard to these recommendations. The first is that Managers, under-managers, deputies, and shot-firers, should hold certificates of competency by examination, and that they should have five years' practical mining experience before being eligible for their positions. I want you to say if you can support that recommendation; and, if so, what are your reasons? *A.* Of course, the man who takes the position of Manager should be one of the most competent men in the State; and the under-manager should know where there is danger, the same as the Manager should, and the deputy and the shot-firers ought to know the same thing. A shot-firer should know whether there is any gas in a mine before he allows a shot to be fired, and a deputy should know whether there is gas there before he allows the men to go into the place.

2488. *Q.* Do you know whether there are at present in this district persons who have qualified themselves for certificates by examination who are not employed in any of those respective positions—I mean working miners who have qualified themselves for such positions by examination. *A.* I know there are several; but I cannot name them just now.

2489. *Q.* Do you know who examined those persons? *A.* They are examined by a Commission of three persons; I do not know whether it is called a Commission.

2490. *Q.* They have to proceed to Sydney? *A.* Yes; Sydney or Newcastle.

2491. *Q.* Are there a number of working miners who have submitted themselves to those examinations and obtained Certificates of Competency? *A.* Yes.

2492. *Q.* Would the examination which these persons have passed be sufficient — (*Interrupted*).

2493. *Mr. Wade.*] How can a working man know anything about these examinations?

2494. *His Honor.*] It is difficult, unless he has been there.

2495. *Mr. Lysaght.*] *Q.* Have you studied for one? *A.* No.

2496. *Q.* Do you know the scope of them? *A.* No.

2497. *Q.* Do you know what Certificates are issued by the Board? *A.* I know by seeing it in the Press that Certificates of Competency are issued for the positions.

2498. *Q.* What positions? *A.* Managers, underground managers.

2499. *Q.* I do not think that certificates are issued at present for deputies? *A.* I think deputies, too.

2500. *Q.* Would the fact of these persons having to submit themselves to examination cause any hardship, or do you think there would be any difficulty in obtaining persons in this district who are qualified for these positions by examination? *A.* None whatever.

2501. *Mr. Wade.*] *Q.* With regard to Managers and under-managers I think the question is beyond argument, and the Act compels it. We say that a man should have some practical knowledge and some scientific knowledge to help him, but the question is whether men like deputies and shot-firers should pass examinations.

2502. *Mr. Lysaght.*] There are persons at present holding positions of Managers who have no certificate. The question would be whether a man of this kind would be still eligible to hold such a position.

2503. *His Honor.*] The question is then whether a man who now holds the position through service only should pass an examination to allow him to continue to hold the position.

2504. *Mr. Lysaght.*] If the Commission makes any recommendation it might allow such persons some little time to qualify themselves, as it might be thought that they had some vested right in their service. We think that it is not fair to ask men to work under officials who have not certificates; it is on the ground of general safety that this recommendation is made.

Witness—F. McDonald, 8 January, 1903.

2505. *Q.* Now, with regard to the recommendation that Inspectors shall be vested with absolute power to order the use of safety-lamps? *A.* I quite agree with that, because if a colliery is dangerous the men most likely to find it out are the Inspectors, and they should have absolute power to order the safety-lamps.
2506. *Q.* Can you give, of your own knowledge, any instance where it has been suggested that they should be used and the suggestion has not been carried out? *A.* Personally I do not know.
2507. *Q.* What do you say to the proposition that ventilation by furnace should be prohibited, and that fans should be substituted? *A.* I agree with that. The atmosphere has such a terrible effect upon a furnace; and in fact in many cases I have known it reverse the furnace; and instead of the air coming in the intake, the return air came in. In the furnace at Keira if a strong westerly wind is blowing, the wind will come down the shaft and send the air back, and the return air will be the intake. I think that is a strong reason why fans should be put on; and many a time the air is hanging in the balance, and is neither going one way or the other.
2508. *Q.* Have you still a furnace at Keira? *A.* Yes.
2509. *Q.* And still these conditions? *A.* It happens principally in the winter, when the wind comes from the west. It comes down over the hill, and comes into the furnace as I have said. They have got some system of blocking the wind, to reverse it; but the block has a tendency to prevent the air coming forward.
2510. *Q.* How often in the year has it happened at Keira that the air has been reversed in that way, to your knowledge? *A.* I cannot say.
2511. *Q.* Roughly? *A.* The westerly winds in these parts will blow about three days in succession. In the morning, if it was reversed, they would not get the air back again until the colliery was set running; it might be two or three days in that way.
2512. *Q.* Would you set the skips working? *A.* Yes, to assist the furnace to reverse her.
2513. *Q.* In the meantime what are the miners doing for air? *A.* You have got the west wind, although it may not act in the same fashion, but have the west wind going round. The worst part is when the furnace is in the balance, and there is equal pressure at both ends.
2514. *Q.* Would the west wind come into contact with the foul air? *A.* Yes, you have the smoke and foul air backing up to your working face.
2515. *Q.* And you have any accumulation of gas that should go up the upcast brought back to the mine? *A.* Yes.
2516. *Q.* Is that your own experience at Keira? *A.* Yes, when this particular wind is blowing.
2517. *Q.* Then you were speaking about when the air was stationary? *A.* That would occur just about the same time, perhaps in the same day. It would be principally in the morning and during the night time when there was no movement excepting on the surface. It would be a case of seeing which would get the best of it—the current or the furnace, and the air in the mine would be in the balance.
2518. *Q.* What would the men in the mine be doing for fresh air? *A.* There would not be much air travelling then, things would be very steady.
2519. *Q.* Regarding your general experience of Keira, what sort of air have you had as a general rule? *A.* In some sections fairly good, and in other sections very indifferent. A good deal depends on the distance the air has to travel.
2520. *Q.* In addition to what you have mentioned, are there any other reasons why a furnace is objectionable from a safety standpoint? *A.* Of course, a furnace might be put out by black-damp or any occurrence like that.
2521. *Q.* Do you know what a dumb drift is? *A.* To carry the return air over a furnace.
2522. *Q.* Does the air go straight over? *A.* I cannot say. The furnace has been repaired lately; but I cannot say whether the return air goes straight over, or whether there is a dumb drift.
2523. *Q.* How long ago is it since it was repaired? *A.* It has been repaired some little time; but I cannot say how long ago.

(The Court adjourned, at 1 p.m., and assembled again at 2 p.m.)

AFTERNOON.

(On resuming after lunch, at 2 p.m., Mr. W. R. Pratt attended to take shorthand notes of the evidence and proceedings.)

MR. FRANK McDONALD, previously sworn, was further examined as under:—

2524. *Mr. Lysaght.* *Q.* We were speaking of the dumb drift;—do you know whether there is one in the furnace at Keira? *A.* I do not know.
2525. *Q.* In addition to what you have told us as to the advantages of a fan, what disadvantages, if any, does the use of a furnace involve, so far as the safety of the mine is concerned? *A.* Suppose in the section in which the furnace is an accident happened, the same as at Mount Kembla, well, then, it would probably be destroyed; and that would cause great damage and disturb the regular air current.
2526. *Q.* And what would be the result following from that? *A.* There would probably be some damage done to the shaft in that case; and the result would be that no air would be going up the shaft, and the whole thing would be stopped, and the air would stand still or come back on the men, and smother them.
2527. *Q.* Now, taking your mine at Keira, do you think it would be fairly practicable and fairly economical to have a fan placed there? *A.* Yes, quite practicable, and economical too. Of course, I do not know much about it; but they would not require the coal for a furnace.
2528. *His Honor.* After all, it strikes me that a Commission constituted as this is—and there are members here who are thorough experts in the matter—is quite as competent to deal with this question of the superiority of fans over furnaces as any miner is. Of course, it is admitted that a fan is superior to a furnace: and the various physical reasons are obvious to anyone who knows anything about things generally.
2529. *Mr. Lysaght.* I only put these questions with a view of showing whether these men considered the question of expense, or whether they made these recommendations recklessly.
2530. *Mr. Bruce Smith.* We have had a large number of witnesses who have said that these suggestions have been recommended; but we do not know by whom.
2531. *Mr. Lysaght.* *Q.* The recommendations which we have been speaking about, were they discussed by the members of the Delegate Board? *A.* Yes.
2532. *Q.* Were they unanimously adopted? *A.* Yes.

- 2532½. *Q.* Some of them were suggested by the lodges and recommended to the Delegate Board? *A.* Yes.
2533. *Q.* Now, with regard to the proposal that waste workings shall be absolutely sealed off and surrounded by return airways, such airways not to come in contact with the intake? *A.* I am thoroughly of opinion that the air from the waste workings should not go round the mine after it has gone round the waste workings.
2534. *Q.* If it is impracticable to ventilate large wastes, what would you do with them? *A.* Seal them off.
2535. *Q.* Now it is proposed that all places, except prospecting drives, should have cut-throughs not more than 30 yards apart? *A.* I think that 30 yards is quite far enough to drive before you make a cut-through, because you may have to go another 35 yards before you connect them. The ordinary course is 12 to 15 yards.
2536. *Q.* Do you think that cut-throughs within 30 yards of each other would weaken the roof in any way so as to make it dangerous? *A.* No.
2537. *Q.* You say that as a practical miner? *A.* Yes. If there were 30 yards block of coal, or even 12 yards, the roof would not be weakened in any way.
2538. *Q.* And, after you had got one cut-through driven in 30 yards, what would you do with the one you had just passed? *A.* Simply brick it up, in order to carry the air round to the next one.
2539. *Q.* Is there any leakage of air resulting from the bratticing system? *A.* Yes, there is. When you have got up to about 30 yards very often the air will not follow you; that is when it is not close—and it is hard to keep it close.
2540. *Q.* Can you say whether it happens that the air very often does not reach the place where a man is actually working the coal, or, if it does, it is reduced, and only in small quantities? *A.* That is so. I would not say that the air never reaches the men; but there are plenty of times when it does not. The conditions are very often different.
2541. *Q.* Do you know anything about the provision which should be made for the supply of 100 cubic feet of air for every man, boy, and horse, and to be forced in and through the working places? *A.* Yes.
2542. *Q.* What do you say as to carrying this out in connection with the bratticing system;—is that condition fulfilled? *A.* It is, in some places; but in other places it is not. As a matter of fact, you cannot tell; you cannot take 100 feet of air to the face; it would not register 100 feet unless you got it into a very small face.
2543. *Q.* What do you say as to the proposal to make an inspection with locked safety-lamps in all cases;—how are the examinations made at Keira? *A.* It used to be with an open safety-lamp; and then they used to try it with a locked safety-lamp. They would often unlock it and try it on the roof. If there is any gas there, the only one who would suffer would be the man who tested it. They do not do it now.
2544. *Q.* There is a recommendation that monthly examinations shall be made, and a report by the deputies and District Inspectors, the examination to be made with a hydrogen flame? *A.* The idea is that the ordinary safety-lamp will not find less than 2 per cent. of gas, but the hydrogen flame will find $\frac{1}{4}$ per cent., or a small fraction at least; therefore we recommend the use of this kind of lamp.
2545. *Q.* With regard to the proposition that 500 cubic feet of air be provided for each horse, instead of 100 feet as at present, what do you say to that? *A.* I think that is a fair thing. We take it for granted that a horse consumes more air than a human being does.
2546. *Q.* Then there is a recommendation that all doors shall be erected so as to close and remain closed of their own motion? *A.* Yes.
2547. *Q.* Have you any at Keira which close of their own motion? *A.* Yes, there is no particular force behind them; but they are put on such a slant that they will follow you back. All doors ought to be made so that they will close behind you.
2548. *Q.* Would you relieve any man or any person from closing a door if it was found open? *A.* I would be very severe on men if they left a door open.
2549. *Q.* Now, with regard to double doors on drives between main intakes and returns and main headings—do you think those necessary? *A.* Yes.
2550. *Q.* What about the weekly measurement of air in each section, and the report thereof being sent to the Inspector? *A.* It is a wise provision that some official should make a weekly inspection and report the same, so that we may know what quantity of air is travelling.
2551. *Q.* Where would you have the measurements taken? *A.* In the intake and in all the returns.
2552. *Q.* Do you mean in the intake and in each section? *A.* Yes.
2553. *Q.* There is a recommendation that travelling and haulage roads, and other places necessary, be properly watered? *A.* I think, in view of the report that coal-dust is a great source of danger, it is right and proper that these roads should be watered.
2554. *Q.* Are there any appliances at Keira? *A.* Only the ordinary tubs.
2555. *Q.* Are there any dusty roads? *A.* They are not dusty just now; they have been attended to.
2556. *Q.* Is that only since the Kembla disaster? *A.* In some cases before, and in some cases afterwards.
2557. *Q.* Have you any appliances for watering besides the tubs; any hose or anything else? *A.* Not that I am aware of.
2558. *Q.* There is a proposal that Managers should be compelled to give more personal time and attention to the management of the colliery. What has been your experience concerning the Manager going underground? *A.* The Manager would not be there for a month at a time—that is, in my place. I know nothing about anyone else.
2559. *Q.* What is the average time you see the Manager in your place? *A.* Well, Mr. Jones has been there, at the mine, for twelve months or so; and I have seen him in my working-place three or four times.
2560. *Q.* It is suggested that the manholes should be enlarged? *A.* I say that they should be at least 4 feet wide. Some of them are very narrow. Every time that they make them now they are improving on that. They should be 6 feet high and 6 feet back.
2561. *Q.* Do you know of any cases where they have been found too small for an emergency? *A.* I have known, in years gone back, times when we had to crush four or five men into one place.
2562. *Q.* There is a recommendation that instruction should be given regularly to employees on the means of escape;—now what would you suggest? *A.* I would suggest in collieries with gas, where there are many ways out, that the deputies, once a month, or once a quarter, should go round and take the men out by these ways, so that if anything happened the men would have a good idea of the different ways out of the mine.
2563. *Q.* Would you interfere with the working of the colliery? *A.* No; I simply propose that the deputy should take you out when you are knocking-off, to give you an opportunity of knowing your way out.

Witness—F. McDonald, 8 January, 1903.

2564. *Q.* Now I will read to you, with reference to the proposal that the Coal Mines Act should forbid a black list of employees being kept, a passage from p. 271 of Abel, having reference to the necessity of an Act for the protection of discharged employees;—do you think that a provision like that would be of any service; and what would be the effect of it? *A.* I think that a section of that description is very necessary.
2565. *Q.* What effect would it have on the men, if they knew there was such a provision?
2566. *Mr. Wade.*] I object to that question.
2567. *His Honor.*] The suggestion, if carried out, would be to crystallise the Common Law form of procedure, and to give a criminal instead of a civil remedy.
2568. *Mr. Lysaght.*] We say that if such a provision were in existence it would conduce to the safety of the mine, because men would not be frightened to report the presence of gas, and so on.
2569. *His Honor.*] It would, to a certain extent, secure miners who have cause of complaint, in making those complaints.
2570. *Mr. Lysaght.*] *Q.* A recommendation is made that safety-lamps shall not be opened for shot firing? *A.* We use the open light at Keira.
- Cross-examined by Mr. Wade:—
2571. *Q.* Do you consider all coal-dust a source of danger in a mine? *A.* Well, I am not an expert at that sort of thing.
2572. *Q.* Can you give me an answer? *A.* No, I cannot.
2573. *Q.* What part of the mine do you want watered? *A.* The reason I say it should be watered is because, from evidence which has been tendered, and which appears in the Press every now and again, it is thought that coal-dust is dangerous; and, if that is the case, why should not the mine be watered?
2574. *Q.* What, the part which is dangerous? *A.* No; the whole of it, if it is dusty.
2575. *Q.* Do you know whether all coal-dust is dangerous, or only dust in certain conditions? *A.* I do not know.
2576. *Q.* Was the question of whether all coal-dust is dangerous discussed at the Delegates' Meeting? *A.* The matter came up, and the general view was that, if there was gas there, and also coal-dust, if the gas ignited it would gather up the dust, and that would add to the explosion.
2577. *Q.* Do you mean that it is only to be watered if there is gas in the mine? *A.* We do not know whether there is gas in a mine or not.
2578. *Q.* You do not? *A.* No.
2579. *Q.* How is that? *A.* I cannot tell whether there is gas in a mine or not.
2580. *Q.* Do you not think the examination by the deputy is a fair guide? *A.* Yes.
2581. *Q.* Do you not know you have a right to examine the report book in the morning? *A.* Yes. But suppose they do not report a case of gas?
2582. *Q.* Do you know of a single case of a deputy not reporting gas? *A.* No.
2583. *Mr. Lysaght.*] There is evidence before the Commission that the deputies do not report it.
2584. *His Honor.*] It is only a question of human fallibility after all.
2585. *Mr. Wade.*] It would be a gross criminal act on the part of a deputy if he found gas and did not report it.
2586. *His Honor.*] There is the question of degree which comes in. It has been disclosed that the question of degree has come in. An infinitesimal case of gas has not been reported. But what to one man would be an infinitesimal quantity of gas, in another man's idea would be an appreciable quantity.
2587. *Mr. Wade.*] *Q.* You say that you have only seen Mr. Jones, the present Manager, four times in twelve months? *A.* That is at my working-place.
2588. *Q.* Now the mine is working ten hours every day, and out of that ten hours you are only in eight hours, or perhaps less? *A.* More.
2589. *Q.* Are you at your working-place more than eight hours? *A.* Yes.
2590. *Q.* How long are you at your working-place? *A.* I suppose about nine hours.
2591. *Q.* Have you a front and back shift at Mount Keira? *A.* No.
2592. *Q.* Do you mean to say that both men go in and come out together at Mount Keira? *A.* Yes.
2593. *Q.* They do? *A.* Yes.
2594. *Q.* Do you see the under-manager at any time during the year at your place? *A.* Of course.
2595. *Q.* And the deputy, do you see him daily? *A.* Yes, twice a day.
2596. *Q.* Now, with regard to cut-throughs, do you say that brattice is not a sufficient appliance to ventilate a working-face by itself? *A.* When you get a certain distance in — [Interrupted].
2597. *Q.* Oh, yes, you say that after you get 30 yards it is not sufficient? *A.* In some cases, at all events. Say that a place is being driven where there is not much ventilation—for instance, say in No. 4—and it is a long way in; when you get in, not the main heading, but the back heading, and you have brattice there, the air comes along the cut-through, and up and behind to the next heading. In a little time the air escapes, and will not follow any further; and perhaps you have another 10 or 20 yards to go on working in.
2598. *Q.* You mean to say that when you are a long way from the mouth of the mine brattice will not ventilate sufficiently? *A.* If there is a great quantity of air it may do.
2599. *Q.* Then if you have a current of air brattice will carry it along? *A.* No, because it escapes. It may carry a small quantity along.
2600. *Q.* Do you say that it is dangerous to work for more than 30 yards on a cut-through with brattice? *A.* Yes, it is dangerous unless there is sufficient air there.
2601. *Q.* Yet you work for more than 30 yards with brattice in a prospecting drive. Why is it dangerous in the one instance and not in the other? *A.* You are closer to the tunnel mouth in the prospecting drive.
2602. *Q.* Always? *A.* Not always.
2603. *Q.* You say that it is dangerous when driving a bord, but that it will do in a prospecting drive? *A.* I do not see that it makes a great deal of difference. If you are prospecting for coal near the tunnel mouth it is all right, because you can always carry the air easier than a long distance in. You can carry the air easier at the tunnel mouth.
2604. *Q.* You can make bords there? *A.* It is not wise; but you work under better conditions near the tunnel mouth.
2605. *Q.* If you are working a bord near the tunnel mouth, are you content to have brattice for more than 30 yards without a cut-through? *A.* You are in a better condition near the tunnel mouth.
2606. *Q.* Then why do you allow men to work prospecting drives? *A.* I have already told you. 2607.

2607. *His Honor.*] Does it not follow that if a drive is a prospecting one there is no place to put a cut-through into from it. How can you put in a cut-through when there is nothing else?
2608. *Mr. Wade.*] I recognise that.
2609. *Q.* In prospecting drives you have brattice for a good deal more than 30 yards without a cut-through?
A. Yes.
2610. *Q.* And the men work in them? *A.* Yes.
2611. *Q.* And do the work satisfactorily? *A.* I cannot say that.
2612. *Q.* You have never heard of their being injured? *A.* I cannot say that I have.
2613. *Q.* Do you say that there were no safety-lamps at Kembla when you got there? *A.* A few.
2614. *Q.* Did you see any? *A.* Three or four.
2615. *Q.* Do you say that is all there were in the mine? *A.* Before I saw them some of them were gone. Those were dirty, and had no wick in them; and we had to fix them up. I say that, if there had been more lamps there, there would have been more lives saved.
2616. *Q.* Do you know that a telegram was sent from here before 2 o'clock for more safety-lamps? *A.* Well, we do not want that kind of thing to occur again.
2617. *Q.* Do you know that the first of these lamps arrived at the colliery about 4 o'clock? *A.* I could not say what time. It was some hours after the explosion.
2618. *Q.* Is not after-damp the chief cause of men's death in an explosion? *A.* You are asking me questions on matters which I do not understand anything about, more than I have read.
2619. *Q.* You tell us that furnaces are dangerous;—do you know that after-damp comes because of the ventilation in the inside of the mine being deranged, and the air currents going in all directions? *A.* Yes; but if the furnace was gone it would be worse.
2620. *Q.* Do you not know that an explosion tears down the brattice? *A.* I know it generally does.

Cross-examined by Mr. Bruce Smith:—

2621. *Q.* You are a member of the Delegate Board? *A.* Yes.
2622. *Q.* How many are there of you? *A.* Nine, from nine collieries.
2623. *Q.* When you sat to consider these recommendations, you discussed them? *A.* They came from the Lodges.
2624. *Q.* Can you identify which Lodge they came from? *A.* I cannot say.
2625. *Q.* Are you a member of any Lodge? *A.* Yes.
2626. *Q.* Did you take part in the discussion? *A.* Yes.
2627. *Q.* Which one is from your lodge? *A.* The one recommending not more than 30 yards without cut-through.
2628. *Q.* Is that the only one? *A.* I took part in the discussion of the whole lot of them.
2629. *Mr. Lysaght.*] I object to any specific instructions being referred to in this matter. The witness is being asked what specific matter he brought forward; and this would show the Managers what matters were dealt with beforehand.
2630. *His Honor.*] I think the Delegate Board may be treated as a body, and that the witnesses should be examined as to their own information; but I think that the inner workings should be left alone.
2631. *Mr. Bruce Smith.*] *Q.* I do not want to know anything about the inner working of these bodies, I want to know to what extent these delegates have formulated these recommendations. Out of all these there is only one which you took part in originating? *A.* I do not mean that.
2632. *Q.* There is only one of the whole twenty which you took part in originating? *A.* It came from the lodge I represent. That is what I mean to convey; but I may or may not have taken part in it.
2633. *Q.* Then one is the most you took part in originating? *A.* Yes.
2634. *Q.* Have you ever been a check-inspector yourself? *A.* No.
2635. *Q.* Have you taken part in electing them? *A.* You see it is a job that you want competent men for.
2636. *Q.* What do you consider the qualifications? *A.* A man who has a good knowledge of gases and works in a gassy mine.
2637. *Q.* How do you account for the fact that, whilst one of the recommendations suggests that there should be weekly takings of air by some officer, when the miners have the opportunity for doing this work themselves they do not do it, say once in six months? *A.* It is very hard to get men competent to make a thorough inspection. We find it unsatisfactory. The men who are appointed do not go sufficiently into it.
2639. *Q.* Why not? *A.* Because of the time at their disposal, and otherwise.
2640. *Q.* Does the Lodge, or body, who appoints them offer them payment? *A.* Yes, it pays them.
2641. *Q.* And yet you find difficulty in getting them? *A.* Yes, in obtaining proper men.
2642. *Q.* Do you not know you can go anywhere in a neighbourhood for men? *A.* Yes.
2643. *Q.* And yet there is a difficulty in getting competent men to do it? *A.* There are plenty of men competent, but they would not take the job on.
2644. *Q.* Although you consider that the safety of the miners depends largely on it, you cannot get men to take the job on—to go and investigate the ventilation in the interest of their fellow men? *A.* That is so.
2645. *Q.* This is a matter on which the miners consider the safety of their class depends. There are men competent enough to do the work; but you cannot get them to take it on? *A.* That is how it has been.
2646. *Q.* Do you know, with regard to the amount of air that ought to be provided for horses and men, how many cubic feet of air are required by a man? *A.* 100 cubic feet.
2647. *Q.* I do not mean required by the Act? *A.* I have no idea.
2648. *Q.* Do you know whether it is 10, 80, or 100 feet? *A.* No.
2649. *Q.* Or for a horse? *A.* No.
2650. *Q.* You do not know how much is enough to leave a large margin? *A.* I say that if it takes 100 cubic feet for a man it ought to take more than 100 cubic feet for a horse.
2651. *Q.* You do not know how much margin of air 100 feet leaves for a man? *A.* No.
2652. *Q.* You do not know whether it leaves 50 or 100 per cent. margin? *A.* No.

Examination by Mr. Robertson:—

2653. *Q.* Your experience is confined entirely to the Mount Keira Colliery? *A.* That is right.
2654. *Q.* There is only one system of working there? *A.* Only one system.
2655. *Q.* You have no knowledge of any other system? *A.* No. Only of the system at the mine. 2656.

Witness—F. McDonald, 8 January, 1903.

2656. *Q.* You cannot say whether under different conditions a different method of working would be necessary? *A.* Not unless I knew the different conditions.
2657. *Q.* I mean under different conditions from those you find at Mount Keira? *A.* I cannot say that. I do not know what the different conditions would be.
2658. *Q.* You ask for cut-throughs to be put in every 30 yards. If that had the effect of reducing the size of the pillars, and pillars larger than 30 yards were required, what would you do then? *A.* Thirty yards of pillars would be plenty.
2659. *Q.* I will put it another way. If it was found necessary to have pillars about 100 yards square to support the strata above, how would you get on with cut-throughs only 30 yards apart? *A.* I do not think it would be necessary to have pillars of that size.
2660. *Q.* Would you be surprised to learn that there are collieries in your own district where it is necessary to have 100 yard pillars? *A.* I would be surprised.
2661. *Q.* I will tell you that it is a fact; so that cut-throughs every 30 yards would hardly be suited to them? *A.* No, they would not.
2662. *Q.* Do you know that according to the Mines Act adequate ventilation must be supplied? *A.* Yes.
2663. *Q.* Does it matter to you how that adequate ventilation is supplied? *A.* Not so long as it is supplied.
2664. *Q.* It does not matter whether it is behind a brick wall or through a cut-through or a brattice, so long as you get it? *A.* No, so long as we get it; but we do not get it.
2665. *Q.* You say that ventilation should be secured by cut-throughs, and that it cannot be secured without cut-throughs? *A.* Our experience is that it cannot. We find that the air slackens off with a brattice, and that it will not follow you.
2666. *Q.* If you are told that in a gassy mine in this district a heading without cut-throughs was carried in for 700 or 800 yards, and that the ventilation was sufficient, would that alter your opinion? *A.* What was the width of the heading?
2667. *Q.* A 10-foot heading; and I mention that to show that it can be supplied? *A.* Well, I would not care to work in it. So long as you can get ventilation it is all right, but we cannot get it. If you can give ventilation I admit that the provision as to cut-throughs may not be necessary.
2668. *Q.* You ask for a record of the ventilation to be taken every week. You, yourselves, as miners, can have that ventilation taken? *A.* Yes, we can take it ourselves, but would it not be better for some official to take it?
2669. *Q.* A Government official can go at any time? *A.* Yes.
2670. *Q.* You ask for return airways to be watered, as well as the haulage roads? *A.* I do not think I said return airways, but the travelling roads.
2671. *Q.* But is it not necessary to water other parts of the mine where dust may lie? *A.* Yes.
2672. *Q.* How will you do that? *A.* There are different ways of doing it.
2673. *Q.* Tell us one? *A.* You can have the same way that we have, you can go along with a cask of water as you go along.
2674. *Q.* How would you get water along the travelling roads where there are no rails? *A.* I think it would be a hard matter, unless you laid pipes down and had a hose.
2675. *Q.* Would it not be a difficult matter to take water in all parts of the mine where dust may accumulate? *A.* It could be done with pipes.
2676. *Q.* It would be rather an expensive matter, would it not? *A.* When once down in a travelling road the pipes would last for many years.
2677. *Q.* You said that there was difficulty in obtaining competent men to inspect the mine. Do you consider that Mr. Ritchie and Mr. Wynn are not sufficiently competent to inspect and report? *A.* They may have done it; but that is a good while ago.
2678. *Q.* They have the power to go anywhere in a mine? *A.* Yes, but we find it difficult to get men to inspect.
2679. *Q.* Could you not get Mr. Wynn? *A.* I could not say. He resigned from the position.
2680. *Q.* Now as to manholes. I suppose you know that a large number of the manholes in every colliery are more than the statutory size? *A.* Yes, most of them are 10 feet.
2681. *Q.* It is only under special conditions that they are the size the Act requires? *A.* We want them all to be large.
2682. *Q.* You cannot give me any instance of men being injured, because they were not large enough? *A.* I cannot say. I have seen a lot of us jammed into one small one.

Examined by Mr. Ritchie :—

2683. *Q.* Is there any reason why the bratticing is not carried up? *A.* I cannot say.
2684. *Q.* If a disaster were to happen causing a blast you would not be more than 30 yards ahead of the air under your proposal, but under the present system of bratticing you may be 800 yards ahead of the air, through the brattice being blown off entirely? *A.* Yes.
2685. *Q.* Is that one of your reasons why you want cut-throughs? *A.* Yes.
2686. *Q.* Is that your principal reason? *A.* Yes.
2687. *Q.* Is there any difficulty in getting independent persons to inspect the mine? *A.* Yes.
2688. *Q.* You cannot appoint Mining Engineers? *A.* No.
2689. *Q.* You can only inspect at stated periods? *A.* That is right.
2690. *Q.* You can only do it once a month? *A.* Yes.
2691. *Mr. Wade.]* The rule says from time to time. At least once a month.
2692. *Mr. Ritchie.] Q.* Have you known of cases of men taking the position, and that the company has made it a cause of complaint? *A.* Casually the matter has come before us.
2693. *Q.* And that is why you think it is necessary that the Act should be made more stringent, and the inspection be made apart from the miners altogether? *A.* Yes.
2694. *Q.* You regard the miners as being under the thumb of the Managers to some extent? *A.* Yes, necessarily they are.

Re-examined by Mr. Robertson :—

2695. *Q.* Do you know there have been a great many inspections in the district by miners? *A.* No.
2696. *Q.* Did you ever hear of anyone that has suffered? *A.* No; but I have heard them talking about it.

[The Commission, at 3 p.m., adjourned until 11.30 a.m. on the following Tuesday.]

TUESDAY,

TUESDAY, 13 JANUARY, 1903, 11·30 a.m.

[The Commission met at the Court House, Wollongong.]

Present:—

C. E. R. MURRAY, Esq., D.C.J. (PRESIDENT).

D. A. W. ROBERTSON, Esq., COMMISSIONER.

D. RITCHIE, Esq., COMMISSIONER.

Mr. Bruce Smith, Barrister-at-Law, instructed by Mr. Wood, Crown Solicitor's Office, appeared on behalf of the Crown.

Mr. A. A. Atkinson, Chief Inspector of Coal-mines, assisted Mr. Bruce Smith.

Mr. A. A. Lysaght, Solicitor, appeared on behalf of—

- (a) the representatives of deceased miners, wheelers, &c. (victims of the explosion);
- (b) the employees of the Mount Kembla Colliery (miners, wheelers, &c.);
- (c) the Illawarra Colliery Employees' Association (The Southern Miners' Union.)

Mr. C. G. Wade (Barrister-at-Law) instructed by Mr. F. Curtiss, appeared on behalf of the Mount Kembla Coal and Oil Company (Proprietors of the Mount Kembla Mine).

(Mr. J. Garlick, Secretary to the Commission, was present to take shorthand notes of the evidence and proceedings.)

(The usual order was made for all witnesses to retire from the Court Room).

2697. (His Honor stated that two witnesses had been subpoenaed by the Commission for this morning. His Honor suggested that it would probably be most convenient if they were examined by Mr. Lysaght first. Mr. Bruce Smith suggested that, as he represented the Crown, and therefore had no special interests to watch over, he might undertake the examination of any witnesses called by the Commission. This was agreed to.)

Mr. JAMES SILCOCK was sworn, and examined as under:—

(This witness was called by the Commission at his own request. His examination-in-chief was, therefore, conducted by Mr. Bruce Smith.)

Examination-in-chief by Mr. Bruce Smith:—

2698. Q. What is your name? A. James Silcock.

2699. Q. What are you? A. A miner.

2700. Q. What is the extent of your experience, in point of time? A. About twenty-three years.

2700½. Q. And how much of that twenty-three years has been in the Colonies, and how much in England, or Wales, or Scotland? A. I have been about thirteen years in the Colonies, and ten in Yorkshire.

2701. Q. In what capacity did you acquire your experience in Yorkshire? A. The first job that I went on I went with the deputies at night-time inspecting places, as a boy, and from that to wheeling, putting, and coal getting.

2702. Q. And of the ten years in Yorkshire, how many years were you coal getting? A. I might say about two years getting coal; but, I will be four or five years in connection with the coal face: that is, what they call putting, tramming, along the tramline.

2703. Q. What do you mean by putting? A. That is putting the trucks, filling them and shoving them out to the flats.

2704. Q. And in the thirteen years you have spent here what capacity were you in? A. A miner.

2705. Q. All the time? A. All the time.

2706. Q. Getting coal? A. Yes, getting coal.

2707. Q. Have you ever occupied any other position, such as deputy? A. No.

2708. Q. Now, what mines have you been in? A. In the Vale of Clwydd, the New Vale, Hermitage, and Mount Kembla. Those are the four.

2709. Q. How long in Mount Kembla? A. About five years this February.

2710. Q. During your work in the Mount Kembla Mine have you ever had any experience of gas? A. Well, I have seen small flashes of gas.

2711. Q. What do you call a small flash? A. After we have fired a shot and the shot has hung; that is, has not been knocked down on the ground—[*Interrupted,*]

2712. Q. How do you mean the shot has not been; you mean after the coal has not been knocked down? A. Yes; you go to have a look to see what work your shot has done; and your light on your head has probably ignited a small quantity of gas, and caused it to flash along the roof.

2713. Q. Over your head? A. Over your head.

2714. Q. For any length of time? A. Probably two or three seconds.

2715. Q. How many times during your five years in Kembla has that occurred? A. I dare say I noticed that about twice.

2716. Q. How long ago? A. Probably twelve months, or a little over.

2717. Q. On both occasions? A. On both occasions.

2718. Q. Both occasions about twelve months ago? A. Or a little over.

2719. Q. Did you report that to anybody? A. I did not report the gas; but I reported the insufficiency of air—the bad air.

2720. Q. You did not report the gas to anybody? A. No.

2721. Q. Why was that? A. The reason why I did not report the gas was this: that I always considered that, if a man was to report everything that he saw in a colliery, he would not be long there. There was no protection for the miner at all.

2722. Q. Apart from reporting everything you saw, why did you not report gas? A. I did not think there was that sufficient quantity to report it.

2723. Q. You did not think there was sufficient quantity to be what? A. To be dangerous.

2724. Q. But I suppose you know that where a little gas comes from a great quantity may come from? A. It is quite probable, yes.

Witness—J. Silcock, 13 January, 1903.

2725. Q. Did you know that the Mount Kembla Mine was recognised generally as a non-gassy mine? A. Well, they presume that, of course.
2726. Q. I mean that is how it was talked about? A. Yes.
2727. Q. Well, when you found gas on two occasions, did you consider that was a correct description of it? A. Well, the reason—that some people would put this gas down to be through powder smoke.
2728. Q. What do you put it down to? A. I put it down to gas.
2729. Q. What else have you ever seen in that mine? You were telling us about the ventilation; what was your experience of the ventilation? A. The ventilation in pillars was bad; for this reason, that there was never any brattice carried into these pillar works in Kembla. There was never any brattice used in Mount Kembla that ever I saw in pillar work.
2730. Q. Did you ever complain of that? A. I have complained of the air being bad.
2731. Q. To whom? A. To David Evans, the deputy.
2732. Q. More than once? A. Yes, on several occasions.
2733. Q. How long ago? A. Well, about the same time as I discovered that gas.
2734. Q. Which do you think is more dangerous—want of brattice or the explosion of gas? A. Well, if the brattice was put there, it is probable there would be no explosion.
2735. Q. That is not my question. Which do you think is more dangerous—the badness of the air, such as you complain of; or the occasional explosion of gas, such as you have experienced? A. I should say that both would be combined.
2736. Q. Suppose you have this gas, and the brattice is put up, and you get good air, and yet you have the gas. Take that as one case. And suppose you never found that gas at all, but considered the air bad; which do you think would be the most dangerous? A. If the air was good, as you say, there would be no gas.
2737. Q. I ask, if you experienced them singly, which do you think is the more dangerous? A. The gas.
2738. Q. That being so, how is it you reported the want of air and did not report the gas? A. Because I thought of my position.
2739. Q. Just tell me about that. Have you had any experience of anything resulting from a report about gas? A. Well, I took the Bailey case at the Glebe, for instance.
2740. Q. A Newcastle case? A. A Newcastle case.
2741. Q. That was your guide? A. Yes.
2742. Q. Do you know of any other case; or had you heard of any other case? A. No; I do not know as I do; but I took that as a guide.
2743. Q. Did you ever follow that case up to see if it was a genuine case of a man being dismissed? A. Well, as far as I read in the newspapers.
2744. *Mr Wade.* Q. Were those Mr. May's letters you read? A. No, not Mr. May's at all. I followed that case very closely in the newspapers.
2745. *Mr. Bruce Smith.* Q. You mean the examination? A. Mr. Bailey's case.
2746. Q. Did you see it in the form of letters or the reports of the examination at Newcastle? A. Yes.
2747. Q. What you meant I suppose was, that, assuming that to be correct, you thought it would be better for you not to report it? A. Yes.
2748. Q. And that is the only instance which you know of, in which you knew of such a thing taking place? A. Well, I knew other cases. Sometimes a man has seen a thing take place in a mine.—
[*Interrupted.*]
2749. Q. What sort of thing? A. Any sort of thing.
2750. Q. Tell me something you know of, not merely a rumour that is floating about in the air? A. I do not know of anything particular; but I know this, that the deputies never like anyone to make himself too officious in reporting anything.
2751. Q. You are speaking so generally, that is of not much use to the Commission. Can you give any specific instance in which the deputies have discouraged men from making complaints about anything that is going on in the mine? [*Witness did not answer.*]
2752. Q. You do not know anything;—it is just a sort of general belief in your mind that they do discourage them? A. Yes, they do.
2753. Q. But you cannot tell what the belief is based upon; is that it;—you cannot tell me of any case that you based your belief upon that they would discourage you? A. Yes, on the Glebe case.
2754. Q. Well, now, have you had any particular experience in the Mount Kembla Mine that you wish to communicate to the Court here, which you think of importance? A. I might say that I wish to communicate this: that as far as the colliery was concerned, I came to the conclusion that it was undermanned officially.
2755. Q. Now, by what class of men? A. By deputies.
2756. Q. What is your standard for that? A. Well, about a fortnight before.—[*Interrupted.*]
2757. Q. No, no; that is your reason. I mean to say, why do you say it is undermanned? A. Because the deputies were always complaining of being overworked.
2758. Q. Will you tell me what deputies made those complaints? A. Yes. There was Mr. Dungey. He used to complain very often about Mr. Nelson neglecting to put his brattice up.
2759. Q. The man who complained, and the man complained of are both dead, are they not? A. Yes.
2760. Q. Dungey used to complain of what? A. He used to complain of Mr. Nelson neglecting to put up his share of brattice in the bords in the daytime, and throwing the whole of his share of the work on to his (Dungey's) shoulders. That was a continual complaint.
2761. Q. Beyond these two? A. Beyond these two, William McMurray complained about Davie Evans throwing the work on to him in the night-time, down in the shaft section.
2762. Q. Was McMurray a day deputy? A. He was a night deputy.
2763. Q. And Dave Evans was a day deputy? A. Yes.
2764. Q. And I understand that McMurray complained that Evans had thrown the work on to him to be done at night. A. That is so.
2765. Q. How long would that be ago? A. I cannot say the date. Let me see: it would be about six weeks before the disaster.
2766. Q. McMurray is dead too. What was the particular work that McMurray complained that Evans had thrown on his shoulders? A. That is, neglecting to put up the brattice in the bords.

2767. *Q.* You mean extending the brattice as the work went on? *A.* Yes. Letting it fall back.
2768. *Q.* Is there anything else, I mean anything that your experience enables you to speak about? *A.* As regards this particular affair of Evans and McMurray's, I might say that six weeks before the disaster, when Mr. Leitch left, it was mooted —[*Interrupted.*]
2769. *Q.* What was Leitch's position? *A.* He was under-manager before Mr. Nelson. It was proposed to get him up a testimonial.
2770. *Q.* Among the miners? *A.* And the officials. I was one of that testimonial committee; and I was appointed to interview the Manager, to ask him would he allow the deputies to see the men as they went round their work, to see if they would give any donations towards this testimonial.
2771. *Q.* Towards the testimonial for the under-manager? *A.* For Mr. Leitch, the under-manager. I went to interview Mr. Rogers in his own private office at the house; and he told me he would rather not. One reason was that Mr. Leitch had always set his back against it.
2772. *Q.* Against having a presentation? *A.* Against having testimonials. And another thing was this: he advanced this reason: that a deputy might be asking a man for a subscription, when at the same time he could see that he wanted a sprag or a prop put up, and he would not care to offend that man, as he would be frightened that he would not get a subscription.
2773. *Mr. Robertson.* *Q.* I would like you to repeat that, please? *A.* When the deputy went round, probably the person that he was asking for a subscription from might require a sprag.
2774. *Mr. Bruce Smith.* *Q.* What is a sprag? *A.* A sprag to sprag up the coal.
2775. *Q.* A prop? *A.* It is a short prop put against the coal and the floor.
2776. *Q.* Now, just repeat that, in the same words, if possible, "That the man who was asked for a subscription might want a sprag." *A.* Yes, a sprag or a prop; and at the same time he would be asking for a subscription, and he would not do his duty. That is what it was.
2777. *Q.* There was a conflict of motives, interests? *A.* Yes. After that he said he had had complaints from one of the night deputies that the other deputy had not been doing his share of work. He did not mention the name of the deputy to me then; but he said, "I will let you know in the morning."
2778. *Q.* He told you he would let you know? *A.* He said, "I will see them all together in the office in the morning; and I will tell Nelson to let you know whether they can take on the subscription or not."
2779. *Q.* Go round for a subscription, not take it on? *A.* Yes.
2780. *Q.* What have you to say against that? What is your objection to the position he took up? *A.* I have nothing against Mr. Rogers for that.
2781. *Q.* You do not complain of this? *A.* No.
2782. *His Honor.* What the witness wishes to convey is that Mr. Rogers' own answer suggested that there was some friction amongst the deputies, which was founded upon the fact that one deputy thought another deputy was not doing his work.
2783. *Witness.* Yes.
2784. *Mr. Bruce Smith.* *Q.* Then that preliminary story about the subscription is not a matter you complain of: it is only an introduction to what you have to say? *A.* It is only an introduction.
2785. *Q.* Are those the suggestions that you have to make with regard to the Mount Kembla Mine; or are there any others—which you make as a miner? *A.* I should suggest that the furnace be done away with, and a fan substituted, and also that a winding gauge be put down that air shaft.
2786. *Q.* You might give your reasons for the fan being substituted for the furnace? *A.* I believe it would be the best way of ventilating the mine.
2787. *Q.* In what way the best? *A.* You can get more volume of air by a fan, I always think, than with a furnace.
2788. *Q.* Have you had experience of fans? *A.* All the collieries I worked in in Yorkshire are worked by fans.
2789. *Q.* And how about the other mines you have mentioned out here? *A.* I have never seen fans, only in the Lithgow Valley.
2790. *Q.* All the others you worked in here had the furnace? *A.* Yes; but they were small mines compared to Mount Kembla.
2791. *Q.* Then your opinion is based on the belief that a fan would produce a better draught. Is that it? *A.* Yes.
2792. *Q.* Is there any other suggestion? *A.* The suggestion would be this, that it would be the means of putting on a cage, putting guide ropes and a cage, to wind the men up and down in case of emergency.
2793. *Q.* And a winding engine? *A.* Yes, a small winding engine. The same engine would very nearly do to work the fan.
2794. *Q.* You think that would be an advantage? *A.* I think it would be a great advantage.
2795. *Q.* Have you considered what that would cost—how it would affect the cost of producing coal? I only want to know if you have gone into it at all. *A.* No. I did not go into it.
2796. *Q.* Is there anything else you could suggest? *A.* I should suggest that these men, shot-firing, should have a certificate of some kind to show their competency.
2797. *Q.* The shot-firers? *A.* The shot-firers and deputies.
2798. *Q.* What do you consider they require to know in order to do that work as it should be done? *A.* Well, I should think they require to know the constituents of gases.
2799. *Q.* The constituents of gas? *A.* Yes, all that gas really is.
2800. *Q.* But if you know gas when you see it, or when you find it, would not that be sufficient? *A.* Well, yes.
2801. *Q.* Then you do not want to know its constituent parts? *A.* So long as they know when they are amongst it.
2802. *Q.* So long as they know gas when they find it? *A.* That is it: when they are amongst it.
2803. *Q.* And you think they ought to be examined for that? *A.* Yes.
2804. *Q.* Do not you think every miner knows gas when he sees it with a safety lamp? *A.* No; I do not think so.
2805. *Q.* You know it, do you not? *A.* I would know it if I saw it.
2806. *Q.* Have you passed any examination? *A.* No.
2807. *Q.* Have you attempted to pass an examination? *A.* No.
2808. *Q.* Have you attended lectures at all? *A.* No.
2809. *Q.* Do you consider you are qualified to be a shot-firer? *A.* No.

Witness—J. Silcock, 13 January, 1903.

2810. Q. But you think they should have a certificate showing that they really know how to discover gas?
A. Yes.
2811. Q. Now, pass on to any other suggestion you have? A. One thing that I do not believe in is drawing brattice out of headings that have been driven 70 or 80 yards distance without cut-throughs.
2812. Q. How far apart do you think the cut-throughs should be as a maximum? A. They did at one time use to be 30 yards.
2813. Q. In which mine do you mean? A. In Mount Kembla.
2814. Q. Do you mean all 30 yards? A. Of late years they have been driven as high as 90 with brattice.
2815. Q. And you think that is?—A. I think that is too far.
2816. Q. You think that is too far from a ventilating point of view? A. Yes. I might say that there was a heading there —[*Interrupted.*]
2817. Q. Do you know anything about the defects of the roof—I mean the weight over that part of the mine where these long pillars are put? A. The weight?
2818. Q. Yes. Have you considered that at all? A. No. I have never considered that.
2819. Q. You know of course that the heavier the weight you have over any part of the mine the greater the pillars, or the more frequent? A. They should be.
2820. Q. But you have not considered that at all in expressing the opinion that they should never be more than 30 yards apart? A. They are not 30 yards apart as a rule.
2821. Q. But you put that down as a maximum? A. That is a maximum distance.
2822. Q. Have you read at all upon mining? A. Not much.
2823. Q. Are you aware that in many English mines the pillars are 70 yards square? A. I never heard tell of one. I have known them to be 50.
2824. Q. Fifty yards square? A. Yes; but to be carried up by brattice all the way.
2825. Q. Did the brattice answer? A. The brattice answered; yes.
2826. Q. Well, you have just considered it from a ventilating point of view, without respect to other considerations? A. That is it.
2827. Q. Are there any other officials in the mine who, you think, ought to have certificates, who do not have certificates at present? A. Well —[*Interrupted.*]
2828. Q. You said deputies, did you? A. Yes.
- 2828½. Q. Deputies and shot-firers? A. Yes.
2829. Q. Now, about safety lamps: have you formed any opinion about those as regards the Mount Kembla Mine? You said that all you have seen of gas was not dangerous. Now, does that lead you to the opinion that safety lamps ought to be used in that mine for getting coal? A. I quite believe that safety lamps should be used in the mine.
2830. Q. And no naked lights? A. No naked lights,—in any mine for that matter.
2831. Q. Now, are there any other suggestions that you want to make in regard to the management of the mine—those that have occurred to yourself—I do not want things that have occurred to other people that you merely endorse because they have been proposed; but anything that occurs to you as the result of your own experience? A. I should suggest that the Manager go through a first-class examination, a thorough examination.
2832. Q. Which Manager? A. The head Manager.
2833. Q. Of which mine? A. Of any mine.
2834. Q. They do, do they not? A. They do now; but they have not all done so.
2835. Q. But you are not referring to any particular Manager? A. No.
2836. Q. You know, of course, that, when the examination system was introduced, certain Managers who had been Managers for many years were allowed to continue in that capacity by reason of their great practical experience? A. Quite so.
2837. Q. But you do not approve of that? A. No. I do not altogether approve of it.
2838. Q. You think that although they have been Managers for ten years or twenty years they should be subjected to examination? A. Yes. I think they have had time to qualify themselves a little.
2839. Q. That is about all you want to suggest? A. That is all, I think.
2840. *His Honor.*] This witness went into the mine on the 9th August.
2841. *Mr. Bruce Smith.*] Q. You went into the mine after the explosion—how long after? A. About eight or nine days.
2842. Q. You went in with a party in order to report, did you not? A. Yes.
2843. Q. Did you take any notes of what you saw? A. No. I take it from memory.
2844. Q. Have you a good memory? A. Pretty fair.
2845. Q. Now, tell me how long you were in; about five hours, I think? A. It might be a little more. I would not be sure.
2846. Q. Did you go in again after that? A. I have been working in since, but not in that part.
2847. Q. From all you saw did you form any conclusion as to, first, where the seat of this explosion was? A. I came to the opinion that there had been an explosion round about where the Aitkens were working.
2848. Q. That is the conclusion you came to? A. One conclusion, yes.
2849. Q. That is as to the locality? A. Yes.
2850. Q. Did you form any opinion from what you saw as to the cause? A. Well, I took it to be gas.
2851. Q. Did you form an opinion; and when I say, did you form an opinion, I mean also had you reasons for forming that opinion? A. My reasons for forming that opinion were these —[*Interrupted.*]
2852. Q. You formed the opinion that it was about Aitken's place, and that it was caused by gas? A. Yes.
2853. Q. Take the locality first—why did you come to that conclusion about Aitken's place? A. Because the men had got no chance to get away from where they were found; Aitken and son, and Annesley and his mate; Tost and his mate, and Purcell.
2854. Q. You formed the opinion from what you saw of their position that they had not had a chance to get out of the mine? A. That they had not shifted.
2855. Q. In your opinion they were found just where they were working? A. Further than that, I went by the timber that was charred and burnt—the inside of the goaf in Aitken's place.
2856. Q. Do you understand a map? Look at this. This is No. 1 Right; and Aitken was working up here [*indicating the position of Aitken's working place*]. Where did you see this charred wood that leads you to this conclusion? A. Somewhere in here. 2857.

2857. *Q.* About the first cut-through before you came to their place? *A.* Yes, on the low side.
2858. *Q.* What do you call the low side? *A.* On the left-hand side of the tunnel.
2859. *Q.* That is the west side? *A.* Yes.
2860. *Q.* On the west side of where the Aitkens were working? *A.* Yes.
2861. *Q.* You say the burning was on that side of the posts? *A.* No. I saw the burning was on the side of the posts next to the goaf.
2862. *Q.* But on the west side? *A.* On the west side of their working place.
2863. *Q.* Was the goaf on the west side of where they were working? *A.* No. The goaf was this way.
2864. *Q.* Did you notice many posts burnt in that way? *A.* Yes, about ten or fourteen.
2865. *Q.* And all burnt uniformly on that side? *A.* Yes.
2866. *Q.* And not on the other? *A.* Yes.
2867. *Q.* Burnt on the side on which they were working? *A.* No.
2868. *Q.* They were burnt on the side next to the waste? *A.* Yes.
2869. *His Honor.*] *Q.* Which waste?
2870. *Mr. Bruce Smith.*] Seventeen perches.
2871. *Q.* Which side of the goaf;—on that side or this side? *A.* On that side, where they were working.
2872. *Mr. Bruce Smith.*] At all events, I think your Honor may take this from him, that the charring of these posts was on the side nearest the goaf.
2873. *Q.* Is that so? *A.* Yes.
2874. *Q.* Does that lead you to any conclusion as to what part the goaf itself played in this matter? *A.* I came to this conclusion, from the coal where these men were working, that they must have been only working there about half a day on that coal; that they had drawn their timber the day previous from the back of this stook and it had fallen in, and had driven the gas out; and that the gas was lit at their lights.
2875. And you really think it was lighted at their naked lights as they worked? *A.* Yes.
2876. *Q.* Another instance you said was that you found these men lying just where they had worked? *A.* Yes.
2877. *Q.* They had not got away at all; and it had been very sudden? *A.* Yes.
2878. *Q.* That is as to the locality;—now, why do you form the opinion that it was gas? *A.* Because these men were burnt, and the timber was charred.
2879. *Q.* That is burning; and the burning must have been from some inflammable —? *A.* Substance.
2880. *Q.* Did you notice at all in your visit the direction in which the forces had gone? *A.* There was one thing in particular at the bottom of this waste that struck my attention: that was two skips—the way in which they were driven.
2881. *Q.* How were they driven? *A.* They were driven more on their side.
2882. *Q.* Were they driven north, south, east, or west;—were they driven away from the goaf? *A.* Opposite the goaf. They were driven more on their side.
2883. *Q.* Opposite the end of the goaf? *A.* Yes. They were driven sideways instead of being driven endway.
2884. *Q.* They were turned over on their side away from the goaf;—suppose that bench is the goaf, then they were thrown out here [*indicating a direction at right-angles to the bench*]? *A.* Yes, that is right.
2885. *Q.* Was that the only sign of force that you noticed particularly? *A.* About that particular place.
2886. *Q.* Did you not notice it in other places? *A.* I noticed it from the 4th Right outwards, that the force had all been driven out of the tunnel mouth.
2887. *Q.* Without telling me exactly what things you saw, did you see indications of force going in more ways than one? *A.* Yes.
2888. *Q.* In how many directions? *A.* Oh, in three or four directions. That is outward from No. 4 Right.
2889. *Q.* Are there any other conclusions you came to except those as to where it took place, and the cause of its taking place? *A.* I came to the conclusion that it took place at Aitken's and travelled down the main tunnel (No. 1 Right), until it got to the 4th Right; and then met the full accumulation of gas; and then travelled outwards to the main tunnel.
2890. *Q.* What do you call the main tunnel—the No. 1 Right? *A.* I call it the main tunnel right out to the surface.
2891. *Q.* That is No. 1 Right? *A.* Yes, No. 1 Right.
2892. You think that this explosion met an accumulation of gas? *A.* Yes.
2893. The first explosion met an accumulation of gas? *A.* I think it was lighted in the first place at Aitken's; travelled from Aitken's down the main road—[*Interrupted.*]
2894. *Q.* How did it get to the main road: because it is a long way off? *A.* Yes, quite so.
2895. You think it went down to the No. 1 Right? *A.* Yes.
2896. *Q.* And then down the No. 1 Right itself? *A.* I think it got lit in the first place at Aitken's and came down from that place to the main tunnel.
2897. *Q.* That is No. 1 Right? *A.* Yes, as far as the 4th Right: and it met the whole accumulation of gas there that had come out of the 4th Right workings. Of course in my opinion there was lots of gas in the 4th Right workings.
2898. *Q.* What reason have you for thinking that there was an accumulation of gas in the 4th Right? *A.* Because there have been thousands of tons of coal buried there.
2899. *Q.* In that waste? *A.* In that 35-acre waste workings.
2900. *Q.* Is that your only reason? *A.* My reason is that there has been too much coal left there in that waste working.
2901. *His Honor.*] *Q.* Coal that had been hewn? *A.* Coal that had been accidentally buried through falls and had been allowed to remain there.
2902. *Mr. Bruce Smith.*] *Q.* In your time? *A.* Yes.
2903. *Q.* To what extent had coal been buried there? *A.* I have seen the pillars buried.
2904. *Q.* Through falls all round them? *A.* Through neglect; by bad falls all round them.
2905. *Q.* The falls never being cleared away to get the coal out? *A.* That is true.
2906. *Q.* You say the roof fell all round the pillar in some cases through neglect; neglect of what kind? *A.* Well, through saving a little expense.

Witness—J. Silcock, 13 January, 1903.

2907. *Q.* A little expense would have kept the roof up and have enabled them to get these pillars out?
A. Yes.
2908. *Q.* Was there any other reason for supposing that it met with a quantity of gas when it got to No. 4 Right?
A. I took this reason, that, going in the main tunnel, everything was knocked out from the 4th Right: there was a terrible amount of destruction till we came to the 4th Right. When we came to the 4th Right, there was no obstruction further in.
2909. *Q.* Further in or further out?
A. In towards the workings. All the obstruction took place from the 4th Right outside.
2910. *Q.* Here is Aitken's [*indicating the position of Aitken's working place on the map*], and you believe the explosion came out here to No. 1 and then went down to No. 4 Right?—Which do you call the No. 4 Right—down here?
A. Somewhere about here—that is more like it (*indicating No. 4 Right on the Plan*).
2911. *Q.* And you think the explosion came down the main tunnel until it reached No. 4 Right?
A. Yes.
2912. *Q.* What happened then?
A. It ended here, and then came out and down the main tunnel.
2913. *Q.* You think it ended there (No. 4 Right) and lighted the gas on the goaf (the 35-acre goaf), and then what did it do?
A. Came out of the main tunnel and right out of the pit—right out at the mouth.
2914. *Q.* Why do you think that the indications you saw of the force going down the main tunnel were not merely a continuation of the force coming down there (from Aitken's working place)? Why do you suppose it took a turn here and then came out again?
A. Well, because gas is a thing that will spread in all directions.
2915. *Q.* Admitting that, how do you explain to the Commission that the forces which you saw coming down here (from Aitken's working place, through No. 1 Right to No. 4 Right) and going down here (down No. 1 Right from No. 4 Right to mouth of main tunnel) were not simply one continuous force?
A. Because the force from this direction down here (in No. 1 Right, between No. 4 Right and the direction of Aitken's working place) was not as great as that down here (in No. 1 Right, between No. 4 Right and mouth of main tunnel).
2916. *Q.* Then you say that the damage done from the point of No. 1 Right opposite the goaf (the 17-perches goaf) down to No. 4 Right was not as great as from No. 4 Right out?
A. Yes; not by half.
2917. *Q.* And that leads you to the conclusion that it must have entered the goaf (the 35-acre goaf) and come out again with renewed and increased force?
A. That is it.
2918. *Q.* Why do you say the indications were greater down to the No. 4 Right than beyond No. 4 Right?
A. I say the forces were less down to the Fourth Right than they were from the Fourth Right out.
2919. *Q.* Why do you say that?
A. On account of this waste working.
2920. *Q.* That is the cause of it; but what led you to suppose it was a greater force out than in?
A. By the destruction that was done.
2921. *Q.* You saw more indications of destruction?
A. Yes.
2922. *Q.* You mean heavier weights moved, and all that sort of thing?
A. Yes; and more falls, and so on.
2923. *Q.* Are there any other conclusions you drew from your visit that would be of value, do you think?
A. Another reason that made me come to the conclusion that it would be gas round Aitken's place is this: that the air travelling in the main tunnel was not diverted into the proper channel: that was, that there was not a door on top of the 3rd Left rope road, where there should have been one.
2924. *Q.* You will have to locate that, I am afraid, otherwise it will not convey anything. [*The Witness explained his evidence by the Plan.*]
2925. *Q.* Now, your evidence is this, that as the air was going up No. 1 Right—which you call the main tunnel—instead of going on past No. 3 Left it went into No. 3 Left for want of doors; and in that way the air, instead of going round by Aitken's place —
A. Would travel round towards the furnaces?
2926. *Q.* Did you ever observe that there were no doors on No. 3 Left before the accident?
A. Yes; I observed that there were none.
2927. *Mr. Wade.* *Q.* Did you say "had observed"?
A. Yes; I had observed, because I had worked down there before.
2928. *Mr. Robertson.* *Q.* Do you know the Third Left?
A. It is the furthest rope road into the left.
2929. *Mr. Robertson.* It is not a rope road at all.
2930. *Mr. Bruce Smith.* *Q.* That is not what you mean? This is the rope road here (*pointing it out on the Plan*)?
A. I made a mistake; that is the one I mean, the Fourth Left.
2931. *Mr. Bruce Smith.* He alters his evidence, your Honor, this way: Instead of No. 3 Left he says it is the rope road, No. 4 Left: he says there is no door there, and there should have been one door or two doors, and that the want of them allowed the air to run straight down towards the furnace.
2932. *Witness.* Yes.
2933. *Mr. Bruce Smith.* *Q.* In addition to observing this, had you ever complained of it?
A. No; I never complained of it.
2934. *Q.* Did you ever communicate your observations to anybody else?
A. No.
2935. *Q.* Had you ever worked in any place which was affected by the want of a door there?
A. I cannot say that I have. I was only down there one quarter.
2936. *Q.* Where were you?—Near Aitken's place?
A. No; it was in Nees and Stafford's place.
2937. *Q.* Did you look at that place where you say the door should have been after the accident?
A. Yes.
2938. *Q.* Did you see any signs of a door that had been blown away there?
A. Not in the rope road—I did not.
2939. *Q.* I mean in the rope road?
A. No.
2940. *Q.* And I understand you to say there never had been one?
A. Not to my knowledge.
2941. *Q.* When had you ever worked in that part of the mine—How long before?
A. I was down that section the cavil before.
2942. *Q.* Did you go that way in?
A. Sometimes I used to go down the rope road, and sometimes down the back heading.
2943. *Q.* You used to go in No. 1 Right, and down that rope road?
A. Yes, sometimes; and sometimes down the travelling road.
2944. *Q.* The travelling road going parallel with that road?
A. Yes.
2945. *Q.* Can you say of your own knowledge that there was insufficient air going into those places where Aitken was?
A. No, I cannot say that.

2946. *Q.* It is a conjecture of yours, from your knowing or your believing that there was no door there?
A. No. I could feel a greater volume of air travelling down there than you could in the main tunnel—the amount travelling backwards and forwards.

2946½. *Q.* Do you know anything about coal-dust at all—about its inflammable nature or anything of that sort? *A.* No.

Cross-examination by Mr. Wade:—

2947. *Q.* You were subpoenaed to come here? *A.* Yes.

2948. *Q.* Do you know how your name was first mentioned;—did you offer to give evidence to anybody?
A. Yes.

2949. *Q.* To whom did you offer? *A.* The Secretary.

2950. *Q.* When was that? *A.* Probably a week ago.

2951. *Q.* Did you believe that you had information that would be useful to the Court when you volunteered to give evidence? *A.* Yes.

[*His Honor* suggested that it would be better for Mr. Lysaght to examine the witness before Mr. Wade cross-examined.]

Cross-examination by Mr. Lysaght:—

2952. *Q.* You said something about there being no bratticing carried into the pillars;—what pillars did you refer to? *A.* I referred to all the pillars.

2953. *Q.* If the bratticing was not carried there, how were those pillars ventilated? *A.* By cut-throughs.

2954. *Q.* Was not that superior to the bratticing? *A.* I should not think so, for this reason: that bratticing has been put in since this disaster, into the pillars.

2955. *Q.* You mean in addition to the cut-throughs? *A.* Certainly.

2956. *Q.* How far would not be bratticed;—how far from the face was not bratticed? *A.* What? the pillars?

2957. *Q.* Yes? *A.* There was never any brattice at all.

2958. *Q.* How far would the men be working from a cut-through without any brattice? *A.* About 20 yards.

2959. *Q.* How was the air carried up to these men? *A.* It had to travel over the falls the best way it could.

2960. *Q.* I understand that no provision was made to carry the air 20 yards to the face? *A.* Only by cut-throughs.

2961. *Q.* I mean, where there were cut-throughs, and the face had been driven 20 yards up, was no provision made to carry the air up to the men working in that place? *A.* Not in a pillar.

2962. *Q.* Was that the case where you were working in Nees' and Stafford's place? *A.* No; that was a heading.

2963. *Q.* Was it the case in the pillars in this No. 1 Right where Aitken and son were? *A.* No; their pillar was nearly finished.

2964. *Q.* Do you know of any pillars in that vicinity where that was the case? *A.* Well, there was Annesley—the only case that I know of.

2965. *Q.* Any others? *A.* I do not remember any others. We do not go in any pillars there.

2966. *Q.* Do I understand this: that the air coming along would pass through a cut-through, and the men might be 20 yards away up at the face without any air, no bratticing having been put to carry it away?

2967. [*Mr. Wade* objected to the form of the question. He considered it should be put separately in sections.]

2968. *Mr. Lysaght.* *Q.* Do I understand that with the exception of cut-throughs there were no means of carrying the air to the working place? *A.* Yes, in pillars.

2969. *Q.* Then would it happen that those men would be without air in those working places in pillars?
A. Only what was provided by the cut-throughs.

2970. *Q.* If men were working 20 yards from a cut-through, what means had they of getting fresh air?
A. They had no means. They had no brattice.

2971. *Q.* They had no means at all? *A.* That is right.

2972. *Q.* When you complained to Evans of the deficiency of air, what did he say? *A.* Just shuffled it off.

2973. *Q.* What did he say? *A.* I could not remember what he said. I could not remember the exact words.

2974. *Q.* Give us the substance of them? *A.* He might say, "You are too soft for this country," or anything like that, or push it off in a by-way. I could not tell the exact words.

2975. *Q.* Did he do anything to improve the ventilation? *A.* No.

2976. *Q.* Did he treat the complaint with contempt? *A.* More of that description.

2977. *Mr. Wade.* Do not lead the witness.

2978. *Mr. Lysaght.* I am cross-examining.

2979. *His Honor.* It is not supposed to be cross-examination.

2980. *Mr. Lysaght.* *Q.* When you say the pit was undermanned, as far as deputies are concerned, what do you suggest as a remedy? *A.* I suggest more deputies.

2981. *Q.* What for;—the day or the night? *A.* Both day and night.

2982. *Q.* Do you know of your own knowledge where any deputy has neglected any duty through want of time? *A.* I have had occasion to be on night work. I have known deputies not to examine the places in accordance with the Act.

2983. *Q.* What deputy? *A.* Dungey, the night deputy.

2984. *Q.* How long ago? *A.* Probably two years or more ago. It might be two years ago.

2985. *Q.* How often? *A.* Oh, on several occasions.

2986. *Q.* In what parts of the mine? *A.* In No. 1 District.

2987. *Q.* What do you mean when you say he did not examine in accordance with the Act? *A.* He did not examine twice in the one night.

2988. *Q.* Did he examine the places within three hours of the men starting work? *A.* No; not all the places.

2989. *Q.* About how many places in the No. 1 Right were not examined by him within three hours of the men starting work? *A.* Sometimes they would vary. Sometimes there would be a dozen, sometimes more.

2990. *Q.* In what? *A.* In a night.

2991.

Witness—J. Silecock, 13 January, 1903.

2991. *Q.* At that time what was your duty? *A.* I was lifting stone for the contractor, in place of other men like.
2992. *Q.* At night-time? *A.* At night-time.
2993. *Q.* Do you know of any other deputies besides Dungey not properly examining? *A.* McMurray; down in the shaft district.
2994. *Q.* When? *A.* Oh, about the same time.
2995. *Q.* What do you say about him? *A.* About ten or twelve places only used to be examined once throughout the night shift.
2996. *Q.* Were they examined within three hours of the men starting work? *A.* No. They were examined at about 10 o'clock at night. There would be so many marked up for the night men to go in and lift stone: they would put the numbers on the board. The night deputy used to go in with the night shift men at 9 o'clock, to get those men to work. He used to go in to these places first to let these men get to work to lift the stone up. He would, perhaps, go into No. 12, the first number on the board, and he would pass that. Then he would go on to No. 50. He would pass lots of places to get on to these, on purpose, to oblige the night-shift men. These places would not be examined again until the following night.
2997. *Q.* By him? *A.* By him.
2998. *Q.* Do you know whether they (Dungey and McMurray) marked these working places as safe at that time? *A.* Yes.
2999. *Q.* Did you ever say anything to Dungey or McMurray concerning that? *A.* No; I did not. It would be more than my position was worth.
3000. *Q.* You did not report gas when you found it? *A.* No.
3001. *Q.* Do you know whether other persons did report gas in your presence? *A.* No. I could not say that I do.
3002. *A.* Have you ever known the air to become reversed in Kembla? *A.* Yes.
3003. *Q.* How often? *A.* Well, two or three times.
3004. *A.* When was the last occasion? *A.* Of course, I cannot give you the date exactly. I used to notice this on a Sunday night more especially than any other time. I daresay it would be between two and three years ago that I noticed it particularly.
3005. *Q.* Do you know what the cause was? *A.* I put that down to be through letting the furnace run down.
3006. *Q.* Have you noticed that reversal of the air at any time when the pit was working? *A.* No; I cannot say that I did.
3007. *Q.* How often, say in one year, have you noticed that reversal of the air? *A.* Well, the job that I was on was more an obliging job, the stone-lifting work. I used to go and do it to oblige the contractor when he was a man short.
3008. *Q.* Did you not get paid for it? *A.* Certainly.
3009. *Q.* How often in one year did you observe this air being reversed? *A.* Probably two or three times on Sunday night.
3010. *Q.* In a year? *A.* Yes.
3011. *Q.* And that was two years ago, I think you said? *A.* Yes, two years, or a little more.
3012. *Q.* When you say it was more than your job was worth to mention these omissions, do you know of any occasion when any official has objected to a report being made to him? *A.* Any official has objected to it?
3013. *Q.* Yes. Do you know a man who has reported and been snubbed, or anything like that? *A.* I cannot say that I do: but I know for a fact that colliery officials do not like a miner—a man who is underneath them—to report anything to them as a rule: because they think they (the miners) are making themselves know as much as they (the officials) know. The officials do not like a man to know as much as they know. It is not all sweetmeat—a miner's life.
3014. *Q.* Have you seen the safety-lamps used to fire the shots since the disaster in Kembla? *A.* I saw these little Davy lamps used.
3015. *Q.* Who used them? *A.* James Peace.
3016. *Q.* What was he? *A.* A shot-firer.
3017. *Q.* But how did he ignite the fuse? *A.* He had a bit of wire.
3018. *Q.* Oh, well, I do not want to deal with him. Do you know of any occasion when a lamp has been opened to light the fuse? *A.* No, I will not say that.
3019. *Q.* When you were inspecting after the disaster, did you go inside that little goaf—that 17 perches goaf? *A.* We went as far as we could get.
3020. *Q.* Did you discover any gas there? *A.* No. We discovered gas in Tost's bord.
3021. *Q.* You did not tell us anything about that? *A.* No, because I was not asked.
3022. *Q.* But did not Mr. Smith ask you if you had anything else to say? *A.* It is quite possible; and I might not think about that.
3023. *Q.* Where did you discover gas on this inspection? *A.* It was in Tommy Tost's bord—Tost and Bunn's bord.
3024. *Q.* Who discovered it? *A.* Mr. May discovered it first.
3025. *Q.* What sort of lamp had he? *A.* A hydrogen lamp.
3026. *Q.* Do you know what the proportion was? *A.* About a quarter per cent. I know this, that Mr. Ritchie tried afterwards with a safety-lamp, and he could not discover it.
3027. *Q.* Do you know whether the hydrogen lamp was tried in that small goaf? *A.* I could not say that.
3028. *Q.* Speaking of the cut-throughs. In your opinion, would cut-throughs 30 yards apart make the roof in any way dangerous? *A.* I do not mean the width of the cut-throughs to be 30 yards.
3029. *Q.* If cut-throughs are driven over 30 yards, will that weaken the roof in any way, in your opinion as a practical miner? *A.* No, it will not, provided the cut-throughs are put through narrow.
3030. *Q.* And what size would you recommend? *A.* I would say about 9 feet; 9 feet is plenty wide enough.
3031. *Q.* Were you in the mine the day of the disaster? *A.* Yes.
3032. *Q.* Where were you working? *A.* In the shaft section, No. 12.
3033. *Q.* Do you know anything about the supply of safety-lamps that were at the mine? *A.* Yes.
3034. *Q.* What was the supply? *A.* Well, there were no lamps at all.
3035. *Mr. Wade.* *Q.* No safety-lamp? *A.* No safety-lamps to be had.

3036. *Mr. Lysaght.*] *Q.* What was your own experience? *A.* My experience was this: that when the accident took place I was working along with my mate in the shaft section. I was on the 7 o'clock shift, from 7 o'clock till 3; and that is how I escaped.
3037. *Q.* You did escape? *A.* Yes. I was working, and the only intimation I had was a ringing in the ears; but, being subject to that, I did not notice it.
3038. *Q.* When you escaped, what did you do;—where did you go to? *A.* I came out to the flat. There were about twenty men lying at the flat. After being at the flat, trying to ring up on the telephone, I and two more came up the travelling road as far as the No. 2; and there we came across a big fall, and met Johnny Morrison with a safety-lamp, and he directed us out of the mine.
3039. *Q.* When you got out, did you look for any safety-lamps? *A.* I did not look for any safety-lamps there and then.
3040. *Q.* How do you know there were no safety-lamps there? *A.* I know there were safety-lamps on the premises, but not in order.
3041. *Q.* How do you know? *A.* Because I have seen them in the workshops.
3042. *Q.* How many have you seen not in order? *A.* Oh, they were not in order.
3043. *Q.* Did you examine them? *A.* No; but I can tell you this, that men were using lamps with rags: and they were continually coming out of the tunnel mouth to light, because they could not get the lamps to burn.
3044. *Q.* That was after the disaster? *A.* Yes. The rescuers were continually coming out of the mouth because they could not get their lamps to burn.
3045. *Q.* You say they were burning rags—why? *A.* There was not a proper lamp wick to trim the lamps with.
3046. *Q.* You saw that yourself? *A.* Yes.
3047. *Q.* Had there been a proper and adequate supply of safety-lamps, would a number of men have been saved? *A.* Undoubtedly. I believe all the men lying on that flat could have been saved.
3048. *Q.* Then would you approve of a recommendation that an extra supply of safety-lamps and their requisites, equal to one-third of the number of persons employed below ground, be kept constantly in good order and ready for use at each colliery (Recommendation No. 12)? *A.* Undoubtedly. I always thought that was so.
3049. *Q.* You might tell me, in your experience of Kembla, how often have you seen Mr. Rogers in your working place? *A.* I do not suppose I have seen Mr. Rogers inside that mine above five times in five years.
3050. *Q.* Do you approve of a recommendation that Managers be compelled to give more personal time and attention to the management of their collieries (Recommendation No. 14)? *A.* I do.
3051. *Q.* You might tell me whether you knew each means of escape from the Kembla Mine? *A.* No. Only one.
3052. *Q.* Did you know your way out when Morrison met you—or had you to ask your way out? *A.* I knew where I was when I left Morrison.
3053. *Q.* But up to that time did you know where you were? *A.* Up to that time I knew I was in the travelling way.
3054. *Q.* Did you know that way out? *A.* Yes. That is the way in.
3055. *Q.* Is that the only way you knew out? *A.* That is the only way that I knew.
3056. *Q.* In your opinion, should the miners be instructed on all the means of escape (Recommendation No. 18)? *A.* Yes, certainly.
3057. *Q.* By whom? *A.* By the colliery Manager, or by the officials, whoever they are.
3058. *Q.* Now, speaking of this reason for not reporting and not pointing things out to the deputies, in your opinion, should there be an Act or a clause in the Coal-mines Act to prevent a black list being kept at a colliery? *A.* I am quite in accord with that (Recommendation No. 19).
3059. *Q.* Do you know of any case where a person has been discharged, and prevented from getting employment at another colliery? *A.* Yes.
3060. *Q.* You might tell us that? *A.* John Heron's case.
3061. *Q.* Where was he working? *A.* At Mount Kembla.
3062. *Q.* When? *A.* Up to scarcely twelve months' ago—three or four months before the disaster.
3063. *Q.* Do you know who discharged him? *A.* He was not actually discharged. He was working on the stone; and he asked Mr. Rogers for a job on the coal.
3064. *Mr. Wade.*] *Q.* Were you present at the time;—did you hear this? *A.* I know it of my own knowledge.
3065. *Q.* Were you there at the time? *A.* Yes, I was in Mount Kembla at the time.
3066. *Q.* Were you present when he spoke to Mr. Rogers? *A.* No.
3067. *Mr. Wade.*] I object to this evidence.
3068. *Mr. Lysaght.*] *Q.* Never mind what he said to Mr. Rogers. Do you know that he left Mount Kembla Colliery? *A.* Yes.
3069. *Q.* Do you know if he got employment at any other colliery?
3070. *Mr. Wade.*] I object.
3071. *Mr. Lysaght.*] *Q.* Did he get employment at another colliery? *A.* Not for a considerable time. He is not working at a colliery now.
3072. *Q.* Do you know whether he was discharged from the colliery where he got employment?
3073. *Mr. Wade.*] All he can say is that Heron left.
3074. *Witness.*] I could not say whether he got discharged, or whether he left.
3075. *Mr. Lysaght.*] *Q.* Do you know whether any steps were taken to prevent him getting employment?
3076. *Mr. Wade.*] I object to this.
3077. *Mr. Lysaght.*] If he knows of his own knowledge of anything that was done or said —
3078. *His Honor.*] It seems to be almost impossible that the witness could know.
3079. *Mr. Lysaght.*] I have no information from him. I thought, perhaps, he might have been present at some particular interview.

(At 1 p.m. the Commission adjourned until 2 p.m.)

AFTERNOON.

(On resuming after lunch, Mr. W. R. Pratt attended to take shorthand notes of the evidence and proceedings)

JAMES SILCOCK, previously sworn, was further examined as under:—

3081. *Mr. Lysaght.*] Q. How were the stoppings bricked off in Kembla? A. I have never seen any bricked off.
 3082. Q. How were they stopped? A. With dirt.
 3083. Q. Anything else? A. Nothing else. Packed up with stones and dirt.
 3084. Q. Have you observed any stoppings so packed up, whether they have given way? A. Yes, they will sink in time.
 3085. Q. Was anything done to remedy that? A. Not that I am aware of. There was never any quantity of shift men employed to do anything.
 3086. Q. Can you give me any idea whether the leakage of air was considerable through that? A. The air would naturally escape. I cannot give any idea how much it would be.
 3087. Q. You said something about a heading having the brattice withdrawn? A. I mean there was in the next heading to me where Peace and Stafford worked. It was withdrawn to a distance of from 70 to 90 yards—it drifted up that distance; and the brattice was taken out; and cut-throughs were made afterwards.
 3088. Q. After the brattice was taken out, how long was it before the cut-throughs were put in? A. Some considerable time. The first one would take a month.
 3089. Q. In the meantime what provision was made to ventilate that heading? A. None.
 3090. Q. Do you know whether any gas or anything noxious accumulated there? A. I cannot say. That would be a most likely place for gas to accumulate. There would be no air to drive it out.
 3091. Q. How long was it left for any gas to accumulate in? A. Three months to my knowledge.
 3092. Q. Do I understand you to say that there were not sufficient deputies and not sufficient shift-men employed to do the work? A. That is true.
 3093. Q. Can you give me any instances where work was urgently required and there were no men to do it? A. There were plenty of cases where miners had to do their own work.
 3094. Q. Did any accidents result from there not being men enough to do it? A. I cannot say.

Cross-examined by Mr. Wade.

3095. Q. Do you say that the Company stinted the number of shift-men to save the expense? A. Yes, I do.
 3096. Q. Do you suggest that the Company worked this No. 4 Right so as to bury coal to save expense? A. I will go as far as that.
 3097. Q. Will you say this, that, through the Company being stingy with money, the Company endangered the lives of the miners? A. Yes, I say that.
 3098. Q. You knew of this business before the disaster, did you not? A. Yes, I knew of it.
 3099. Q. You did not come to the inquest to give evidence? A. No, I was not asked.
 3100. Q. You did not offer? A. No.
 3101. Q. You were about the Court? A. I was here one day.
 3102. Q. During the inquest? A. During the inquest.
 3103. Q. Since the inquest, you have been discharged? A. No, I will not say that.
 3104. Q. Will you say that you have not? A. It is as good. I have not been discharged. I will give you an explanation. You have asked for it; and you shall get it.
 3105. *His Honor.*] You can say anything you like afterwards by way of explanation.
 3106. *Mr. Wade.*] Q. Did you leave of your own accord? A. I saw that the time had come when I would have to go.
 3107. Q. There were some strained relations between you and the Manager? A. Not up to then.
 3108. Q. Were there before you left? A. Not that I am aware of.
 3109. Q. You say that you took it that you were as good as dismissed—now explain? A. We commenced work in a cavel. I cavilled a pillar, and that pillar would only last a few weeks. It was understood that when a man cavilled a pillar only to last a few weeks that there was a place appointed for him when he had finished. He knew this before the cavils were drawn—he knew the place where he had to go to when he had finished that particular work. In this case of mine it was not so. I was not aware of where I had to go at all. I could never get to know until my place was finished. When it was finished Mr. Rogers, or the under-manager, put me in one of the worst places in the pit.
 3110. Q. Do you think that it was intentional? A. I am sure of it.
 3111. Q. On whose part was it intentional—the Manager or the under-manager? A. Both combined.
 3112. Q. A combination to injure you? A. Yes; and the only reason I know of was giving evidence before the Arbitration Court.
 3113. Q. That is what you think? A. That is what I think yet.
 3114. Q. You gave evidence early in June last? A. Yes.
 3115. Q. And the explosion was the last day in July? A. Yes.
 3116. Q. And the Company opened work for the miners on what day? A. I cannot tell you.
 3117. Q. Give us the month? A. I cannot tell you.
 3118. Q. Was it early in September? A. It might be.
 3119. Q. Was it after the inquest was finished in this Court? A. I believe it was.
 3120. Q. You applied to be taken on again? A. Oh, yes; I was an old hand.
 3121. Q. They took you on? A. They could not do otherwise.
 3122. Q. Do you mean they could not refuse you? A. No; I consider that I was an old hand. I was thrown out of work through no fault of mine, and I had a right to go back.
 3123. Q. Did you ask to be taken back? A. I put my name down.
 3124. Q. They had a right to object to your name? A. I will not admit that.
 3125. Q. You think you had a right to go back whether the Company wished it or not? A. That is a right which I think I had—a just claim, as one of the unfortunates who had suffered by the disaster.
 3126. Q. Now, you were talking about the Arbitration Court;—Mr. Justice Cohen was the Judge? A. Yes.
 3127. Q. Do you remember his making some comments on your evidence? A. I do not know that I remember it.

3128. *Q.* Did you hear him say that "Silcock has given evidence in a very unsatisfactory manner"? *A.* I did not hear it. You would not take my word for it.
3129. *Q.* Do you remember that happening?
3130. *Mr. Lysaght.*] The witness has said that he does not remember.
3131. *His Honor.*] He has denied it.
3132. *Mr. Wade.*] *Q.* Now, have you discussed with anybody where you think the explosion began. *A.* No.
3133. *Q.* Have you discussed anything about grievances and danger? *A.* No; I have had no chance of discussing with anybody.
3134. *Q.* Until you came here? *A.* Until I came here.
3135. *Q.* You kept these things to yourself about the danger in the mine for all these months; and some of them for years? *A.* Yes.
3136. *Q.* When was it you left the mine? *A.* Oh, about eight weeks ago, as near as I can guess. It might be more perhaps.
3137. *Q.* Is there any living body who, you will say, has been neglectful of his work? *A.* I say Davie Evans has been neglectful of his work in not looking for gas.
3138. *Q.* Give us an instance? *A.* In not looking for gas.
3139. *Q.* Did you follow him over the pit? *A.* Certainly not.
3140. *Q.* Did you only see him in the working places? *A.* Yes.
3141. *Q.* Did you not see that the working place had been examined every morning before you went to it? *A.* Every morning—we took that for granted.
3142. *Q.* Is there not a mark on your place? *A.* Yes.
3143. *Q.* You saw gas twelve months ago? *A.* In my working place.
3144. *Q.* Over twelve months ago? *A.* Yes.
3145. *Q.* During the last twelve months, if Evans had looked for gas, he would not have found it? *A.* I would not say that.
3146. *Q.* Did you see it yourself? *A.* I saw it on this occasion.
3147. *Q.* Have you seen any sign of gas in a working place for the last twelve months? *A.* I can only name these particular times.
3148. *Q.* Have you anything else against Evans in the way of neglect of duty? *A.* I say in not searching for gas.
3149. *Q.* Anything else? *A.* In not remedying the air when it is complained about.
3150. *Q.* How often was it complained about? *A.* On several occasions.
3151. *Q.* You mentioned about the brattice being withdrawn for a distance of from 70 to 90 yards; and you say that it was a month before it was remedied? *A.* Yes; and it may be longer.
3152. *Q.* Do you say men were working there? *A.* No; it was an abandoned working.
3153. *Q.* Do you say that you were there in the heading? *A.* No; I am not sure of the district.
3154. *Q.* Were you in the place three months? *A.* I was there part of it.
3155. *Q.* You say it was an abandoned place? *A.* There were a couple of sticks put about it.
3156. *Q.* Showing that it was fenced off? *A.* Yes; that is the way at Kembla.
3157. *Q.* You know what it means, that you are not to go inside those sticks? *A.* That is true.
3158. *Q.* You know that the place is not working, and that it is against the rule for any miner to enter it? *A.* I maintain they had no right to take the brattice out.
3159. *Q.* Do you say there was no provision made for carrying the air outside the two sticks? *A.* I saw no provision.
3160. *Q.* The air had free access up to 90 yards of the place? *A.* They could not get any air into the place. It could not get up for want of brattice.
3161. *Q.* Did the ordinary air current run past the heading? *A.* Certainly.
3162. *Q.* Was it blocked off? *A.* Not to my knowledge.
3163. *Q.* Your complaint about the shift-men is that you are compelled to do work which you think the shift-men ought to do? *A.* Yes.
3164. *Q.* The work was done all the same? *A.* By the miners.
3165. *Q.* Instead of by the shift-men? *A.* Yes; but it throws the whole responsibility on the miners.
3166. *Q.* You prefer it should be done by the shift-men, and the miners be relieved of the responsibility. *A.* I believe there is too much responsibility thrown on the miners.
3167. *Q.* What is the responsibility you complain of? *A.* The responsibility of a man having to be responsible for his own working place.
3168. *Q.* You complain because a man has to examine his own working place to see that it is safe? *A.* Yes; because it takes the responsibility off the deputy and places it on the miner.
3169. *Q.* You believe in having a man there continually during the day to see that your place is safe? *A.* Just the same as in other parts of the world.
3170. *Q.* Take Kembla? *A.* I take Kembla the same as I take Yorkshire.
3171. *Q.* You say that there should be an official pretty well on the watch during the day to see that it is safe, rather than you should see it is safe for yourselves. *A.* No; I say that the day deputy has as much right to look for gas in the daytime as the night deputy has at night.
3172. *Q.* What is your complaint about the responsibility put on you? *A.* I say it is making a man act as deputy who is only a miner.
3173. *Q.* Looking for gas? *A.* Yes.
3174. *Q.* You complain of that? *A.* Yes; there ought to be officials to do the work.
3175. *Q.* And that you should be relieved of the work? *A.* To a certain extent. I think the day deputy should search for gas as well as the night one.
3176. *Q.* Do you say that the miners should not be compelled to search for gas? *A.* I say that the responsibility should not be thrown on the miner.
3177. *Q.* What about the timbering? *A.* I think they should do that, although there are parts of the world where the deputies do it.
3178. *Q.* With regard to the stoppings. Is your complaint that they were built improperly in the first instance? *A.* They always were.
3179. *Q.* How far back? *A.* Since the pit started.

Witness—J. Silcock, 13 January, 1903.

3180. Q. When they became out of order were no steps taken to remedy it? A. Not that I am aware of.
3181. Q. Anyone could see them in that state? A. Yes.
3182. Q. The Government Inspectors could see them? A. Yes.
3183. Q. Would they remedy it? A. I would not place too much reliance on them.
3184. Q. Would you suggest that the Government Inspectors, if they saw the stoppings in a dangerous state, would not take steps to remedy it? A. They might recommend it to be done; but I would not expect the Government Inspector to be more than a human being.
3185. Q. Is that what you say? A. I have been in the pit five years, and have not seen the Government Inspector once in my place.
3186. Q. You say that you saw Mr. Rogers there five times in five years, now you say that you only saw the Government Inspector there once? A. Yes.
3187. Q. Do you say they are not there more often? A. I cannot say that.
3188. Q. Could you come across these stoppings anywhere? A. Yes.
3189. Q. It would not be much trouble to find them? A. No.
3190. Q. The Government Inspector could find this stopping you complain about? A. Yes.
3191. Q. Did things go on in the same condition until the disaster—the stoppings not remedied and the place not improved? A. That is so.
3192. Q. And how long did you stop in this careless place? A. Until the quarter was up.
3193. Q. I mean in Mount Kembla? A. Five years.
3194. Q. Did you leave there during the five years? A. No. I had five years continuously.
3195. Q. I want to make this clear;—you say the deputies used to neglect their work; has that been mentioned by you to anybody? A. No.
3196. Q. You were a delegate to the Kembla Lodge? A. Yes.
3197. Q. Up to when? A. Two months ago.
3198. Q. Up to the time you left the mine? A. Yes.
3199. Q. For how many years? A. Three.
3200. Q. Was it not the duty of yourself, as a delegate, to look after matters in the mine that affected the miners? A. I do not know about the inside of the mine.
3201. Q. Will you answer "No"? A. I say no; nothing in the mine.
3202. Q. It was not your duty to look after matters inside the mine that affected the miners? A. The check-inspectors are paid for that job.
3203. Q. Was it part of your duty to point out anything in the way of danger inside the mine? A. No; I would not say that.
3204. Q. You would not say that? A. No.
3205. Q. Did you have no concern with it? A. I say that it was my duty to point out any danger to the Manager.
3206. Q. That will do. If the Manager did not attend to it, was it your duty to report the thing to the Lodge? A. Yes; I will say that.
3207. Q. What parts of the mine have you worked in;—you told us of the shaft district? A. All round it.
3208. Q. Except the 5th Right? A. I have been in the 4th Right.
3209. Q. How long ago? A. Three years or two and a half years ago.
3210. Q. Were you working on the pillars? A. Yes; on the tommy dodds.
3211. Q. Now, come to the time that you saw gas; that was twelve months or more ago;—they were both after firing shots? A. Yes.
3212. Q. Did you notice whether there were any remains of the hole to be seen in the place? A. There was nothing like that.
3213. Q. Did you see where the hole had been bored? A. I always bore my hole deeper. I hole my coal 4 feet and bore my hole 3 feet.
3214. Q. When the shot had been fired, and the coal brought down, was there any part of the shot-hole left? A. I cannot say; the coal will not fall down. It is when the coal is hanging, and there is not enough powder to get it down; it is then that you see the gas.
3215. Q. The shot goes off, and the coal has not fallen: you simply crack it, and you have a hole left in the face where the powder has been in. A. Yes.
3216. Q. That was the way you saw gas on both occasions? A. Yes.
3217. Q. You complain of want of ventilation? A. Yes.
3218. Q. But you went on working there? A. But I might not have been firing.
3219. Q. Did you have any further trouble with gas during the quarter? A. I cannot remember. A man is not always firing shots in pillars.
3220. Q. As to the brattice being allowed to throw back;—you mean it was not kept sufficiently to the face? A. Yes.
3221. Q. You have a right to ask it to be put forward? A. Yes.
3222. Q. Did you complain to the under-manager? A. Yes, I could.
3223. Q. If he did not remedy it, you could complain to the Manager? A. Yes.
3224. Q. Did you take that course? A. No; I complained to the deputy. Once I complained to the under-manager and Manager I might as well clear out of the mine.
3225. Q. What is his duty as deputy? A. I should like to say that I remember once Leitch came to me. I was working in a heading which I had to drive 6 feet. I asked Mr. Rogers how he wanted it driven. He told me. Leitch came to me and got on to me because I went over his head and went to Rogers. He said I had no right to go to Rogers—I should have come to him.
3226. Q. You missed Leitch in the matter? A. Yes; Mr. Rogers gave me a chance of speaking to him.
3227. Q. Now, in a case where you complained to a lower official, and he declined to grant your request, you have a right to appeal to the higher official? A. Yes; and what then? There are plenty of ways of punishing a man besides one in a coal-mine.
3228. Q. Now, you have spoken about pillars where there were no cut-throughs within 20 yards of the face? A. I have said that there was no brattice in the pillars.
3229. Q. Do you know of pillars where there are no cut-throughs within 20 yards of the face? A. I have seen pillars 30 yards long.
3230. Q. A distance of 30 yards to the nearest cut-through? A. Yes.

3231. *Q.* And no brattice there? *A.* No brattice.
3232. *Q.* Those are not the places you have worked in, are they? *A.* I saw one in the next place to mine.
3233. *Q.* Of those that you speak of, what has been the trouble to you? *A.* Bad air.
3234. *Q.* What do you mean? *A.* Insufficient air.
3235. *Q.* Is that all? *A.* Yes.
3236. *Q.* You mean to say that the air was not circulating freely enough? *A.* Yes.
3237. *Q.* And I suppose the place is hot? *A.* Yes.
3238. *Q.* You say the deputies used to miss examining sometimes twelve places in the mine;—have you mentioned that to anyone other than ourselves? *A.* I have not mentioned it to anyone.
3239. *Q.* You mean that under the Rules of the Act, and the Special Rules of the Colliery, the deputy has to examine all the working places, and mark them off as being safe, within three hours before the men commence to work; you say that McMurray and Dungey missed as many as twelve in the course of an examination;—can you give us the year for that—the date? *A.* Well, I can, pretty well. It is more than three years ago.
3240. *Q.* It is a common practice? *A.* Yes.
3241. *Q.* You consider it to be dangerous? *Yes.*
3242. *Q.* Did you then, when you knew of it going on? *A.* Yes, I knew they were not carrying out the rules; but it had nothing to do with me.
3243. *Q.* Do you consider it dangerous? *A.* I certainly did.
3244. *Q.* You never spoke to McMurray about it, to Leitch, or Rogers, or even to the miners? *A.* No. I might as well pack up my things and walk away.
3245. *Q.* Did you think it involved danger to yourself? *A.* Yes; but you have to put up with many things in a coal-mine.
3246. *Q.* Was the real reason that you did not report gas after the firing of the shots because you were frightened? *A.* That is a fact.
3247. *Q.* Is not this true, that you did not think it sufficient gas to be dangerous, and not worth while reporting? *A.* I thought more about myself.
3248. *Q.* Do you remember saying that you did not think it sufficient to be dangerous? *A.* Yes, that is right. If a man were to report everything he saw he would never work again in his life.
3249. *Q.* You know there is a rule that if you find inflammable gas you have to report it? *A.* I know that rule all the time.
3250. *Q.* Now, with regard to the furnace. It is three years since you found the air reversed on a Sunday night? *A.* It may be less.
3251. *Q.* Is not this a fact, that it was at one time the practice to ease the ventilation down and to bank the furnace fire? *A.* Yes.
3252. *Q.* You know that the order came out that ventilation must be kept going at the week end as well as during the week, and since then it has? *A.* No, it has not. Shortly afterwards it went on the same as before.
3253. *Q.* Give us the date? *A.* I cannot tell you the date, but it is since a minute issued by the Chief Inspector that the same thing has occurred.
3254. *Q.* How often? *A.* It has been once or twice, to my knowledge.
3255. *Q.* Did you report that? *A.* No.
3256. *Q.* Did you tell the miners about it? *A.* No; if I have to work in a coal-mine for 100 years I would report nothing.
3257. *Q.* There were a number of miners called upon to give evidence at the inquest? *A.* Yes.
3258. *Q.* Are they working at the mine still? *A.* Yes.
3259. *Q.* There were a number of men called upon for the plaintiff in the action against the Company in Sydney for neglect? *A.* I know nothing about the case.
3260. *Q.* Do you not know that Quinn was a witness? *A.* I have nothing to do with that. As to Quinn, I believe he was called; but I will not have anything to do with it.
3261. *Q.* A number of men went to give evidence for Brownlee? *A.* Yes; and some have been promoted.
3262. *Q.* Of those who were called for the plaintiff? *A.* No, of those who were called for the Company.
3263. *Q.* Do you want to suggest that the men are not qualified for the positions they have got—that they have been shoved into them? *A.* Yes.
3264. *Q.* Because they gave evidence in favour of Brownlee? *A.* I am talking about the Company's case—those who gave evidence for the Company.
3265. *Q.* You said the men promoted by the Company were not qualified for it? *A.* I say that.
3266. *Q.* Do not you say that they have given evidence on behalf of the Company? *A.* I know one, at all events.
3267. *Q.* Do you suggest that he has been promoted improperly because he gave evidence? *A.* I do not know. I had the nudge one time.
3268. *Q.* You will not say it? *I will not say it.*
3269. *Q.* You think it? *A.* I think it. I had the same nudge myself once. I could have had a good job there if I had been the same as some of them.
3270. *Q.* Do you say that they gave untruthful evidence for the Company? *A.* I have nothing to do with it.
3271. *Q.* Do you think it? *A.* I know plenty about the men. I will not have anything to do with the case.
3272. *Q.* Do you think it was a reward for giving untruthful evidence? *A.* My personal opinion is that the men who have the positions there are not qualified for them.
3273. *Q.* Do you think they have been rewarded improperly? *A.* I think so myself.
3274. *Q.* Because of untruthful evidence? *A.* Yes, it is only a personal thing.
3275. *Q.* You know rope road No. 4 Left, off No. 1? *A.* Yes.
3276. *Q.* You know No. 4 Right, off No. 1? *A.* Yes.
3277. *Q.* Did you examine the places to see where the force went? *A.* Along the travelling road.
3278. *Q.* You did not go into the rope road? *A.* No.
3279. *Q.* Where the skips are? *A.* No.
3280. *Q.* There was no sign of force in the travelling road? *A.* No.
3281. *Q.* Between No. 4 Left and No. 4 Right, you do not know what was in the main level? *A.* I have no idea what the signs were; I did not see it.

Witness—J. Silcock, 13 January, 1903.

3282. Q. You say the explosion began where this cross is on the plan near the 17-perch goaf? A. Yes.
3283. Q. Did you trace it? How did it go? A. I took it from the skips lying on the side. I traced it down the cut-throughs close to the face, out towards No. 1 main level. It came out of No. 1, opposite to Morris' cut-through.
3284. Q. Did you trace it from Aitken's to No. 1 main level? A. The things were blown about in all directions, anywhere.
3285. Q. From Aitken's place to No. 1 level, did you trace the explosion or not? A. We traced it as far as the tunnel.
3286. Q. From Aitken's place, what did you see? A. Very little damage done.
3287. Q. Did you see anything between Aitken's place and No. 1 main level? A. I saw falls, and timber blown about.
3288. Q. Where? A. Towards the tunnel.
3289. Q. Towards No. 1 main level? A. It was blown in all directions.
3290. Q. In that short space? A. There was not much damage done at all; but it was in all directions.
3291. What did you see in No. 1 main level? A. A little damage; only a horse between No. 4 Left and No. 5 Right.
3292. Q. Have you no idea how the force went? A. It simply came down towards the tunnel.
3293. Q. Which heading? A. Down the main tunnel.
3294. Q. Which heading? A. Down the main tunnel.
3295. Q. There was nothing in the back heading? A. I did not go into the back heading there.
3296. Q. You see a C marked on the plan at the 4th Left travelling road. You tell us there was no door there of any kind? A. In the rope-road.
3297. Q. How long was it to your knowledge without a door? A. Up to a month or five weeks before the disaster.
3298. Q. What happened five weeks before the disaster? A. I was working there.
3299. Q. You were not in the 4th Left again before the disaster? A. No.
3300. Q. You do not know what was done in those five weeks? A. No.
3301. Q. You say that after the explosion occurred there was no door there at all? A. No, there was not.
3302. Q. You say that you saw timber charred at Aitken's place. What do you mean? Do you mean it had the same appearance as if it had been burnt in the bush? A. It was scorched.
3303. Q. Scorched is not charred? A. It had all the appearance of having been in the flames.
3304. Q. How much of it? A. About half way down from the roof.
3305. Q. All round? A. No, on one side.
3306. Q. Do you know that the props in the Kembla Mine have come from the bush? A. Yes.
3307. Q. They may have been burnt before they came into the mine? A. Yes, but not like that.
3308. Q. This was charred from some other cause than a fire in the bush? A. Yes.
3309. Q. Anybody could see it? A. Yes.
3310. Q. Was there about 3 feet of it? A. Yes. It was only on the one side.
3311. Q. Which side? A. It was on the side facing Aitken's place—that is the waste.
3312. Q. Are those the only ones you saw? A. I did not see any more like that.
3313. Q. Do you remember which side it would be on—the side facing No. 1 level, or the other side? A. It would be on neither side. It was facing towards the waste.
3314. Q. Was that towards the face? It would be facing either No. 1 level or the opposite way—towards the face or opposite the face? A. It was on the side nearest the goaf. Nearest to the waste, opposite where the roof fell.
- 3314½. Q. The charred side of the timber was facing the level? A. No, not facing the level.
3315. Q. Was it at angles with it? A. It would be at right-angles to it.
3316. Q. Did you see any paper lying near Aitken's place—loose paper not burnt? A. No, I could not say that I did; I saw an old coat.
3317. Q. With paper in the pocket? A. It seemed to have been burnt.
3318. Q. Do you say the paper was burnt? A. The coat looked as if it had been burnt.
3319. Q. Did you look at it? A. We had not time. There were a good many people there. The inspection was too limited.
3320. Q. You say that thousands of tons of coal have been buried in the 4th Right, as the roof has fallen in? A. The roof has fallen all round.
3321. Q. Has it been jammed up tight? A. Yes. The stooks have been left in. I believe there are thousands of tons buried there.
3322. Q. Tell us what you know of pillars being buried? A. There was a pillar 16 yards long.
3323. Q. That has been buried for years? A. There are others besides.
3324. Q. You have not been there since? A. There have been men working there since I was there.
3325. Q. You say that flame went in into No. 4 Right from No. 1 level. Did you see it? A. No.
3326. Q. Did you see anything to support that theory? A. No.
3327. Q. Is it guess work? A. Yes, guess work.

Cross-examined by Mr. Lysaght:—

3328. Q. What is the name of the man you say was promoted after giving evidence in the Brownlee case? A. Livingstone. It is a shot-firer's job.
3329. Q. Do you know whether he passed an examination? A. No, he never saw gas in his life.
3330. Q. Do you know what experience he had had in mining? A. I do not think he had had any excepting at Mount Kembla.
3331. Q. How long was he working there? A. Some years.

Further cross-examined by Mr. Wade:—

3332. Q. Give us the names of the men who were improperly promoted by the Company? A. Livingstone was one.
3333. Q. Is he one who was improperly promoted? A. I do not say that. I say he got the job afterwards.

3334. Do you say he was improperly promoted—say yes or no? *A.* I say that because he had not the qualifications.

3335. *Q.* Is that the reason? *A.* That is the reason.

3336. *Q.* Do you say that it was because he gave evidence for the Company? *A.* No, I did not say that. I said that I thought so.

Cross-examined by Mr. Bruce Smith :—

3337. *Q.* What do you mean by saying that you had some nudge yourself? *A.* At the time of the Arbitration Court we went to inspect the Mount Kembla Mine; and we had a bit of trouble in getting the Court to inspect one deficient place.

3338. *Q.* What do you mean by a deficient place? *A.* An inferior working place. And we had a few words about it.

3339. *Q.* Who are “we”? *A.* Me and Mr. Nelson and Mr. Rogers. We had a few words about it.

3340. *Q.* That was the first intimation? *A.* That was when Mr. Rogers gave me the nudge. He gave me the nudge not to go to this place at all, as much as to say, you are not to go. He gave me the nudge to be quiet. That was, if I liked to be bought over I could have been.

3341. *Q.* That is your idea, or your interpretation? *A.* Yes. I took it from that that he meant something.

3342. *Q.* Did he say anything? *A.* No. But he said this; we had a few words, and he said, “If you are going to take a party to inspect the worst of the places I am going to take them to the best.” He got regularly wild over it.

3343. *Q.* Was this before he gave you the nudge? *A.* He gave me that before; but I would not take it.

3344. *Q.* What was the date of this visit? *A.* I think it was three weeks before the disaster when the Court visited the mine.

3345. *Q.* There was only one visit. *A.* Yes.

3346. *Q.* It was then that the nudge took place, and that this statement was made by Mr. Rogers—that if you showed them the worst places he would show them the best? *A.* Yes.

3347. *Q.* When did the nudge take place? *A.* On the same day.

3348. *Q.* How long was there between the nudge and the conversation? *A.* It was on the same day altogether.

3349. *Q.* That is what you mean when you say you had the nudge yourself? *A.* Yes.

3350. *Q.* What did Nelson say? *A.* Mr. Nelson on this occasion swore me down that a man had been paid £1 extra for the work.

3351. *Q.* Before Mr. Rogers? *A.* Yes. Mr. Rogers said he would make me go before the man and prove it. I got the pay ticket to prove that a man did not get it.

3352. *Q.* Did you show the tickets to Mr. Rogers? *A.* I showed the tickets to the Court.

3353. *Q.* Did this nudging question come before the Court? *A.* No.

3354. *Q.* Did this conversation, that you now state took place between Rogers, Nelson, and yourself, come before the Court? *A.* No. But the parties were all there; and Mr. Wade was there too.

3355. *Q.* Was the conversation in the presence of the members of the Arbitration Court? *A.* They were all within hearing. We were on the flat. Everybody could hear the conversation.

3356. *Q.* Anybody could hear it? *A.* Yes.

3357. *Q.* You tell the Court that Mr. Rogers said within the hearing of the members of the Arbitration Court “If you take them to the worst places I will take them to the best”? *A.* Yes.

3358. *Q.* He said that aloud and in their hearing? *A.* Yes.

3359. *Q.* He did not say anything which he wished to conceal from them? *A.* Mr. Rogers did not want them to see these two places.

3360. *Q.* You do not mean to suggest that when Mr. Rogers made this statement as to what he was going to do—that he made it behind the backs of the Court to another person? *A.* He said it in their presence. They could hear it.

3361. *Q.* Did Nelson say anything else at that time? *A.* Nelson on the following day went and got a paper signed, wrote it out, for Jacky Oakes and Riddell, that they had received a pound, when they had not.

3362. *Q.* Did you see it? *A.* They refused to do it.

3363. *Q.* That did not come to the Court? *A.* No, it did not come to the Court.

3364. *Q.* Are they about here now? *A.* They are here now. They received nothing at that particular pay.

3365. *Q.* Did Rogers say that the men had received the pound extra? *A.* Yes.

3366. *Q.* You said that pillars must have been buried amounting to thousands of tons of coal—is that an inference? *A.* I know of them myself, besides the stooks.

3367. *Q.* What was the measurement? *A.* 16 yards.

3368. *Q.* By 30 yards long? *A.* Yes.

3369. *Q.* And 2 yards high? *A.* Yes. They wanted me to get the pillar out on dangerous ground, but I refused.

Examined by Mr. Robertson :—

3370. *Q.* About your knowledge of the methods of getting coal in Yorkshire? *A.* They work there on the longwall system.

3371. *Q.* You referred to some colliery where it is necessary to leave large pillars to support the roof? *A.* It is always necessary to leave large pillars, especially near the travelling ways or rope roads or anything like that.

3372. *Q.* I suppose you know the greater the depth of the colliery the larger the size of the pillars? *A.* Yes.

3373. *Q.* I think you said that they left pillars 70 yards square? *A.* I do not think I said that.

3374. *Mr. Bruce Smith.*] I asked him if he knew their extent.

3374½. *Witness.*] I said I knew them to be 50 yards square.

3375. *Mr. Robertson.*] *Q.* I suppose they know how to work coal in Yorkshire, and how to ventilate a mine? *A.* Yes.

3376. *Q.* Was the ventilation good in that mine there? *A.* Yes.

Witness—J. Silcock, 13 January, 1903.

3377. *Q.* So that with 70 yard pillars and 70 yards of bratticing there was no difficulty in obtaining ventilation? *A.* They put up brattice where required. They are particular in Yorkshire.
3378. *Q.* But even in those places it is not necessary in all cases to have brattice, and there is no difficulty in ventilating 70 yards with brattice? *A.* Well, it is such a long time since that I have pretty well forgotten.
3379. *Q.* I think you said you had not seen Mr. Rogers more than five times in five years? *A.* Yes, in my working place.
3380. *Q.* You ask that the Managers should give more attention to their duties;—do you know anything of the duties of Managers, what they have to do? *A.* No, I am not well acquainted with their duties.
3381. *Q.* Mr. Rogers' time may be fully employed? *A.* It may.
3382. *Q.* If it is fully employed, he cannot give any more attention to the mine, can he? *A.* I think he should find time to go in there at least once a month.
3383. *Q.* You cannot say whether his time is fully employed or not? *A.* I cannot say.
3384. *Q.* It may be? *A.* It may be; but I hardly think so.
3385. *Q.* Now, you have referred to a place driven from 70 to 90 yards, and the brattice was removed, and the place remained without brattice for three months;—do you know whether any gas accumulated? *A.* I could not tell you. I would not like to go and see.
3386. *Q.* If any gas had been given off by the coal, I think there was every probability that it would have made itself felt? *A.* Yes.
3387. *Q.* Then either brattice was not required or the coal did not give off gas? (*No answer.*)
3388. *Q.* Talking of the reversal of the air, do you say it was due to the furnace being let go down? *A.* Yes. Knocking off the furnace men on the Friday night until the following Sunday night.
3389. *Q.* I understand you to say that the air might fall off through inattention to the furnace? *A.* Yes.
3390. *Q.* The same thing would apply to the fan? *A.* Yes, if it was not attended to.
3391. *Q.* They both want to be attended to? *A.* Yes.
3392. *Q.* So far as continued ventilation is concerned you are as likely to get it with a furnace as with a fan? *A.* No, I am in favour of a fan.
3393. *Q.* But if you have no attention given to it it will not work? *A.* No; but it will not require so much coal to keep the fan going. I think furnaces are out of date.
3394. *Q.* I think you said that it was the Check Inspectors duty to examine for gas;—if you knew of the existence of gas, would it not be your duty to report it to the Check Inspector? *A.* Unfortunately at Mount Kembla we have been for several years without Check Inspectors.
3395. *Q.* How is that? *A.* We can never get men of standing for that work.
3396. *Q.* Did not Mr. Wynn examine? *A.* Two or three years ago.
3397. *Q.* Has he not examined lately? *A.* I do not know, to be sure.
3398. *Q.* Is it not your own fault if the place has not been examined? You can appoint a man at any time? *A.* We have the power to appoint them from time to time; but men do not care about taking the responsibility.
3399. *Q.* What men? *A.* No man cares about taking the responsibility of Check Inspector.
3400. *Q.* Why? *A.* It requires a certain amount of ability.
3401. *Q.* Are there not men on the South Coast? *A.* I am speaking about Mount Kembla.
3402. *Q.* You are not bound to appoint them from Mount Kembla? *A.* We have them from the district.
3403. *Q.* Is not Mr. Wynn competent? *A.* I think he is a competent man.
3404. *Q.* In addition to the Check Inspectors, you can report to the Government Inspectors, can not you? *A.* You can do lots of things if you want to get the sack.
3405. *Q.* Do you think the Government Inspectors would divulge the names? *A.* I would not trust some of them. I would not trust my own brother.
3406. *Q.* You have little confidence in human nature? *A.* I have suffered enough through it; and I have good reason, to be sure.
3407. *Q.* With reference to the door in No. 4. Left. For anything you know the ventilation may have been controlled by a door elsewhere? *A.* I could not say that.
3408. *Q.* Was there a door at Stafford's Flat or Powell's Flat? *A.* I do not know that I ever saw one.
3409. *Q.* In taking out pillars I suppose you are aware that in the best regulated collieries stooks must be left to support a bad roof? *A.* A lot of the coal might be got that is not got here.
3410. *Q.* What is the Yorkshire practice? *A.* They do not leave any stooks in Yorkshire. All the coal is got even to the roof. They work on the longwall system there.
3411. *Q.* Then there are no pillars? *A.* In some parts they work with pillars too.
3412. *Q.* You say that they secure the pillars? *A.* Yes; and they get all that is to be got out of it. They have as many as fifty shift-men working at night.
3413. *Q.* You say that they get the pillars without loss? *A.* I never knew them leave coal at all.
3414. *Q.* They work it with absolutely no loss? *A.* Well, with very little loss.
3415. *Q.* What does it mean; does it not mean they leave stooks? *A.* Well, I never knew them waste coal. I am satisfied that coal in Mount Kembla is being lost carelessly.

Examined by Mr. Ritchie:—

3416. *Q.* You have been on the night-shift when the Examining Deputy has been at work? *A.* Yes.
3417. *Q.* What method did the deputies adopt? *A.* The night deputy would go in along with us. We would go as far as Adam's Flat or Mat's Flat at 9 o'clock at night. When we got there the deputy would get to know the number of places where we had to lift stone, from No. 1 to 20, and so on. He would go round to the next number; but sometimes I have seen us go into the place before the deputy had got there; and we would have to withdraw.
3418. *Q.* Have you seen them examine the face? *A.* I have seen them examine the face of the bords, but not climb on to the waste.
3419. *Q.* What did he do? *A.* He would have a small Davy lamp; and he would try both corners.
3420. *Q.* What about the waste? *A.* I have never seen a deputy, until Mr. Hotchkis came, climb up to the waste to examine for gas.
3421. *Q.* Have you been working there when they have been examining a waste? *A.* I could see them occasionally.
3422. *Q.* What would they do? *A.* They would walk up to the face, and put on it the day of the month; but they would never get on to the top of the waste.

3423. *Q.* Would they never make any effort? *A.* I never saw them make an effort.
3424. *Q.* Where would they put the lamp? *A.* Up to the face.
3425. *Q.* I am talking about the waste? *A.* I have never seen them examine the waste.
3426. *Q.* Have you ever been present when an examination of the waste was made—there are two examinations made? *A.* It is the night examination that I am talking about.
3427. *Q.* Have you been present when they have been doing an examination in the waste workings? *A.* I have been there in the daytime; but I never saw the deputies examine anything in the daytime.
3428. *Q.* There are two examinations which have to be made—a night examination of the roads used and the workings. There is a weekly examination of the waste working. Have you ever been there when an examination of the waste workings was made? *A.* No, not about the waste workings. I understand the question now.
- 3428½. *Q.* What does the deputy do when he comes into the face? *A.* Oh, stand by the skip, and say “How are you getting on, old chap.” Just a few words, and away.
- 3428½. *Q.* Just ask you how you are getting on? *A.* Yes.
3429. *Q.* That is quite a regular performance? *A.* Oh, yes, an everyday performance.
3430. *Q.* Did they go round every day? *A.* Yes, the day deputy.
3431. *Q.* That is all you ever saw them doing? *A.* Yes.
3432. *Q.* Now, do you know whether the officials knew of the air being reversed on the occasion of which you are speaking? *A.* Yes, the night deputy knew, at 4 o'clock the following morning, before getting to work.
3433. *Q.* Did they stop you? *A.* No.
3434. *Q.* Who knew? *A.* Dungey and McMurray.
3435. *Q.* Was there anybody else who knew? *A.* I was not a constant hand at the stone work.
3436. *Q.* Did the Manager or underground-manager know about the air being reversed? *A.* I cannot say.
3437. *Q.* Were you not prevented from going in? *A.* No.
3438. *Q.* Although they knew the air was reversed? *A.* You could tell it at the mouth.
3439. *Q.* You advocate that a Manager should hold a certificate only by examination? *A.* Yes.
3440. *Q.* And do you consider that if the Manager is to be qualified he should give more attention to mining matters and less to clerical work? *A.* Yes.
3441. *Q.* Now, talking of the Check Inspectors, do you know anything about Mr. Wynn's qualifications? *A.* Only what I have heard.
3442. *Q.* Have you had any experience, at the miners' meetings, of the difficulty of getting people to accept this position? *A.* Yes.
3443. *Q.* What are the reasons? *A.* Several reasons. One reason is because they have not the qualifications, and another reason is that if a man was to put down what is correct he would lose his billet.
3444. *Q.* If they returned something black in the eyes of the Manager, would they be dismissed? *A.* Yes; I know of a man who got dismissed in the Vale of Clwydd Colliery in Lithgow.

Re-examined by Mr. Robertson:—

3445. *Q.* Do you say that the deputies who were appointed to examine the places every day in the mine did not examine them after 12 o'clock? *A.* Do you mean the places where the stone was picked up?
3446. *Q.* You said that as many as twelve places were missed? *A.* I said that the first time they went into the place they would put the day of the month there at 10 o'clock or 10 30, and it would not be inspected afterwards.
3447. *Q.* What time do you start work? *A.* We are inside the tunnel at 9 o'clock.
3448. *Q.* When would you leave off? *A.* Seven o'clock in the morning.
3449. *Q.* You would only be working in your own place? *A.* In different places.
3450. *Q.* When you were lifting stone, you would only be lifting it in one place, and not in a dozen places? *A.* Yes; I would be working in a dozen places in the one night.
3451. *Q.* And the deputies made no further examination than that in the first instance? *A.* Yes; that is quite right.

Mr. JONATHAN MAY was called and sworn, and took his place in the Witness Box, and addressing the Commissioners, said:—

3452. I would like to make a statement before I am examined by Mr. Bruce Smith.
3453. *Mr. Bruce Smith.*] I do not know whether the witness will give his evidence in the way that I want to arrange it.
3454. *His Honor.*] I might say that your evidence at the inquest is being used here.
3455. *The Witness.*] I have summarised my evidence and my ideas with a view of preventing accidents in the future; and I would like to give them to the Court. I may say that I have written a statement summarising my views.
3456. *His Honor.*] If that is so, it would be just as well for the witness to be allowed to read it, and then the MS. could be handed to the Court.
3457. *Q.* What is your name? *A.* Jonathan May.
3458. *Q.* And your occupation? *A.* My present occupation is that of Lecturer on Mining, Geology, and Mining Surveying, and I have charge of Technical Education in the Illawarra District.
3459. *His Honor.*] I think now you might read your statement.
3460. *Mr. Wade.*] If we could go on with the examination of the witness now, the document might be made an appendix to the Report of the Commission.
3461. *His Honor.*] I think it would be best for the witness to read it; and then we should know what it is all about. [*Mr. May then read a written statement, which he handed in.*]
3462. *Mr. Bruce Smith.*] I would ask that the witness would hand this statement to the Court, and that I may be allowed to have it to-night to mark certain passages to which I object. A great deal of it is a tirade of abuse, referring to people who occupy official positions, and the rest is a gratuitous self-glorification of himself and details of reforms which have not been appreciated. Of course, it would have been

Witness—J. May, 14 January, 1903.

been open to me, as he went from one passage to another, to have objected to the statements as being irrelevant; but I did not take that course; and I now ask that I may have the document, so that I can mark the passages to which I object; and bring them before the Court in the morning.

3463. *His Honor.*] That document is not conclusively in evidence as yet, but it is a statement upon which the evidence of Mr. May will be given; and it was, in fact, arranged that it should be handed to the Secretary. The only thing is whether anyone else wishes to have the opportunity of looking through it.

3464. *Mr. Wade.*] I have no questions to ask.

3465. *Mr. Lysaght.*] I would like to see the document myself.

3466. (It was then arranged that Type-written copies of the document should be handed to Counsel as early as possible.)

[The Commission, at 4:10 p.m., adjourned to 10 o'clock the following morning].

WEDNESDAY, 14 JANUARY, 1903, 10 a.m.

[The Commission met at the Court House, Wollongong.]

Present:—

C. E. R. MURRAY, Esq., D.C.J. (PRESIDENT).

D. A. W. ROBERTSON, Esq., COMMISSIONER.

D. RITCHIE, Esq., COMMISSIONER.

Mr. Bruce Smith, Barrister-at-Law, instructed by Mr. Wood, Crown Solicitor's Office, appeared on behalf of the Crown.

Mr. A. A. Atkinson, Chief Inspector of Coal-mines, assisted Mr. Bruce Smith.

Mr. A. A. Lysaght, Solicitor, appeared on behalf of—

(a) the representatives of deceased miners, wheelers, &c. (victims of the explosion);

(b) the employees of the Mount Kembla Colliery (miners, wheelers, &c.); and

(c) the Illawarra Colliery Employces' Association (the Southern Miners' Union).

Mr. C. G. Wade, Barrister-at-Law, instructed by Mr. F. Curtiss, appeared on behalf of the Mount Kembla Coal and Oil Company (Proprietors of Mount Kembla Mine).

(Mr. J. Garlick, Secretary to the Commission, was present to take shorthand notes of the evidence and proceedings).

(The usual order was made that any person who expected to be called as a witness before the Court should retire from the Court Room).

3467. *Mr. Bruce Smith.*] I have had an opportunity, Your Honor, since yesterday, of reading through this statement of Mr. May's; and I am going to ask the Court to follow me for a moment while I point out certain passages which I submit would have been objectionable if they had been given by him as a witness, from statement to statement. First of all I refer to page 6 of the statement. On the seventh line it says: "A proper system of Government mines inspection would have prevented the Bulli explosion. The plan of the Dudley Mine which I herewith submit shows that the ventilation was grossly defective in exactly the same detail as the Bulli Colliery. At Bulli the ventilation of the Hill End No. 1 and No. 2 headings was dependent on two single doors, as shown on the plan, either of which becoming deranged would allow gas to accumulate in No. 1 or No. 2 heading, where the explosion occurred. All the ventilation of Dudley depended on one single door."

3468. I submit that that evidence simply has no bearing whatever upon this inquiry. If Mr. May were going to apply the facts of the Dudley disaster and the Bulli disaster to the Mount Kembla disaster, of course he is bound to connect them in some way by showing some set of parallel circumstances. But this is simply a bald statement of his here, which is not in any way connected by him with the matter which is in hand before the Court now. It is merely burdening the evidence of the Court. If any member of the Court could say that that throws a vestige of light upon this matter, even by looking at his maps, which of course we are bound to take as part of this, I should have no objection to it. Your Honor sees exactly what it is: "A proper system of Government mines inspection would have prevented the Bulli explosion." It looks very much like seizing upon an opportunity to throw a doubt upon the whole system of mines inspection at the time of these disasters, without connecting them with this disaster. The Court will understand that I would not for a moment attempt to stop Mr. May from giving what evidence he chooses, however injurious it might be to the administration of the Department, if he only connects it with this series of inquiries which the Court is appointed to look into. The Bulli disaster was eight years before the Coal Mines Act was passed, as pointed out by Mr. Wade. I take that passage therefore which I have read, down to the word "door"; and I submit that, until Mr. May is prepared to connect them that passage should be taken out of this part of the evidence at all events. I should propose that he take them out; and if he likes to give it again in his oral evidence, and so connect it, then he may do so; but at present it should come out of this statement, which will go in as a complete document in itself: and I would suggest to the Court that it would be better to deal with these statements one by one.

3469. *His Honor.*] It seems to me that the greater part of this is so far disconnected with the question before the Commission that it is very difficult to understand how it can be considered to be fairly evidence in this case. I was looking to see if there was any special suggestion afterwards as to ventilation, with which that statement of what happened in those mines was in any way connected. I do not think there is.

3470. *Mr. Bruce Smith.*] There is another course I might suggest; and that is for me to go through all the passages to which I offer objections; and then, if Your Honor and your fellow Commissioners are impressed with my argument, to simply exclude the document for the present, leaving it to Mr. May to use it as the basis of his oral evidence: that is, to have it before him like a set of notes. It will not preclude him from attempting to give any part of it; but it will come in in his oral evidence.

(His Honor conferred with his colleagues.)

3471.

3471. *Mr. Lysaght.*] Might I point out to Your Honor that if I am entitled to avail myself of any evidence, from whatever source it may come, I would submit that that part of the evidence objected to by Mr. Bruce Smith is admissible evidence as in support of recommendations No. 7 and 10 from the Delegate Board. Your Honor will see that the statement that "a proper system of Government mines inspection would have prevented the Bulli explosion," supports the recommendation for the monthly inspection by the Inspectors with the hydrogen flame which we asked for: and the statement that "at Bulli the ventilation of the Hill End No. 1 and 2 headings was dependent on two single doors," and that "all the ventilation of Dudley depended on one single door," supports our recommendation that double doors should be furnished in collieries. (Recommendation No. 10)

3472. *His Honor.*] We determine that the best way in which to rule is this: that, each party utilising this document as much as he chooses, merely for his own information, Mr. May should be examined irrespective of the document: this document not being considered to be in evidence at all now, on account of its peculiar nature, Mr. May should be examined first of all by Mr. Bruce Smith, then by Mr. Lysaght and by Mr. Wade, as fully as it may appear to the Commission that he should be examined; but afterwards, finally, if anything which happens to come in in this document has not been touched upon, that Mr. May should have an opportunity of volunteering evidence; when, if it should turn out that that evidence is, in the opinion of the Commission, immaterial, of course it should not be admitted. It appears to us that this document itself departs so far from the intention of this Commission, or of this inquiry, that it ought not to go in now as part of the evidence in the case as it stands; but it may form a useful basis for the examination of Mr. May by anyone concerned on this inquiry; and for that purpose only, it seems to us at present, it ought to be used. You will have an opportunity, seeing what is here, of putting any questions that you think appropriate to Mr. May when he is in the box.

3473. *Mr. Lysaght.*] I was anxious to avoid having a duplication of all this matter, which is already down as evidence, by a number of questions from me.

3473½. *His Honor.*] I think it will be shorter in the long run, and it will appear, certainly, on the notes in a better form, in the way we have determined, than if this, I can only say, very remarkable document, is put in, and then has to be cut down. It is better to consider it at present as not put in. It has been copied out; but it can now be struck out of the evidence, and not be considered to be put in evidence. Mr. May can now go into the box and answer any questions that may be put to him.

3474. *Mr. Bruce Smith.*] I shall give Mr. May an opportunity of explaining anything that may be in here which I think myself justified in asking him.

MR. JONATHAN MAY, previously sworn, was recalled and further examined as under:—

(This witness was called at his own request, and the Commission asked Mr. Bruce Smith, as a matter of convenience, to conduct his examination in chief.)

Examination by Mr. Bruce Smith:—

3475. *Q.* Your name is Jonathan May? *A.* Yes.

3476. *Q.* And your occupation is at present that of Lecturer on Mining, Geology, and Mine Surveying? *A.* Yes.

3477. *Q.* And you have charge of Technical Education in the Illawarra District? *A.* Yes; and I am a Mining Engineer and Colliery Manager by profession; and I hold a certificate of competency under the Imperial Act.

3478. *Q.* You may have a copy of this (*the statement handed in by Mr. May on the previous day*) before you? *A.* Yes.

3479. *Q.* The evidence you are about to give is based on personal observation in the mine? *A.* Yes.

3480. *Q.* Supported by nearly forty years' mining experience? *A.* Yes.

3481. *Q.* Including the best practice "generating";—I do not know what that means? *A.* "Generating" is the production of air currents.

3482. *Q.* I am not talking of the etymology of the words, I am talking of the way the words are put here? *A.* The best practice of generating.

3483. *Q.* The word "of" is left out;—"including the best practice of generating and distributing air current in the gaseous mines of the North of England, and a fifteen years' experience and observance of the weak points of our Colonial ventilation? *A.* Yes.

3484. *Q.* "And with an intimate acquaintance with general mining literature, and that descriptive of coal-dust and explosive experiments; also with the official publications bearing on colliery explosions issued by the Imperial Home Office, and the transactions of different engineering institutes";—that is what you want to say? *A.* Yes.

3485. *Q.* And I understand that you have made a careful analysis and correlation of the Bulli, Stockton, Burwood, and Kembla, disasters, with a view to suggesting certain amendments in the Coal Mines Act to prevent their recurrence? *A.* Yes.

3483. *Q.* Now, with regard to the Mount Kembla disaster, I think on the 31st of July you entered the mine with a rescue party by the travelling road?

3487. *His Honor.*] I think a good deal of what Mr. May has put in this statement appears in his evidence at the inquest.

3488. *Mr. Wade.*] A page and a half of it does.

3489. *His Honor.*] Yes.

3490. *Mr. Bruce Smith.*] *Q.* On the 31st of July, with a rescue party, you entered the mine by the travelling road, and reached a point in No. 6 rope road near the furnace door? *A.* Yes.

3491. *Q.* Now, what you saw when you made that visit was given by you before the Coroner's Jury? *A.* Oh, it is very brief.

3492. *Q.* It is pretty brief here;—you know no more facts of that visit—that is, by personal observation—now than you did then, do you? *A.* Not by personal observation.

3493. *Q.* That is what I mean? *A.* Oh, no.

3494. *Q.* Now, the conclusions with regard to the contributing causes of this accident I see you have stated under three heads? *A.* Yes.

3495. *Q.* I mean, you came to the conclusion, first, that the working face gave off fire-damp? *A.* Yes.

3496. *Q.* You came to a second conclusion, that the bords being driven 100 to 150 yards with brattice were a great source of danger? *A.* Yes.

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3497. Q. "For the following reasons" you say, "(a) The deputy's examination could be some hours before the workman entered his place";—what do you mean by "could be"? A. There is only one examining deputy.
3498. Q. How do you know that? A. In that district—in No. 1 district: there were two examining deputies for the whole pit.
3499. Q. For the whole pit, night and day? A. No; two night deputies: two examining deputies.
3500. Q. Two day examining deputies? A. Oh, no; the day deputy does not examine.
3501. Q. Very well, then;—two examining for the whole pit? A. For the whole pit.
3502. Q. Now, what do you mean by saying that "The deputy's examination could be some hours before the workman entered his place"? A. He had to examine half the mine, and then go and meet the men at 6 o'clock.
3503. Q. And you mean to say that the earlier ones would be examined some hours before the workmen entered them? A. The earlier ones.
3504. Q. I thought that was what you meant;—on account of the large amount of examining he had to do, those which he examined first would only have been seen some hours before the men went to work—that is your view about it? A. Yes.
3505. Q. Then I understand you to say that, as he only took a safety-lamp with him, he could only detect gas when it reached 2 per cent.? A. Yes; 2 per cent. to $2\frac{1}{2}$ per cent.
3506. Q. Then you say that "1 per cent. of gas with a blown out shot, as at 72 bord, is well known to be dangerous"? A. Yes.
3507. Q. Are you aware when the blown-out shot at 72 took place? A. No.
3508. Q. You have heard, have you not, that it took place some days before? A. I could not say.
3509. Q. Then you do not know of your own knowledge that it took place within a month of this accident? A. I think it was some time previously.
3510. Q. I hope you are more accurate with your students than you are with my questions;—you do not know of your own knowledge that that blown-out shot did not take place as far back as a month before the accident? A. My impression was that it took place within twenty-four hours of the explosion.
3511. Q. I asked you if you knew just now, and you said you did not know: and I now ask you if of your own knowledge you are aware that it took place within even a month before? A. Not of my own knowledge.
3512. Q. You do not know;—you have got an impression on your mind? A. Yes.
3513. Q. Do you know of any evidence that has been given before the Coroner and the Coroner's Jury as to that blown-out shot? A. I think I heard Mr. Atkinson state that the blown-out shot in bord 72 had no significance in his mind with regard to the explosion. That is where I got my impression.
3514. Q. I am asking you whether you remember any evidence before the Coroner and Coroner's Jury as to the time at which that blown-out shot took place? A. That is the only thing in my mind.
3515. Q. That has not anything to do with it: that is only as to whether it has significance? A. Yes.
3516. Q. Then you do not know anything as to the 72 bord? A. Excepting that there was a blown-out shot, showing that a blown-out shot was possible and was dangerous under the conditions.
3517. Q. If it had taken place at the same time when 1 per cent. of gas was present, it would be dangerous? A. Yes.
3518. Q. Now, what is your authority—and I ask this for information—what is your authority for saying that 1 per cent. of gas is dangerous in the presence of a blown-out shot? A. All the coal-dust experiments.
3519. Q. Would you point to one; I would like the Commission to have any one placed before them;—you have not mentioned coal-dust yet, do you see? A. The deputy's examination could only detect 2 per cent. to $2\frac{1}{2}$ per cent. of CH_4 , whereas 1 per cent. of gas with a blown-out shot is dangerous.
3520. Q. There is nothing about coal-dust there;—is there anything else about coal-dust in that statement? A. There would be in my mind.
3521. Q. Is there anything about coal-dust in that statement—yes or no? A. There is nothing about coal-dust in this statement.
3522. Q. Now you import coal-dust;—you have just now told the Commission that 1 per cent. of gas, such as you could not find with a safety-lamp, is dangerous, and well known to be dangerous: and I ask you for your authority for that? A. The Coal-Dust Experiments Commission.
3523. Q. Can you point to the passage;—have you got it with you? A. Oh dear no. I have almost forgotten these things; it is so many years since they were done.
3524. Q. And you do not think it is worth while to revive it for the information of the Royal Commission? A. I am sure they will have it.
3525. Q. I understand you to say that the danger would depend upon the presence also of coal-dust? A. Exactly.
3526. Q. I believe you have made a calculation as to the number of yards of explosive atmosphere in certain bords which could not be detected under certain conditions? A. Yes—1,600 to 2,400 cubic yards.
3527. Q. Will you just repeat that statement? A. Yes. It is "1,600 to 2,400 cubic yards of an explosive atmosphere in several bords which could not be detected by the examination practised; and only required a blower of gas, or even the concussion of a fall, to raise it to an explosive condition, without a shot."
3528. Q. That is with a light, I suppose? A. With a naked light.
3529. Q. But you have not said so (in the statement);—the naked light is an important element in some of these things? A. The naked lights were in the bords.
3530. Q. Then we can add, "with a naked light"? A. "Without a shot," it says; therefore we can imply it is a naked light.
3531. Q. Look at the next. You want to say something there. "The mine was an old one," you say? A. Yes.
3532. Q. And "the air was dependent on a large number of," you say, "probably slack stoppings and doors." Are you able to go further than that? Did you examine some of these stoppings yourself? A. I examined some of the stoppings which were built with rubbish—the usual rubbish stoppings.
3533. Q. "The mine was an old one, with the air dependent on a large number of probably slack stoppings and doors; the air current was produced by a furnace which was approaching, if it had not then reached, the point of inadequacy;" you want to say that? A. Yes.

3534. Q. And you want to say this: "The more serious danger aspect";—just look at that. Is that the proper wording? A. The more serious danger of the mine ventilation.
3535. Q. "The more serious danger of the mine ventilation was its liability to great fluctuations from two causes"? A. Yes.
3536. Q. "First the quantity of air produced by a furnace is as the square root of the difference between the temperature of the upcast shaft and the intake or downcast shaft. For illustration, assuming 58,500 cubic feet of air passing through the mine about 6 a.m. with an inlet temperature of 40 degrees and the upcast at 121 degrees, or a difference of 81 degrees." Then there is a full stop? A. Yes.
3537. Q. "If the inlet temperature were increased to 72 degrees about noon, this would reduce the difference to 49 degrees, and the quantity of air passing would be reduced as the square root of 81 degrees"? A. Is to the square root of 49 degrees, so is 58,500 to 45,500.
(The proportion is stated in figures thus:—As $\sqrt{81} : \sqrt{49} :: 58,500 : 45,500$.)
3538. Q. A reduction of 13,000 cubic feet or 23 per cent.? A. Yes.
3539. Q. You wish to make that statement? A. Yes.
3540. Q. And you submit that as throwing light on this accident? A. Only as an illustration. The quantity of air might be very much less than 45,000; in fact the quantity of air might be almost reversed under those conditions.
3541. Q. Did you ever say anything about the air being reversed in this mine prior to the appointment of this Commission? A. About the air being reversed?
3542. Q. Yes; in your evidence before the Coroner and the Coroner's Jury? A. I knew then that —
(*Interrupted*).
3543. Q. That is not my question? A. I have not said so.
3544. Q. I ask you did you before the Coroner and the Coroner's Jury ever say anything about the air being reversed in this mine? A. Oh dear no.
3545. Q. Then you went on to say this: "Those two phenomena are well known to practical men along the coast"? A. Yes. We have only quoted one.
3546. Q. Which is the second? A. The second is that "strong westerly winds may occasionally even reverse the ventilation"; which is a very serious matter.
3547. Q. Did you ever say anything about strong westerly winds possibly reversing the ventilation, when you were before the Coroner and the Coroner's Jury? A. I do not remember.
3548. Q. Then you go on to say, "The air being taken past the edge of the small goaves near the face on to naked lights, in view of the difficulty of examining or ventilating anywhere but their edge, was another serious source of danger"? A. Yes; a very serious source of danger.
3549. Q. That is one sentence? Is it? A. Yes.
3550. Q. Would you mind telling me what that means? Oh, never mind, I will not trouble you. It will be understood by the "practical men on the coast." Then you go on to say "between Stafford's gannon bord and Morrison's bord —." (*Interrupted*).
3551. *His Honor.*] That is meant for Morris' bord.
3552. *Witness.*] I always say Morrison in that case; but I think it is Morris, Your Worship.
3553. *Mr. Bruce Smith.*] Q. "Between Stafford's gannon bord and Morris' bord there were several places which clearly suggested all the conditions of an explosion; but I believe the explosion occurred through the doors on which the ventilation of the face workings of No. 1 Left between Morris' and Stafford's going bord becoming deranged allowed the gas to accumulate in No. 1 main and back heading, that being the highest point in the workings; and was ignited by Morris' or his son's naked light." You wish to say that? A. Yes.
3554. Q. "The initiatory direction of the force and flame was from the face of No. 1 heading straight down No. 1 rope road; the first lateral expansion of flame and force being west, between the face and the 15-acre goaf"? A. Yes.
3555. Q. "The last holing or heading near the face showing distinct evidence of being traversed by flame and force near where Aitken and son worked"? A. Yes.
3556. Q. That is all you have to say about the conclusions that you have drawn? A. Those are my conclusions; yes.
3557. Q. When you were examined before the Coroner you marked a plan, did you not? A. Yes.
3558. *His Honor.*] It would be as well to get this sentence into grammatical form.
3559. (The sentence was then altered to read as follows:—"Strong westerly winds may occasionally even reverse the air current. The air being taken past the edge of the small goaves near the face on to naked lights, in view of the difficulty of examining or ventilating anywhere but their edge, was another serious source of danger. Between Stafford's gannon bord and Morris' bord there were several places which clearly suggested all the conditions of an explosion; but I believe the explosion occurred through the doors on which the ventilation of the face workings of No. 1 Left, between Morris' and Stafford's going bord, depended becoming deranged; and that allowed the gas to accumulate in No. 1 main and back heading, that being the highest point in the workings; and that that gas was ignited by Morris' or his son's naked light.")
3560. *His Honor.*] That makes it intelligible.
3561. *Mr. Bruce Smith.*] Q. You come now to "Suggested Coal-mines Act Amendments"? A. Yes.
3562. Q. "Before stating the amendments to the Coal-mines Act which I believe the safety of our mining operations imperatively demands, I would like to refer to some colliery explosions and disasters in New South Wales, upon which the suggested amendments are principally based. In the Bulli disaster all the conditions of the mine pointed clearly to an explosion, as shown by the plan I herewith submit"? A. Do you want the plan?
3563. Q. No; because there was no doubt about the Bulli disaster being caused by an explosion? A. Yes; and any other mine under the same conditions would have an explosion.
3564. Q. I am only dealing with what you said. Would you like to add to that?
3565. *His Honor.*] Mr. Bruce Smith, I think you are, perhaps, losing sight of the decision of the Court that this statement is not supposed to have been said anywhere.
3566. *Mr. Bruce Smith.*] I quite understand that, your Honor.
3567. Q. What do you want to add to that: "In the Bulli disaster all the conditions of the mine pointed clearly to an explosion, as shown by the plan I herewith submit"? A. And an explosion would have occurred at any mine under similar conditions.

Witness—J. May, 14 January, 1903.

3568. *Q.* Then you go on to say that "the presence of gas was well known to the workmen" in the Bulli Mine; "and Fireman Crawford's evidence and cross-examination by the (Bulli) Commission shows how frequent and how easy it is for workmen and firemen to know of the existence of gas and dangerous conditions in a mine, and yet be utterly helpless to prevent an explosion." That is what you want to say? *A.* Yes.
3569. *Q.* Now, you want to say that "a proper system of mines inspection would have prevented the Bulli explosion"? *A.* Yes.
3570. *Q.* Would you just tell the Commission how you arrive at that conclusion—as shortly as possible? *A.* (Witness exhibited to the Commission a plan of the Bulli Mine, by which he illustrated his answer.) The air is travelling in the main tunnel towards the Hill End district. Where No. 1 and No. 2 headings are turned to the north-east there are two doors, one door from the main road, and a door in a cross-cut: and the air is dependent upon these two doors for ventilating the heading where the explosion occurred. The air was compelled, you see, to go up here (*pointing on the plan*).
3571. *His Honor.*] *Q.* These are single doors? *A.* Single doors. Either of these doors being left open, or when opened for the traffic or the passage of coal, it cut off the air from No. 1 and No. 2 headings, and left those two headings directly subject to an explosion of gas. This coal from the vicinity of headings Nos. 3 and 4 used to come out through the door on the main road; and at every passage of the coal the air was cut off from the other places, the No. 1 and No. 2 headings, where the explosion occurred. Any man accustomed to the handling of the ventilating currents of a gaseous mine would have at once put his finger on that. That door should have been duplicated.
3572. *Mr. Wade.*] *Q.* You were not in the State then? *A.* No.
- 3572½. *Q.* You were not here? *A.* No; I was not here then.
3573. *His Honor.*] The Commission was very strongly impressed before this evidence was given at all with the expediency of double doors under such conditions as these, without going further into the question; so it is hardly worth while to labour it. You do not dispute it I understand, do you, Mr. Bruce Smith? You do not yourself dispute the expediency, I presume, of double doors under these important conditions of ventilation, such as Mr. May is describing.
3574. *Mr. Bruce Smith.*] I think Mr. Atkinson favours the double-door principle certainly.
3575. *Mr. Atkinson.*] Yes.
3576. *Mr. Bruce Smith.*] I think he would probably include that in his recommendations.
3577. *His Honor.*] So I should imagine.
3578. *Mr. Bruce Smith.*] But this does not go on at any length here, your Honor; so that we need not raise a question now as to that part of it.
3579. *Mr. Lysaght.*] May I take it that I need not call any further evidence in support of the recommendation concerning double doors (No. 10)?
3580. *His Honor.*] Probably it will not be necessary to do so.
3581. *Mr. Bruce Smith.*] *Q.* Following on that, Mr. May, you wish to say that all the ventilation of Dudley Mine depended on one single door? *A.* That the plan of the Dudley Mine which I herewith submit shows that the ventilation was grossly defective in exactly the same details as the Bulli Colliery.
3582. *Mr. Bruce Smith.*] Do you wish to have that part, your Honor? It is a repetition of the last evidence.
3583. *His Honor.*] It is not necessary to labour the question. I understand now that the Dudley Mine suffered from the same defect.
3584. *Witness.*] All the ventilation of Dudley depended on that one door. (*Witness pointed out the door on the plan of Dudley Mine.*)
3585. *His Honor.*] *Q.* That is the same defect as you found in Bulli? *A.* Yes, exactly.
3586. *Mr. Robertson.*] It did not all depend on that one door. It depended on it to a large extent; but it would not affect the ventilation here and here (*indicating certain portions of the mine on the plan*).
3587. *Witness.*] As soon as that door was open the air would short-circuit here (*indicating a point on the plan*).
3588. *Mr. Bruce Smith.*] *Q.* Mr. May simply mentions to the Commission that the same cause which contributed to the Bulli explosion contributed to the Dudley explosion, and you say that is because there was only one door where two should have been placed? *A.* Yes. It is on these two explosions that I say that a proper system of Government mines' inspection would have prevented the Bulli explosion, and also the Dudley explosion.
3589. *Q.* Now, among the suggestions which you make for amendments in the Mines Act is this, under the heading "Agent or Viewer": "In any mine where a consulting engineer, viewer, agent, or managing director, or other person, has power to give directions as to the mode of conducting the works of a mine, either above or below ground, he shall enter all such directions which bear on the ventilation, method of working, or coal-dust precautions, in a book to be kept at the mine for that purpose." That is a suggestion you make? *A.* Yes.
3590. *Q.* And you suggest also that "in every case the names shall be published." What do you mean by the "names" there? *A.* The "name" it should be. In every case the name of the person — (*Interrupted*).
3591. *Q.* "Should be published in the special rules; and the periodical visits to and into the mine should be reported"? *A.* Yes. I might add that that was eliminated from the Mines Bill which Mr. Rogers and another Commission sat on.
3592. *Q.* Yes, I know. Now, under the heading of "Manager" you suggest that the certificate of service should be abolished? *A.* Yes.
3593. *Q.* Is that with regard to the future or the past, or both? *A.* Well, I think — (*Interrupted*).
3594. *Q.* Existing managers who have a service certificate—do you propose that that should be abolished? *A.* Give them a certain length of time to qualify.
3595. *Q.* Then you also suggest that in each mine where more than one Manager and one under-manager's certificate of service has been granted the circumstances should be carefully investigated by this Court? *A.* Yes.
3596. *Q.* Do you mean by this Commission? *A.* Yes. I mean by this present Commission, for the simple reason that there are men holding certificates of service that have obtained them by perhaps questionable methods. I might explain.
3597. *Q.* Yes? *A.* Under the English Act—the Imperial Act—when the Mines Act came into force the manager of the mine obtained a certificate — (*Interrupted*).

3598. *Q.* By reason of his service? *A.* By reason of his service. In New South Wales the Manager of a mine obtained a certificate, and the underground-manager.
3599. *Q.* And the under-manager obtained what? *A.* A certificate of service.
3600. *Q.* As under-manager? *A.* Yes; but you will find that in some mines there were more than one Manager's certificate granted: and that there were two or three certificates of service for under-manager granted.
3601. *Q.* Are you aware that under the Coal Mines Regulation Act a provision was made that not only the men who were Managers at the time the Act was passed should have a certificate of service, but also that Managers who could show that they had had five years' experience before that date, although not acting as Manager at that time?
3602. *His Honor.*] I think it was one year's experience within five years of the date.
3603. *Mr. Bruce Smith.*] Yes.
3604. *Q.* Are you aware of that? *A.* I am quite aware of the reading; and I am quite aware of places where either three or four under-managers' certificates were granted.
3605. *Q.* Under what circumstances? *A.* I could not tell you. I know there is only one Manager and one under-manager at a mine.
3606. *Q.* Do you mean to say that certificates were granted to under-managers who did not come within the provisions of the Act? *A.* That is my meaning: that this was done very objectionably: and that the conditions should be investigated.
3607. *Q.* That is not the question. I will take them separately. First, I will take managers: do I understand you to tell the Commission that you know of any cases in which Managers received certificates of service who had not served for twelve months within five years previously of the Act? *A.* I have no intention of saying so.
3608. *Q.* I do not want to know if you have any intention; but you do not say so? *A.* No.
3609. *Q.* Do you wish the Commission to understand that any certificates of service were granted to men, on the ground of their being Managers at the time, who were not Managers at the time?
3610. *His Honor.*] I understand Mr. May is not questioning the legal right of these Managers and under-managers to have obtained service certificates; but he is questioning the policy of the law in allowing them, under the law, to obtain the certificates under the circumstances—is that so? *A.* I believe, Your Honor, the law has been stretched in certain cases.
3611. *Q.* Is not your recommendation "That certificates of service be abolished" a suggestion for a radical amendment of the Act? *A.* I have also suggested that this Court should investigate it.
3612. *Mr. Bruce Smith.*] *Q.* Do you suggest that any of those who now hold Managers' or under-managers' certificates have got them contrary to law? *A.* I could not say.
3613. *Q.* But you do suggest that some men have got them who are not competent to hold the position? *A.* I do suggest that in the Glebe Mine, Burwood, Wallsend, and Clifton that the number of certificates issued for Manager and under-ground manager of those mines should be investigated.
3614. *Q.* By some tribunal? *A.* I suggested this Court.
3615. *Q.* I understand that there is no suggestion that any of those certificates have been granted illegally?
3616. *His Honor.*] *Q.* But do you suggest, Mr. May, as you apparently do here, that the law should be altered with regard to the granting of what may be called service certificates? *A.* Law at the beginning should only have recognised the Manager and under-ground manager.
3617. *Q.* That is retrospectively recognised? *A.* And retrospectively only in certain cases. I know that certain clerks ——— (*Interrupted*).
3618. *Q.* You suggest the alteration of the law retrospectively? *A.* I should suggest to abolish ——— (*Interrupted*).
3619. *Mr. Bruce Smith.*] *Q.* Existing ones? *A.* Yes, existing ones: but give them a certain time to qualify.
3620. *His Honor.*] *Q.* Do you suggest requalification by examination or requalification by proof of certain service, and also some proof of competency? *A.* A re-qualification by proof of legitimate service, but particularly by passing an examination.
3621. *Q.* But do you suggest a requalification by proof of certain service added to some further proof, besides service, of competency irrespective of examination, or not? *A.* No. I prefer that certificates of service be abolished within a given time; and let them pass the usual examination.
3622. *Mr. Bruce Smith.*] *Q.* You suggest "That the Manager of every mine shall examine the working conditions of each working-place at least once a fortnight"? *A.* Yes.
3623. *Q.* "And as much oftener as the conditions may require"? *A.* Yes.
3624. *Q.* Then you have some suggestions to make with regard to the air measurement: "That all air measurement records shall contain the quantity of air leaving the last man in each split"? *A.* Yes.
3625. *Q.* "That in any mine ventilated by furnace and drift the temperature of the atmosphere be carefully observed on the day the air is measured; also the direction of the wind at the time of measurement with regard to the adit or adits"? *A.* Yes. It is quite possible to get a very large quantity of air travelling in a mine like Kembla with the wind blowing from the east: and it is just possible that a strong wind from the west might reverse the current.
3626. *Q.* You know that evidence of that has been given by miners? *A.* I have just heard it.
3627. *Q.* But you did not give any evidence yourself before the Coroner or the Coroner's Jury? *A.* I explained the atmospheric conditions.
3628. *Q.* I did not ask you for that. Did you give any evidence as to the possibility of the air being reversed? *A.* No.
3629. *Q.* Now, you make suggestions about the system of examination by workmen: "That the system of inspection by workmen be abolished as being a useless farce and a shelter for incompetent management"? *A.* Yes.
3630. *Q.* Will you tell the Commission why the practice of the workmen making these check-inspections is a useless farce? *A.* Your Honor, there is no average workman dare state the conditions of the mine fairly and fearlessly, because his bread and butter depends on it.
3631. *Q.* Do you mean to say that the terrorism is so great that these men would be afraid to enter in the check-inspectors' book the real state of things that they found? *A.* Yes.
3632. *Q.* Then you say also that "The appointment of a district check-inspector is a recognition of this fact, and is an example also of miners taxing themselves to do work weakly and ineffectually, which a proper system of mines inspection would and was designed to do"? *A.* Yes. 3633.

Witness—J. May, 14 January, 1903.

3633. *Q.* You say "The workmen are debarred from appointing competent men; and this limitation should be removed from the Act." Why are they debarred from appointing competent men? *A.* It has to be one of themselves.
3634. *Q.* Whom do you mean by "one of themselves"? *A.* It has to be a miner. I do not think that they could select a miner if he has obtained a first-class certificate of competency.
3635. *Q.* Why not? What is to prevent them? *A.* You have got the Act there.
3636. *Q.* Here is the Act. I will hand it to you. Show me. If you say that is the cause, I want you to point out to the Commission what is there in the Act to prevent the miners from appointing one of their own class who has obtained a first-class certificate of competency? *A.* Is it so?
3637. *Q.* I do not know. I want you to find it? *A.* Have not you got it?
3638. *Q.* I want you to tell us what you base that statement on? *A.* What page is it? You people have to deal with it regularly.
3639. *Q.* I am asking Mr. May to point out in the Act anything that would prevent the miners from appointing one of their own class who has obtained a first-class certificate of competency?
3640. *His Honor.*] Mr. May knows the Act, I think.
3641. *Mr. Bruce Smith.*] He says he does. I want him to show me: but he is asking me to show him.
3642. *His Honor.*] He will find it if you give him time.
3643. *Mr. Robertscn.*] Thirty-nine.
3644. *Mr. Ritchie.*] Rule 39 of the General Rules is, I think, what you are looking for—page 37.
3645. *Mr. Bruce Smith.*] Section 47, Rule 39.
3646. *Witness.*] That persons employed in a mine may from time to time appoint two of their number or any two persons not being mining engineers.
3647. *Mr. Bruce Smith.*] *Q.* Yes? *A.* Then, if one of their number obtains a first-class certificate, what is he?
3648. *Q.* I am not being examined, fortunately. You must tell us;—is that the part of the Act under which you say that a practical miner could not be appointed as a check-inspector if he had passed an examination? *A.* There is not a single instance in New South Wales where one has been appointed.
3649. *Q.* Is that the part of the Act;—I only want it: then we will pass on? *A.* That is the part of the Act I referred to.
3650. *Q.* Then, apart from passing the examinations for which I believe you deliver lectures, do I understand you to say that the workmen are not competent for this position because they have not been fortunate enough to pass one of these examinations for which you deliver lectures? *A.* That is my opinion; certainly not, unless they are qualified, or unless, like a Manager of a mine, they have taken a certificate of competency, they are not in a position to deal with these things.
3651. *Q.* And in order to get that certificate, I suppose that in this district they would have to work through a series of lectures under yourself? *A.* No, not necessarily; some of them do it by private study in this district; and very smart fellows, too.
3652. *Q.* However, you think it a farce and a shelter for incompetent management? *A.* Yes; and that is one reason whyt he brattice trick has been performed so often.
3653. *Q.* What do you mean by that;—is it a confidence trick? *A.* Yes.
3654. *Q.* What is the brattice trick? *A.* If 20,000 cubic feet of air was coming through that door and 10,000 went through there, and 10,000 through here, the brattice trick is that, if the check-inspector was in there, they would put a brattice here and force all the air up.
3655. *Q.* Whilst the inspection was going on? *A.* Yes.
3656. *Q.* You think that is the practice? *A.* That is a well-known performance.
3657. *Q.* Have you seen it done? *A.* No.
3658. *Q.* How do you know it is done? *A.* From the reports of my acquaintances.
3659. *Q.* That is from hearsay? *A.* Yes.
3660. *Q.* You depend, then, entirely upon what you are told? *A.* I have seen it proved in a Court.
3661. *Q.* In a Court? *A.* That it had been done.
3662. *Q.* You have heard that it has been done? *A.* Yes.
3663. *Q.* Do you think that is widely practiced? *A.* It is too widely practiced, I am afraid.
3664. *Q.* That is really a dishonest trick, of closing up one outlet in order to increase the discharge through another? *A.* Yes; I could give you an illustration.
3665. *Q.* I think the Court understand it. You say, "This limitation should be removed from the Act";—what limitation? *A.* That they could appoint a man with a first-class certificate or a mining engineer—anybody they choose.
3666. *Q.* Whether he is a practical miner or not? *A.* You trust them to look after that; they will look after that.
3667. *Q.* Then you suggest that each Inspector under the Act should be made personally responsible for the administration of the Act in his own district? *A.* Yes.
3668. *Q.* In what way do you propose that responsibility—criminally or civilly? *A.* That he is responsible for the administration of the Act in his district.
3669. *Q.* That is what you said; but I asked you to explain it further: what do you mean? *A.* If the ventilation in his district is bad, he is the man that has it to explain, and that nobody else must be asked, but he must explain, what is the reason.
3670. *Q.* You suggest that "Each Inspector shall make a quarterly report of the conditions of the mines in his district, which shall be promptly published and distributed to the Schools of Arts in the Mining Districts"? *A.* Yes.
3671. *Q.* That is, for the information of the miners? *A.* Yes.
3672. *Q.* Then you give some examples of fear on the part of the men to report, do you not? *A.* Yes.
3673. *Q.* And you quote one from the Bulli Commission? *A.* Yes.
3674. *Q.* The case of "James Crawford, a deputy at Bulli for some years," who "described at the Bulli Commission an occasion in the mine when he told a miner, 'I will not fire this shot for you, as the place is full of gas for 12 yards back.' (Q. 3378, p. 109)"? *A.* Yes.
3675. *Q.* "Mr. Crawford afterwards obtained work as a deputy at another mine. When the Inspector and Manager went through the mine the Inspector suggestively asked the deputy 'if he ever found any yards of gas now'?" *A.* Yes.
3676. *Q.* You give that as an instance? *A.* As an illustration.

3677.

3677. Q. You said he said "suggestively"? A. Yes.
3678. Q. You do not know of the motive, any more than that it is an inference on your part? A. Yes.
3679. Q. The motive there is an inference on your part? A. Yes.
3680. Q. I do not propose to ask you of No. 2 unless, of course, it is of your own knowledge? A. The first is of my own knowledge.
3681. Q. But you read it (Q. 3378)? A. Yes; but I did not read the Act myself.
3682. Q. Which Act? A. He afterwards obtained work as a deputy; that is my own personal experience. Of course, I heard the Inspector ask him that.
3683. Q. You mean he got a situation after he made that statement? A. Yes; and I heard the Inspector ask this man this question, "If he ever found any yards of gas now?"
3684. Q. What was the answer? A. The answer was that the deputy hung his head and looked very — (Interrupted).
3685. Q. That is not an answer? A. That is the answer.
3686. Q. Did he say "no" or "yes"? A. I forget now.
3687. Q. You remember the question, but you forget the answer, though you remember that he hung his head? A. Yes.
3688. Q. With regard to No. 2, you say "Mr. Green gave some evidence as to the cost of bratticing bords"? A. Yes.
3689. Q. And "On the 16th May he was dismissed from his employment at the Glebe Mine"? A. Yes. That is about six weeks after he gave the evidence.
3690. Q. Are you able to say of your own knowledge what connection there was between his giving evidence and his dismissal? A. Only his own opinion.
3691. Q. You do not know that of your own knowledge. I take it that will not be evidence, Your Honor. Where is this man Green? A. He is dead. He lost his life in an accident.
3692. *His Honor.*] The connection of ideas is rather too vague to form anything in the nature of evidence.
3693. *Mr. Bruce Smith.*] Q. Then you wish to say that "At the Balmain inquiry Charles Demond, a witness, when asked why he did not complain when he knew that his own and others' lives were in danger, replied, 'I had a father and brother working at the mine and I thought we would be discharged if I complained' "? A. Yes.
3694. Q. You wish to say that "The most glaring illustration of the boycott is embodied in an inquiry which a mine official has on several different occasions asked the Mines Department for, and it has been refused." I see you make some reference to the Bailey matter there? A. Yes.
3695. Q. That Bailey matter was fully inquired into by a special Commission—was it not? A. Yes.
3696. Q. Mr. Wade? A. Not a Commission like this.
3697. Q. No. That was one; and this is three. The matter was fully inquired into and reported upon by a Commission? A. Yes.
3698. Q. At the time that Mr. Wade was appointed, I believe a Commission was suggested which would include you? A. Indeed. I do not remember at present; but that would have been a very good Commission.
3699. Q. But that Bailey matter has been very fully gone into, has it not;—and the Commission can see that for themselves? A. The Bailey matter has not been investigated yet.
3700. Q. Was not Mr. Wade appointed as a Commission? A. Yes; but the dismissal of a Deputy for reporting gas has not been investigated.
3701. Q. But the Bailey matter was fully gone into, and Bailey was heard, was he not, before Mr. Wade? A. There were only three matters, the brattice — (interrupted).
3702. Q. I want you to answer my question. Was not Mr. Bailey heard on a Commission before Mr. Wade? Was he not examined by me for a whole day at Newcastle? A. Yes.
3703. Q. And you mean to say that the real facts did not come out? A. That the real facts of his dismissal for reporting gas were not investigated.
3704. Q. Were you invited by me on that occasion to go into Court and give evidence? A. No. Your Honor, I sent a note to Mr. Bruce Smith asking him to put me in the witness box; but he very discreetly refused to do it.
3705. Q. You wanted to be examined in chief by me instead of being cross-examined? A. Your discretion was utterly admirable, I admit.
3706. Q. Were you not ordered out of Court by Mr. Wade, as Commissioner, on the ground that you might be a witness? A. Yes.
3707. Q. And were you not asked to go into the witness-box and submit yourself to cross-examination? A. I do not remember; I sent a note — (Interrupted).
3708. Q. You can tell me about the note afterwards. You must answer my questions. Were you not asked to go into the witness-box and submit yourself to cross-examination? A. I do not remember. I remember writing a note to Mr. A. J. Brown, and asking him to see that Mr. Bruce Smith had charged me with conspiring with a deputy in connection with his dismissal for reporting gas, and of conspiring with a deputy in connection with Mr. Weir, who was burnt, as it was reported, and that Mr. Taft was carried out on his mate's back, and that was not reported; and Mr. Bruce Smith charged me with conspiring with this deputy; and I wrote a letter to Mr. Bruce Smith and asked him to put me in the witness-box.
3709. Q. And he declined to do it? A. Yes.
3710. Q. And he asked you to submit yourself to cross-examination? A. No. I do not remember that.
3711. Q. You do not remember that? A. No.
3712. Q. I leave out the next four matters altogether? A. Will you leave those out? It is a very serious matter.
3713. Q. I do not want to leave out the fourth, but that is the Bailey matter. That is all to be had? A. But will the Mines Department not have that inquiry? Do they refuse to hold that inquiry?
3714. Q. I cannot say. I have nothing to do with them, except that I hold a brief for them occasionally. Now, I would like to ask you a question or two on my own account. You were examined before the Coroner and the Coroner's Jury, were you not? A. Yes.
3715. Q. And you had a lithograph such as that which is on the blackboard, now for your special use in marking indications which you wished to refer to? A. Yes.
3716. (The map which was used by Mr. May at the Coroner's inquest was produced and placed on the case. It is Exhibit No. 9.)

Witness--J. May, 14 January, 1903.

3717. Q. Now, when you were before the Coroner and the Coroner's Jury, this lithograph was shown to you, and you were asked to locate the accident, were you not—the cause of the accident? A. Yes.
3718. Q. And you hesitated then to make any circle within which, in your opinion, the accident had originated? A. Yes.
3719. Q. And then I began to ask you whether it was on this side,—that is to say, the west side of the shaft district,—did I not? A. Yes.
3720. Q. And you said "No," and I put a cross to exclude that? A. Yes.
3721. Q. Then you excluded this 22-acre goaf? A. No. 6 Left.
3722. Q. And then did you not exclude the whole of that square between No. 1 District, No. 6 Right of the shaft district, and the continuation of the daylight adit? A. Oh dear no! You asked me to draw a line.
3723. Q. And you would not at first? A. And then you asked me to draw an area, and that is it.
3724. Q. That suits my purpose; the area within which, in your opinion, it had taken place covered the whole of the workings and past workings on the east side of No. 1 Right, and the whole of the space included in the big cross on the west side of No. 1 Right? A. No. Mr. Bruce Smith asked me to take a pencil and mark on the plan, after asking "Did it occur there?" "Did it occur here?" he said would I take a pencil and mark the area in which I was satisfied it did occur. I took my pencil and ran it round here (*pointing to the wavy red line on the plan*).
3725. Q. Did I not then ask you after that whether you would go any nearer than that? A. I declined to go any nearer, for the simple reason that if I had gone any nearer Mr. Bruce Smith would have wanted the circle reduced again and again.
3726. Q. You declined to define it any more closely than by going round there and there (*pointing to the map*). Did I not point out to you that that included two-thirds of the mine? A. Quite right. I did it purposely.
3727. Q. That is the nearest you would go at the time? A. Yes.
3728. Q. And you submitted that, as some help to the Coroner and the Coroner's Jury in locating the place? A. My object was that I knew you would require it reduced then, and I had no intention to go any nearer then.
3729. Q. But you will go a little nearer now? A. Oh, yes. I could then.
3730. Q. You could then? Did you not say you could not?
3731. *His Honor.*] Mr. May said he "would not"; not he "could not."
3732. *Mr. Bruce Smith.*] Q. Did you say this: "I would not attempt to fix any particular spot where it was likely to have originated"? A. No, "I would not attempt." That is right.
3733. Q. Was not that before I began to examine you? A. Have you a copy?
3734. Q. Had you not given that answer before I began my cross-examination? A. Would you mind giving me a copy?
3735. Q. Look at this. The cross-examination begins there (*indicating*). Did you not say that, before even my cross-examination began? A. Yes: that I would not even attempt to fix any particular spot where it was likely to have originated.
3736. Q. Did you not say in my cross-examination? A. Let me have a copy.
3737. Q. You can have that copy for the present if you like. Did you not say in my cross-examination, "I have not formed a conclusion as to where it took place" (p. 43, Inquest)? A. I said, "I have not formed a conclusion as to where it took place; in forming my conclusion, I have not obtained the whole of the data."
3738. Q. That is another sentence. You see there is a semi-colon there. You said, "I have not formed a conclusion as to where it took place?" A. Because I had not got the whole of the data. Really, I must have a copy of this evidence.
3739. Q. Did you not say just now that you knew at the time—that you would not give an answer because you knew I would follow it up by wanting you to reduce your circle?
(*By His Honor's direction, a copy of the Coroner's Inquest depositions was handed to the witness temporarily.*)
3740. Q. Shut that up for a moment and give me the whole of your brain power. You admit that you said then that you had not formed a conclusion as to where it took place? A. Where is it?
3741. Q. You read it just now? A. At the bottom of page 43, "I have formed a conclusion as to the cause of this disaster. I have not formed a conclusion as to where it took place."
3742. Q. That is quite clear. You had not formed then — ? A. A conclusion as to where it took place.
3743. Q. What do you mean by telling the Commission just now that you could have gone nearer, but, that you would not do so because you expected I should ask you to reduce your circle? A. At that time, yes.
- 3743½. Did you know then, or had you formed a conclusion as to where it had taken place? A. I had formed a conclusion.
3744. Q. As to where it took place? A. Not a conclusion. I was waiting for further data. My mind was an open one.
3745. Q. You admit now that you had not formed a conclusion then? A. Oh, yes, I had.
3746. *His Honor.*] Q. Do you mean to say that you had formed a sort of provisional conclusion? A. I really wished to know — (*Interrupted.*)
3747. *Mr. Bruce Smith.*] I wish you would answer His Honor's question.
3748. *His Honor.*] Q. Is it a fact that you had formed a sort of provisional conclusion? A. A sort of provisional conclusion. Of course, my mind was an open one.
3749. Q. Leaving your mind open? A. Yes.
3750. *Mr. Bruce Smith.*] Q. Well, it is not open now? A. Yes, if you give me some data.
3751. Q. Will you give the Commission what fresh data have come to you since then, to enable you to tell us now that it took place in the neighbourhood of Morris' working place? A. The data, your Honor, were these: I was anxious to know where these men between Stafford's going board and this heading — (*Interrupted.*)
3752. Q. Name it? A. Between Stafford's going board and the end of No. 1, or Morris' place if you choose, I was anxious to know where these men should be found.
3753. Q. Where they should be found? A. Where they should be found when they were dead.
3754. Q. Where they were found? A. Yes. And not having been found in this Stafford's Flat, I wanted to know the conditions under which Stafford's Flat was. That is all. On going into the mine I at once spotted

spotted this place between Morris' place across the face. I at once fastened upon that point; and we went across here 400 yards to the west, and then back on to this goaf (the 15½-acre goaf). I wanted to know the condition as much as possible of these places, and where the men were. Now, I understand some of the men walked right back this way (*indicating*).

3755. *Q.* Have you ever been to those places since? *A.* No.

3756. *Q.* Had not you paid that visit to the mine which you are now describing to the Commission before you gave your evidence, which I have been pointing out to you? *A.* Yes.

3757. *Q.* Now, will you tell the Commission what fresh data have you obtained since you gave that evidence? *A.* I have obtained that these men were back out of their places.

3758. *Q.* Where did you obtain that? *A.* From the published evidence. I was in the Court and heard it.

3759. *Q.* Before you gave your own evidence or after? *A.* Oh, no, after. After I gave my evidence.

3760. *Q.* Then the position of what men has enabled you to locate the cause? *A.* From this point— (*Interrupted*).

3761. *Q.* Name the men? *A.* Oh, you do not supply me with a copy—I ought to have had a plan with the names. I would like to have had that.

3762. *Q.* You cannot go beyond that—the position of some men? *A.* That these men were found close to their working place.

3763. *His Honor.*] *Q.* Which men? *A.* Morris and son, Tost and son, Aitken and son; you see from that goaf here (*indicating the 17-perches goaf*). These men could not get away.

3764. *Mr. Wade.*] *Q.* What men could not get away? *A.* Aitken and son, and Tost. I had no plan at the time to mark my observations.

3765. *Mr. Ritchie.*] Tost and Bunn.

3766. *Mr. Bruce Smith.*] Can you tell me who gave evidence of these facts? Name the people who gave evidence of these facts which supplied you with this additional data? *A.* Johnny Morrison—I am just speaking from memory—and Evans. The rescue party: I do not know who they were.

3767. *Q.* Now, sir, had not the whole of those given their evidence before you gave your evidence? *A.* I could not say.

3768. *Q.* Did not you tell the Commission just now that you had not sufficient data because you had not at that time heard where these men were found? *A.* Exactly.

3769. *Q.* Now, sir, will you swear that the whole of that evidence had not been given in your own presence at the time you gave your evidence? *A.* I will swear that Johnny Morrison had given his evidence before I came into the witness-box.

3770. *Q.* And had he not given evidence of the position of all these men? *A.* Possibly, but I was not here then.

3771. *Q.* Had not Evans given his evidence before you did? *A.* Possibly.

3772. *Q.* Did you not read their evidence in the paper before you gave your evidence? *A.* That is possible.

3773. *Q.* Then I may take it, for the information of the Commission, that you may have known of these facts from reading the report of these witnesses' evidence before you told me that you had not formed a conclusion? *A.* That I had formed a conclusion.

3774. *Q.* Therefore if you had read their evidence before you gave yours— (*Interrupted*)? *A.* If I had.

3775. *Q.* If you had read it, then their evidence is not the additional data? *A.* It may be somebody else.

3776. *Q.* Only you could not name them, could you? You could not name anybody else? *A.* No.

3777. *Q.* So that you really do not know whether you have had any additional data since you gave your evidence before the Coroner? *A.* Yes, I have.

3778. *Q.* And you cannot name the nature of the evidence which constitutes the additional data? *A.* Oh, yes.

3779. *Q.* What is it? *A.* The nature of the evidence was that, on my visit to the mine and when I gave evidence, I knew the conditions— (*Interrupted*).

3780. *Q.* I am not asking you what you knew—I am asking you what you ascertained afterwards? *A.* I am going to say what I ascertained afterwards. I will tell you what I knew then and what I found out afterwards. I knew the condition of these places, the condition from the 17-perches goaf, from Morris' place along the heading past the 17-perches goaf for about 400 yards: but I wanted to know the conditions in which the men were found, and the horses that were connected with them between the point I had penetrated to and Stafford's going bord.

Examination by Mr. Lysaght:—

3781. *Q.* Did you observe whether there were any safety-lamps available on the day of the disaster at Kembla? *A.* Safety-lamps?

3782. *Q.* To go into the mine? *A.* I got hold of one. I got one. I think it belonged to somebody else, though: I think I almost stole it.

3783. *Q.* Was there a sufficient supply of safety-lamps for rescue purposes? *A.* I did not observe that.

3784. *Q.* Did you experience any difficulty in getting a lamp? *A.* I got a lamp, but it burnt very badly: I can tell you that much.

3785. *Q.* Do you know whether there was any difficulty in getting safety-lamps? *A.* I heard the men complain about the difficulty; but I could not say of my own knowledge.

3786. *Q.* I want you to show on that plan the goaves that the intake air passed. I want you to look carefully at it, so that it can go down on the depositions; the goaves that the intake air passed? *A.* The intake air passes the east edge of the 35-acre goaf; it passes the north-east corner of the 35-acre goaf. The intake air also passes the south end of the 35-acre goaf. Is this ventilating current right on this plan?

3787. *Mr. Bruce Smith.*] *Q.* Cannot you remember which way the air went? (*By direction of His Honor, a plan, on which the intake air was tinted blue and the return air was tinted red, was shown to the witness.*)

3788. *His Honor (to Mr. Lysaght).* This is marked on the plan; and you can ask Mr. May his opinion, founded upon this information.

3789. *Mr. Lysaght.*] *Q.* Do you know whether the eastern side of that 35-acre goaf was securely bricked off, or were there any entrances into the eastern side? *A.* I never travelled along this cross-cut heading rope road. I could not say.

Witness—J. May, 14 January, 1903.

3790. *Q.* When you said that the position of the goaf was such that, had CH₄ been one of the goaf gases, some of the workmen would have been burnt as they passed for years along the travelling road at the edge of the goaf with naked lights, where did you mean? *A.* I was referring to this cross-cut heading rope road. I was referring to every place in the mine where the intake air went past the goaf edge.
3791. *Q.* But did you know where there were any outlets for gas anywhere there? *A.* Oh, it is not a customary thing, stopping off a goaf.
3792. *Q.* No; but did you know whether there was any outlet there? *A.* No; I do not know it. My idea was that the goaf would be quite open, as it is shown here (on the plan), and that the travelling road would pass the edge of the goaf with the intake air.
3793. *Q.* But did you know of any place where it was open? *A.* Yes.
3794. *Q.* That is what I want to know? *A.* I had not a plan of the mine.
3795. *Q.* But show me there? *A.* As we came down here we went into the goaf from the travelling road just a short distance, and we found some gas there (4th Right). It was probably black damp: at least it was an extinctive gas, anyhow.
3796. *Q.* Is that the place you mean? I want to know where you meant that the positions of the goaves were such that had persons passed they would have been burnt;—where would they have been burnt in passing? *A.* Passing this 15½-acre goaf. It was quite open; and men travelling to and fro there, if there had been any fire-damp in that goaf, must have caught it some time.
3797. *Q.* Did you know of any entrance to this goaf, with the exception of the 4th Right, where men might have got gas? Down here? (Cross-cut heading Rope Road.)
3798. *His Honor.*] *Mr. May* said he never went down that side.
3799. *Mr. Lysaght.*] *Q.* Did you mean that the only two places where men could have been burnt were the 3rd Right and the 4th Right, in the 35-acre goaf? *A.* Oh, dear, no.
3800. *His Honor.*] *Mr. May* has already said that he assumes—especially when he looks at the plan, and because it is the practice, that these outlets from the goaf were open on the east side, the north side, as well as on the west side—that they were open where they appear on the plan.
3801. *Mr. Lysaght.*] *Q.* Then you mean that in each of these places where they appear open men might have been burnt? *A.* Exactly; if fire-damp was present in the goaf.
3802. *Q.* And, in your opinion, the system of allowing the intake to pass a waste working is bad ventilation? *A.* It is not properly ventilated; no.
3803. *Q.* Now, concerning these slack stoppings;—did you observe whether any of the stoppings had crumbled away that had been made of slack? *A.* I noticed some were blown out, and I just examined them. Slack stoppings are a very bad practice; and they are common in the district.
3804. *Q.* How should the stoppings be sealed off? *A.* With brickwork or good building stone. It is a common thing to lose 50 and 60 per cent. of the air passing into a mine through the defective stoppings built in this fashion.
3805. *Mr. Wade.*] *Q.* You are speaking now of the ordinary stoppings? *A.* Of the slack stoppings particularly.
- 3805½. *Mr. Lysaght.*] *Q.* Those were the stoppings you observed in Kembla? *A.* I observed somewhere there.
3806. *Q.* You said the furnace had reached the point of inadequacy? *A.* Yes.
3807. *Q.* In what way? *A.* That the mine was an extensive one. A furnace that might do for a mine in its earlier stages soon arrives at a point where it is inadequate to produce the quantity of air required; but my great objection to that furnace was its fluctuation, owing to the wind and atmospheric temperature.
3808. *Mr. Bruce Smith.*] *Q.* Did you ever go to the furnace? *A.* No.
3809. *Q.* Did you ever see the furnace in your life? *A.* No.
3810. *Mr. Wade.*] *Q.* Have you seen a photograph of it? *A.* I have not seen a photograph of it.
3811. *His Honor.*] I meant to ask *Mr. May* that, because that seems to be an important qualification of his evidence.
3812. *Mr. Lysaght.*] *Q.* Did you take the measurement of the air when you were examining? *A.* No.
3813. *His Honor.*] *Q.* I understand you do not know the measurements even of the furnace? *A.* No.
3814. *Q.* Or the size of the shaft? *A.* Twelve feet, I think.
3815. *Mr. Wade.*] *Q.* You do not know the height of the shaft? *A.* 420 feet, I believe.
3816. *Mr. Bruce Smith.*] That is the extent of your knowledge.
3817. *Mr. Lysaght.*] *Q.* What was the condition of the air when you were examining about Aitken's place? *A.* Oh, the condition of the air after an explosion is not any criterion at all.
3818. *Q.* No, no; what was the condition of the air? *A.* It was very warm.
3819. *Q.* Can you give me the name of any Manager who improperly obtained a certificate of service? *A.* Stephen Powell.
3820. *Q.* What colliery? *A.* At New Lambton.
3821. *Q.* When? *A.* Oh, since the passing of the Mines Act; I could not tell you, I am sure.
3822. *Q.* Is he a Mining Manager now? *A.* I do not know. I know he has got a first-class certificate of service.
3823. *Q.* Where is he now? *A.* He is in New South Wales.
3824. *Q.* Do you know where? *A.* No.
3825. *Q.* Do you know of anybody else? *A.* Yes, I know of another instance; but these are no worse, perhaps, than others.
3826. *Q.* But who is he? *A.* I could not tell you.
3827. *Mr. Bruce Smith.*] *Q.* But of whom are you speaking? *A.* It was two glaring instances which occurred in Newcastle while I was there. I will supply you with the names afterwards.
3828. *Mr. Lysaght.*] *Q.* I want to know the names? *A.* I have given you one name; and I will give you the other when I get it.
3829. *Mr. Bruce Smith.*] *Q.* A glaring case? *A.* Yes.
3830. *Mr. Lysaght.*] *Q.* I want to get the names down? *A.* I will give you the names. I will send them to the Court.
3831. *Q.* Do you know of any Manager in this district who obtained a certificate of service improperly in your opinion? *A.* I have no knowledge of the circumstances.
3832. *Q.* Do you know of any under-manager in this district who obtained a certificate of service improperly? *A.* I have no knowledge of the circumstances.
- 3833.

3833. *Q.* Concerning this black list recommendation, penalising, boycotting, and black-listing (Recom. No. 19);—with the exception of the Bailey case, do you know of your own knowledge of a black list being kept at a colliery?

3834. *Mr. Wade.*] I object to this question. The clear imputation is that there was a black list kept in Bailey's case.

3835. *Mr. Lysaght.*] *Q.* Leaving Bailey's case out of consideration altogether, do you know of a black-list being kept at any colliery in New South Wales at the present time? *A.* Not in the least. They would have more sense than to let me know.

3836. *Q.* I am not talking about their sense now;—do you know of it? *A.* I know nothing of it.

3837. *Q.* "Inspectors to be vested with absolute powers to order use of safety-lamps," (Recom. No. 2). In your opinion should the Inspectors have that absolute power? *A.* Most certainly not.

3838. *Q.* Then upon whom could you place that absolute power to order the use of safety-lamps? *A.* I would place that power in the hands of a Board which I would suggest for investigating mining accidents.

3839. *Mr. Bruce Smith.*] *Q.* Would you allow lawyers to be represented? *A.* The Chairman should be a District Court Judge, or other gentleman possessing legal qualifications.

3840. *Mr. Lysaght.*] *Q.* Then, do I understand that before you would order safety-lamps to be used in a pit, the necessity of them would have to be investigated by this Court that you suggest? *A.* Safety-lamps are often put into mines improperly, when the true remedy is to give them ventilation.

3841. *Q.* Then do I understand that before there would be a power to order the use of safety-lamps in a pit the necessity of them would have to be investigated by this Board that you suggest? *A.* Yes; and they would then have to understand the ventilation conditions of the mine before they gave that order.

3842. *Q.* Then, in the meantime, while the Board were investigating, what would become of the safety of the mine? *A.* If you had a competent Manager at the mine, he would look after the safety of the men.

3843. *Q.* If a sudden development took place in a mine, showing the presence of gas, who should have the power to order safety-lamps at once in that mine? *A.* The Inspector has power to withdraw the men in case of danger.

3844. *Q.* That is not an answer to my question;—who should have power to order the safety-lamps in that mine? *A.* If safety-lamps were requisite, then the Inspector and the Manager would put them there in the meantime.

3845. *Q.* Well, do you say the Inspector should have that power? *A.* The Inspector should not. The Inspector is not the Manager of the mine: and you are making the Inspector manage too much of the mine.

3846. *Q.* Well, do you say that the Manager only should have the power to order the immediate introduction of safety-lamps? *A.* Certainly not. The Manager, if he is held responsible for every detail of the management in his mine, instead of slipping it on to somebody else—if he is held responsible, and he is a competent Manager—if the conditions are not good enough he will soon stop that district.

3847. *Q.* Here is a recommendation that inspectors be vested with powers to order the introduction of safety-lamps. You say that a Board should investigate and order them;—I want to know, pending the investigation by this Board, who is going to have the power to order them and enforce them? *A.* The manager is responsible.

3848. *Q.* I know he is;—I want to know who is to have the power to order them? Who is to have the power to enforce the use of the safety-lamps pending this investigation by your Board? *A.* The Inspector now has the power.

3849. *Q.* Never mind who has it now;—I want to know who should have the absolute power to order the use of safety-lamps pending the investigation by the Board? *A.* He has the power now.

3850. *Q.* In your opinion, should he have it? *A.* He has it now.

3851. *His Honor.*] *Q.* Should that continue?

3852. *Mr. Lysaght.*] *Q.* Should that continue? *A.* At present the Inspector has the power to order the use of safety-lamps in the mine; and the Manager has the power to say, "You can jump up."

3853. *Q.* Should he have the power to order the use of safety-lamps and enforce it? *A.* No.

3854. *Q.* Never mind about the power which the Inspectors have now. I want to know, pending the investigation by this Board, who should have the power to order safety-lamps, and put in force that order? *A.* Now, we will not get any nearer: shall I explain the position?

3855. *Q.* Please tell me who? *A.* You will not get any nearer if you talk for half-an-hour. We have the English Act to guide us; and I will explain to you if you choose. If you do not choose you can go on.

3856. *Q.* Who should have the power to order, pending the investigation? *A.* I tell you that the Inspector has power to act.

3857. *Q.* Is it right for him to have that power? Then, if he should not, who should? *A.* The Inspector now has power to order safety-lamps; and the Manager has power to say, "I am not going to put safety-lamps in."

3858. *Q.* Then who should have the power to enforce their being put in? *A.* The Court I refer to.

3859. *Q.* But pending the investigation by that Court? *A.* The Manager is held responsible for the condition of the mine.

3860. *Q.* But I want to know — [interrupted.] *A.* Go on, my friend.

3861. *Q.* Would you have no power in existence to compel their introduction, pending the investigation by the Court? *A.* I would not have power given to an Inspector to say to a Manager "You must do this; and you must do the other." The English Act recognises this, that the Manager is responsible, not the Inspector; and the Inspector, if any conditions are unsafe, draws the attention of the Manager to them; and if the Manager refuses to alter it, he then takes action under the arbitration clauses. And you cannot alter it.

3862. *Q.* That being so, do you say that no person should have the power to enforce the use of safety-lamps pending the investigation by your Board? *A.* Oh, well, you can get no further with me.

3863. *Mr. Lysaght.*] Your Honor will see that this is a very logical question.

3864. *His Honor.*] Mr. May seems to object to answer that question. You have put it a great many times in different ways.

3865. *Q.* Cannot you answer that, Mr. May? What would you suggest in that case? *A.* I object, Your Worship, to any Inspector going to a mine — (Interrupted).

Witness—J. May, 14 January, 1903.

3866. *Q.* Never mind about that. In case an Inspector considers that he has discovered a condition of things which has suddenly arisen, and is such that safety-lamps should at once be used, what would you suggest as to the provisional use of safety-lamps pending an investigation by the Court? What would you propose, as to whether they ought to be provided or not? *A.* Exactly the provision that is now in the English Act, and the present Act.
3867. *Q.* What is that? *A.* That the Inspector can order the use of safety-lamps; and the Inspector can then appeal to the Arbitration Clauses of the Act; but the Manager is held responsible for the safety of the men pending that inquiry.
- 3867½. *Mr. Robertson.*] Would you be surprised to learn that he cannot take the case to arbitration? *A.* The Inspector cannot?
3868. *Q.* Yes. *A.* I thought we had the same clause as the English Act.
3869. *Q.* We have? *A.* I can give you an illustration.
- 3869½. *Mr. Robertson.*] But he cannot take such a case to arbitration.
3870. *Mr. Bruce Smith.*] *Q.* Perhaps you can find it for the Commission; I cannot.
3871. *Mr. Lysaght.*] There is nothing here about arbitration at all in the Act in the way you suggest.
3872. *Mr. Bruce Smith.*] *Q.* Did you not say that you were under the impression that the Act enabled the Inspector to order, the Manager to object, and the issue to be sent to arbitration? *A.* But if he did not go to arbitration, and any accident occurred, then the Manager would be distinctly responsible.
3873. *Q.* You are under the impression that that is in the Act? *A.* Yes. That is the spirit of the English Act, I am sure.
3874. *Mr. Lysaght.*] *Q.* But we have not got the English Act in force here exactly? *A.* Your Honor, this is the clause I refer to.
3875. *Mr. Bruce Smith.*] Your Honor might look at section 20 of the Coal Mines Regulation Act, No. 12 Victoria, 22 September, 1896.
3876. *Mr. Lysaght.*] *Q.* What I am putting to you is this: pending, if you like, the arbitration, who is to have the power to order the use of safeties? Suppose there is immediate danger there? *A.* Now, would you mind my reading the English Act, and also the other?
3877. *His Honor.*] No, just answer the question.
3878. *Witness.*] Oh, I could not get any further with the question at all.
3879. *Mr. Lysaght.*] *Q.* Assuming the Arbitration Court would take a month to determine the question, who, in that interval, should have the absolute power to order the use of safety-lamps and enforce that order? *A.* You could not give anybody power.
3880. *Q.* You would not give anybody power? *A.* No. The Manager should be held distinctly responsible. The moment you touch his responsibility you undermine the whole business.
3881. *His Honor.*] *Q.* You think that the best policy is that, if the Inspector should call attention to the necessity for using safety-lamps, the Manager shall then have the responsibility cast upon him for any consequences that may follow from his neglect to use them? *A.* Exactly. "If the owner, agent, or Manager of the mine objects to remedy the matter complained of in the notice, he may send his objection in writing, stating the grounds thereof, to the Minister; and thereupon the matter shall be determined by arbitration in manner provided by this Act." (C. M. R. Act, section 20, subsection 2.)
3882. *Mr. Robertson.*] You must take that in connection with section 20. You will find that section 20 and its subsections refer to any matters which are not specially provided against by any express provision of the Act or any special rule. Lamps are specifically provided for in the Act; and there is no power to take such a question as that to arbitration.
3883. *Mr. Lysaght.*] *Q.* Do not you see that safety-lamps are provided for by an express provision by General Rule 8, and therefore that arbitration clause will not apply?
3884. *His Honor.*] It is not necessary to cross-examine Mr. May upon this. It is not for him to say what the proper construction of the Act is. It is only for him to say what he thinks would be, as a matter of expediency, the best provision to have in a future Act.
3885. *Mr. Lysaght.*] *Q.* You say you would give no one that power pending the investigation? *A.* Pending the investigation.
3886. *Q.* Then would not that leave open a very big source of danger of an explosion pending the investigation? *A.* It would be well to have some Court which would deal promptly with the matter; and such a Court I have suggested.
3887. *Q.* And pending that prompt dealing, the danger would remain? *A.* Yes.
3888. *His Honor.*] *Q.* Mr. May would suggest, perhaps, that the Court should have power to make some such order pending the result of the arbitration? *A.* That is His Honor's suggestion.
3889. *Mr. Lysaght.*] *Q.* Do you adopt that? *A.* Yes.
3890. *Q.* That that Court should have some power to make a provisional order? *A.* Yes.
3891. *Mr. Bruce Smith.*] *Q.* In the nature of an interim injunction?
3892. *His Honor.*] Yes, in the nature of an interim injunction.
3893. *Witness.*] Managers ought to be responsible for the management of every detail of the mine.
3894. *Mr. Lysaght.*] *Q.* We are not dealing with that at present; now (Recommendation No. 4), "Waste workings to be absolutely sealed off, and surrounded by return airways, such return airways not to come in contact with intake";—what is your view of that recommendation? *A.* The return air coming in contact with the intake?
3895. *Q.* Yes;—that the waste workings should be surrounded by return airways? *A.* I do not quite see the force of that suggestion.
3896. *His Honor.*] Mr. May does not appear to understand that, and there is one part of it that the Commission have not yet fathomed. How the intake and return air can come in contact with one another is a mystery which the Commission has not yet solved.
3897. *Mr. Lysaght.*] I will leave that.
3898. *Q.* "All places except prospecting drives to have cut-throughs not more than 30 yards apart" (Recommendation No. 5);—what do you say to that? *A.* I have already stated these long pillars to be a serious source of danger: but you must make a distinction between a mine which has a large quantity of air and a mine where it is just scrub and go—where it is on the verge of being reversed. You must make a distinction there.
3899. *His Honor.*] *Q.* But, Mr. May, I thought you contended all along that such a condition as what you have just now suggested never ought to exist at all? *A.* It ought not to exist. 3899½.

3899½. *Q.* That is defective ventilation;—but supposing that the initial ventilation is such as it should be?
 3900. *Mr. Lysaght.] Q.* What would be the proper distance for the cut-throughs in such a case as that?
A. Where the ventilation of the mine is effective, then you can carry air a considerable distance: and it is done in practice.

3901. *Q.* I do not know what you call a considerable distance;—the question I put to you is: what, in your opinion, would be a proper distance for cut-throughs, assuming the ventilation initially was adequate? *A.* I have always found that 33 yards was a very fair distance for cut-throughs.

3902. *Q.* In your opinion, would cut-throughs at 30 yards in any way weaken the roof? *A.* The object of the long pillar is to save yard-work—to save the price of the brattice.

3903. *Q.* No. 6, "Inspection with locked safety-lamp in all cases";—you are aware of the exception that they need not inspect every morning where gas has not been found in the previous twelve months?

3904. *His Honor.]* Oh, well, that is accepted.

3905. *A.* Pardon me: you say "locked safety-lamp." You examine those two headings—No. 1 main and back heading—as a deputy. You go into No. 1 heading to examine the place. If workmen are coming there with naked lights, a proper system of inspection is that the deputy should screw his lamp bottom off and burn his mark on there to show there has been an inspection with a naked light. Then I presume he would lock his safety-lamp and go into the back heading, and then unscrew his lamp off to make an inspection. Now, you see the absurdity of that position.

3906. *Mr. Bruce Smith.] Q.* Is this what you say is done, or should be done?

3907. *Mr. Lysaght.] Q.* Is this what you say is done, or should be done? *A.* The method that we adopt in examining places — (*Interrupted*).

3908. *Q.* Do you know whether that is done, that you have said? *A.* Oh, no.

3909. *Q.* Do you say it should be done? *A.* If a lamp has to be locked, do you not see that in every place a man must unlock his lamp.

3910. *Q.* Do you say it should be done? *A.* I only say that under a proper system of inspection you would not ask the deputy to lock his lamp to go from that place to there (*indicating on the map the No. 1 main heading and the No. 1 back heading*).

3911. *Q.* I ask you if it is right for him to lock his safety-lamp? *A.* It is perfectly right for his lamp to be locked if he is making an inspection for safety-lamps; but if he is making an inspection for naked lights it is absurd for him to lock his lamp.

3912. *Q.* "Monthly examination and report by deputies and District Inspector with hydrogen flame" (Recommendation No. 7). Do you support that recommendation? *A.* No.

3913. *Q.* Why? *A.* Because you are putting it upon the District Inspector and the workmen's Inspector; which is an incompetent inspection—(*Interrupted*).

3914. *Q.* I said deputies and the district inspector? *A.* We are mixing them.

3915. *Q.* I do not mean the two at the same time, but an inspection by each at different times? *A.* The under-manager should make the inspection with the hydrogen flame.

3916. *Q.* Do you say he should make it once a month? *A.* He should make it oftener than that. As frequently as he may, if he is going to fire shots in a place where there is coal-dust.

3917. *Q.* But I say a general inspection, to enable him to determine the safety of the whole mine? *A.* It would be a very desirable thing to have a monthly inspection with a hydrogen flame under those conditions.

3918. *Q.* And you would have that done by the deputies and District Inspector? *A.* By the Manager and the under-manager; but as to the district check-inspection it should be abolished.

3919. *Q.* Not the check inspection at all; but by the Government Inspector? *A.* He ought to know the condition of every mine with respect to the existence of gas.

3920. *Q.* Ought the Government Inspector to examine the condition of every mine once a month with the hydrogen flame? *A.* Yes, certainly.

3921. *Q.* "All doors erected so as to close and remain closed of own motion" (Recommendation No. 9). What do you say to that? *A.* It is a common pit practice for all doors to fall to of themselves. That is, to fall naturally.

3922. *Q.* Could that be done? *A.* A competent Manager will see that it is done. It argues incompetency — (*Interrupted*).

3923. *Q.* Do you think it should be done? *A.* Yes. It is remarkable to hear it stated. It is a self-evident truth.

3924. *Q.* "Travelling and haulage roads and other places necessary to be properly watered" (Recommendation No. 13)? *A.* Yes, that is a very sensible provision.

3925. *Q.* "Managers compelled to give more personal time and attention to management of colliery" (Recommendation No. 14)? *A.* I think it is very wrong for the Manager or the Inspectors to hold the workmen responsible for managing a mine; very wrong.

3926. *Q.* "Size of manholes enlarged" (Recommendation No. 16). They are 3 x 4 x 6 now.

3927. *Mr. Wade.]* I object to that. It is not in the evidence at all.

3928. *Mr. Lysaght.]* I am telling Mr. May now.

3929. *Q.* Is the size of a manhole 3 x 4 x 6 an adequate size? *A.* It is a common thing to make your refuge hole 6 feet square and 6 feet from the rails.

3930. *Mr. Wade.] Q.* That would be 3 feet deep? *A.* It all depends on where the road is.

3931. *Mr. Lysaght.] Q.* "Instruction to employees regularly on means of escape" (Recommendation No. 18).

Whom would you have give the men this instruction? *A.* Oh, the deputy should once a month travel out by the return airway or other travelling way, to familiarise the men with it. That is a common practice in many mines.

3932. *Q.* "Safety-lamps not to be unlocked for shot firing" (Recommendation No. 20)? *A.* I am almost astounded to hear of safety-lamps being opened. It is astounding to me.

3933. *Q.* For that purpose? *A.* Yes. I have never heard of it until coming out here where explosions have been. I have heard of explosions where that practice was frequently in operation.

3934. *Q.* And can any estimate be made of the danger that arises from such a practice? *A.* It is an evidence of very serious mismanagement, and it is certainly to me a remarkable thing that lamps should be opened to light shots.

Cross-examined

Witness—J. May, 14 January, 1903.

Cross-examined by Mr. Wade:—

3935. Q. Under no conditions is it safe, do you say, to open a safety-lamp to fire a shot? I will put it this way: do you say that it is unsafe under any conditions to open a lamp to fire a shot? A. It is not a question of safety; but I have never heard tell of it.
3936. Q. Do you say it is unsafe under any conditions to open a safety-lamp for the purpose of firing a shot? A. I simply say it is a very wrong practice.
3937. Q. "Yes" or "No," or "I do not know," will do for me? A. I will give you conditions where it might be safe.
3938. Q. Will you answer my question? A. No. Excuse me: I have no reply to it. I will only have to say "Yes," "No," or "I do not know."
3939. Q. What are you going to say? A. Oh, I know; and you will not allow me to say.
3940. Q. Now, please say yes or no. It is either safe or it is not safe? A. It may be safe with one explosive, and not with another. It is perfectly well known.
3941. Q. Then you would not say it is unsafe under any conditions? A. I am not going to say it is unsafe under any conditions.
3942. Q. Will you say under some conditions it is safe—[*Interrupted*]? A. Under no—[*Interrupted*].
3943. Q. Listen to the question, please. Will you say under some conditions it is safe to open a safety-lamp for the purpose of firing a shot? A. If you had a—[*Interrupted*].
3944. Q. Is that so, yes or no? A. Yes, if we had it in a quarry outside here.
3945. Q. Now, we come to Kembla: do you say it is unsafe under any conditions to unlock a safety-lamp to fire a shot in Mount Kembla? A. It is unsafe under any conditions. It is a wrong practice.
3946. Q. What is the risk you run in lighting a shot with an open safety-lamp? A. You ought to be, and, as a rule, very likely you would be, fined.
3947. Q. Never mind the fine: what is the risk? A. The risk is that you are inside a caution-board, where no naked lights are used.
3948. Q. What is the risk to the man's bodily health or his life? A. The risk is that it is establishing a system which is wrong.
3949. Q. I ask you again what is the risk to a man's bodily health or his life: and I will go on a dozen times until I get an answer. You answer that question. Can you answer it? A. I can only say that it is a wrong practice, that is all.
3950. Q. Can you answer that question? Tell me what the risk is? A. The practice is wrong.
3951. Q. Will you kindly answer my question? Can you tell me what the risk is? A. The risk is that you show workmen that you have an open light at a point where an open light ought not to be.
3952. Q. Then what is the risk you run? A. You are discarding proper mining practice.
3953. Q. What do you expect to follow? A. You expect the men to say, "The deputy opens his light; why should not I open mine?"
3954. Q. What do you expect to follow then? A. An explosion.
3955. Q. Then, supposing the workman observes the rule and does not open his lamp when he is told not to, I ask you again what is the risk of firing a shot with a naked light? A. That is the only matter that I have to say, that you can go into the place and open your light and light a shot; but, under Managers that understand these matters, you would not do that a second time.
3956. Q. I will suppose the Manager is absolutely incompetent, that he is a fool. I ask you what is the risk a man runs, say, in Mount Kembla, if the lamp is opened for the purpose of firing a shot? A. That you could go into the mine and open the lamp and light the shot.
3957. Q. What would you expect to follow? A. It is just possible that no explosion may follow; but it is a wrong practice.
3958. Q. Supposing you know there is no gas? A. Very well.
- 3958½. Q. Supposing you know the place is not dry and dusty? A. Yes.
3959. Q. What is the risk then? A. The risk is that you have the caution-board up beside you. The risk is that you will be fined or be sent to gaol.
3960. Q. But tell me the risk to the miner, to his bodily health? A. He can open it, I admit. You can go into Helensburgh and open it if you like.
3961. Q. Can you tell me of any bodily risk he incurs? A. The risk is that it is a wrong practice, a dangerous practice, and utterly opposed to all the proper practice of mining.
3962. Q. Are not the elements of risk the possible presence of coal-dust and fire-damp? A. There may be none.
3963. Q. There may be none at all? A. But that does not say it is the practice.
3964. Q. I have not said a word about practice. I am talking about danger to a man's life.
3965. *His Honor.*] Q. You mean physical danger, quite apart from the question of demoralisation?
3966. *Witness.*] Assuming there is no gas there, then there is no immediate danger if you fire with powder particularly; but, then, where you use safety-lamps, the rule is that you fire with some of the higher explosives. And you can apply the same principle to the breach of every rule connected with mining as you do here; because it is a wrong practice.
3967. Q. I understand you to say that there may be no immediate risk; but you say there is a resultant risk in allowing practically the breach of a very wholesome rule? A. Yes. A caution-board is placed at a certain point, stating that no naked light is allowed beyond that point; and he opens his light where he knows that no naked lights are allowed.
3968. *Mr. Wade.*] Q. What man? A. The deputy.
3969. Q. Do you know of any provision in the Act about it? A. It is not in the English Act. It is not in this.
3970. Q. What do you mean by "this"? Do you mean the present Coal Mines Regulation Act? A. Yes.
3971. Q. That prohibits a safety-lamp being unlocked under any conditions? A. On the inbye side of the caution-board.
3972. Q. Do you say it prohibits a safety-lamp being unlocked in a mine under any conditions? A. The Regulations say that no safety-lamps shall be unlocked inside a caution-board.
3973. Q. Supposing safety-lamps are used throughout a mine, you do not have a caution-board then? A. Yes.

- 3973½. *Q.* Where is it? *A.* At the mouth. You have a caution-board, "No naked lights or matches, or pipes, allowed beyond this point."
3974. *Q.* Do you know whether the present Act deals with that matter of allowing naked lights for shot firing? *A.* I could not say.
3975. *Q.* Now, coming to the explosion, has the information you have gathered since you gave evidence caused you to alter your opinion? *A.* No.
3976. *Q.* Only to confirm it? *A.* My opinion was then in abeyance. I wanted more light.
3977. *Q.* But, in your own mind, you had fixed upon a place for the start of the explosion? *A.* In my own mind.
3978. *Q.* Yes or no, please? *A.* Yes.
3979. *Q.* But you did not choose to tell the Court or the Jury, or anybody else, what that precise spot was? *A.* What my conclusion was?
3980. *Q.* What the precise spot was? *A.* It was not a precise spot. I had two. I had three. Here is one; there is one (*pointing to the map*).
3981. *Q.* That is one spot between No. 1 Right and No. 6 Shaft District? *A.* Yes.
3982. *Q.* Was there more than one spot between No. 1 Right and No. 6 Shaft District? *A.* That in any bord between No. 1 and Stafford's going bord there were all the conditions of an explosion.
3983. *Q.* I am not talking about that. You have told us that at the Coroner's Inquest you had fixed in your mind upon the spot where the accident occurred? *A.* One spot—I have got three, I tell you.
3984. *Q.* Did you say to me just now you had fixed upon one spot in your own mind at the Coroner's Inquest, or at that time, at which the explosion was initiated? *A.* What do you mean by one spot? I do not understand what you mean. I would call No. 1 heading one spot; and I would call this another spot. That is two spots. And that goaf was in my mind too. These are spots.
3985. *His Honor.*] *Q.* But the most probable place for the explosion—? *A.* The most probable source of the explosion—when looking at the plan in the office—the most probable point of the explosion to me was where Morris and son worked. After examining that, I had noted the condition of this ¼-acre goaf and these two places. I had suspended my judgment to get information about that goaf and those places (¼-acre goaf and Stafford's going bord).
3986. *Mr. Wade.*] *Q.* Now, is this correct, that you have told us that you knew of three likely places between No. 1 Right and the No. 6 shaft heading? *A.* I said there were a dozen, in my evidence.
3987. *Q.* Do you say, now, that at the Coroner's Inquest you had fixed upon at least three places between No. 1 Right and No. 6 shaft heading where the explosion might have taken place? *A.* Might have taken place then: my mind inclined towards these three places.
3988. *Q.* Inclined towards those three? *A.* Yes.
3989. *Q.* Did you have an opinion at the time you gave evidence at the Coroner's Court that Morris' place, to the right of No. 1 heading, was the most likely place;—yes or no to that? *A.* I will not say yes or no.
3990. *Q.* Then say you cannot? *A.* My mind was in suspension waiting for further evidence.
3991. *Q.* Had you in your mind at the time of giving evidence at the Coroner's Court Morris' place or Morris' light as being a likely point for the explosion to start from? *A.* Most certainly I had it as a likely spot.
3992. *Q.* Now, you are quite clear about that? *A.* Quite clear of that.
3993. *Q.* And you would not call that between No. 1 heading and No. 6 shaft heading? *A.* No, not that.
3994. *Q.* Now, did you not swear at the Coroner's Court that the conclusion you had come to was, "I have formed the conclusion that the disaster occurred between No. 1 Right and No. 6 shaft heading"? *A.* Quite right.
3995. Then you had excluded at that time, evidently, Morris' place? *A.* I took the last man — (*Interrupted*).
3996. *Q.* Now, listen to me,—you told me a minute ago that Morris' place would not be between No. 1 Right and No. 6. shaft heading? *A.* Did I? [*At Mr. Wade's request the shorthand writer read over the evidence on this point.*]
3997. *Q.* Now, do you want to alter that? *A.* I want to alter that to this extent, that, when entering the mine, I took from the last man who was killed in No. 1 Right to the last man I knew had escaped to the right of No. 6. I took that area between the face and this 15-acre goaf as being the likely spot to fasten my attention on.
3998. *Q.* Very interesting, but not an answer to my question;—do you want to alter the statement you made just now, when you said that Morris' place is not between No. 1 Right and No. 6 shaft heading? *A.* Oh, certainly, it must be altered, because it is between No. 1 Right and No. 6 shaft heading.
3999. *Q.* Is not Morris' place right outside the back heading of No. 1 Right? *A.* It is exactly in No. 1 Right.
4000. *Q.* Then if it is in No. 1 Right it cannot be between that and No. 6 shaft heading? *A.* It is in No. 1 Right; and it is between No. 1 Right and No. 6 shaft heading. Of course it is.
4001. *Q.* Now, is it not a fact that the first that you heard of the suggestion that Morris' light was the spot at which the accident happened was when Mr. Atkinson was examined? *A.* No, certainly not.
4002. *Q.* Tell me one person who gave evidence of it in this Court before? *A.* But it does not need to be a person who gave evidence of it.
4003. *Q.* Tell me any person who mentioned this to you? *A.* I did not talk to anybody one word about that explosion. I kept it in my own breast.
4004. *Q.* What was your reason? *A.* Because I knew I had to meet you. I was not going to give my opinion until I was here.
4005. *Q.* Why did you not give it when you were there at the Coroner's Court;—why did you not give it when you came here? *A.* I had a very good reason for it.
4006. *Q.* You decided not to give it, you said? *A.* Yes.
4007. *Q.* If you can give it to-day, why did you not give it at the last Court? *A.* For the simple reason that you decided to put me in this box to squeeze me for information.
4008. *Q.* Do you know who called you? *A.* You did; you said "I am going to call Mr. May."
4009. *Q.* Are you aware that the Coroner subpoenaed you? *A.* Oh, yes, with your instructions.
4010. *Q.* Are you aware that the Coroner told you to leave the Court when the inquest was first opened, and I was not even here? *A.* Did you arrange it before you went away?
4011. *Q.* What do you accuse me of? *A.* Did you arrange with the Coroner before you went away?

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4012. Q. Do you mean to say that I arranged with the Coroner to have you subpoenaed on my behalf?
 A. That you stood up in this Court and said that you would call me as a witness.
4013. Q. Do you say that I arranged with the Coroner behind your back to have you called? A. Oh, I would not say anything of the sort; I would not dream of it.
4014. Q. Then, whether I called you or not, why could you not have given to the Court here and the Jury the whole of the knowledge that you had at that time? A. For the simple reason that I was waiting for further information.

[At 1 o'clock the Inquiry was adjourned until 2 p.m.]

AFTERNOON.

4015. On resuming at 2 p.m., Mr. W. R. Pratt attended to take shorthand notes of the evidence and proceedings.

Mr. JONATHAN MAY, previously sworn, was further examined as under:—

4016. *Mr. Wade.* Q. You made some statement to-day that you attributed the explosion to some door which I suppose short-circuited the air, and took the proper supply away from the men on the face at No. 1 level?
 A. Yes.
4017. Q. Is that based on evidence or on theory? A. With the doors — (*Interrupted.*)
4018. Q. Is there any evidence that you know of? A. Here on this plan is an indication that the air in No. 1 main level goes direct to the outbye side of the inmost west heading in No. 1 Right, and it is then diverted through a cut-through up No. 1 back heading, and then returns and passes along the face of those workings.
4019. Q. I want you to say whether you had any evidence that the doors there, being open, short-circuited the air that ought to go to the face? A. My evidence was that this — (*Interrupted.*)
4020. Q. I do not want to know what your evidence was; and I will repeat my question [*Question repeated*]?
 A. I only have the evidence of the plan, which shows that the air was dependent on doors which were single doors; and this co-relates Kembla with Burwood and Bulli.
4021. Q. Now show me the doors which you rely upon as having tended to short-circuit the air? A. There is a single door at the outbye side of No. 4 Right, a single canvas door at No. 4 Right, a single canvas door on No. 4 Left, and, on both the travelling and the rope-road, a single door—a wooden door—opposite No. 4 Left, and a single door at No. 5 Right. I see there are three single doors near No. 5 Right and a single door on No. 1 main level. The ventilation of the face of No. 1 heading and No. 1 back-heading is dependent on one canvas door, and if that was defective the air would be taken off.
4022. Q. Can you tell me of any one of these doors that was deranged? A. No.
4023. Q. Then it is pure theory? A. It is no theory at all.
4024. Q. Can you tell me of any facts? A. It is an actual fact in mining that doors, especially single doors, are dangerous, and that they are wrong both in theory and practice.
4025. Q. You are going on the theory that single doors are dangerous—that all single doors are dangerous?
 A. Yes.
4026. Q. But you have no proof of the doors being deranged on the day of the accident? A. No. Only that the current was dependent on several single doors. It is on that point that I connect the Bulli and the Burwood disasters.
4027. Q. Now, is this correct: "That a fall of the roof will tend to heat the air by compression"? A. Yes.
4028. Q. Have you made any experiments as to what extent that will follow? A. No, it would not be practicable to make any experiment like that in a mine.
4029. Q. Do you know at what point coal-dust will ignite from compression of air? A. No; I do not remember.
4030. Q. Now, one word as to the check-inspectors: do you say that miners are not competent to become check-inspectors. They are either competent or not competent? A. To become a check-inspector a man must hold the same qualifications as a Manager holds.
4031. Q. Do you say whether miners are competent or not? A. Not according to my argument.
4032. Q. I suppose, if a man can detect gas with a safety-lamp, that is sufficient knowledge to have to make an examination for gas? A. No.
4033. Q. What do you want to know? A. You want to understand the method of carrying air currents in a mine.
4034. Q. I am talking about finding gas: is not that sufficient knowledge to have to detect gas? A. If he can do it.
4035. Q. Now, you were asked about safety-lamps: is this the position which you take up—that although you may find gas in a mine it is not therefore necessary to put in safety-lamps? A. That is the position I take up.
4036. Q. That the ventilation may be improved so as to dissipate all traces of inflammable gas? A. Yes.
4037. Q. And that if gas is found in a mine the first question is, is the ventilation defective? A. Yes.
4038. Q. And if you find the defect? A. You remedy it.
4039. Q. But when you find the ventilation is absolutely perfect in the highest point of the mine, and you still find inflammable gas, you would put in safety-lamps? A. Yes. I would like to illustrate the position. Assuming you find that the ventilation has been reversed, you would not put safety-lamps in a mine; but you would put in a fan and improve the ventilation.
4040. Q. You know the general method of ventilating pillar workings? A. Yes.
4041. Q. Is not the air allowed to circulate past a pillar working and over a waste? A. It does not go over the waste as a rule, but past the edge of the goaf.
- 4041½. Q. When you are taking the pillars out cannot you ventilate the pillars by a current of air, if it is turned over the waste and along the pillars? A. No, it is not done.
4042. Q. You never heard of it? A. It is not done.
4043. Q. It is not done? A. Nowhere. I would not dream of it.
4044. Q. You say it is dangerous? A. It is not practicable.

4045. *Q.* If there was only a fall of 3 or 4 feet in the waste could it be done? *A.* That is not a goaf.
4046. *Q.* I said a waste? *A.* They are synonymous terms.
4047. *Q.* You know that the roof may fall in 3 or 4 feet. Cannot you ventilate a pillar working by air directed across that waste? *A.* You would not do it.
4048. *Q.* Can you do it—say yes or no? *A.* The whole thing is impracticable.
4049. *Q.* Can you do it? *A.* If the air goes across it, yes.
4050. *His Honor.*] Is there any statement which you wish to make? I may say that all this matter which you have gone into of your own private affairs with the Department is not in the nature of evidence in this case. It is not only quite immaterial to this inquiry, but it is of such a nature that I would suggest that it is not judicious that it should be gone further into. The best thing to do is to proceed no further with it. It is outside the scope of this inquiry to search into the question whether you have been fairly or unfairly treated, or what has been done in matters between yourself and some Department; but if you have any evidence to offer or any other suggestions to make we shall be happy to hear them.
4051. *Witness.*] I understand that my statement that a proper system of mines inspection would be desirable can be put before the Court.
4052. *His Honor.*] That has already been gone into to some extent.
4053. *Witness.*] May I be permitted to suggest that all inquiries into mining disasters or serious mining conditions shall be by a Court of competent persons practically experienced in mining matters, representing workmen and proprietors; assisted or presided over by a District Court Judge — (*Interrupted*).
4054. *Mr. Bruce Smith.*] I question whether this matter is within the terms of the Commission.
4055. *His Honor.*] It has been gone into to a certain extent.
4056. *Mr. Bruce Smith.*] It will occupy a great deal of the Court's time unnecessarily; and the Commission is only concerned about inquiring into the cause of the Mount Kembla disaster and the prevention of other similar disasters. It has not to inquire into the constitution of a Court of Inquiry into disasters generally.
4057. *His Honor.*] Excepting that I presume that Mr. May desires to suggest that the existence of such a tribunal, always ready, would have the effect of keeping mining managers up to the mark.
4058. *Mr. Bruce Smith.*] That is circuitous reasoning.
4059. *His Honor.*] That is the only way in which it can be material to this inquiry.
4060. *Witness.*] I suggest that such investigation shall commence within one calendar month of every colliery explosion where lives are lost, and every other disaster resulting in a loss of four or more lives. In each case which such Court shall investigate, the coronial inquiry shall be limited to the cause of death, and that no lawyers be permitted to appear in such Court on either side; that workmen's representatives be elected annually by ballot of the Miners' Lodges of the Newcastle, Lithgow, and Illawarra Districts, there being three separate districts for the purpose; the voting to be cumulative in each district. Now, as to Government inspection.
4061. *His Honor.*] The further you go, the more I am inclined to think with Mr. Bruce Smith, that this is outside the scope of the Inquiry.

[*The Commissioners then conferred on the matter.*]

4062. *His Honor.*] We have decided to let you go into this matter. Nos. 1, 2, 3, and 4, on your statement in this matter, have already been gone into, and No. 6 has also been gone into; but we think that it is going too far to enter into that matter. Have you anything to say with regard to No. 1?
4063. *Witness.*] That is, "That the present system of mines inspection is an utter failure, tested by the explosions of gas at Bulli, Dudley, Burwood, and Kembla."
4064. *His Honor.*] *Q.* You think that if there had been a better system these explosions would not have occurred? *A.* That is what it comes to. Experienced men would have understood it. No. 2 is that the system should be rearranged on the following basis — (*Interrupted*).
4065. *His Honor.*] *Q.* You propose the establishment of independent Inspection Districts, with a competent man experienced in the best practice of ventilating and working gaseous mines appointed to each district. Just explain what you mean by "independent Inspection Districts"? *A.* That each Inspector shall have a district assigned to him; and that he shall be responsible for the administration of the Act in that district. In the event of any explosion occurring, that Inspector must show that he took all reasonable precautions—not by any other person, but by himself personally.
4066. *His Honor.*] *Q.* There is to be no overlapping of the Inspectors' Districts? *A.* No.
4067. *Q.* Is there at present? *A.* I do not know. In the event, say, of the Kembla disaster, the Inspector would have ascertained what percentage of gas the deputies could find, the likelihood of the reversal of the air current, and all other dangers which may have contributed to the accident.
4068. *His Honor.*] *Q.* That would have been done under the present system. You say—if the inspection had been as it should have been. I wish you would answer my question. You say here practically that if the Inspector who inspected the Mount Kembla Mine had been sufficiently careful, he would have detected enough to have prevented the explosion occurring;—now what is the difference between the new system which you propose and the present system? *A.* Under the present system, the man has first to report to the Chief Inspector; but under the new system of inspection he would do the duty himself.
4069. *Q.* Each Inspector would have the same status? *A.* Yes.
4070. *Q.* And would have a special district assigned to himself? *A.* Yes, and be responsible for it.
4071. *Q.* You think that the responsibility you mention in the fourth heading—"Each Inspector to be made personally responsible for the administration of the Act in his own district"—would, as his responsibility would be undivided, be more effective? *A.* Yes.
4072. *Q.* You propose that "Each Inspector shall make a quarterly report on the conditions of the mines in his district, which shall be promptly published and distributed to the Schools of Art in the mining districts." What does this addition mean? *A.* At present the reports are embodied in the Chief Inspector's report; under that addition they would be presented separately.
4073. *Q.* If you wish to say anything about any of these suggestions, you are at liberty to do so; but we hold that No. 7, which proposes "that the appointment of Inspectors be taken out of the hands of the politician and departmental head," shall not be gone into; and No. 5, which proposes that "in the event of an explosion or other disaster no lawyer should be permitted to be present at the Court of Inquiry," is an absurdity; and it apparently proposes to debar persons from a right which they are supposed to have of choosing

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choosing those whom they prefer to represent them. *A.* The only thing which I would like to say is, that I believe that, if these suggestions were carried out, they would make the working of the mines more satisfactory. They would reduce accidents, and improve the ventilation; and circumstances like the brattice trick and other things would be utterly impossible. May I ask whether you exclude from the inquiry that portion where a deputy asks for a report upon his case?

4074. *Q.* That is Bailey's case? *A.* Yes.

4074½. I do not think that it is proper that such a matter as that should be argued before this Court. I do not think it is within the scope of the Inquiry.

Examined by Mr. Robertson:—

4075. *Q.* In the evidence before the Coroner's Court you said this, "To show that a fall of very hard stone has been suspected of igniting gas without the intervention of any light. I do not at present commit myself to that view; Buddle is my authority; I will bring you the book Buddle to morrow";—have you got it? *A.* It simply went to prove that explosions used to occur with the old Flint Mill. The next proof was by Sir Warrington Smythe, where he said it was proved by Mr. Thomas Southern — (Interrupted).

4076. *Mr. Robertson.*] I know that case.

4077. *Mr. Bruce Smith.*] Buddle was produced in 1856, and did not bear out the contention of the witness.

4078. *Mr. Robertson.*] *Q.* You think that with perfect ventilation safety-lamps may not be necessary? *A.* I believe that. We hear too much about the introduction of safety-lamps; and it would seem as if safety-lamps were going to be made an apology for bad ventilation.

4079. *Q.* Is not that contrary to experience? *A.* I do not think so.

4080. *Q.* Do you not know that where the men work with safety-lamps there is better ventilation? *A.* Gaseous mines are always better ventilated. If, instead of improving the ventilation you put in safety-lamps you will destroy the system of ventilation.

4081. *Q.* Even in the most perfectly-conducted mine, and with the most perfect system, may not some contingent matter arise, such as the opening of a door or the falling of a brattice, or anything else outside the normal conditions of a mine? *A.* Yes.

4082. *Q.* As a matter of fact, safety-lamps are never introduced in gas? *A.* Safety-lamps are not intended as a remedy for bad ventilation.

4083. *Q.* I mean that safety-lamps are never introduced into a mine for the purpose of working in gas? *A.* No.

4084. *Q.* Then what are they introduced for, if it is not to provide for contingencies that may arise in the best regulated mine? *A.* They are introduced into mines where it is not safe to work with open lights.

4085. *Q.* I mean that with the most perfect system of ventilation, and the most perfect system of management, gas may accumulate? *A.* Well, it is under very rare circumstances.

4086. *Q.* Do you think so? *A.* Under the conditions where open lights are used. I am speaking of Durham and Northumberland, where the whole face is almost invariably worked with open lights, and the goafs with safety-lamps.

4087. *Q.* Worked with mixed lights? *A.* Yes.

4088. *Q.* Are you aware that the mixed light system has been condemned by competent authorities? *A.* It all depends on the authority. Take Durham, where I think they produce 40,000,000 tons of coal; and the system has been open lights at the face and safety-lamps at the goaf.

4089. *Q.* Do you say that in Northumberland the general system up to the present has been naked lights at the face? *A.* Yes.

4090. *Q.* I thought I knew a good deal; but I confess my ignorance of that? *A.* I think they produce 40,000,000 tons there.

4091. *Q.* You consider that, under ordinary circumstances, efficient ventilation will meet the case—that is, under ordinary conditions and with an ordinary quantity of gas? *A.* I consider that open lights and good ventilation are the best means of preserving the science of ventilation.

4092. *Q.* Is it not a fact that accidents frequently occur in mines which are moderately gassy? *A.* Yes, where the ventilation is neglected.

4093. *Q.* With respect to the inspection of districts, will you tell me whether the system in New South Wales is different from that prevailing in the Old Country? *A.* The system in the Old Country is very bad. That here is not worse. It is better.

4094. *Q.* In what respects is the system in the Old Country bad? *A.* The system has been to appoint a Chief Inspector for a district, and to appoint two or three young men who have not had very much experience; and they are taken care of by the Chief Inspector; but the proposed system is, I think, to make each man responsible for his own district; and then you have a more effective system.

4095. *Q.* You would subdivide the district coal-fields into a number of separate districts? *A.* Yes.

4096. *Q.* Do you know whether fault has been found with the inspection in the Old Country? *A.* I would like to give you an illustration. I was ten years in my last situation in England, and twice saw the Inspector.

4097. *Q.* That does not mean a change to separate districts;—do you mean there are not sufficient Inspectors? *A.* I desire to show that separate District Inspectors should be individually responsible.

4098. *Q.* You could not have more inspections without more Inspectors? *A.* I would not like to say that.

4099. *Q.* We assume that the Inspectors are doing their duty? *A.* Let me show you a case where a proper system of inspection would prevent explosion.

4100. *Q.* This is a matter of time? *A.* Now, take the Burwood and the other mines making fire-damp. You would expect the Inspector, when visiting these, to see how the ventilation was carried out, and whether the air currents were efficient, and to see into other matters; if not, it is time the inspection was carried out properly.

4101. *Q.* Do you consider that the Kembla mine was dangerous—I mean before the accident; it is so easy to be wise after the event? *A.* It was not my duty. The conditions are sufficient; and now, having seen the plan — (Interrupted).

4102. *Q.* Did you consider this a dangerous mine? *A.* It was not in my province to think of it.

4103. *Q.* You must answer me? *A.* I cannot say no or yes. It was not in my province.

4104. *Q.* Did you ever hear it described as such? *A.* No.

4105. *el.*

Examined by Mr. Ritchie :—

4105. *Q.* Is that the only system in the workings which was defective—I mean the single doors being defective? *A.* The single doors are defective and dangerous.
4106. *Q.* Do you regard that as neglect on the part of the Manager or the Inspectors? *A.* Where the Manager overlooks a defect, the Inspector ought to see that it is remedied.
4107. *Q.* In this case, where they have seen it and not reported, how would you regard the inspection? *A.* I would regard it as defective. The quantity of gas given off there ought to have been known. It ought to have been known that the conditions under which the bords were worked were dangerous, and the conditions of the furnace and air circulation ought to have been well-known by the Inspector.
4108. *Q.* Had some of these well-known defec's been remedied—? *A.* Then there would have been danger, because of the furnace.
4109. *Q.* What are the defects of the furnace? *A.* The furnace under present conditions may produce 60,000 cubic feet of air to day and 10,000 to morrow. Or say that there is a reversal of the air current; and there are two circumstances under which you could have that. One is with an increase of temperature, and the other with the wind coming from the west. Either will point to a disaster.
4110. *Q.* Do you think it was wise for a manager who knew the air current had been reversed to allow the miners to continue at work? *A.* It would be unsafe.
4111. *Q.* I think you said something about Inspectors;—do I understand you to advocate the abolition of the present check-inspectors appointed by the miners? *A.* Yes; with a view of making the Government inspection more effective.
4112. *Q.* How? *A.* By independent Inspection Districts.
4113. *Q.* Would you have more of them? *A.* Yes.
4114. *Q.* Do you think the number of inspections now is sufficient? *A.* What is the use of a number of visits if you do not detect 2 per cent. of gas, when 1 per cent. is dangerous?
4115. *Q.* Do you mean the effectiveness of the visits? *A.* Yes; I am speaking of their effectiveness.
4116. *Q.* Do you mean that the present system is not effective? *A.* It is not effective; and it is dangerous.
4117. *Q.* Just give us the points where it is ineffective? *A.* I say that the condition of the bords at Kembla ought to have been known to the Inspector—the percentage of gas ought to have been known to the Inspector—and the condition of the doors should have been known to the Inspector.
4118. *Q.* What method is adopted by the present Inspectors when they go to a colliery to examine? *A.* I do not know. I cannot tell you. I only know from their results.
4119. *Q.* And you assume, because of the results and the conditions shown by the plan, that their method is not satisfactory. *A.* I judge by the results.
4120. *Q.* Do I understand you to say that there are no miners in this district competent to act as check-inspectors? *A.* The check inspector should be a man equal in qualifications to the Manager. He should hold a first class certificate. Hence my statement that the office should be abolished, and that the miners, instead of taxing themselves to do the work, should have separate districts, and more complete Government inspection.
4121. *Q.* You know that there are men working in the pit who have certificates of competency? *A.* I know that there are bright men, and intelligent men, working in the pit, some of whom have certificates.
4122. *Q.* Do you think they would be qualified? *A.* Those who have passed the test, yes.
4123. *Q.* If the miners think fit to appoint a man of that kind to represent them, do you think it would be proper? *A.* It would be a sensible thing to do; but why should the miners tax themselves when they can get the work done otherwise?
4124. *Q.* Would it not meet your views if we were to strike out the words in the present Act exempting "mining engineers" from holding office as check-inspectors? *A.* I think that would be well; and then you could select men who have had both practical and theoretical experience.
4125. *Q.* Do you think that the work would be more effectively done? *A.* The most effective method would be to abolish the practice and introduce a system of independent inspection.
4126. *Q.* Do you not think it a wise provision for the men to have the power of appointing officers of the kind I have mentioned? *A.* It is a good provision. They could select their own men and be more satisfied.
4127. *Q.* What I mean is that the miners may be suspicious that neither the Managers nor the Inspectors are doing their work properly; but if they could appoint their own men to make an inspection they might discover that the examination by these officials was good and effective. Do you not think that it would be a wise provision to enable these workmen to have this power to find this information out for themselves? *A.* When this provision was first introduced it was very popular with the workmen. I had a great opinion of it myself at the time; but, having watched its operations, I have had to come to the conclusion that the men do not dare to report the conditions of a mine. I will say this—that they are always less afraid where the Manager is competent; but they know that a second-class Manager does not like the idea.
4128. *Q.* Even although there are miners who hold first-class certificates, and are fully competent, they would be afraid to report when they find anything out against the Company? *A.* The trouble would be that if these men accepted positions under the workmen they would not have a chance of getting work under the proprietor.
4129. *Q.* You think that if they hold first class certificates they would not, for that reason, take the position if it was offered to them? *A.* Yes.
4130. *Q.* Now, with regard to what you say about safety-lamps. Supposing a mine was to suddenly generate a large quantity of gas, would you expect that it would be wise that safety-lamps should be used. Say that the Inspector ordered that safety-lamps should be used. The management are of a different opinion, and would not notice it. In that case who should have the authority to determine whether safety-lamps should be used or not. Supposing the miners and Inspectors want them on the one hand, and the management on the other hand say no? *A.* It is a very old and debatable point.
4131. *Q.* I would like to know your opinion? *A.* My opinion is this—that nothing should be done to remove the responsibility from the Manager of the mine.
4132. *Q.* In that case the workmen would have to continue work under conditions which they thought dangerous, and that might plunge them into eternity? *A.* The Inspector, when his attention was drawn to the matter, might draw the attention of the Manager to certain conditions, and ask him to remedy them.

He

Witness—J. May, 14 January, 1903.

He might then use the safety-lamps. But the Manager might have had twenty more years' experience than the Inspector. Just, for instance, take the case of a boy coming up to a mine where Mr. Robertson was Manager, and saying, "I think you ought to do so and so."

4133. *Q.* We will assume that the conditions are dangerous. What would you do then? *A.* There is a want of some effective Court. His Honor has suggested that an Inspector should get an order from the Court to put the safety-lamps in the mine and let the matter go to arbitration. If the Manager found that he was harassed, and the award went against the Government, let them pay. But by all means hold the Manager responsible for the working of the mine.

4134. *Q.* If a condition arose, that the Inspector thought it necessary to have safety-lamps, and the management held a different view—do you say that under these circumstances the men should be withdrawn from the mine and the matter referred to the Arbitration Court? *A.* The Inspector should obtain an order from the Court empowering the men to work with lamps.

4135. *Q.* What sort of Court would you have? *A.* I suggested a Court; and I have suggested that whenever any trouble arose it should be referred to that Court.

4136. *Q.* In the meantime would the miners remain idle until the matter was determined? *A.* No; I do not believe in stopping men working.

4137. *Q.* Have you ever heard of a colliery where the miners requested to have safety-lamps and the Manager refused? *A.* That is possible.

4138. *Q.* Under conditions such as those, would you refer the question to the Court? *A.* Yes.

4139. *Mr. Robertson.*] With regard to check-inspectors, are you aware that a great many inspections have been made in this district by workmen? *A.* I was under the impression that there were very few, and that the men did not take advantage of the provisions in the Act.

4140. *Q.* I may tell you as a fact that there have been a good many? *A.* I was not aware of it.

4141. *Q.* Can you tell me whether any persons have suffered or been victimised because of acting as Inspectors? *A.* I have no knowledge of it.

4142. *Q.* Not at all? *A.* Not at all.

4143. *Q.* Can you say whether or not their presence has been welcomed by the Manager? *A.* I never heard it mentioned in my presence, anyhow.

Mr. ALEXANDER HICKS was sworn, and examined as under:—

Examination-in-chief by Mr. Lysaght:—

4144. *Q.* What is your name? *A.* Alexander Hicks.

4145. *Q.* Are you a miner? *A.* I am not at present engaged in hewing coal: I am a check-weigher.

4146. *Q.* Where are you engaged? *A.* At the Corrimal Colliery.

4147. *Q.* What experience have you had? *A.* Ten years.

4148. *Q.* In this district? *A.* Yes.

4149. *Q.* Where at? *A.* At Mount Pleasant and at Corrimal.

4150. *Q.* Are you a member of the Delegate Board of the Illawarra Union? *A.* I am.

4151. *Q.* You are familiar with the recommendations made by that Board? *A.* I am.

4152. *Q.* Now, dealing with the first—That Managers, under-managers, deputies, and shot-firers, should hold certificates of competency by examination, and should have five years' practical mining experience before being eligible for their positions,—What do you say to that? *A.* I cordially agree with that recommendation.

4153. *Q.* Have you any reasons to offer in support of it? *A.* Well, yes, at the present time I voice the opinion of nine-tenths of the miners in this district in saying that there is a feeling of insecurity and dread, more especially since the Mount Kembla disaster and the fire at Corrimal.

4154. *Q.* Do you suggest in effect that, if these officials were only appointed by certificate after examination, that that sense of insecurity would be removed? *A.* I believe it would. I have no doubt that these officials are efficient and competent men. At the same time we have the dread that they may be utterly incompetent—I mean when they are brought into contact with dangerous gases; and we want an examination to demonstrate whether they are competent or not.

4155. *Q.* At the Corrimal Colliery are the officials certified to by examination? *A.* The Manager is, I believe.

4156. *Q.* And the under-manager? *A.* I do not know.

4156½. *Q.* The deputies? *A.* I do not think so. I can be sure that they are not qualified by examination.

4157. *Q.* Are the shot-firers? *A.* With one exception I can say that they are not.

4158. *Q.* And this particular one? *A.* He may be for anything I know to the contrary.

4159. *Q.* Do you know whether there are any persons in this district who have qualified themselves by examination for any of these positions? *A.* For First and Second Class Certificates, I know of several persons who are qualified.

4160. *Q.* Are these men still working on coal? *A.* Some of them are; and I think the majority of them are.

4161. *Q.* What examination would you suggest that the deputies and shot-firers should pass. Would you suggest the present Second-class Certificate examination? *A.* I hardly think it is necessary to go as high as that. Of course, at the present time the danger of gases is occupying our attention. They should understand and know where to find the different gases and know in what proportion they become dangerous.

4161½. *Q.* Can you give me the names of any of the men who have qualified for Second-class Certificates? *A.* Yes, I can.

4162. *Mr. Bruce Smith.*] This evidence can be of no assistance to the Court.

4163. *His Honor.*] No, I do not think it is worth while troubling us with it.

4164. *Mr. Lysaght.*] *Q.* You mentioned about a fire at Corrimal. Do you know what caused it? *A.* I believe it was caused by fire damp.

4165. *Q.* What kind of lamps are you using? *A.* Safety-lamps.

4166. *Q.* Do you know whether before that there had been any gas discovered at Corrimal? *A.* In small quantities.

4167. *Q.* Now it is proposed that the Inspectors should be vested with absolute power to order the use of safety-lamps? *A.* I think it is necessary they should have that power.

4168.

4168. *Q.* Do you know under what particular circumstances that would have been beneficial? *A.* No, not any particular circumstances. But I notice that in Mr. Atkinson's report he says, "That it is matter for regret that certain colliery owners did not comply with the request that safety-lamps should be introduced into the colliery"; and he wound up by saying that "a great responsibility rested upon the management." It appears to me pretty clear that in that case the Inspector had no power to enforce his recommendation.

4169. *Q.* Was that statement made in a recent report? *A.* Yes, the report for 1900.

4170. *Q.* Is this the statement:—

It is matter for regret that arrangements have not been completed at this colliery for the use of safety-lamps, as any temporary interference with the ventilation of this mine may soon cause an explosive mixture of gas and air to accumulate; which, ignited, might, with the assistance of the dry coal-dust, result in a serious explosion—a contingency which may arise in even the best regulated colliery. The whole responsibility—a grave one—in the matter, however, as the management is aware, rests upon it.

Now, is that the passage you refer to, upon page 135 of the Annual Report of the Department of Mines for 1900? *A.* Yes, and I can bring proof that the introduction of safety-lamps would mean a loss of 20 per cent. in our wages.

4171. *Mr. Bruce Smith.*] This has all been settled by the Arbitration Court.

4172. *Mr. Lysaght.*] This evidence is of importance as applying to the introduction of safety-lamps. I am trying to show the Commission that to introduce safety-lamps into a mine means a loss in wages to the men, and yet the men ask for the introduction for their own safety, which shows that they do not consider the matter of cash where their safety is concerned.

4173. *Mr. Bruce Smith.*] This suggestion would never have been made since the Arbitration Court said that no additional wages were to be paid because safety-lamps were used in a mine.

4174. *Mr. Wade.*] In the past the miners insisted upon being paid extra rates if safety-lamps were used; but now no extra rate is paid.

4175. *His Honor.*] And do the miners still press for the use of safety-lamps?

4176. *Mr. Lysaght.*] Yes, they still press for them, although they would lose 20 per cent. of their wages.

4177. *Mr. Wade.*] They do not lose 20 per cent. of their wages.

4178. *His Honor.*] Safety-lamps are being continually improved; and miners will soon be able to work quite as well with safety-lamps as with an open light.

4179. *The Witness.*] Any disability is in connection with shot-firing. That is where the loss comes in. It is a disability having to wait the convenience of the shot-firer.

4180. *His Honor.*] That may cause a little delay.

4181. *Mr. Wade.*] I might be compelled to call evidence to show that there is no loss.

4182. *His Honor.*] If Mr. Lysaght wishes to press the evidence, I do not think it is inadmissible. There has been a suggestion as to possible want of *bonâ fides* on the part of the men in making the proposition; and it is proposed now to state facts which indicate that there is no want of *bonâ fides*. Do I understand Mr. Wade to press his argument?

4183. *Mr. Lysaght.*] The question is whether it will assist the Commission in any way. If it will not assist the Commission, I will not press the evidence.

4184. *His Honor.*] I hardly think that this particular evidence will be of any use to us.

4185. *Mr. Lysaght.* *Q.* Would the Inspectors be the proper persons to order the use of safety-lamps? *A.* Yes; they are qualified officers.

4186. *Q.* It is recommended that ventilation by furnace should be prohibited, and that fans should be substituted? What do you say to that? *A.* As regards my experience, I think that ventilation produced by a fan is far superior to that of the furnace. Authorities tell you that furnace ventilation is liable to be interfered with by natural conditions, or by changes in the temperature or the wind—which I have found in my experience to be borne out.

4187. *Q.* Where was that experience gained? *A.* At Corrimal, and at Mount Pleasant.

4188. *Q.* What was the condition of the air supply? *A.* In Mount Pleasant it was very bad indeed.

4189. *Q.* How long ago? *A.* Seven years.

4190. *Q.* Could you give me any specific instances? *A.* Well, black-damp had been present in such quantities that both my mate and myself have been prostrated with it. We were lying on our backs and vomiting. We attributed that to black-damp, which was present in large quantities.

4191. *Q.* Was Mount Pleasant known to be a gaseous mine? *A.* Fire damp was known to exist there. I frequently saw it, and ignited it.

4192. *Q.* How long is it since you ignited it at Mount Pleasant? *A.* Between seven and eight years ago.

4193. *Q.* Was this ignition of gas known to the officials;—did you report it to any persons? *A.* No; it was pretty generally known. One of the officials told me on more than one occasion to brush my place out before I went to work in it.

4194. *Q.* Who was he? *A.* Deputy Gillies. He is now under-manager at Mount Pleasant Colliery.

4195. *Q.* What did you brush your place out with? *A.* With a bit of brattice, or my shirt, or the best thing that came handy.

4196. *Q.* In addition to this black-damp stretching you and your mate out, do you know of any other time when the air had been bad? *A.* I have seen gas ignited in small volumes very often after going back to a shot that had been fired.

4197. *Q.* Can you say whether any official knew of the gas igniting — [Interrupted].

4198. *Mr. Wade.*] He can say if he reported it to any officials.

4199. *His Honor.*] I cannot see how the knowledge of the officials at Mount Pleasant concerning the presence of gas in a mine can be of any service, so far as matters at Mount Kembla are concerned. Of course it may be material, if this is the same seam of coal, to know whether gas is found in it. The question now put to the witness is whether the officials at Mount Pleasant knew of the gas being ignited?

4200. *Mr. Lysaght.*] The evidence is that at Mount Kembla, because no gas had been discovered for twelve months, naked lights were used. I propose to show that in the mines all along the coast gas was discovered, but no steps were taken to prevent the danger.

4201. *His Honor.*] Anything relating to Mount Kembla is material; but would the question of the gas being known to the management at another mine have anything to do with it?

4202. *Mr. Lysaght.*] I presume that it would, in relation to the Inspectors. I want to come to the fact of the Inspectors not taking action when they knew that gas had been found in the various collieries. 4203.

Witness—A. Hicks, 14 January, 1903.

4203. *His Honor.*] The question is whether it is not unfair to the Inspectors. If they are treated as persons affected by this Commission's determination—is it fair to seek to charge them with knowledge of gas, by proving a knowledge on the part of the mine officials? That may be a knowledge which the Inspectors may never have become aware of.

4204. *Mr. Lysaght.*] If the witness says that the presence of gas in the mine was known to the officials, should not the Inspectors also have known of it?

4205. *Mr. Bruce Smith.*] The question objected to is whether the officials knew of it.

4206. *His Honor.*] Mr. Lysaght states that knowledge coming to the minds of the officials should also come to the minds of the Inspectors. It does not follow that the present Inspectors could be affected by that knowledge, because they were not here then. These things happened seven or eight years ago.

4207. *Mr. Lysaght.*] I can show from Mr. Atkinson's report for 1900 that during the year fire-damp was reported, under General Rule IV, at collieries which included the Metropolitan, Bulli, Corrimal, Bulli Pass, and Mount Pleasant, in the Southern or Illawarra District. I propose to show to you that the Inspectors had knowledge of the existence of gas, and took no steps whatever to prevent any outbreak of it, although they knew of it in the various mines.

4208. *His Honor.*] What is the good of this evidence?

4209. *Mr. Lysaght.*] I am showing that for a number of years gas has been in existence in the various mines on the coast.

4210. *His Honor.*] That will not increase our knowledge on the matter. The question is whether gas has been known to be there recently. I do not know how you could strengthen your case by proving that gas was known in the days of Noah.

4211. *Mr. Lysaght.*] I will go on with another matter.

4212. *Q.* Do you know whether a fan has been substituted at Mount Pleasant; and, if so, within what period? *A.* Within the last nine months.

4213. *Q.* And what is the ventilation at Corrimal? *A.* A fan.

4214. *Q.* When was it introduced? *A.* I am not sure—eighteen months ago. Perhaps more.

4215. *Q.* Since the introduction of the fan, can you say anything as to what the condition of the air has been? *A.* I have not worked below ground myself; but the men have expressed themselves as being well satisfied with the air as at present.

4216. *Q.* When you did work below ground, what was the condition of the air? *A.* Generally good.

4217. *His Honor.*] There is no contention that ventilation by fan is not better than ventilation by furnace. We know that the fan gives much better ventilation; and the only question is whether any legislation could properly be introduced to compulsorily introduce fans for existing furnaces.

4218. *Mr. Lysaght.*] I propose later on to show that in Prussia and Belgium there are Acts of Parliament prohibiting the use of furnaces for the ventilation of mines.

4219. *Q.* There is a recommendation that all waste workings shall be absolutely sealed off and surrounded by return airways, such return airways not to come in contact with the intake? *A.* We considered that question and many others; and we considered that it was essential to our safety that the air from these waste workings should not be connected with the intake, inasmuch as we know that waste workings are liable at any time to give off poisonous gases, which, if they came into the intake, would go round probably to every man in the mine.

4220. *Q.* It is also suggested that all places, except prospecting drives, should have cut-throughs not more than 30 yards apart? *A.* I think that that suggestion is brought forward in consequence of there being a disposition to drive for more than the old-established 35 yards, which used to be the maximum distance. We recognise the fact that, where air is carried any distance behind a brattice-cloth, it loses from 20 to 50 per cent. in quantity. I notice that Mr. Atkinson deals with the matter of ventilation in his report. I have seen brattice-cloth put up when you might as well have had wire-netting. It was some distance from the floor in several places.

4221. *Q.* In what colliery was that? *A.* In Mount Pleasant.

4222. *Q.* Is this Mr. Atkinson's report to which you are referring? It is on page 170 of the Annual Report for 1900:—

In a few mines where the roads are of considerable length, and the working places upwards of a mile from the shaft, great loss of air to the inner districts is caused by faulty stopping and constricted return. Many of the main-road stoppings are built with debris, and, although plastered with mortar, are far from being air-tight.

4223. *Q.* In your opinion would there be any danger to the safety of the roof through cut-throughs being 30 yards distance from each other? *A.* Not in any roof that I have had practical experience of; I have never known a roof that tender.

4224. *Q.* It is recommended that inspection should be made with locked safety-lamps in all cases; but I think that that is agreed to, and there is also a proposition that monthly examinations and reports should be made by deputies and District Inspectors with the hydrogen flame? *A.* The object of this recommendation is for the purpose of testing for smaller quantities of gas which may exist. We know that the ordinary safety-lamp will not register anything below $2\frac{1}{2}$ or 3 per cent. We want to obtain a knowledge of the presence of gas, however small the quantity may be.

4225. *Q.* Can you say anything about a weekly measurement of air being taken in each section, and that a report should be sent to the Inspector? *A.* I think that suggestion is put in operation in several collieries, with the exception of the report being sent to the Inspector.

4226. *Q.* In the Act it is a monthly inspection; but we are asking for a weekly one. Now, where would you have the measurements taken? *A.* Measurements are easily taken in the intake and the different splits.

4227. *Q.* Would that be sufficient? *A.* If the bratticeing and the stoppings were all right, it would be; if not, I should like the measurements taken in the innermost working.

4228. *Q.* It is recommended that an extra supply of safety-lamps and their requisites, equal to one-third of the number of persons employed below ground, should be kept constantly in good order and ready for use? *A.* That is a suggestion which I approve of very much. On the occasion of the Mount Kembla explosion the majority of the lamps at Corrimal were taken to Kembla. If anything had occurred at Corrimal, we should have been in an unfortunate position, because we would not have had the necessary lamps. The same may apply in every district from which the lamps were taken away.

4229. *Q.* How long after the Kembla accident was it that the fire at Corrimal occurred? *A.* About two months.

4230. *Q.* Do you know whether the lamps had been returned? *A.* I do not know.

4231. *Q.* Do you know as to the condition of the lamps at Kembla? *A.* No.

4232. *Q.* There is a recommendation that travelling and haulage roads, and other places necessary, should be properly watered;—what do you say to that? *A.* I think it is very essential indeed. I know that the dust is very inconvenient for the miners. If it is a dusty travelling road; and when they are following their horses there they can hardly see their way into it and out of it.

4233. *Q.* Has that been your experience? *A.* Yes; it would almost choke a man travelling when horses are about.

4234. *Q.* Now, where are the shots fired by the men? *A.* In the working faces.

4235. *Q.* And what were the lights used? *A.* Open and flare lights.

4236. *Q.* There is also a proposition that Managers should be compelled to give more personal time and attention to the management of the Colliery;—now, how often have you seen your Manager there? *A.* I was working at Mount Pleasant for three years; and I do not recollect seeing the Head Manager in the mine during the time I was there.

4237. *Q.* And at Corrimal? *A.* I remember seeing him once in two years.

4238. *Q.* It is recommended that the size of the manholes should be enlarged;—what is your experience about that? *A.* I have often been impressed with the fact that the manholes were not sufficiently large. Three or four men would be going out. The travelling road was also the engine road. Two or three men, or half a dozen men, would make a rush for one safety-hole, and we would be rather cramped. Hence, the suggestion that they should be increased in size.

4239. *Q.* Were the travelling road and the haulage roads the same? *A.* Yes.

4240. *Q.* To what size would you have them increased? *A.* To a width of 6 feet.

4241. *Q.* It is recommended that instructions should be given to the employees regularly on the means of escape;—how many means of escape do you know of at Mount Pleasant? *A.* I worked there three years; I know of only one—the way I went in in the morning. I knew of no other way out.

4242. *Q.* At Corrimal? *A.* I was well acquainted with all the exit roads from Corrimal.

4242½. *Q.* Did any official show them to you? *A.* Well, no; we used to break through the laws and find the shortest way out to our homes.

4243. *Q.* Is there any other reason which you would give in further support of that recommendation;—I should like to know who should give you the instructions? *A.* I think it is a matter in which the deputies might give instructions, say once a week or once a fortnight. I have noticed that Mr. Atkinson has suggested that guide-boards should be used.

4244. *Q.* Is this Mr. Atkinson's suggestion:—

In the event of a fire taking place in a mine, it is desirable that the workmen should be acquainted with the road leading to the second outlet: and, where the roads are at all complicated, guide-boards should be placed to direct them.

—? *A.* Yes.

4245. *Q.* It is recommended that the Coal-mines Act should forbid a black-list of employees being kept, and should penalise the improper prevention of discharged persons obtaining employment;—what can you say on this matter? *A.* We have a sense of being penalised. It is a matter of difficulty to explain; but we have that sense; and there is no doubt that the thing has occurred, and is occurring every day.

4246. *Q.* Do you know of any particular instances where the men have abstained from reporting defects of management, or dangerous conditions, — [Interrupted].

4247. *Mr. Wade.*] I ask if you know the names of the men that the men should be brought here.

4248. *His Honor.*] I think an answer could be given in a general form without the names, and he could be asked the names afterwards. He is being asked now whether he knows of any.

4249. *Mr. Wade.*] We do not want the onus thrown upon us, by bringing forward witnesses, to contradict these statements.

4250. *His Honor.*] *Q.* An answer, yes or no, might be given? *A.* I have suffered in that way myself. In cases where money and skips were held back I have suffered loss rather than jeopardise my position by complaint.

4251. *Q.* At what Colliery? *A.* Corrimal.

4252. *Q.* Recently? *A.* When working on coal five and a half years ago.

4253. *Mr. Robertson.*] That is not a black-list.

4254. *Mr. Lysaght.*] *Q.* Do you know of any cases where men have been dismissed or prevented from obtaining other employment? *A.* I could not say of my own knowledge.

4255. *Q.* You were giving us instances of where you had abstained from making complaints? *A.* Yes, I can give you some.

4256. *His Honor.*] I think this evidence is absolutely immaterial.

4257. *The Witness.*] It was a threat of dismissal held out by the management.

4258. *Mr. Lysaght.*] I propose to tender this evidence, as it shows the state of terrorism that exists in the ranks of the men.

4259. *His Honor.*] We do not know what the evidence is.

4260. *Mr. Lysaght.*] *Q.* Can you give me any instance of a person abstaining from reporting a thing for fear of dismissal? *A.* The specific question is whether I know of anyone being dismissed for failing to report.

4261. *Q.* Do you know of any threat being held out to a man of dismissal for asking, or making any demand on the proprietors, for things which they were entitled to?

4262. *His Honor.*] That is a different thing entirely.

4263. *Mr. Lysaght.*] It is using a threat.

4264. *His Honor.*] I do not see how you can carry this matter further by giving a few instances of men who had disputes with the management, and who afterwards stood in a worse position than if they had not had any disputes. Human nature is human nature; and it is very likely that a Manager has not the kindest feelings towards a man who has quarrelled with him.

4265. *Mr. Bruce Smith.*] Included in the scope of the Inquiry is for the Commission to report on any matter affecting the management of collieries. If this practice of threatening men is widely resorted to, it ought to be brought before the Commission; who might see a means of preventing such things in the future.

Witness—A. Hicks, 14 January, 1903.

4266. *His Honor.*] That is, speaking generally, of course; but one or two cases would only prove what is already self-evident. This is really weaker evidence than if it were shown to the Commission that this matter had already been legislated upon in other parts of the world. At the same time, if it can be shown that cases are continually occurring it might be as well to go into the matter.

4267. *Mr Wade.*] The same question was raised in the Arbitration Court; and it came to nothing.

4268. *Mr. Lysaght.*] I think I can give you a number of cases. I can show that a number of witnesses have not reported things for fear of dismissal, and because of an intimation that it was not wanted that things should be reported.

4269. *Q.* What was the experience which you were giving? *A.* This occurred in my capacity as check-weighman. I act as agent for the miners. I act as their weighman: and any case of dispute is settled between myself and the Manager or myself and the weighman. A man had been fined a considerable amount for dirt. After seeing the workman, I spoke to the Manager; and I said, "I question your legal right to make any fine whatever or to stop any money." The Manager said, "You cannot question my legal right to dismiss the man." I reported to the man the reply I got; and consequently he did not take any action.

4270. *Q.* Who was the Manager? *A.* Mr. Sellers.

4271. *Q.* And the colliery? *A.* Corrimal.

4272. *Q.* How long ago? *A.* Two years.

4273. *Q.* Now, I will ask you if you have anything to say about the recommendation that safety-lamps ought not to be unlocked for shot-firing? *A.* I think it is obvious that this is necessary. I think the custom has been to unscrew the lamps; and I think that this practice is dangerous with inflammable gas.

Cross-examined by Mr. Wade:—

4274. *Q.* You know that the question of dealing with dirt has been troubling the Corrimal Colliery for some years? *A.* Yes.

4275. *Q.* There was a difference between the men and the Manager how to stop it? *A.* No.

4275½. *Q.* Did the Manager complain? *A.* He inflicts a fine.

4276. *Q.* Frequently? *A.* What would you call frequently?

4277. *Q.* Frequently? *A.* Not to my idea.

4278. *Q.* Have not representations been made to the Miner's Lodge? *A.* Yes.

4279. *Q.* Did not Sellers say, "If you men will go on filling dirt I will sack you"; did he say that? *A.* Not that I am aware of.

4280. *Q.* Do you not know that a deputation from the Lodge agreed to the principle of fining? *A.* That is not correct.

4281. *Q.* Was it not this—Mr. Sellers wanted to insist on the coal being sent up without dirt? *A.* That is an utter impossibility.

4282. *Q.* Did he ask for it? *A.* No. He would not ask for anything so impossible.

4283. *Q.* Does he fine them? *A.* Yes.

4284. *Q.* He wants to get the coal clean? *A.* Yes.

4285. Did he say, "If the men agree to a fine, well and good; if they will not agree, it is better to dismiss them"? *A.* They would not agree; they did not think it equitable. I put it to him, "Dismiss the men"; and he refused.

4286. *Q.* When you talk about his saying, "You cannot question my legal right to dismiss the men," was it not to enforce upon the men the necessity of sending the coal up clean? *A.* It was a threat.

4287. *Q.* To force the sending up of clean coal, one idea was fining and the other dismissal? *A.* Yes; the fine was the first idea.

4288. *Q.* You complained that the system was unfair? *A.* Not the system.

4289. *Q.* That the amount was unfair? *A.* That is something like it.

4290. *Q.* You did not question his right as to dismissal? *A.* He was fining them.

4291. *Q.* When you complained about the legality of his action, did he not say he would fall back upon his legal right if he was not allowed to fine. Is not that the sum and substance of the whole thing? *A.* That is it.

4292. *Q.* Now do you remember where you found this gas in Mount Pleasant? *A.* It was in heading work.

4293. *Q.* Were you just opening it up? *A.* Oh, no, a few miles from the surface.

4294. *Q.* You were driving a heading? *A.* We were driving a heading.

4295. *Q.* How long were you working in that district? *A.* I only worked in that particular spot for that quarter.

4296. *Q.* You did not report this gas? *A.* I did not make any specific report.

4297. *Q.* Did you or not? *A.* I cannot say. I most likely did.

4298. *Q.* Did you not say, "I saw fire damp, and have often ignited it, but did not report it"? *A.* I did not make any specific report.

4299. *Q.* Do you mean a thing bound like a beautiful book? Did you report it to any official? *A.* I cannot say from recollection.

4300. *Q.* Was this in the days before you had brattice up to the face? *A.* Oh, no, brattice was used at that time.

4301. *Q.* Was it before the new Act came into force? *A.* Yes.

4301½. *Q.* Whereabouts is the fan at Corrimal—where is it placed? *A.* Near the surface, on the return airway.

4302. *Q.* What protection has that fan got in case of an explosion? *A.* Well, let me see—[*Interrupted*].

4303. *Q.* Is there only some small galvaniz'd-iron structure? *A.* The fan itself would be safe; it is considerably lower than the incline in the drive.

4304. *Q.* Is it open to an explosion? *A.* An explosion would go where it would find the weakest surface.

4305. *Q.* Would the explosion come there? *A.* It would go where the galvaniz'd-iron is. It is galvaniz'd-iron and brickwork.

4306. *Q.* That is the only protection? *A.* I believe so.

4307. *Q.* You run the risk, if an explosion ran along there, of damaging the fan? *A.* It would, but the Coal Mines Act provides that they shall not be placed in a position where an explosion shall damage them.

4308. *Q.* Now, what is your dread since the Corrimal fire—what do you mean by that? *A.* My dread is based on reports in the Press of the evidence given at the inquest, and it was that some of the witnesses hold positions —[*Interrupted*].
4309. *Q.* But you said since the Corrimal fire? *A.* The Kembla accident and the Corrimal fire.
4310. *Q.* I will take the Corrimal fire first? *A.* As far as that is concerned the place where the fire occurred had been examined before the accident. My dread was this. If it was so examined it was not examined properly, or by competent persons able to detect gas. The two periods, the examination and the fire, were only about twenty minutes apart, I believe.
4311. *Mr. Bruce Smith.* *Q.* Twenty minutes between the examination and the accident? *A.* Yes.
4312. *Mr. Wade.* *Q.* Did you satisfy yourself that the man was not competent? *A.* I do not go that far.
4313. *Q.* Did you follow the accident up, and ascertain how it happened, and how the gas came out of the workings? *A.* I have inquired; but I do not know whether I got the right story.
4314. *Q.* Was it dread lest the work should be done carelessly, or that careful men could not find the gas? *A.* I want some guarantee that these men are competent.
4315. *Q.* You cannot say that these men are not competent? *A.* I can give you no proof. I would like to have some proof that a man is competent.
4316. *Q.* How long has he been at work? *A.* I have not come in contact with the under-manager or deputy the last few years.
4317. *Q.* How long has he been an official at the mine? *A.* There were several engaged in the examination,
4318. *Q.* How long is the shortest period which one of them had been there? *A.* Nine months.
4319. *Q.* And the longest period? *A.* Oh, many years.
4320. *Q.* And you cannot tell whether a man is competent? *A.* The occasion may never arise to test a man.
4321. *Q.* During that period nothing may happen to show whether a man was competent? *A.* No.

Cross-examination by Mr. Bruce Smith:—

4322. *Q.* You spoke of the officials at the Corrimal Mine? *A.* Yes.
4323. *Q.* Which do you say are holding certificates? The Manager is one, what about the underground-manager? *A.* I cannot say.
4324. *Q.* It is not the knowledge that men are employed without a certificate which causes you to fear? *A.* No.
4325. *Q.* It is only because you do not know that they have passed an examination that you are fearful? *A.* Yes; we are anxious.
4326. *Q.* What mine are you at now? *A.* Corrimal.
- 4326½. *Q.* You do not mention Mount Pleasant. Do you know that men who hold important positions at Mount Pleasant passed examinations? *A.* I do not think they did.
4327. *Q.* Why did you not include Mount Pleasant among the collieries in which you feel no confidence? *A.* The same dread will apply to every colliery in the district.
4328. *Q.* Did it apply when you were in Mount Pleasant? *A.* At that time I was not so conversant with the dangers of different gases.
4329. *Q.* It is not from knowledge of their incompetence that you experienced this fear? *A.* There is no incompetence to our knowledge.
4330. *Q.* Have any of the officials in the Corrimal Mine displayed any want of experience that you can name? *A.* I will not go so far as to say that.
4331. *Q.* I suppose that every accident on a ship, railway, or coal-mine, produces some sort of panic in the minds of the people? *A.* Yes; but it is more than twelve months ago since I recognised the importance of these things which I am speaking to you about.
4332. *Q.* You tell the Commission that the dread has been since these two disasters?—I suppose you know it is a dangerous undertaking, coal-mining? *A.* Yes.
4333. *Q.* Now, you know there is a proposition that an Inspector should have the power to order the use of safety-lamps? Do you think the Inspector should have the absolute power to order them? *A.* Yes.
4334. *Q.* Without giving the mine-owners an opportunity of saying something on the other side? *A.* We take the Inspectors to be men of principle, and of great experience.
4335. *Q.* Do you know that whenever an Inspector sees anything going on in a mine that appears to be dangerous he can call on the Manager to take certain steps, and if the Manager wishes he can take action under the Arbitration Act? *A.* And in the meantime the men may get blown up.
4336. *Q.* You know of that provision? *A.* No; I dare say it is there.
4337. *Q.* Your idea is that, if the Inspector comes to the conclusion that safety lamps ought to be used, he should have the power to order them, entirely on his own discretion? *A.* Yes.
4338. *Q.* Now, I want to know how far you thought these matters out? You did not take part in the formulation of these suggestions? *A.* I did not say that I formulated them; I made suggestions.
4339. *Q.* It did not emanate from you originally? I want the Commission to see how far you thought this matter out. Do you believe that the Chief Inspector or the local Inspector should have this power? *A.* I suppose the District Inspector would not take steps without consulting his superior officer.
4340. *Q.* You are presuming that he would first consult the Chief Inspector? *A.* Yes.
4341. *Q.* Your suggestion is, that the local Inspector should have the power, subject to the approval of the Chief Inspector? *A.* That is what it amounts to.
4342. *Q.* Have you made any special study of the difference between ventilation by fans and the present mode of ventilation by furnace? *A.* No.
4343. *Q.* Now, as to waste workings. Do I understand from you that waste workings should be completely sealed off, or that they are not to be connected with the intake? The wording of the recommendation is: That the workings shall be absolutely sealed off? Do you commit yourself to that? *A.* No; not absolutely.
4344. *Q.* You do not want them to open into the intakes? *A.* That is all I want.
4345. *Q.* With regard to the safety-lamps, I would like to know if, in endorsing the provision that an extra supply of safety-lamps and requisites equal to one third of the number of persons employed below ground be kept in good order and ready for use, you mean to include all mines in which safety-lamps are required to be used regularly? *A.* Yes.
4346. *Q.* Take a case with 300 men working in a mine, what do you require—that 400 lamps should be kept; that is, 100 in excess of those usually required? *A.* Yes.
4347. *Q.* Then 300 men would mean 400 lamps? *A.* That is the proposal. 4348.

Witness—A. Hicks, 14 January, 1903.

4348. Q. Where there are 300 men in the mine in two shifts, and one shift is in the mine, how many lamps would there be over? A. In the middle of the day there would be none left.
4349. Q. For how long? A. Between the hours of 9 and 3.
4350. Q. The whole 300 would be in the mine? A. Yes.
4351. Q. And what you suggest is an extra hundred? A. Yes.
4352. Q. Do you suggest that they should be kept filled, and oiled, and trimmed? A. All ready for lighting.
4353. Q. You want the oil kept in them, and the wicks lighted? A. We want them to have the material ready.
4354. Q. Do you think it practicable that an extra hundred lamps should be kept by any company constantly filled, and oiled, and the wicks ready to be lighted? A. I would not go so far as that; I am satisfied if the material is there.
4355. Q. Now take the case of a mine in which lamps are not used, with 300 men working in it;—what extra quantity would you suggest there? A. The same proportion as where the lamps are used.
4356. Q. It would be a quantity equal to one-third of the number of persons employed below ground—not an extra quantity of lamps? A. Yes.
4357. Q. You want them trimmed? A. Yes.
4358. Q. How long will that take? A. A good while.
4359. Q. That is something like saying “A lump of chalk”;—how long would it take? A. It would take about a minute, or two minutes if there were dirty glasses.
4360. Q. Now as to the watering;—have you thought that out? A. Yes.
4361. Q. What is the suggestion—to water the mine to keep down the dust? A. I believe the suggestion is made owing to an improvement at South Balli, where they water the mine with a very fine spray, which moistens the air; and the air moistens the dust.
4362. Q. Which part does it water—where is the water required? A. On the floor principally.
4363. Q. You have recommended that the manholes should be enlarged, based on an experience gained in mines in which the travelling-road and the rope-road are in one? A. Yes.
4364. Q. At what speed in these mines do the engines travel, 10 miles an hour; or, roughly, 8 miles an hour, if you like? A. That would be the speed, 8 or 10 miles per hour.
4365. Q. Do you say that dust rises in the Corrimal Mine? A. Yes.
4366. Q. At what rate do the skips go? A. It is not the skips, but the men and the horses.
4367. Q. In the Mount Pleasant Mine, dust is not raised by the travelling of the skips, but by the men walking in? A. Skips raise the dust; and the men and horses also.
4368. Q. Have you seen some dust in Corrimal? A. Yes.
- 4368½. Q. Raised by the skips? A. I do not mention the skips at all, but the men and the horses.
4369. Q. Now, do you suggest that where there is a travelling road you should have the enlarged manholes? A. The necessity does not arise so vitally there.
4370. Q. As to the instructions to be given to the men, when do you propose that these should be given—that is the way out of the mine? A. It is simply a proposal that a deputy may take charge of a squad or district, or men employed in a heading, at knocking off time, and show them the different ways out of the mine.
4371. Q. Would a miner give the time that was involved in going out of the mine another way? A. Yes, I think he would.
4372. Q. That is, supposing that it involved no extra time;—suppose it involved his going out of the mine at Kembla and walking round the Mountain? A. I do not suppose you would make it compulsory. I am quite satisfied that the majority of men would do so.
4373. Q. How do you account for some of the statements made with regard to men declining to act as check-inspectors? A. They are not in a sufficiently independent position to make the inspection.
4374. Q. Is that the real reason? A. I think so.
4375. Q. Is it not the question of payment? A. No.
4376. Q. Does not that arise at all—are they not paid by the other miners? A. That question has nothing to do with it.
4377. Q. The principal difficulty is that if these men report the state of things as unfavourable to the management it would injure them? A. I believe that to be a fact.
4378. Q. You believe that—that is your opinion? A. That is my opinion in the matter.
4379. Q. How long is it since you knew of an inspection at the Mount Pleasant Mine? A. I do not work there; the Act was not in force when I worked there.
4380. Q. In Corrimal? A. Once in two years.
4381. Q. Do they report? A. I do not know.
4382. Q. Have you seen a report? A. No, I do not know whether it is favourable or unfavourable.
4383. Q. You do not remember its being either favourable or unfavourable to the management? A. No.
- 4383½. Q. Do you know one man who ever asked to be shown out by the other ways, in the mines that you have been in? A. I do not recollect their ever asking to be shown out. I have known them to ask to be allowed to travel a road, and to travel to the daylight exit, and they have been refused; and there has been a danger board out across it.
4384. Q. You smile when you talk about it;—why? A. I do not know.
4385. Q. Was there anything in the suggestion that men could get out of a mine before their time? A. No; their wages depend on the time they stop.
4386. Q. Do some of the men want to get away before their day's work is finished? A. Not to my knowledge.
4387. Q. Then, is there anything humorous about it? A. No.
4388. Q. Do you know of any case where they have asked to be shown out? A. I do not know of any case where they have asked to go out.
4389. Q. You recognise that, with every change of men, it would be necessary to instruct them afresh? A. An official inspection would be all that is necessary. Mr. Atkinson made that suggestion—I mean the suggestion about placing finger-boards at different points in the mine.
4390. Q. What do you think of that suggestion? A. I think it is a very good one indeed.
4391. Q. When this recommendation came up at the Delegate Board, did you know of that? A. Yes.

4392. *Q.* Did you suggest that that would be a better way than having these pilots to take the men out?
A. I think that both might be worked.

4393. *Q.* With regard to the finger-boards alone, would that be sufficient direction if the men did not know the road? *A.* Not unless there was a series of them—one at each turn.

4394. *Q.* And you ask if the men could also be shown the way out? *A.* Yes.

4395. *Q.* As to the request that the men should travel certain roads—was it complied with? *A.* No.

4396. *Q.* Was it refused? *A.* A danger-board was placed on the heading; and the men would have to go under the danger-board.

[The Commission, at 4.50 p.m., adjourned until 10 o'clock the following morning.]

THURSDAY, 15 JANUARY, 1903.

[The Commission met at the Court House, Wollongong.]

Present:—

C. E. R. MURRAY, Esq., D.C.J. (PRESIDENT).

D. A. W. ROBERTSON, Esq., COMMISSIONER. | D. RITCHIE, Esq., COMMISSIONER.

Mr. Bruce Smith, Barrister-at-Law, instructed by Mr. Wood, Crown Solicitor's Office, appeared on behalf of the Crown.

Mr. A. A. Atkinson, Chief Inspector of Coal-mines, assisted Mr. Bruce Smith.

Mr. A. A. Lysaght, Solicitor, appeared on behalf of—

- (a) the representatives of deceased miners, wheelers, &c. (victims of the explosion);
- (b) the employees of the Mount Kembla Colliery (miners, wheelers, &c.); and
- (c) the Illawarra Colliery Employees' Association (the Southern Miners' Union).

Mr. C. G. Wade, Barrister-at-Law, instructed by Mr. F. Curtiss, appeared on behalf of the Mount Kembla Coal and Oil Company (Proprietors of Mount Kembla Mine).

(Mr. J. Garlick, Secretary to the Commission, was present to take shorthand notes of the evidence and proceedings.)

4397. *His Honor.*] Have you formed any opinion, Mr. Lysaght, about when your evidence will finish?

4398. *Mr. Lysaght.*] At Wollongong?

4399. *His Honor.*] Yes.

4400. *Mr. Lysaght.*] About Wednesday next. I have two witnesses from Gunnedah whom I propose to call in Sydney. If the Commission are going to sit at Newcastle, I might call witnesses there in support of these recommendations of the Delegate Board. Until Mr. Wade indicates how far he resists the recommendations, and until I know how far Mr. Bruce Smith acquiesces, I must keep on calling this evidence, and supporting it from other districts.

4401. *His Honor.*] You need not settle the witnesses at Newcastle until we decide whether we shall sit there or not.

4402. *Mr. Lysaght.*] If either of the Counsel could indicate to me, or if the Commission could indicate to me in a general way, where I need not further burden these recommendations with evidence, I would be glad to save the time of the Commission.

4403. *Mr. Bruce Smith.*] The difficulty is the form in which they are put. They are put in such an unconditional way.

4404. *Mr. Wade.*] It seems to me that the only reasons, *pro* and *con*, for these recommendations have been given to the Court; and I am not going to take up time cross examining, unless some particular witness happens to give something outside these reasons that have been given which expressly requires questioning.

4405. *His Honor.*] There is no doubt that the general reasons for these various recommendations are understood by the Commission; and it may be that Mr. Wade or Mr. Bruce Smith may call evidence going more into detail and touching more on the question of expense, and that sort of thing, in relation to these various suggestions which will be of great assistance to the Commission, whereas a repetition of the general evidence in favour of the various recommendations would hardly be of much value. It is hardly possible to increase the value of a general recommendation by a belief in it being repeated by an indefinite number of people.

4406. *Mr. Bruce Smith.*] The position I feel I am in is this: On behalf of the Department I should not only not oppose, but I should feel it my duty to invite, any practical miners to offer any suggestions to the Court that they think fit: but I should feel it my duty to see by cross-examination how far the suggestions are founded upon actual knowledge of their own. If a man comes here and says, "Well, the Delegate Board has recommended this, and therefore I endorse it," it does not come with any more strength from him than from the Delegate Board; but if it come from a man who has evidently thought about these things, and can give some reasons for his opinions, I will do my best to draw that out for the information of the Commission. Then, with regard to assenting to any of these recommendations: they are very bald in their form, and very unconditional; and they appear to have been recommended, I think, without any sufficient consideration for the interests of the industry. They appear to have only taken into consideration all possible precautions for protecting the miners' lives; but I think it is also necessary to think of the circumstances, and whether the industry might not possibly be strangled under these recommendations. Of course, one can carry precautions to such an extent that when you send a ship to sea you send another ship alongside it — [Interrupted.]

4407. *His Honor.*] What you say is, that in attempting to save life you may sacrifice the bread and butter which supports life.

4408. *Mr. Bruce Smith.*] Yes. I am looking all round this industry; not only looking at the interests of the miners, but at those of the public, and of the owners. The unconditional form of these recommendations

Witness—J. Sweeney, 15 January, 1903.

- prevents me and Mr. Atkinson, as representing the Department, from consenting to anything in an unconditional form. It is quite possible, indeed probable, that with regard to some of these there will be assent, with conditions and modifications attached to them: and therefore it will be quite impossible for me to save Mr. Lysaght time by saying, "Well, as far as I am concerned you need not call any more evidence."
4409. *His Honor.*] I might suggest, too, that there is nothing to prevent the Delegate Board, if they think fit, from revising their own suggestions, or making fresh ones during the course of the Inquiry.
4410. *Mr. Lysaght.*] They may make new suggestions, but I venture to say that they would not modify these, because I know they have very carefully considered them.
4411. *His Honor.*] That is a question entirely for them.
4412. *Mr. Lysaght.*] But Your Honor will accept from me any new recommendation they might send to me?
4413. *His Honor.*] Yes. It is suggested that the better plan, in revising the evidence of most of the witnesses called by you, Mr. Lysaght, is that you should settle any little question of error. I believe you are quite willing to do so?
4414. *Mr. Lysaght.*] Yes.
4415. *His Honor.*] Instead of the evidence being sent out to the witnesses, and confusion possibly arising. If you are willing to adopt that course, the Commission think it is the best course, on the suggestion of the Secretary.
4416. *Mr. Lysaght.*] Yes, Your Honor.

Mr. JOHN SWEENEY was sworn, and examined as under:—

Examination-in-chief by Mr. Lysaght:—

4417. *Q.* What is your name? *A.* John Sweeney.
4418. *Q.* Where do you work? *A.* South Bulli.
4419. *Q.* What are you? *A.* A miner.
4420. *Q.* Are you a member of the Delegate Board of the Illawarra Miners' Union? *A.* Yes.
4421. *Q.* What has been your mining experience, Mr. Sweeney? *A.* Fifteen years, since I was first engaged in coal mining.
4422. *Q.* In what collieries? *A.* North Bulli, Kembla, Corrimal, South Bulli.
4423. *Q.* How long is it since you worked in Kembla? *A.* It is ten years since I worked in Kembla.
4424. *Q.* At that time do you know whether gas existed in Kembla Mine? *A.* I have no knowledge of any gas in Kembla at that time.
4425. *Q.* Were you at Mount Kembla Mine the evening of the disaster? *A.* No.
4426. *Q.* Do you know anything about the disaster at all? *A.* Nothing whatever: only the evidence that was to be seen outside the tunnel mouth.
4427. *Q.* Now, regarding these recommendations. No. 1, "Managers, under-managers, deputies, and shot-firers, to hold certificates of competency by examination, and to have had five years' practical experience, before being eligible for respective positions." What do you say in support of that? *A.* I do say that, owing to the position, and the responsibility that rests on men who are firing shots and examining the working places, I consider it is necessary that they should have an expert knowledge of gas: that they should be able to test what quantity of gas is in the place, and whether it would be absolutely safe to fire a shot in the presence of it: and that they should also have a knowledge of the dust conditions existing in that place, and whether, owing to the dust that was in the place, it would be unsafe to fire a shot. I consider it is necessary that those gentlemen should have a knowledge of those conditions.
4428. *Q.* Do you know whether the deputies and shot-firers at South Bulli hold any certificates? *A.* I do not know.
4429. *Q.* What sort of lamps have you at South Bulli? *A.* Safety-lamps in one section of the mine.
4430. *Q.* And in the other section? *A.* Flare lamps. Of course I am not working in the other section; but I understand they are flare-lamps.
4431. *Q.* Do you know of the presence of any gas at South Bulli? *A.* I have seen the gas lighted in South Bulli on one or two occasions.
4432. *Q.* When? *A.* Well, it would probably be about four months ago since I saw it last. It was just previous to the lamps going in.
4433. *Q.* Was that reported? *A.* Yes. I told the deputy that we had lit a blower.
4434. *His Honor.*] *Q.* That was since the Kembla explosion? *A.* Since the Kembla explosion.
4435. *Mr. Lysaght.*] *Q.* And before the disaster had you lit gas? *A.* Yes. On one occasion before the disaster I also saw a blower lit in one heading.
4436. *Q.* And that was reported? *A.* Yes, to the deputy.
4437. *Q.* To the same deputy? *A.* No. It was in a different district.
4438. *Q.* Who was the deputy that you last reported the gas to, after the disaster? *A.* William Golding. He was the night deputy.
4439. *Q.* And the first one? *A.* William Hinds. And also Robert Felton; he was the day deputy on the last occasion.
4440. *Q.* Now, was anything done by those deputies when you made the reports? *A.* Not that I know of, unless they brought the canvas further towards the face.
4441. *Q.* That is all you know? *A.* Nothing extra that I know of was done.
4442. *Q.* Recommendation No. 2.—"Inspectors be vested with absolute powers to order use of safety-lamps." What do you say on that? *A.* I consider that, when the Government Inspector deems it necessary that safety lamps should be used, he should have the power to order their use at once.
4443. *Q.* Recommendation No. 3—"Ventilation by furnace prohibited, and fans substituted"? *A.* Yes. I am most decidedly in favour of ventilation by fans.
4444. *Q.* What have you at South Bulli? *A.* We have a fan.
4445. *Q.* How long has it been there? *A.* I have no knowledge of how long it has been there; but it has been there during the last two years and a half in which I have worked there.
4446. *Q.* Have you worked in collieries where there was only a furnace? *A.* Yes. In fact, South Bulli was the only mine I have worked in where there was a fan.
4447. *Q.* What were the conditions of the air in the mines you worked in with a furnace? *A.* In some cases the conditions were very bad.

4448. *Q.* What cases do you refer to? *A.* I most distinctly remember on one occasion in North Bulli, when the air was very bad in the heading in which I worked.
4449. *Q.* How long ago was that? *A.* That is some twelve years ago now.
4450. *Q.* Do you know what they have now? *A.* The mine is idle.
4451. *Q.* Is there any other mine working with a furnace in which you know of the air being bad? *A.* No. At South Bulli, on one occasion previous to the erection of the fan, the air was very warm there. Of course that is some time ago.
4452. *Q.* What was the condition at Corrimal when they had a furnace? *A.* Well, I have not a very good recollection of Corrimal owing to the length of time since I worked there.
4453. *Q.* And what were the conditions at Kembla? *A.* Oh well, so far as I can remember, the air conditions were satisfactory.
4454. *Q.* Recommendation No. 5—"All places except prospecting drives to have cut-throughs not more than 30 yards apart"? What do you say to that? *A.* I should consider that it is very necessary to have cut-throughs at that distance. If you drive your headings a greater distance than 30 yards, you have then again got to drive the distance through the pillar; so that, if you have 30 yards between your cut-throughs, then before you get a connection you will have to drive another 10 or 12 yards before you get a connection through the pillar; and, if you drive that, you will then be 40 yards ahead of the air.
4455. *Q.* What has been your experience of brattice? *A.* It is not very effective, because it is not of a very substantial nature; and it is very easily disarranged; and there is always a certain amount of leakage before the air reaches the face. It leaks through the canvas, either over the top or underneath the canvas, owing to inequalities in the floor and inequalities in the roof. It is almost an impossibility to make it air-tight.
4456. *Q.* And do you think there would be any danger to the roof in having the cut-throughs only 30 yards apart? *A.* Oh, I do not think that it would make any great difference.
4457. *Q.* What is the longest drive that you have seen without a cut-through, in your experience? *A.* I could not tell you. I really have no knowledge.
4458. *Q.* What is the average distance between cut-throughs, in your experience? *A.* Well about 40 or 45 yards.
4459. *Q.* Recommendation No. 7—"Monthly examination and report by deputies and District Inspector with hydrogen flame"? *A.* That would be in order to give the miners working in the colliery a feeling that they were in a certain degree of safety in the mine: a feeling that, owing to having the mine inspected frequently, there would be no great danger of accumulations of gas, or other noxious gases that would be injurious or tend to cause an explosion.
4460. *Q.* Do you know of a feeling of insecurity now, in this district? *A.* Well, there is a feeling of unrest amongst the miners since Kembla exploded. The general feeling amongst the people was that Kembla was a safe mine and that we were working under much better conditions, and that the possibilities of such an occurrence as at Kembla or Bulli were very remote; but the fact of the accident at Kembla having taken place has rendered the feeling of security null and void; and we are still of opinion that there is some room for improvement.
4461. *Q.* Do you know of any other cause, besides the actual explosion, that has put the men in this state of fear? *A.* Well, yes; according to the evidence given before the Coroner at the inquiry—that has caused the men to think that, from the evidence given by some individuals, perhaps, they have not got the knowledge that it is necessary that a Manager or overman should have.
4462. *Q.* Recommendation No. 11—"Weekly measurement of air in each section, and report thereof sent to Inspector"? What do you say to that? *A.* Yes. I consider that there should be someone who would see that the necessary quantity of air is at all times travelling around the face of the workings.
4463. *Q.* And would you have the inspection made at the face of the workings? *A.* Most certainly. That is where we are working; and that is where we require the air—on the face of the workings.
4464. *Q.* Recommendation No. 12—"Extra supply of safety-lamps and their requisites, equal to one-third the number of persons employed below ground, to be kept constantly in good order and ready for use"? *A.* Yes, I consider it very necessary to have safety-lamps, so that they may be got ready for use at the very shortest notice in case of accident, such as at Kembla or Bulli.
4465. *Q.* Do you know whether there were any safety-lamps at South Bulli at the time of the Kembla disaster? *A.* Yes, there were lamps there. In fact I saw them packing up lamps to send away to Kembla.
4466. *Q.* What time was that? *A.* It would be about 3 o'clock, as near as I can remember.
4467. *Q.* And do you know whether they sent all their lamps away? *A.* I could not say.
4468. *Q.* Recommendation No 13—"Travelling and haulage roads, and other places necessary, to be properly watered." What has been your experience as to dust in these collieries? *A.* My experience is that some of the travelling roads have been very dusty; and I have experienced at South Bulli that the travelling road has been watered, and that it is very much more convenient travelling these roads ———
[*Interrupted.*]
4469. *Mr. Bruce Smith.* *Q.* That is since Kembla? *A.* Since Kembla.
4470. *Mr. Lysaght.* *Q.* Do you know of any other mine where they watered the travelling roads? *A.* No.
4471. *Q.* Recommendation No. 14—"Managers compelled to give more personal time and attention to management of colliery." What has been your experience as to Managers coming to your working place? *A.* Oh, so far as South Bulli is individually concerned I think I have seen our Manager sufficiently often.
4472. *Q.* About how often? What do you call sufficiently often? *A.* Well, I saw him once a week.
4473. *Q.* And the other collieries? *A.* Well, I have nothing to say in respect to the other collieries; because since I have worked in any other colliery some time has elapsed, and it is not clear to my mind how often I saw the Managers in those cases.
4474. *Q.* Do you think once a week would be a reasonable and proper time for the Manager to visit the working face? *A.* Well, I think that once a week would be sufficient.
4475. *Q.* As a matter of fact, I think South Bulli is the largest colliery in the Illawarra district? *A.* Yes.
4476. *Mr. Robertson.* *Q.* No.
4477. *Q.* How do you define it as the largest?
4478. *Mr. Lysaght.* *Q.* As regards the employment of hands? *A.* Of course I could not swear as to which employs the most hands; but it is my opinion that there are more hands employed about South Bulli than about any other mine in the district.

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4479. *Q.* And your Manager has been able to visit, according to your experience, once a week? *A.* I cannot say he has visited the whole of the working places once a week. That is only my experience individually.
4480. *Q.* Recommendation No. 16—"Size of manholes enlarged." What has been your experience about the size of manholes? *A.* Well, it is some time since I ever had the necessity to use the manhole; but when it was the case of course I considered that the manholes were rather small. I have only used manholes in the case of the travelling road being the engine road.
4481. *Q.* What colliery was that in? *A.* At North Bulli. Part of the travelling road was the engine road—the hauling road.
4482. *Q.* And what size do you say the manholes ought to be;—they have to be now 3 x 4 x 6? *A.* Well, I should say certainly that they should be about 6 feet wide.
4483. *Q.* And what depth, how far back? *A.* Oh, about 4 feet.
4484. *Q.* Recommendation No. 18—"Instruction to employees regularly on means of escape." You might tell us in each of the collieries that you have been in how many means of escape did you know of? *A.* Well, practically, only the two roads—the travelling road and the engine road. Of course, they were both very close to each other; and those are the only roads out of the mine that ever I knew.
4485. *Q.* How much do you know about the roads from South Bulli now? *A.* I only know the one road out—the travelling road.
4486. *Q.* Do you know if there are any other ways out? *A.* I have reason to believe there is a daylight tunnel at Bulli, driven to the surface.
4487. *Q.* Do you know where it is;—could you find your way out that way? *A.* I could not.
4489. *Q.* Whom would you have to give those instructions to—the miners—as to the way to get out? *A.* I would leave that to the deputy.
4490. *Q.* When do you propose he should do it? *A.* He should do it periodically after the mine had knocked off. He could arrange with the men what time he would lead them out that particular way.
4491. *Q.* Recommendation No. 19—"Coal-mines Act to forbid a black list of employees being kept, and penalising improper prevention of discharged persons obtaining employment." In your opinion would such a provision assist the better management of collieries;—what do you say regarding this proposal? *A.* With regard to the black list?
4492. *Q.* Yes; and as regards the proposal that a penalty should be provided for the improper prevention of discharged persons obtaining employment? *A.* I most certainly do not favour the existence of a black list—by no means.
4493. *Q.* Do you know whether there is one in existence, or whether there has been one, in this district? *A.* I do not know, of my own personal experience. That is a thing that I have had no opportunity of knowing positively, whether such a thing exists or not; but I have an idea that such is the case. But I could not possibly swear that such a thing exists, simply because I have no means of finding this out.
4494. *Q.* And in what way would such a provision in an Act of Parliament assist the better management of collieries? *A.* It would act in this way: that if a man saw anything going wrong with the working conditions of the colliery, he would not be afraid to report it.
4495. *Q.* In your opinion, are men afraid to report things now? *A.* Well, that is the supposition—that men are afraid.
4496. *Q.* Recommendation No. 20—"Safety-lamps not to be unlocked for shot-firing." How are these shots fired in South Bulli? *A.* They have a lamp in South Bulli now for the purpose—a shot-firing lamp; and it is fired by inserting a wire through the lamp; and the fuse is lighted by touch-paper.
4497. *Q.* In your opinion, is it a very dangerous practice to unlock a safety-lamp to fire a shot? *A.* It most certainly is dangerous.
- Cross-examination by Mr. Wade:—
4498. *Q.* This statement of yours that men are afraid to report things now is merely a suspicion—is it not;—purely suspicion? *A.* Of course, it is purely suspicion.
4499. *Q.* And the only instance you could give us of a man who has reported things is your own case—is it not? *A.* That is right.
4500. *Q.* And you have made no hesitation about reporting gas? *A.* No.
4501. *Q.* And no trouble followed to you? *A.* No.
4502. *Q.* And you reported gas, as you say, both before Kembla disaster and since? *A.* Just so, at South Bulli.
4503. *Q.* Then, as far as you know, the deputies in those cases took steps to increase the ventilation by bringing the brattice closer up to the face? *A.* Yes.
4504. *Q.* And it seemed to have the desired effect;—you saw no more gas? *A.* Oh, I do not know that it had the desired effect.
4505. *Q.* Did you see any more gas light? *A.* No. Simply because when once a man finds gas he takes every possible precaution, and the chances that he would find gas again would be much smaller.
4506. *Q.* Then you were more careful? *A.* Just so.
4507. *Q.* How was the gas lit? *A.* It was in a heading.
4508. *Q.* What had you been doing? *A.* Holding up the light to examine the coal more closely.
4509. *Q.* Had you just fired a shot? *A.* No.
4510. *Q.* Was it when you first came? *A.* No; we had been working.
4511. *Q.* For what length of time were you working in Mount Kembla? *A.* Not a great length of time.
4512. *Q.* What is that? *A.* About four months.
4513. *Q.* In what part? *A.* It was called No. 6 at that time.
4514. *Q.* That would be in the shaft district? *A.* I could not say what district it is.
4515. *Q.* Would you have more than one main haulage road at that time? *A.* No. Only the one that I know of.
4516. *Q.* And there was a small furnace close to the tunnel mouth, was not there? *A.* I could not say.
4517. *Q.* Do you not know that? *A.* I do not know.
4518. *Q.* Do I understand you to say that as long as a shot-firer can tell gas, and as long as he knows the way to examine for gas, and can tell gas when he sees it in a safety-lamp; and as long as he has some knowledge of dust, that is sufficient to qualify him for shot-firing? *A.* No. I say he should be qualified by examination before a person competent to examine him.

4519. *Q.* I do not ask you how. I ask you, if he knows these things, is it sufficient? *A.* If he can prove it.
4520. *Q.* Of course, if he can prove it; if he knows these things: if it is known that he has that knowledge? *A.* If it is known by examination.
4521. *Q.* Never mind how it is known. Suppose it is known by inspiration: suppose it is known that he has that knowledge, is it sufficient then? *A.* No.
4522. *Q.* Why? *A.* It wants a certificate by a person competent to examine him.
4523. *Q.* That is only one way of finding out that he knows it. Suppose you have a certificate by a person in the mine that he knows gas, that he can tell gas when he sees it, and that he knows what dusty conditions are? *A.* We want proof that he knows these things.
4524. *Q.* Suppose you have the proof: are you satisfied? *A.* If we are satisfied.
4525. *Q.* If you have the proof, are you satisfied? *A.* If we have the proof, we are satisfied.
4526. *Q.* Now, you can test for gas, can you not? *A.* No.
4527. *Q.* Have you no idea how to do it? *A.* No.
4528. *Q.* Do you mean to say that you, a practical man for fifteen years, do not know how to test for gas? *A.* I do not know how to test for it.
4529. *Q.* You have no idea? *A.* Well, I have a slight idea.
4530. *Q.* Let us have that slight idea. Fifteen years has not taught you much, apparently. How do you do it? *A.* Not with a naked light.
4531. *Q.* What do you do it with? *A.* The only thing I have had an opportunity of doing it with is the ordinary safety-lamp.
4532. *Q.* Well, try that. What do you do with the ordinary safety-lamp? *A.* I have followed the action as nearly as I could of persons whom I saw testing gas or trying to test it.
4533. *Q.* What did you see done? *A.* I saw them raise their lamp up to the roof gradually and watch the flame.
4534. *Q.* Yes? *A.* Well, I did the same.
4535. *Q.* What did you notice on the flame? *A.* I noticed no alteration.
4536. *Q.* Did you ever find out, or were you ever told, what to expect to see on the flame if there was gas? *A.* Yes.
4537. *Q.* What is that? *A.* I was told that there would be a blue cap rise on the light.
4538. *Q.* So you know what to look out for, if you are called upon to test for gas? *A.* I do not consider myself qualified to test for gas.
4539. *Q.* I do not ask anything about that. You may be a very modest man for all I know. Do you know that if there is much fine dust lying about a place it may cause trouble after a shot is fired? *A.* Only from what I have read.
4540. *Q.* Of course, from what you have read. Of course you have not had experience of it, luckily, or you would not be here. Now, what is the deepest mine you have worked in? How much cover was there overhead? *A.* I could not tell you. In coal-mines?
4541. *Q.* Yes. Of course I mean in coal-mines? *A.* I have only worked in those coal-mines in this district; and of course the depth of cover I do not know.
4542. *Q.* You have not worked in Helensburgh? *A.* No.
4543. *Q.* Just one word about these safety-lamps: did you tell us what time it was you first had information at South Bulli about the explosion at Kembla? *A.* I could.
4544. *Q.* What was it—2 30 or 3 o'clock, or what? *A.* Well, it was about 3 o'clock when I saw them getting the lamps ready.
4545. *Q.* And that was the first you knew of the explosion? *A.* Yes.
4546. *Q.* And at that time they were getting lamps ready to send off to Kembla? *A.* Yes.
4547. *Q.* Do you know that messages were sent out from Wollongong here at once, when they heard the explosion, to get lamps sent out from South Bulli? *A.* I do not know it. I take it that such was the case.
4548. *Q.* With regard to these manholes (Recommendation No. 16). If you get a depth of 6 feet from the rails, a space of 6 feet between the solid wall and the rails, and a width of 4 feet, you can jamb in six men there, can you not? *A.* Oh, of course, I suppose they could pack in; but you have not very much time, in a case where it is necessary to use the manhole. You would not have much time for packing. It is just a matter of getting in the best way you can.
4549. *Q.* Of course you would not pack scientifically: I admit that. But, if there were five or six men wanting to get into that manhole, they could get in? *A.* If you could get them to go in in their order; but it would be difficult to get them in at once.
4550. *Q.* Could not they get in? *A.* If they have the time and opportunity they could get in.
4551. *Q.* I assume they have the time and opportunity, and everything. I ask, is there room for them? Is there not plenty of room for them? *A.* In that case there would be.

Cross examination by Mr. Bruce Smith:—

4552. *Q.* Can you give me the date upon which you reported to Hinds? *A.* I could not.
4553. *Q.* Or the month? *A.* No.
4554. *Q.* After you had reported to Hinds that you had seen this gas, you say that the brattice was carried further up? *A.* Yes. He took the ordinary precautions to keep the brattice closer to the face than perhaps he would if it had not been for the report.
4555. *Q.* That is the only time you had seen gas in that mine prior to the Kembla disaster? *A.* Yes.
4556. *Q.* What quantity did you find there? I am not asking you to name the cubic measurement: but to what extent did it go off? *A.* It did not go off at all. It just simply ignited, just the same as you light a gas jet.
4557. *Q.* Was it oozing from the coal, and did it light like a gas jet; or had it accumulated in the roof and gone off with a flash? *A.* No. It was oozing from the coal.
4558. *Q.* What you call a blower? *A.* Yes.
4559. *Q.* On the other occasion, when you reported to Golding and Felton, was it oozing then or had it accumulated? *A.* It was oozing.
4560. *Q.* After you had discovered it on those two occasions and lighted it, did it continue alight long? *A.* Oh no, only for a few seconds.

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4561. *Q.* Now, with regard to this first suggestion: you know that the Managers and under-managers now have to pass an examination? *A.* Yes.
4562. *Q.* And you believe that the deputies and shot firers have not at present? *A.* I believe that they should.
4563. *Q.* Yes, I know: but at present they have not; and you are suggesting that they should? *A.* Yes.
4564. *Q.* Do I understand you to say that, if the miners knew that every man who occupied the position of deputy and shot-firer had passed an examination in those subjects you have mentioned, it would give greater confidence to the miners? *A.* If the miners were absolutely sure that those men were competent.
4565. *Q.* I ask you, do I understand you to say that, if the miners knew that these men had passed an examination in the subjects you have mentioned, the miners would feel more confident? *A.* Yes. They most certainly would.
4566. *Q.* It would generate a feeling of confidence among the miners—make the miners more ready to work? *A.* Yes, I know that.
4567. *Q.* Do you know now of any man who would hesitate to take to this occupation because of the feeling of unsafety? *A.* I cannot say positively that I know of anyone who would not take to it.
4568. *Q.* There is a feeling of less inclination to go in for it as an occupation; is that what you mean? *A.* That is what I mean.
4569. *Q.* And these subjects that you have mentioned, I take it, are what you consider they should know? They should have a knowledge of gas, a knowledge of dust, and of its explosive character; and they should have the ability to test for gas? *A.* These are only my recommendations. I would leave it with an expert man, who was competent, to say how much knowledge they would require to have: it is not for us to say how much.
4570. *Q.* And you think that would be the effect upon the miners as a body, if these men had to go through some test of that kind; there would be more confidence? *A.* Yes.
4571. *Q.* With regard to the second of these suggestions, that the Inspector should be vested with absolute powers to order the use of safety-lamps, do I understand you to suggest that the District Inspector should, without consulting anybody, just upon his own motion, have this power? *A.* Yes. I take it that when the Inspector, who must be a qualified man, says that a place is dangerous to work with naked lights—I do say that either the men should be withdrawn or the safety-lamps should be at once put in use.
4572. *Q.* You may or may not know that, under the Mining Act, there is a provision for arbitration where the Inspector and the management differ as to some new precaution which is to be taken. Do you know there is a provision for arbitration in cases of that kind? *A.* I do not know.
4573. *Q.* Well, I will tell you that there is. Where the Inspector thinks there ought to be some precaution taken for the safety of the mine, and the management think it ought not, there is a provision for arbitrating, and for the matter to be gone into on both sides. What do you think of that as a method of arranging it, so that the proprietor can be heard in the matter? *A.* The reason for putting the lamps in is to avoid an accident; and, if the lamps were not put in whilst the Arbitration Board were sitting, there might be an explosion.
4574. *Q.* Supposing they were put in in the mine in the meantime, until the arbitrator had settled the question? *A.* There is no doubt that would have the ——— [*Interrupted.*]
4575. *Q.* Let me put this to you?
- 4575½. *Mr. Lysaght.*] Let him answer you.
4576. *His Honor.*] I understand him to wish to say that that would do for the time. It is self evident.
4577. *Mr. Bruce Smith.*] *Q.* Supposing a very credulous Inspector is told by somebody that he has seen gas; and, without taking the trouble to inquire into it carefully, the Inspector, in an impulsive way, says, "Oh, I want safety-lamps all over the mine." Do you not think that in a case of that sort a careful investigation might show that, after all, the statement was not true, or that it might be an exaggeration? Do you not think that it would be fair to give the management an opportunity to hear what evidence had come under the Inspector's notice, and also to answer it? *A.* Well, of course ——— [*Interrupted.*]
4578. *Q.* Would it not also be fair to the miners, who would be compelled to work with safety-lamps, that they should have an opportunity to show that there was no necessity for the use of safety-lamps? *A.* We do not like to use the safety-lamps.
4579. *Q.* You are less in love with them now that the Arbitration Court has decided that there should be no extra pay? *A.* No.
4580. *Q.* Would it not be fair to the miners who have to work with the safety-lamp, and would it not be fair to the proprietors, who would be put to expense, if they had an opportunity of showing that this statement to the Inspector was either a falsehood or an exaggeration; and that no necessity really had arisen? Would not that be a better way than giving the absolute power to any Inspector to order the use of safety-lamps straight away? I am asking you your opinion, quite apart from your duty as a member of the Delegate Board. I am asking you as a man, as a miner? *A.* Well, of course, if the safety-lamps were ordered in without there being any necessity for it it would certainly be a disadvantage to miners and mine owners.
4581. *Q.* So that, if a man had a spite, say, against the mine, he might go to an Inspector and say, "I had an explosion of gas there"; and if the Inspector were an impulsive man he might order the use of safety-lamps all over the mine to the extent of 400 or so? *A.* Yes; but I do not think the Inspectors should have that power, only of their own knowledge ——— [*Interrupted.*]
4582. *Q.* You have passed this: "Inspectors to be vested with absolute powers to order use of safety-lamps"? *A.* That would be after they have had an examination of it themselves, and had satisfied themselves that it was necessary.
4583. *Q.* You understand I am not cross examining you at all. I want to find out what you think of these things. If I come across a miner who I think is more careful than others I want to get his opinion. Now, I take it that you think that would be a very fair solution of this difficulty, that the miners, and the mine-owners, should be heard on this question of the use of safety lamps? *A.* But in the meantime the safety-lamps should be used.
4584. *Q.* But in the meantime the safety-lamps should be used until it is ascertained whether the statement made as to the necessity of them is true or not? *A.* Yes; I think that is the case.
4585. *Q.* Do you endorse this (Recommendation, No. 3.): "Ventilation by furnace prohibited, and fans substituted"? You see there it is put in a very absolute way: and you have said yourself that during your experience

experience of the Mount Kembla Mine the ventilation was quite satisfactory? A. That is in the particular portion in which I worked. Regarding the general ventilation of the mine I have nothing to say.

4586. Q. I say, as far as your experience went, the ventilation of Mount Kembla Mine was satisfactory? A. Yes.

4587. Q. Do you propose that this is to be an absolute rule, that no furnaces are to be allowed in any mines under any conditions; or is not that a matter of discretion? A. I contend that fans should be used in all mines. That is after they have got to a certain stage.

4588. Q. There you are. You know there are some mines in this country with three miners in them? A. That may be.

4589. Q. I ask you if you know it? A. I do not know of any coal-mine with only three working in it.

4590. Q. Let me tell you that there are mines in this country with only three miners working in them; now, do you mean to tell me that in a case like that the miners must have a fan;—say three working miners like yourself get a mine near some centre, and cart the coal in: you do not mean to suggest that those men should have a fan costing £600 or £700? I want to show how easy it is to rush to a conclusion without sufficient thought. Now, do you suggest that a fan should be put in every mine? A. I do not suggest that three men should be put to an expense of £600 or £700.

4591. Q. Do you think that would be fairly met in the same way that I have suggested to you with regard to the introduction of safety-lamps: so that, if the Department desired a fan to be placed in a mine, and the management objected, it should be open to arbitration? A. Oh, a stipulation may be put on as to the area of the mine and the number of men employed.

4592. Q. Oh, you admit that it wants some sort of condition attached;—you cannot make an absolute rule of it? A. I would not say that a mine with only three men employed should be put to the expense of £600 or £700 for a fan.

4593. Q. You know there are mines with only twenty men employed? A. Possibly.

4594. Q. You know there is a new mine opened up lately? A. Mines like that are only in the initiatory stage; and, in a general sense, they are not mines until they are opened up extensively and are selling coal.

4595. Q. What do you call them then;—you know they come under the provisions of the Mining Act? A. To a certain extent.

4596. Q. Do not they altogether? A. I do not understand that they do.

4597. Q. Do you know? A. I understand that they do not. They are open for a certain time before they come under the provisions of the Act.

4598. Q. Suppose they are open for a certain time, and then they come under the provisions of the Act, and then they only employ twenty men;—do you not see that it is not necessary to call upon these men to go to the expense of several hundred pounds to put up a fan? You see you have discussed these things in your Delegate Board; and there has been nobody to point out to you that they are a little too hard and fast? A. I admit that there should be something as to the area of the mine and the number of the men.

4599. Q. Now, with regard to the waste workings: are you an advocate for the complete sealing off of the waste workings? A. I am not an advocate for the intake passing by the waste workings.

4600. Q. Are you an advocate for absolutely sealing off the waste workings of the mine? A. I would give no opinion upon that. I have no expert opinion to give upon that matter.

4601. Q. What I understand you to refer to is this: that any gases which are generated in waste workings should not be allowed to come into the intake? A. That is so; should not come into the intake and be carried round to the men.

4602. Q. With regard to these cut-throughs every 30 yards (Recommendation No. 5), I understand you to say that, in your experience, the average has been about 45 yards? A. Somewhere about that.

4603. Q. Have you considered at all the extent to which frequent cut-throughs might jeopardise the roof and interfere with its security? A. Well, I do not consider that it would interfere with the roof.

4604. Q. Well, does not that depend on the superincumbent weight? A. It depends on the circumstances.

4605. Q. Does it not depend on the weight that is on top? A. Yes. Still I think that any danger that may arise from that cause can be met by special timbering if it is necessary.

4606. Q. Have you read a good deal upon mining? A. Not a great deal.

4607. Q. Do you know that in England sometimes the pillars are 70 yards square—that is, 70 yards both ways? A. I have read that.

4608. Q. Do you know that? A. Yes.

4609. Q. Do you know that that is found necessary in consequence of the great weight which is on top? A. Yes. But it was also found necessary to brattice, not by means of canvas, but by brick or—
[Interrupted.]

4610. Q. Pardon me. You are off at a tangent. I want to keep you on the spot. You do know that? A. Only by hearsay.

4611. Q. Of course. We have not all been in these mines. I suppose we may take it that if, in an English mine, pillars 70 yards square are found to be necessary, the same thing might apply in other places? A. It is possible.

4612. Q. Are you prepared to say that the same conditions do not exist in some of these mines on this coast as exist in those English mines? A. I could not say.

4613. Q. Do you think you have enough knowledge to say absolutely whether cut-throughs should be, in every case, 30 yards apart? A. I consider it is necessary for ventilation purposes.

4614. Q. You consider it would be desirable for ventilation purposes? A. Yes.

4615. Q. I understand you to complain of the brattice, which is used instead of cut-throughs; and I quite appreciate what you said that the leakage by reason of the unevenness of the floor and the unevenness of the roof, and the liability to drop, makes it necessary to be much more careful with the brattice where these long pillars exist. Is that so;—I am not trying to catch you? A. Yes. Where there is brattice to any great extent it is not substantial, and is very easily disarranged; and, where it is disarranged, instead of the air going where the men are working, it will go through the short cut.

4616. Q. Do you know that in this district there are cases in which there is a single drive of 700 yards? A. Yes. I have heard so.

4617. Q. Do you know how the air is carried there? A. I do not know how it is carried there.

4618. Q. I only want to show you the diversity of experience. There it is carried in pipes. You did not know that? A. No. I did not know that.

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4619. Q. Do you know why one particular mine goes to the expense of pipes in order to avoid cut-throughs? A. No. I do not.
4620. Q. You do not know whether that is to save expense or not? That is to say, to save the weight on top—to save the danger of weight? A. No. I do not know that.
4621. Q. I suppose you do not know anything about the hydrogen flame (Recommendation No. 7), except that it registers a much smaller percentage of gas than the safety-lamp? A. That is all.
4622. Q. With regard to the 500 cubic feet of air for a horse (Recommendation No. 8), you do not know how much a horse uses? A. No. I have no knowledge of the measurement of air.
4623. Q. What is your reason for recommending that the doors should close of their own motion? A. So that there would be less possibility of their being left open.
4624. Q. And can you tell me the circumstances under which they are sometimes left open? A. Men passing through. And it is sometimes necessary that the coal has to be drawn through the doors.
4625. Q. And there is a liability? A. Of their being left open.
4626. Q. What is your opinion as to the effect upon the miner's mind of a knowledge, "Oh, I can leave that: it will shut of its own accord";—do you think, or do you not think, that it will make men more careless with regard to seeing they are shut? A. Oh, I do not think it.
4627. Q. You know that even where a door closes of its own accord, either by being hung so, by gravitation, or by a spring, there is still a liability for it to be blocked open by a bit of timber or a piece of coal? A. Oh yes. It is a possibility that there might be something to prevent its closing.
4628. Q. Do you think that the knowledge that these doors are automatic—you know what that means—that they close of their own accord, would or would not make men careless about seeing that they were closed? A. No. I do not think it would make them any more careless than now—men who have a sufficient knowledge of the responsibility.
4629. Q. I am taking the average man; not taking the careful man; but the average man who lets things slide and does not take the trouble to think. What sort of effect would it have on a man of that kind? A. I do not know.
4630. Q. I am asking you to judge of human nature generally, not of a man as careful as yourself; but of that class of people who let things slide, and say "Oh, that's all right, Bill: it closes itself." You know that class of man, do you not? A. No.
4631. Q. What effect would it have on that class of mind? A. I really could not say.
4632. Q. You could not say that it would make them more careless than when they know that some of the doors do not close of their own accord? A. The reason for asking that these doors should close of their own accord is so that if they become open from some cause—not opened by a man—they would close again. They may be opened when there is no man there to open them.
4633. Q. I ask you, if the men know that all these doors are constructed so that they will shut of their own accord, do you not think that the careless class of man will never trouble to see whether they are closed or not: and in some cases might they not be blocked open by wood or by coal; whereas, if men knew that the doors did not close of their own accord, they would be on their guard, and would constantly watch to see that the doors were closed;—I just submit that to you. It did not occur to you, did it? A. Certainly it had occurred to me: but I do not think that men working in a mine would be so careless.
4634. Q. Well, what is your reason for suggesting double doors (Recommendation No. 10)? A. Because, a door being there, a person has to go through it; and, if it is only a single door, when he opens that door a certain amount of air will pass through; while, if it is a double door, the air will not escape. He will close the first door, and pass through the other; and no air will escape. And, in other cases, coal has to go through those doors; and it is necessary for the doors to be opened while the coal goes through.
4635. *His Honor.*] It is hardly necessary for the witness to explain this. It seems quite what may be called a reasonable precaution.
4636. *Mr. Bruce Smith.*] Q. I want you to give me your explanation of the fact that so few opportunities are taken by the men themselves to check the air in the mines? (Recommendation No. 11). What do you say is the reason for that? A. For one thing, the majority have not got the knowledge for testing atmosphere.
4637. Q. But you have power to choose men? A. Yes, we have.
4638. Q. There are sufficient men to choose who have that knowledge? A. It may be; but men are very dilatory about taking the position.
4639. Q. Why? A. Well, I do not know why.
4640. Q. Have you ever been asked to take the position? A. No. I have never. I am not competent to take it at all events.
4641. Q. Do you know of any reason why men will not take it? A. I could not possibly say.
4642. Q. What do you think? A. I do think that men have not got the courage to take the job and do it honestly and effectually. I do not think that they have the courage to do it—men who are depending on their daily wage in a coal-mine.
4643. Q. Now, you have talked about manholes—how often do you say you have had occasion to use the manholes urgently? A. Well, it is so many years ago that I used one that I could not say. On three or four occasions—possibly more.
4644. Q. In that case did you find the manhole sufficiently large? A. No, I did not. I found that it would be much more convenient if they were larger. For instance, I would have reached it quicker if it had been 2 feet wider. I would have reached the manhole that much quicker.
4645. Q. How many of you were there in that? A. I could not tell you the number.
4646. Q. Could you tell me if you were there alone? A. I have been alone; and I have been in the company of others.
4647. Q. I suppose a train was passing? A. A train of skips.
4648. Q. What distance was there then between the line of rails and the wall of the mine, irrespective of the manhole? A. That I could not tell now.
4649. Q. Well, you see now you are suggesting a particular measurement? A. Yes; that is in order to secure that there will be sufficient room for men to get in.
4650. Q. The total depth you ask for now is 4 feet? A. Yes.
4651. Q. And the width of that along the line 6 feet? A. Yes.
4652. Q. And the height? A. Well, according to the ————[*Interrupted.*]

4653. *Q.* Do you know what they are now in depth, in the mine you are in? *A.* There are no manholes that I know of. We do not use the engine road; we have a travelling road independent of the engine bank.
4654. *Q.* You do not think there is any necessity for them except in the engine road? *A.* No.
4655. *Q.* You would not think it necessary in a rope road with skips only running 1 or 2 miles an hour? *A.* An endless rope?
4656. *Q.* Yes? *A.* It would be necessary there if there is not sufficient space between the skips and the rope, if men have to travel that road.
4657. *Q.* But supposing there is a travelling road? *A.* Well, if there is a travelling road, the men are supposed to go the travelling road.
4658. *Q.* If there is a travelling road there is no need for extra manholes? *A.* No.
4659. *Q.* It depends on the circumstances then—upon the distance between the rails and the wall of the mine? *A.* Yes.
4660. *Q.* Now, with regard to (Recommendation No. 18) instruction to employees: I understand you to say that there is a daylight tunnel in the mine in which you are now engaged? *A.* Yes.
4661. *Q.* And you have been there some years? *A.* Yes.
4662. *Q.* And how is it that you have never gone out that way, so that in case of an accident you would know what road to take? *A.* The rules of the colliery prohibit me from going out any other road but the travelling road.
4663. *Q.* Have you ever asked for permission to go, so that you might know where you were? *A.* No, not personally.
4664. *Q.* Have you ever felt curious to know what is the best way out in case of an explosion? *A.* Yes, I have.
4665. *Q.* Have you ever asked permission to go and see for yourself? *A.* No, I have not.
4666. *Q.* You could have done so? *A.* Yes. But the rules strictly prohibit me —[*Interrupted*].
4667. *Q.* You know that rules are not made of adamant. You could ask the Manager, and say, "I would like to see the way out in case of an accident"? *A.* I could have done so; but I did not, because I heard that others had asked and had been refused.
4668. *Q.* And you think the men would be willing to take instructions from the deputy as to the way out? *A.* Yes.
4669. *Q.* Even when they were moving about at every cavel? *A.* Yes.
4770. *Q.* Different ways? *A.* Yes.
4671. *Q.* Now, with regard to this fear of reporting (Recommendation No. 19): I understood you to tell Mr. Wade that you have never had any hesitation? *A.* No, not personally.

Re-examination by Mr. Lysaght:—

4672. *Q.* As to these powers of the Inspector, do you know of an Inspector having differed with the management as to the advisability of safety-lamps being put in? *A.* Not of my own knowledge; but I understand that —[*Interrupted*].
4673. *Mr. Wade.*] Your Honor, I think it would be much fairer for this evidence to come from the parties themselves. This witness can only give it us through hearsay. The Managers will be here in all probability; and I suppose the Inspectors will be here.
4674. *His Honor.*] It is so easily conceivable, Mr. Lysaght, that it is hardly worth while going on.
4675. *Mr. Wade.*] The suggestion is that it has happened. I do not think that it is admitted. I object to that.
4676. *Mr. Lysaght.*] My object was to show that the danger did continue after the Inspector thought it should be forthwith remedied.
4677. *Mr. Wade.*] The suggestion is that the Managers do not take any precautions, even when the lives of the men are endangered.
4678. *Mr. Lysaght.*] I make that a deliberate statement.
4679. *Q.* Did you hear of a difference? *A.* Yes.
4680. *Q.* What was the colliery? *A.* I heard that it was at one of the collieries in the Northern District.
4681. *Q.* Did you hear anything concerning a colliery in this district? *A.* No.
4682. *Q.* Do you think it wise to let the matter of the safety-lamps go to the arbitration of the masters and the men? Do you approve of that suggestion?
4683. *Mr. Bruce Smith.*] It is not suggested. I have not suggested it. I said, "Would it not be in the interests of the masters and the men that the matter should be submitted for arbitration"; but not to the arbitration of the masters and the men.
4684. *Mr. Lysaght.*] *Q.* Do you consider that the men would have sufficient knowledge to say whether safety-lamps should be used in the mine or not?
4685. *Mr. Bruce Smith.*] I never suggested that.
4686. *His Honor.*] No. Mr. Bruce Smith simply suggested that it was just as much in the interests of the men as of the mine owners to arbitrate; as it might not be expedient to allow the Inspectors to rush in safety-lamps where they might not be wanted.
4687. *Mr. Lysaght.*] *Q.* In the interests of the men, do you still say that the Inspectors should have the absolute power to order the use of safety-lamps? *A.* In my opinion, the Inspector should have the power to say that the lamps should go in if necessary.
4688. *Q.* Now, did the award of the Arbitration Court at all affect the position of the miners as regards this recommendation for safety-lamps?
4689. *Mr. Bruce Smith.*] Surely that is for the Court to say.
4690. *Mr. Lysaght.*] You made a suggestion that since the Arbitration Court award the men had not been so anxious to have the safety-lamps, because they would not get anything extra for them.
4691. *Mr. Bruce Smith.*] I did not put it in that way at all. I rather suggested the opposite.
4692. *Mr. Lysaght.*] I think you did suggest that.
4693. *His Honor.*] I cannot see how it can help this Commission. Mr. Bruce Smith simply half jokingly made the suggestion that perhaps the men would not be so very anxious —[*Interrupted*].
4694. *Mr. Bruce Smith.*] The witness himself smiled.
4695. *Mr. Lysaght.*] You see, your Honor, this matter goes forth to the Press, and the public do not see the humour in it at all. Time after time the expense is brought in by Mr. Bruce Smith as representing the Crown, and it is suggested that the men do not care about the expense. 4696.

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4696. *Mr. Bruce Smith.*] My friend is very unfair to say that I have suggested that the men do not care about the expense. I have pointed out time after time how far the witnesses had gone into the consideration of the expense. I put it to him just now, and asked him whether he had considered that he might have a party of twenty miners trying to develop a mine under the co-operative system; and yet he proposes under his rule that they should be compelled to go to the expense of £600 or £700 to put in a fan; and that would stifle their little industry altogether.

4697. *Mr. Lysaght.*] That is not the question at all. It was with reference to the safety-lamps.

4698. *His Honor.*] When Mr. Bruce Smith did suggest it, the witness repudiated it. Now, do you want anything more?

4699. *Mr. Lysaght.*] *Q.* Now, you might tell us what in your opinion should be the number of men;—how many men do you say there should be in a mine before the furnace should be abolished and the fan substituted? *A.* I would leave that to those who have more knowledge.

4700. *Q.* Whom would you leave that to? *A.* To the Inspector of Mines.

4701. *Q.* You told us that you knew there were large pillars in the Old Country; do you know how those pillars are bratticed up? *A.* I understand they are bratticed by brick or wood.

4702. *Q.* Not canvas? *A.* Not canvas.

Examination by Mr. Robertson :—

4703. *Q.* With reference to the qualifications for deputies and shot-firers, who, do you think, should examine them;—who should be the examiners for these men? *A.* The individuals or Board who now examine Managers and under-managers, I should say.

4704. *Q.* And do you know the composition of the Board at present? *A.* No, I do not.

4705. *Q.* Do you know that two of the members are Managers;—one is your own Manager, Mr. Sellers? *A.* No, I do not.

4706. *Q.* And the other is Mr. Parsons; together with a Government officer, Mr. Humble;—now, do you think that they are any more likely to know the qualifications of a shot-firer than the Manager of the mine in which the shot-firer is engaged? *A.* Well, I take it that the individuals who examine men for those positions are competent to say that those men have the qualifications.

4707. *Q.* But do you think that Mr. Sellers, in his capacity as examiner, is any more competent to examine a person as to his qualifications than in his capacity as a Manager? *A.* The fact of his having that position would render him more competent than a man who has not that position. I take it he is put in that position because of his competency.

4708. *Q.* But the man who is a Manager to day may be an examiner to morrow;—do you not think that the Manager who knows the personal qualifications of the man, knows his experience, is in a better position to appoint a shot-firer or a deputy than a Board, for example? *A.* I cannot see how that would be.

4709. *Q.* Do you not think the Manager of your mine knows your qualifications better than the Board of Examiners? *A.* I do not know, unless I come before him for an examination. He cannot know my qualifications without he examines me in the first place.

4710. *Q.* But do you mean to say that Managers appoint deputies or shot-firers without examination? *A.* I do not know.

4711. *Q.* Do you think it is possible? *A.* I do not know. All I wish to say is that these men should be competent—I do not know that they are not—but I say that they should be.

4712. *Q.* But do you not think that it is conceivable that a Manager, before he appoints a deputy or shot-firer, would make a strict investigation, or he would make the appointment from his knowledge of the person? *A.* If he had the same qualifications as the persons who make the examinations, then he might be competent to make the recommendation; but he may not have the competency himself to say whether these men are qualified or not.

4713. *Q.* Do you mean to say that there is any Manager in New South Wales who is not competent to appoint a deputy or shot-firer? *A.* No. I do not say that. I do not know. All I say is that they should be competent.

4714. *Q.* You ask for measurements of air at certain points in a mine—for the air to be measured at different points in a mine? *A.* Yes.

4715. *Q.* Are you aware that that is done at present? *A.* No, I am not aware.

4716. *Q.* But it may be? *A.* It may be done.

4717. *Q.* Now, as to the watering of the roads: how would you water in the case of a mine with 20 or 25 miles of roadway where there are no rails—no means of taking a tank in? How would you water that to lay the dust? *A.* Well, I am not an engineer; but I can give you an instance of how the mine is watered at South Bulli.

4718. *Q.* Yes? *A.* At one section of the travelling road there are pipes which convey the water out of the mine; and at intervals there are taps placed on these pipes; and at intervals those taps are turned and allow the water to play on the road; it is in the intake airway, and that cools and damps the air, and it is taken through the mine. And they have a pipe right across the mouth of the intake airway; and the tap is placed on that with a spray. It sends a spray, and that is carried in right through the whole of the mine with the air, and, consequently, damps the air.

4719. *Q.* That means pipes, and taps, and so on. Now, what is the length of that section? *A.* That I could not tell you.

4720. *Q.* Is it half a mile? *A.* Scarcely half-a-mile.

4720½. *Q.* That is a very different thing from 25 miles, is it not? *A.* Yes. Of course I take it that although those pipes are only half a-mile, they might just as well be a mile or half-a-mile more.

4721. *Q.* But it would cost more? *A.* Yes; but they serve another purpose. Independent of watering the mine, the pipes were there to convey water out of the mine.

4722. *Q.* So that the expense in that case was no consideration;—as a matter of fact there was no expense? *A.* No.

4723. *Q.* But suppose you had to begin *de novo*, and pipe all the roadways, say, for 25 or 30 miles of road. Would not that be a large expense? *A.* Yes. I dare say it would be an expense.

4724. *Q.* And a large quantity of water would be used? *A.* Yes.

4725. *Q.* Now, in the South Bulli Mine the temperature is not very high, is it? *A.* No; in fact I do not know how high the temperature is.

4726. *Q.* And the evaporation is not very great: that is, once watered, it remains damp for a long time?
A. Not in all parts of the mine.
4727. *Q.* Well, in a mine where the evaporation is very much higher the consumption of water would be very much greater? *A.* Yes.
4728. *Q.* And I suppose you know that water is very scarce in many mines? *A.* No. I have known cases where it was the opposite.
4729. *Q.* But do you know that there are collieries in this district that have had to pay £2,500 to bring water from Sydney? *A.* Oh, yes. I understand that during the late drought it cost the collieries large amounts for water.
4730. *Q.* Now, with respect to the Manager's duties: you wish the Managers to be compelled to give more attention to their duties. Do you know anything of what duties they have to perform? *A.* No. My recommendation is that they should be seen more about the mine.
4731. *Q.* Yes; but of course you cannot say what a Manager's duties are;—he may have duties that you are not aware of, other than merely visiting the working places? *A.* Well, I take it the chief duty of a Manager is looking after his men.
4732. *Q.* Exactly; but he may be outside thinking. Some proprietors may pay their Managers to think, not to work? *A.* Yes, just so.
4733. Do you not think it would be a better plan for a Manager to sit down and think, rather than exhaust himself physically by a useless walk through a mine? *A.* I do think it is necessary that the Manager should see the conditions under which the men are working from time to time.
4734. *Q.* Do you not recognise that the Manager is an administrator? *A.* Yes.
4735. *Q.* And that he may be doing very effective work sitting in his office thinking and directing? *A.* That may be possible. We do not say that all his time should be taken up in visiting the mine.
4736. *Q.* You say something about visiting once a week? *A.* Yes, I suggested a visit once a week.
4737. *Q.* Do you think that is practicable? *A.* I suppose it could be made so.
4738. *Q.* Supposing you have a mine where it is impossible, where a Manager, if he started at the beginning of the week and walked all through the mine would not have finished off at the end of the week, and would not have any time left for other duties? *A.* Not if he was walking all the time, certainly.
4739. *Q.* Now, I think you said if a man saw anything wrong he was afraid to report it? *A.* No, I did not say that.
4740. *Q.* Yes, I think you did. I have taken a note of it? *A.* I said in case of the check inspectors.
4741. *Q.* No. I beg your pardon. This was with reference to the black list; that if a man saw anything that was wrong he was afraid to report things at present.
4742. *Mr. Wade.*] Afraid to report things now?
4743. *Mr. Robertson.*] Yes.
4744. *Q.* Are you aware that the difficulty is to get the men to report;—that they are invited to report? *A.* No. I am not aware of it, except by the rules—the Special Colliery Rules.
4745. *Q.* And nothing short of a charge of dynamite will cause them to make a report sometimes? Do you know that many Managers will welcome information from their workmen? *A.* No, I do not.
4746. *Q.* Do you know that officials have been prosecuted by the Managers for neglecting to report? *A.* No.
4747. *Q.* You do not know everything. With reference to unlocking lamps for shot firing, you did not say what difference there was in opening a safety-lamp or using a wire? *A.* If it is unsafe to have a flare-light, it must be unsafe to have a safety lamp if it is disconnected.
4748. *Q.* I am not defending the practice. I merely want to see if you know what is the difference. Is there a greater degree of safety in using a wire;—what do you do with a wire? *A.* Make the wire hot; and there is no flame.
4749. *Q.* Does not the fuse spark? *A.* Yes.
4750. *Q.* Would not that ignite gas? *A.* I do not know, I am sure. But I understand that gas will only ignite from a flame.
4751. *Q.* Would not the spitting of the fuse ignite gas? *A.* If it was a flame.
4752. *Q.* To my mind, there does not seem to me to be much difference. You made some reference to a colliery in the north where the Manager had objected to use safety-lamps? *A.* That is only a vague recollection of mine in that case.
4753. *Q.* Have you any recollection of the miners at the same colliery objecting? *A.* No. I have not.
4754. *Q.* So you cannot say? *A.* I cannot say.
4755. *Q.* With reference to the Inspectors having absolute power to order safety-lamps to be used, I think you said, if he had the provisional power to order safety-lamps while the matter was referred to arbitration, that that would satisfy you? *A.* No; I cannot say that it would satisfy me altogether.
4756. *Q.* I understood that, in answer to Mr. Bruce Smith, you thought such provisional power would be satisfactory? *A.* It may get over it; but I do not consider it would be altogether satisfactory to the men.
4757. *Q.* But assuming that such provisional power were given to the Inspector, and the Inspector ordered safety-lamps, and afterwards, when the matter was referred to arbitration, it was found that lamps were not necessary, the company would have incurred the expense needlessly? *A.* Oh, of course, that is a matter that I cannot go into.
4758. *Q.* But would not that be so;—suppose the Arbitration Court held that safety-lamps were not necessary, against the opinion of the Inspector? *A.* Yes; but the fact of the Arbitration Court saying that they were not necessary may not satisfy us. We may still be of opinion that the Inspector was right.
4759. *Q.* That may be. I do not question that. Would it not be rather hard on the proprietors to have incurred expense needlessly? *A.* It would also be hard on the men to have to use them.
- 4759½. *Q.* Then do you know that lamps are not manufactured in the State? *A.* I understand that they have to be imported.
4760. *Q.* Well, suppose an Inspector were to order safety-lamps to be used at any colliery in this district to-morrow, how could that be done when there are no lamps procurable? *A.* Well, if there were no lamps procurable, and it was altogether unsafe to use naked lights, I say the men should not work there.
4761. *Q.* But, if the proprietors or owners thought that it was perfectly safe for the men to work there, do you not think it is fair that they should have an opportunity of being heard by an impartial tribunal? *A.* I do not think it is right that they should have the power to say whether it was safe or unsafe.

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4762. Q. No. They would not have the power to say—they would merely express an opinion; and, if they were wrong, then they would have to abide by the decision of the Arbitration Court? A. If that Court was constituted of independent men and expert men, then it might be effectual.

4763. Q. But it is, Mr. Sweeney; there is express provision here in the Act as to the constitution of the Court; it says:—

Every person who is appointed an arbitrator under this section shall be a practical mining engineer, or a person accustomed to the working of mines; and no person shall act as arbitrator or umpire under this Act who is employed in, or in the management of, or is interested in, the mine to which the arbitration relates. (Sec. 25, sub-section 3.)

So you see the arbitrators must be absolutely disinterested; would not that arbitrators meet your views? A. If, in the meantime, lamps were used, or the men withdrawn.

4764. Q. I cannot get any further with you. Do you know anything of the cost of fans? A. No, I do not.

4765. Q. Do you know whether the cost would be £50, or £500, or £5,000, or £10,000? A. No; I have not gone into the matter of cost.

4766. Q. Do you know that some ventilating plants have cost upwards of £10,000? A. It may be so.

4767. Q. Do you not think, if a colliery is fitted with a furnace doing efficient work, that, if they were obliged to incur the cost, say, £5,000 or £10,000, of erecting a fan—do you not think that would be rather hard on the Company? A. Yes, it may be hard on the Company; but it would be much harder on the miners, in case of accident or something through the use of the furnace.

4768. Q. But, I think that you are aware that a furnace can do very efficient work, and furnaces are at present used in some of the largest collieries in the world? A. Still, I think, my own personal experience is that ventilation by fan is much better than ventilation by furnace.

4769. Q. It is only a question of power. If you have sufficient power in the furnace, of course you can get the same ventilation with it as you can with a fan; but I am not advocating furnaces; I merely wish to take into consideration the case of existing mines where the ventilation is efficient.

4770. Q. With reference to the instruction of employees as to the different exits from the mine, I think you said it would not take a very long time to show? A. No; I do not consider it would take a great time for men to get acquainted with those modes of exit.

4771. Q. Now, if you have anything from 20 to 30 miles of roadways, exits, and so on, in a mine, how long do you think it would take to show all the men in the different sections, not only their own sections, but the other sections? A. But I am only speaking of what exists.

4772. Q. I am talking of existing mines? A. In this district?

4773. Q. Yes? A. Where it is 20 miles from the working face to the surface?

4774. Q. No; where there are 20 miles of roadways. If you wanted to show the men the different exits from the different districts, you would have to show them 20 or 25 miles; how long do you think it would take, where there may be a dozen different districts? A. Well, I take it that I can walk 3 miles in an hour; and I take it that, at the colliery where I am working, it is not more than 4 miles direct to the surface, from any one point.

4775. Q. I am sure it is not? A. So that a man would do it in very much less than an hour, or about an hour.

4776. Q. But, I am assuming that it is a very much larger colliery, and you started at one end; and when you were instructing the men you could not rush them through like racehorses? A. I do not say that the men need a great deal of instruction. The deputy just walks on; and they follow him. Their own practical knowledge and experience will show them the road so that they will be able to find it again.

4777. Q. But you are evading my question; I want to know from you how long it would take to show men over 20 miles, say, of roadway? A. If a man walked 20 miles of roadway, I should say it would take him five hours to walk it; but I do not see that there is any necessity for him to walk that far.

4778. Q. But you want him to be shown out the different exits; therefore he must be shown every possible exit from every district in the mine? A. If there is a daylight tunnel, I do not think it would be any inconvenience to have a road from that to the centre of the mine.

4779. Q. They usually find a road from that to the centre of the mine? A. Yes; but we do not know it.

4779½. Q. But I am assuming half-a-dozen—do you want them shown every one, or only one? A. I want them shown the way out by the daylight tunnel, when there is a daylight tunnel.

4780. Q. But they are all daylight tunnels, I take it? A. Yes. But they are not the ordinary travelling-roads. Men are not allowed to travel by them. If men have a knowledge of them, they get it by accident.

4781. Q. I do not suppose I can get an answer from you as to how long it will take to instruct men with reference to the different exits from a mine where you would have to travel, say, 20 miles? A. In South Bulli, at all events, the men would not have to travel 20 miles.

4782. Q. I am not asking about South Bulli. Now, in the case of front and back shifts: when these men were to be shown the way out, the front shift would have to be shown the way out, and then the back shift? A. Not necessarily. They could be shown the way out on back Saturday, when they come out all together.

4783. Q. But suppose that back Saturday would not be sufficient time? A. I take it they would have more time on back Saturday than any other day, seeing that they knock off at 2 o'clock.

4784. Q. I know that. Supposing back Saturday, or two back Saturdays, or two days a week, were not sufficient; what would you do? A. I take it that the deputy would at least once every quarter, or twice, show the man in that district the way out by the daylight tunnel.

4785. Q. But supposing once in every quarter, or twice, or half-a-dozen times, was not sufficient to show the men the way out? A. If a man is shown the way once, I take it he would know it.

4786. Q. Yes, but if it was a matter of six or seven days, travelling after hours, to know all the different exits—[Interrupted]? A. Six or seven days' travelling?

4787. Q. Yes. A. I cannot understand you; if it would take a man six or seven days to reach the daylight tunnel?

4788. Q. I did not say six or seven days' travelling: I say suppose it took the men six or seven days, after they finished their work, after hours, to become acquainted with all the roads in the different districts? A. Well, if the men think it is of sufficient importance, they would not grumble at the extra time. If they were seized with the importance of knowing the way out, the matter of time would not be any consideration with them.

4789. *Q.* Do you think the men would willingly spend a couple of hours whenever they were required? Whenever they were called upon by the officials? *A.* Yes.
 4790. *Q.* They would? *A.* I do think they would.
 4791. *Mr. Robertson.*] I am glad to hear that.

Examination by Mr. Ritchie:—

4792. *Q.* Do the deputies examine your place on each working shift when you are there? *A.* Yes; they are supposed to.
 4793. *Q.* But do they do it? *A.* Well, of course I am not there to see that they examine it twice on the working-day. They put the day of the month there.
 4794. *Q.* And is that all you see on some occasions that you work? *A.* That is all.
 4795. *Q.* You never see the deputies themselves? *A.* It has happened that I have not seen them.
 4796. *Q.* Has it happened frequently? *A.* Not frequently; only on one occasion that I remember that I have not seen the deputy.
 4797. *Q.* In your place on your working shift? *A.* Yes.
 4798. *Q.* And what method do they adopt when they examine your place? When they come in? *A.* They try it with the ordinary safety-lamp.
 4799. *Q.* Do they travel round in the daytime with the ordinary safety-lamp? *A.* Yes.
 4800. *Q.* And how do they try it? *A.* By raising the light up to the roof, turning their flame down, and raising it up to the roof.
 4801. *Q.* Do they test any particular part of the place? *A.* No particular part.
 4802. *Q.* Just where they happen to be standing? *A.* Oh, not always. They go generally to the furthest point of the working place.
 4803. *Q.* And do they do this on every occasion that they come in? On every occasion that you have seen them come in? *A.* Yes. Generally they do this.
 4804. *Q.* Have you known them to come in and make no examination at all? *A.* No.
 4805. *Q.* That is the day examination I am talking of now? *A.* Oh, in the day examination; I have not known of a case where the deputy did not examine in the day. The time that I am referring to was in the night; on the night-shift.
 4806. *Q.* You had no examination at all that night? *A.* I had no examination: I did not see the deputy.
 4807. *Q.* When was that? Do you know? *A.* Yes. That was last Friday night. [*Afterwards corrected by letter (Ex. No. 14), to Monday night, the 12th January, 1903.*]
 4807½. *Q.* Is that in a section where you are using safety-lamps? *A.* Yes.
 4808. *Q.* And you worked your shift then without having any examination whatever? *A.* I did not exactly stop the full shift. I think I left about twenty-five minutes before the time for going.
 4809. *Q.* What time did you go on that shift? *A.* At half-past 2: leaving the bank at 2 o'clock.
 4810. *Q.* Were you notified by any official that your place was safe? *A.* No.
 4811. *Q.* And you saw no official up till—When did you leave? *A.* About 9 o'clock, or a little past 9.
 4812. *Q.* What are you working in—a bord or a heading? *A.* A heading.
 4813. *Q.* How far is the brattice generally kept from the face? *A.* The brattice in this heading I am working in now is about 10 feet from the face.
 4814. *Q.* Is that the distance generally allowed? *A.* Sometimes it is closer, and sometimes further away.
 4815. *Q.* That is, speaking of your present place? *A.* Yes.
 4816. *Q.* Well, going back to the places you have worked before this one, and recently, has the brattice always been kept well up? *A.* Yes, the brattice has been kept near enough up to the face.
 4817. *Q.* Have you always had, in your opinion, sufficient ventilation travelling round the working face—sweeping round the working face? *A.* Well, sufficient for working purposes; but as to whether there is sufficient there to carry off gases that may be making, gases that may be coming from the face, I could not say; but what I can say is that there could be a greater quantity sweeping round than there is, simply because of the ineffective bratticing—canvassing.
 4818. *Q.* At all events, you seem to think that you have sufficient for working purposes? *A.* Just so.
 4819. *Q.* And that is pretty general in the South Balli Colliery during the time you have been there? *A.* Yes.
 4820. *Q.* Do I understand you to advocate the abolition of the service certificates for Managers? *A.* Yes; if they are found on examination not to be competent—not to be qualified for the position.
 4821. *Q.* And do you propose that they should go through the same examination as others who have recently got certificates? *A.* Yes.
 4822. *Q.* And I think you have advocated also, before this Commission here to-day, that deputies and shot-firers should also be examined by the same Board which examines the Managers and under-managers? *A.* Yes.
 4823. *Q.* Would you, in the case of a Manager who may be managing a large colliery, who admits that he does not know anything at all about gas, would you regard that person as qualified to examine the shot-firer? *A.* Certainly not, if he denied any knowledge of gas.
 4824. *Q.* Would you regard that man as qualified to appoint a deputy? *A.* Certainly not.
 4825. *Q.* And you think that the united wisdom of a Board of Examiners of three is a better guarantee than the wisdom of one Manager, in the appointment of shot-firers and deputies? *A.* It is a very much greater safeguard to the miners.
 4826. *Q.* That is what you advocate? *A.* Yes.
 4827. *Q.* And you have told us now that you are advocating the appointment of Managers on their merits, on their qualifications? *A.* Yes.
 4828. *Q.* Do I understand you further to mean that you should have as much as possible of the time of a Manager, with these qualifications, inside of the mine? *A.* Yes.
 4829. *Q.* And that clerical work, and other things of that kind, should be left to other people? *A.* Yes.
 4830. *Q.* And you ought to have the benefit of his knowledge inside the mine as much as possible? *A.* Yes.
 4831. *Q.* How often have you seen the Government Inspector around the Balli Colliery? *A.* Lately I have seen him pretty regularly about South Balli.
 4832. *Q.* Is that since the disaster? *A.* Yes. Since the disaster, and since the introduction of the safety-lamps.

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4833. *Q.* And prior to that, what was the rule, as far as your knowledge goes? *A.* Prior to that, I have no recollection of seeing an Inspector in South Bulli previous to the explosion. It may be possible that he was there; but I have no distinct recollection of seeing one there; but I have since seen the Inspector very frequently at South Bulli.
4834. *Q.* Does the Inspector himself make any examination when he comes into your place? *A.* Yes.
4835. *Q.* What does he do? *A.* He goes through the usual performance with his lamp up at the roof and in various places about the — [*Interrupted.*]
4836. *Q.* He goes through the same process as the deputy? *A.* Yes. Although of course he is armed with a different lamp.
4837. *Q.* Have you a shooting-place there? *A.* Yes.
4838. *Q.* And you have a shot-firer there? *A.* Yes.
4839. *Q.* What mode of procedure does he adopt prior to firing a shot? What method of examination? *A.* Just the ordinary examination with the ordinary safety-lamp. He raises it up to the roof and goes through a performance.
4840. *Q.* Is your shot hole drilled and prepared in every way ready for firing before he comes in? *A.* Yes. Everything is done; and the shot is just ready for lighting.
4841. *Q.* Does he make any inquiries about the preparation you have gone to? *A.* Sometimes he may ask the depth of the hole.
4842. *Q.* Does he measure the depth of the holing? *A.* Not in all cases.
4843. *Q.* Did you ever see him do it? *A.* I have seen him do it.
4844. *Q.* But the general rule is to take your word for everything? *A.* Yes.
4845. *Q.* Does he ever come back after the shot has been fired? *Q.* Yes, sometimes.
4846. *Q.* Sometimes he comes back? *A.* Yes.
4847. *Q.* But not as a rule? *A.* In all cases he does not come back. As a rule he does. Of course before the use of safety-lamps he always came back.
4848. *Q.* Would it be possible to have your hole drilled in the solid coal, and that the shot firer would not know? *A.* It would be.
4849. *Q.* So that he has got to depend entirely upon the word of the workman as to whether the hole is in the solid, or above the holing.
4850. *Q.* And as to the charge that is in the hole? *A.* Yes.
4851. *Q.* Does he ever ask you that? *A.* No.
4852. *Q.* He leaves it entirely to you whether you have a pound or three pounds? *A.* Yes.
4853. *Q.* He leaves it entirely to the man that is there? *A.* As far as I have experienced it.
4854. *Q.* And really all the shot firer does do is to put the light to the fuse and light it, after making his examination with the lamp? *A.* That is all.
4855. *Q.* Have you any dust about that part where you are working? *A.* Well, there is very little dust there now. The conditions are not near so dusty as they were before this spray which I have told the Court was playing about the intake airway.
4856. *Q.* But they do not spray at the face? *A.* No. But I have seen sprayers.
4857. *Q.* But has the spraying of the travelling roads altered the condition of the face? *A.* It has had a slight effect.
4858. *Q.* But do you regard this place as dusty? *A.* Yes.
- 4858½. *Q.* Does the shot-firer ever make any examination for dust? *A.* No; I do not know that he does turn his attention towards the dust.
4859. *Q.* Have you ever heard the shot-firer make any remarks at all about dust before he fires the shot? *A.* No.

Further examination by Mr. Robertson:—

4860. *Q.* Did you say that before the introduction of safety-lamps the deputy always came back after a shot was fired? *A.* Oh, yes.
4861. *Q.* But he did not fire the shots, did he, then? *A.* In cases where the shot-firer fired shots he used to go and examine the places after he had fired the shots.
4862. *Q.* When did he do this? Had you any shot firer prior to the introduction of safety-lamps? *A.* In one particular heading or two particular headings.
4863. *Q.* Were they using safety-lamps there? *A.* No.
4864. *Q.* And they had shot firers in that case? *A.* The deputy used to fire a shot for us.
4865. *Q.* And what was the necessity for shot-firers in these places? *A.* I suppose the management did not consider the conditions safe for men to fire their own shots; and, therefore, they gave instructions for the men not to fire shots, and the deputy to fire them for them.
4866. *Q.* Were you working in that heading? *A.* No.
4867. *Q.* How did you know that? *A.* I was working at the turn immediately alongside it, and have been at the turn when the deputy fired the shot for them.
4868. *Q.* Then you were in a position to watch the movements of the deputy? *A.* I am not in a position to watch his movements at the face.
4869. *Q.* But you were in a position to say he did or did not go back again? *A.* Oh, yes; and also I, individually, was prevented from firing my own shots in this particular district, even before we got the lamps.
4870. *Q.* And in that case he always came back? *A.* Yes.
4871. *Q.* But he does not always now? *A.* Not at all times. Well, I have known cases where he did not go back after firing the shot.
4872. *Q.* That is within your own knowledge? *Q.* Within my own knowledge.

Cross-examination by Mr. Wade:—

4873. *Q.* You said that last Friday night was the first night you had known the deputy not to come to your place? *A.* Yes.
4874. *Q.* Were you on the night shift? *A.* Yes.
4875. *Q.* Going in at 2? *A.* Yes.
4876. *Q.* Was somebody else working in your place before you went in? *A.* Yes.
4877. *Q.* Another pair of men? *A.* Yes.
4878. *Q.* And did you go in when they came out? *A.* I went in as they came out.
4879. *Q.* And you were working successive shifts? *A.* Two successive shifts.

4880.

4880. *Q.* Then you do not know whether the deputy had not been in the place just the shift before you were finished? *A.* He may have been in during the day. I was only referring to the time in which I was there myself.

4881. *Q.* What time did you knock off? *A.* Shortly after nine. [*Witness retired.*]

(At this stage Mr. W. R. Pratt attended to take shorthand notes of the evidence and proceedings.)

Mr. JOHN SELLS was sworn and examined as under:—

Examination-in-chief by Mr. Lysaght:

4882. *Q.* What is your name? *A.* John Sells.

4883. *Q.* What are you? *A.* A miner employed at Mount Keira.

4884. *Q.* What is your mining experience? *A.* I have been actually mining about two and a half years.

4885. *Q.* Were you employed at the Kembla Mine? *A.* Yes.

4886. *Q.* Were you employed at the time of the disaster? *Yes.*

4887. *Q.* Where were you working? *A.* I was working down the 6th Right, near the Tommy Dodds, in a pillar.

4888. *Q.* Can you tell us what you know of the disaster—the first indication that you got of any trouble? *A.* There were four of us; and we were just going to pull down the timber when we felt a terrific current of air which put our lights out.

4889. *Q.* Who were the others? *A.* C. Allen, F. Andrews, S. Beck—four of us.

4890. *Q.* Are any of these men living? *A.* Yes; they are all alive.

4891. *Q.* After the lights were put out, what did you do? *A.* We lit our lamps; and a couple of minutes afterwards Mat. Frost came along inquiring for Deputy Evans. He said, "Have you seen the deputy?" It was about the deputy's time to be round—a few minutes after 2 o'clock. We said "No." Frost hurried away. About half a minute afterwards the deputy came round another road, and came up to us.

4892. *Q.* Was anything said by the deputy? *A.* I said, "Did you see Mat. Frost looking for you?" and he said "No."

4893. *Q.* Who was the deputy? *A.* David Evans. At that time Frost came back again; and we said, "Here he is coming now." Mat. Frost came up to us; and he said, addressing the deputy—we were all together, six of us—he said, "The main hauling-rope was suddenly stopped; and I am told that No. 1 is on fire. You know as much as I do."

4894. *Q.* Yes? *A.* Evans said, "The best thing we can do is to get out," and of course we left.

4895. *Q.* Where did you go? *A.* We made for home. Made for out of the mine on the travelling road; and we picked up different men going along. We went along until we came to nearly the furnace, the smoke was thick there and we could go no further. It was a yellow smoke.

4896. *Q.* Yes? *A.* At that place there were some standing, and some sitting down. I was sitting down. There were about sixty of us altogether. There may have been—more or less—fifty or sixty. We could go no further that way. That is, on the travelling road, the usual way to go out. The air was very bad. David Evans said that somebody should open a door. Sandy Beck and Davy Evans left for a few minutes; but they did not go far away—they returned. While we were there Evans said, addressing all of us, "Is there any man here who knows his road outside by the Daylight Heading, near Rogers' place?"—that is near Mr. Rogers' house. Harry James spoke as to how far he knew the road out. I said, "If we stop here we will never get out." So it was decided that no one knew the road out of the mine by the Daylight Heading—neither Evans or anyone else.

4897. *Q.* Not out of the sixty men there? *A.* Yes, nobody knew it.

4898. *Q.* Yes? *A.* The only way was to retrace our footsteps over the same ground again. Evans took us to some old workings. We had to go back again to Mat's cabin; in order to get through a door we had to go round on a horse-shoe circuit. He took us through the old workings; and we came to within 200 yards of Mat's cabin, where Mat. Frost worked; and we saw a man there named Charles Woodroff face between the rails, with his mouth in the dust. We were all running or walking; and I saw the majority passing by. What I said was a bit strong; but I spoke it; I said, "Jesus Christ, mates, are you going to go by and see a mate like this?" They said, "Every man for himself." Henry James, Joe Anderson, Arthur Clinton, and myself, stayed there with Woodroff. The rest went on. Of course we put a timber trolley on the main haulage road, and put Woodroff on it, and ran him to the cabin.

4899. *Q.* Who sang out? *A.* Evans said, "Every man for himself."

4900. *Q.* When did he say that? *A.* When we started off first. It was a stampede—some were running and some were walking.

4901. *Q.* After that? *A.* They left Clinton and me there. We ran the timber trolley along and came across Frank Stewart, and put him into the trolley. We ran the trolley along a bit further. The next we came to was a little boy named Hunt. That is all between there and Mat's cabin. We threw him into the cabin. There is a telephone there. I tried the telephone; but there was no ring: I tried and tried again. I do not know that I could enumerate the lots of bodies there.

4902. *Q.* How did you get out, that is what I want to know? *A.* By the old No. 2. Jack Pearce came along: he had three brothers; and they are living yet. We came out by the old No. 2. We got out above the road leading to the heading. I mean the Daylight Heading.

4903. *Mr. Wade.*] *Q.* Not the Manager's heading? *A.* No.

4904. *Mr. Lysaght.*] *Q.* Who told you the way? *A.* Pearce. We dragged the others out.

4905. *Q.* Do you know who first led the party out? *A.* I could not say, because they left us behind.

4906. *Q.* It was not the Manager's daylight heading? *A.* No. We came out above the Daylight Heading near the tunnel. We struck that. We did not go out by the travelling road.

4907. *Mr. Wade.*] Could not the witness have a clean map to mark?

4908. *The Witness.*] It is impossible. I had never been in the road before. I could not trace it on the map. I could not find the road in the pit again; I will acknowledge that.

4909. *Mr. Robertson.*] *Q.* You went over the usual travelling road, and came back again? *A.* Yes, past the deputy's cabin.

4910. *Q.* Where did you go on the usual travelling road? *A.* To Mat's cabin, and turned to the right.

4911. *Q.* And through a door? *A.* Yes.

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4912. *Q.* You went down by the long wall—old No. 2? *A.* Yes. It appeared that some of the men had worked there some years ago; and they struck it.
4913. *Q.* You came out there? *A.* Yes.
4914. *Q.* Did you crawl along some low places? *A.* Yes—some 2 or 3 feet high.
4915. *Mr. Lysaght.] Q.* Did you experience after damp to any remarkable extent? *A.* I have had experience amongst gases; and I took precautions. I wetted a handkerchief, and tied it round my mouth, and breathed through that.
4916. *Q.* Where did the after damp strike you first? *A.* Getting near the furnace. The fumes would be centred towards the furnace. It was a yellow-coloured smoke, so thick that you could hardly see the lamp; and the flame of the lamp would be 18 inches long.
4917. *Q.* That is, a naked light? *A.* Yes.
4918. *Mr. Bruce Smith.] Q.* It was drawn up? *A.* Yes.
4919. *Mr. Lysaght.] Q.* Did you notice whether any burnt coal dust was thrown about? *A.* You had not much time to examine it.
4920. *Q.* On this occasion? *A.* I never saw any burnt coal dust.
4921. *Q.* What about the heat? *A.* The heat was intense, the temperature was high.
4922. *Q.* Where was the heat greatest? *A.* The heat was, of course, going towards the furnace, and on the travelling road on the way out; the heat was great on the way out.
4923. *Q.* Did you at any time see any flame there? *A.* I did not see any flame; but simultaneously with the blast I looked at the heading, and saw something white coming down near where the Dixons were working.
4924. *Mr. Bruce Smith.] Q.* That is the first part of your experience. Dixon's was the next to your place? *A.* Yes.
4925. *Mr. Robertson.] Q.* What was your place? *A.* Forty-one; it was a beautiful place.
4926. *Mr. Wade.] Q.* Good money? *A.* Good money and easy going.
4927. *Mr. Lysaght.] Q.* I want to know whether the smoke was coming from the east or the west, at the place where you were working? *A.* It was coming from Powell's Flat direction.
4928. *Q.* As you saw it coming from Powell's Flat did you notice any flame? *A.* I did not notice any.
4929. *Q.* You thought it was very white? *A.* It was very like white smoke.
4930. *Q.* Did you afterwards go into the mine? *A.* I went back immediately I came out.
4931. *Q.* Had you a lamp when going in again? *A.* A safety lamp.
4932. *Q.* Where did you get it from? *A.* Somebody at the mouth gave it to me.
4933. *Q.* Do you know anything as to the safety lamps which were available? *A.* I could not say it. Just what I heard. I know I got one and went in. I think I brought out the first dead body.
4934. *Q.* What was the time? *A.* A quarter to 6 o'clock.
4935. *Q.* What direction did you go in? *A.* I went down towards Mat's Flat.
4936. *Q.* At any time did you observe any indications of flame anywhere? *A.* At places in No. 1, on the following day. I afterwards came across a number of bodies badly burnt.
4937. *Q.* Can you tell me whose bodies were badly burnt? *A.* I can tell you some—Kemp Stafford. He was somewhere about the 70's, sitting by the rib. A man named Rich—the flesh was peeling off him. I think he was working about the same locality.
4938. *Mr. Bruce Smith.] Q.* Is he dead? *A.* Yes, he is dead.
4939. *Mr. Lysaght.] Q.* Yes? *A.* Alfred Hewlet was badly burnt, and a boy named Smith in a manhole with him. No, I think Smith was in the cabin with a man named Hewlet. Hewlet had a drill which had been driven through his thigh. He was badly burnt; he was unrecognisable. The flesh was peeling off him, and the hair was off him.
4940. *Q.* Smith and Hewlet were in the cabin? *A.* Yes; the man and the boy.
4941. *Q.* Yes? *A.* Jack Purcell was badly burnt; he was very close to there. Willy Silcock had all the clothes burnt off him; all he had on was one boot; and that was shrivelled up with fire. His hair and everything else was burnt.
4942. *Mr. Bruce Smith.] Q.* Where was he? *A.* We found him a quarter of a mile from the tunnel's mouth. He was lying on the haulage rope road. He was a boy of 16 or 17.
4943. *Mr. Lysaght.] Q.* Is there any other evidence of burning of anybody else that you can think of? *A.* There were other bodies which I picked up; but I could not identify them. Some of them were undoubtedly burnt. I saw the flesh burnt off them.
4944. *Q.* Can you say where you picked them up; or cannot you remember? *A.* Of course, I saw a large number of bodies burnt outside the pit; but I am speaking of what I saw inside the pit.
4945. *Q.* Is there anybody else you can think of in the pit; or can you say where you found any bodies which you could not recognise? *A.* Well, about the 70's—down about that portion. There were bodies there which we put into the timber trolley. We threw five or six into the trolley; and some were badly burnt. There was a man I met that I used to go to work with in the day time; but I could not say that they were so and so, unless somebody said to me that they were so and so, and then I could tell.
4946. *Q.* What else? *A.* I saw the Aitkens and Morris; I coffined them.
4947. *Q.* What about them? *A.* They were unrecognisable.
4948. *Q.* From burning? *A.* Yes; the hair and moustache were badly burnt. I could not recognise the father from the son. The father was identified, probably, by the flannel belt he wore.
4949. *Q.* Was there anyone else—anyone outside that you know was burnt? *A.* Of course I knew Jack Clark, who was burnt, a boy named Stone, and Stanley Richards. I saw them numerous times in the hospital since the explosion. They were working outside the colliery.
4950. *Q.* In addition to observing the bodies burnt, did you notice any evidence of flame in any part of the pit? *A.* No.
4951. *Q.* On the props? *A.* No; I never saw any props burnt throughout the whole of the pit.
4952. *Q.* Nor canvas? *A.* No; I did not think that I did.
4953. *Q.* Did you look to see whether it was done? *A.* It was not my mission—I did not look; I did not trouble myself at all.
4954. *Q.* Have you any idea as to what caused the explosion? *A.* I have my own opinion.

4955. *Q.* You may say it? *A.* Well, of course, I do not know, but my opinion is that the Aitkens went into some of those old workings, and they struck it.
4956. *Q.* Struck what? *A.* Gas.
4957. *Q.* Fire-damp? *A.* Yes.
4958. *Q.* And what then? *A.* They started it.
4959. *Q.* Can you tell us whether you know anything of gas having been in Kembla before the disaster? *A.* Well, it is generally understood — (*Interrupted*).
4960. *Mr. Wade.*] I object to what was understood.
4961. *Mr. Lysaght.*] I am going to get specific instances.
4962. *Q.* Yes? *A.* I can say of my own personal knowledge. I was working at 41 or 42; I think that was the number. I was working a heading running down towards Powell's Flat; and there was gas there. I know the men working on the other side of me.
4963. *Q.* Who were they? *A.* Jack O'Farrell and Dan Healey had just started a bore on the right. C. Smith and Alf Prior were working a bord next to me.
4964. *Q.* Can you locate that on the map? *A.* It is between where I was working and Powell's Flat.
4965. *Q.* Next to Charles Smith? *A.* Jackson and Howell were working next to Prior at the time.
4966. *Q.* How far back is this? *A.* I have had one cavel since—that would be three months. The disaster happened in the middle of the cavel, I think. It would be seven or eight months.
4967. *Q.* What was it you observed? *A.* The ventilation was very bad there. When we went in the smoke was there from the preceding day. We would frequently complain to Deputy Evans about it. He would say, "I cannot understand it." I said, "It is there right enough; in the morning you can hardly find your road into the bord." He could give no reason. He thought the ventilation was good. It puzzled him.
4968. *Q.* Yes? *A.* Of course all the men complained as well as me; the whole of them.
4969. *Q.* What after that, regarding this place? *A.* Oh, the ventilation was bad. That was the only place I saw where I think the ventilation was bad.
4970. *Q.* Did you observe anything else at that time? *A.* I was working with Allen in that place. After firing shots — (*Interrupted*).
4971. *Q.* Is this the same time? *A.* Yes. After firing shots we waited until the smoke had cleared and you could go in, and I think on numerous occasions I spoke to him about his way of lighting gas.
4972. *Q.* Spoke to whom? *A.* Allen.
4973. *Q.* Did he light gas? *A.* He used to light it.
4974. *Q.* How often? *A.* I would not say how often exactly; I would say not after every shot; but on numerous occasions at all events—perhaps every other day.
4975. *Q.* When he did light it, how long a time would elapse after the shot had been fired? *A.* Sometimes longer than others.
4976. *Q.* The average? *A.* In some shots it went off quick with a report.
4977. *Q.* How long elapsed after the shot had been fired to the time he lit the gas? *A.* Generally you stay out for a few minutes at all events.
4978. *Q.* When he came back, how far would he be from the face of the coal when the gas was alight? *A.* You can tell by the appearance of it. Always when approaching a shot you have the lamp up; and he would go and light it.
4979. *Q.* What would be the nearest distance that he would get to the face before lighting the gas? *A.* Sometimes nearer than others; sometimes 5 feet or 6 feet.
4980. *Q.* Sometimes 2 or 3 feet, or 5 or 6 feet; and sometimes in the coal? *A.* On different occasions.
4981. *Q.* On how many occasions would he be 5 or 6 feet from the gas? *A.* That is a big thing to ask me.
4982. *Q.* How often would he be 5 or 6 feet from the face? *A.* I have seen him do it very often. I think you could find him; and he will tell you the same.
4983. *Q.* Was he an old miner? *A.* Yes. A man who has had years of experience—fifteen years—and a good miner too.
4984. *Q.* Do you know whether any report was made about lighting the gas, and if so, to whom was it made? *A.* I think there was a report.
4985. *Q.* To whom was it made? *A.* We were there; and you could hear the singing noise out of the ribs of the bord. On going up to it you could see the water oozing out. Charles Allen said, "What is it?"—but he knew what it was. He said, "That is gas."
4986. *Q.* Who said, "That is gas"? *A.* Evans said that.
4987. *Q.* In addition to that, after the gas had been lit by your mate, were you present when he said to Evans about the lighting of it? *A.* He never spoke to Evans about lighting it. I said it was a dangerous thing.
4988. *Q.* To whom did you say it was dangerous? *A.* To Allen, my mate. Sometimes it went off with a report. That was when a good shot had been fired, and the coal came down.
4989. *Q.* When was it Evans said it was gas? *A.* While we were working there. The noise was there all the time; and the water was oozing out. The singing noise was from the rib behind you.
4990. *Q.* Did Evans come down to where you were working? *A.* We saw him every day while he was our deputy. At other times Nelson was deputy.
4991. *Q.* Did he make any inspection? *A.* He came in and looked at it. We thought him a good deputy—that is, David Evans.
4992. *Q.* Did he test for gas in that place of yours? *A.* No.
4993. *Q.* Did Evans know whether your mate knew of the gas? *A.* No, my mate never told him that while we working there. He would not tell him afterwards.
4994. *Q.* Was there any other occasion where gas was lit by you or your mate? *A.* No.
4995. *Q.* Do you know of gas being lit in any other person's place? *A.* I did not see it.
4996. *Q.* Have you heard any person tell Evans that gas was lit in his place? *A.* No. I know a man who came into my bord, and said that he had nearly got blown up. It was Harry Waples.
4997. *Q.* When was that? *A.* It was the cavel before I am speaking about—about twelve months ago. I was working in Powell's Flat, in the next bord to Harry Waples and Thomas Powell.
4998. *Q.* Have you any idea where he is? *A.* I have seen him: I think he is in the country yet; although he told me he was going to Africa. I think he could be found.
- 4999.

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4999. *Q.* Was it before the explosion you were working there? *A.* I was working a pillar in a shaft—13 I think.

5000. *Q.* How long before? *A.* Eight weeks before.

5001. *Q.* Was there any evidence of gas there? *A.* There was nothing there that I saw.

5002. *Q.* Have you anything to say about that part you were working in? *A.* I did not see anything wrong. It was a dangerous part of the pit to work in; and it was pretty hard.

5003. *Q.* Did you have any interview with Mr. Rogers about that place? *A.* Well, I may have had an interview with him about the way the skips were running.

5004. *Q.* Do you remember anything about it? *A.* It was not gas. We were not getting the number of skips we were entitled to. I was sent as a delegate to see Mr. Rogers; and the thing was rectified. He said that he did not think such things were going on. We were getting six or eight skips; and other men were getting up to thirty.

5005. *Q.* He did not give any reason, did he? *A.* There were some places in particular that they wanted working out quicker—that was near the hundreds—101-2, 3, 4.

5006. *Q.* They wanted it working out quickly? *A.* He never gave any reason.

[At this stage the Commission adjourned until 2 o'clock.]

AFTERNOON.

On resuming at 2 p.m., Mr. W. R. Pratt attended to take shorthand notes of the evidence and proceedings.

Mr. JOHN SELLS, previously sworn, was further examined, as under:—

5007. *Mr. Lysaght.] Q.* I think you were telling us about Waples, who was nearly blown up? *A.* Yes.

5008. *Q.* Where was he working? *A.* He was working in the adjoining bord to me—in Powell's Flat.

5009. *Q.* How long before the disaster? *A.* Well, about five or six months before.

5010. *Q.* Did you see anything up with Waples? *A.* No. He came to me, and told me he had had a narrow escape; he was putting in a prop, and putting in a false bottom, when he struck this blower.

5011. *Q.* Speaking about this place, where you were not getting the number of skips you wanted, and Rogers, you said, did not know the reason? *A.* I went to Mr. Rogers—two of us were sent by the Lodge.

We were not getting the number of skips we were entitled to. Some men were getting thirty skips a day, and we were getting eight or ten. This was three months before the explosion. In particular there were Nos. 101-2-3-4. Four numbers, but it may have been 99. They were the last numbers on the cavel. These men were working on some pillars they were to get out; and they had as high as thirty skips a day, and were making good money. We were getting eight skips a day, and not making our salt.

5012. *Q.* Did you discover the reason why they were furnished with extra skips? *A.* From other miners I did.

5013. *Mr. Wade.]* Anything which the Manager said I do not object to, but it is unsafe to take the gossip of the miners.

5014. *His Honor.]* The witness might say what opinion he formed on the matter.

5015. *Mr. Lysaght.] Q.* Yes? *A.* I had the check-weighman's sheet the previous month—the month before I went as a delegate to Mr. Rogers—and told him that we were not getting anywhere near the number of skips we were entitled to; and drew his attention to the sheet. Some men were getting the high numbers. About this Mr. Rogers said that these were special places, where they wanted to get the coal out very quick. I said, "Here are men who are getting 80 or 90 tons and other men 150 or 160, or perhaps 180, tons," and I read out the names of these men. He said that he did not know that things were going on like this.

5016. *Q.* Regarding the statement that he wanted to get the coal out quickly: from anything that you observed do you know why they wanted to get the coal out quickly? —

5017. *Mr. Wade.]* How can he tell why they wanted to get the coal quickly?

5018. *His Honor.] Q.* Did the mine show why they wanted to get it out quickly? *A.* The usual talk was that it should be got out quickly.

5019. *Mr. Lysaght.] Q.* Why? *A.* The talk was that there was bad air and gas there, and that they wanted the place worked out quickly. I got this from one of the shrewdest miners in the pit.

5020. *His Honor.] Q.* Where were these pillars? *A.* 101-2-3-4. I could name some of the men. Andy Patterson I could name as working there. The numbers are different now on the plan.

5021. *Q.* Could you point the places out? *A.* I do not know whether I could.

5022. *Mr. Lysaght.] Q.* Say where these pillars were that they were working out quickly? *A.* 101-2-3-4. They were getting four skips to our one.

5023. *Q.* What was the place called? *A.* They were called special places.

5024. *Q.* Could you name any of them? *A.* Not that I could say; they were called special places.

5025. *Q.* Can you give me the names of the men? *A.* Andy Patterson and his brother were two of the men working there at the time; I cannot think of the other men.

5026. *Q.* Is Patterson living now? *A.* Yes; he is a deputy at Kembla.

5027. *Q.* Do you know of any other places of your own knowledge where there was gas in Kembla, although it may not have been ignited, say within twelve months of the disaster? *A.* No, I would not say that I saw it in any other place myself, only the place I have specified, where Allen used to light it.

5028. *Q.* You spoke about Evans being a good deputy? *A.* There is no doubt that he was what we call a good deputy. He was a good man, and had a good name with the miners.

5029. *Q.* What do you mean? *A.* I will tell you this much: There are a number of things in the Mining Act which it says must be done. The Act says you must have sprags up. You can tell yourself, when working, that in certain cases the coal is cemented to the roof. A sprag would be in the way. He would not come up and say, "You should have sprags up," or that you should have a prop up. A man like that was considered a good deputy.

5030. *Q.* That is your idea of what is considered a good deputy? *A.* Yes.

5031. *Mr. Wade.] Q.* He would not put you to unnecessary work? *A.* No.

5032. *Mr. Lysaght.] Q.* Because he did not make you comply with all the Regulations of the Act? *A.* No; and Mr. Nelson would not do it. You know there was no need to do it. Some of the stuff you could not blow off the roof—not in that particular section.

5033. *Q.* You said Evans always inspected the working places below. *A.* Well, he would come in—sometimes he would not come right up to the face. If it was a short day, sometimes he would sing out and go by.

- 5033½. Q. How often would he do that? A. Not often; but he has done it.
 5034. Q. About how often? A. He may have done it eight or ten times. Safely speaking, if he happened to be in a hurry, he would go away. He would be about as far as it is from here to the clock from the face.
 5035. Q. What would he call out? A. "How are you?" "How is it?" "How are you getting on?" and casual remarks like that.
 5036. Q. Would he come back that day? A. Not whilst we were there: he would only pay one visit daily.
 5037. Q. In the Keira Mine what are the means of ventilation—a furnace or a fan? A. Furnace.
 5038. Q. What is the air-supply like? A. The air seems pretty good. I have not been there very long—only a few months. Where I am working, it is only about ten minutes from the Daylight Heading; and the air there is all right.

Cross-examined by Mr. Wade:—

5039. Q. How long were you at Mount Kembla? A. Two years.
 5040. Q. How long is it since you left? A. Six months ago.
 5041. Q. When did you start at Mount Keira? A. About six months ago; about a week or ten or twelve days after the accident.
 5042. Q. Before Mount Kembla was reopened? A. Yes.
 5043. Q. Is the whole of your experience—two and a half years—coal-mining? A. I have been down a great number of mines, and at work in coal-mines.
 5044. Q. What were you doing before? A. Seven years before, I was working at smelting works in the Colony—three years at Dapto, and three or four years at Newcastle—Cockle Creek.
 5045. Q. What before that? A. I was in the Police Force before that.
 5046. Q. How old are you? A. Now you have me bad. I am about 36 years of age, I think.
 5047. Q. When you felt this terrific current of air, did it take you off your feet, or anything like that? A. No.
 5048. Q. Give us some idea of the force—you know what a strong southerly burster is? A. Yes; it was stronger than that. Our lights went out instantly.
 5049. Q. It was stronger than a strong southerly? A. Yes.
 5050. Q. Was it hot? A. There would be no occasion for its being hot; it could not be just then.
 5051. Q. Did you feel it hot afterwards? A. When we got near where the fire was, it was hot. Whatever this white stuff was, whether smoke or anything else, it did not reach our lamps. I saw it: that was all. I saw it coming down the heading. It may not have gone straight on.
 5052. Q. When at Mat's Flat, did you hear a number of men say, "Go on, Davie; go on, Davie?" A. Of course, it all depends upon what you call Mat's Flat.
 5053. Q. After you joined Evans, did you hear a number of men say, "Go on, Davie?" A. No one said that.
 5054. Q. Did you see Mat Frost there? A. He was not there at that particular time.
 5055. Q. What time? A. When you spoke of going to Mat's Flat. The first man to speak was myself. I said, "If we do not make a shift we shall never get out." Mat Frost left with Bill Ridley. I saw no more of Mat Frost until 6 o'clock.
 5056. Q. Did you hear anyone urge David Evans to get them out? A. I was present when the news was first brought to David Evans. There were eight of us there—six miners, David Evans, and Mat Frost. All of these men got out safely.
 5057. Q. Is this a fact—that some men suggested that old No. 2 was the way out, and Evans said "We will take you that way out"? A. No; that is not correct.
 5058. Q. Was Mat Frost present when it took place? A. It did not take place when Mat Frost was there.
 5059. Q. It did not take place while you were there? A. No. I am speaking of Old No. 2, right out by Rogers' place. David Evans asked that question. He said, "Does anybody know the road that leads out by Mr. Rogers' place—the Daylight Tunnel?" Harry was saying what he knew of the road.
 5060. Q. Were you inside the door of the ventilation shaft, with David Evans and other men? A. Yes.
 5061. Q. Were they in a great hurry? A. They did not appear to be. We had travelled fast.
 5062. Q. Did the men seem in a great hurry to get out? A. We were talking —(Interrupted).
 5063. Q. Were they in a great hurry to get out? A. Most decidedly.
 5064. Q. Were they excited? A. Some were, some were not; plenty were sitting down.
 5065. Q. Did not Evans ask them to sit down and wait? A. No.
 5066. Q. Did not the men say, "Go on"? A. It would be foolish.
 5067. Q. I did not say foolish or wise. What is your answer? A. No.
 5068. Q. What did they say? A. Some of them said nothing; they did not speak.
 5069. Q. Did they say they were in a hurry to get out? A. We could not all be speaking together.
 5070. Q. What was to prevent their all speaking together? A. If they were all speaking together you would not know what they were saying.
 5071. Q. Did that help you to form an opinion, because some men did not speak at all? A. No; we were in a hurry to get out.
 5072. Q. Did some of the men say so? A. They did not say, "We are in a hurry to get out."
 5073. Q. Did they use words to that effect? A. We were devising the best means.
 5074. Q. Did some say, "Go on, Davie"? A. No; because we were all stationary.
 5075. Q. Did they say that? A. No.
 5076. Q. Anything like it? A. No.
 5077. Q. What did they say to show that they were in a hurry? A. We were there. There is a door there.
 5078. Q. What did they say? A. I am going to tell you. There were sixty of us in one heap—some sitting and some standing—there was a door to open. The smoke was too thick —(Interrupted).
 5079. Q. What did the men say? A. I will tell you. Some of them said, "What about the horses?" Mat said, "Oh, b—— the horses—it is not horses but men."
 5080. Q. What did they say? A. I go by their movements. We were running before we got there.
 5081. Q. What did they say? A. Well, David Evans said, "Is there anyone here who knows the way out by Rogers' place." Harry James was speaking to him, and he told him some of the road that he knew; and it was agreed that no one knew the way out —(Interrupted). 5(82).

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5082. *Q.* That does not answer my question;—I say what did the men say to show that they were in a hurry? *A.* I am telling you—that shows they were in a hurry. David Evans, after that, said, "Come on." We had to go back; we could not go forward. He said, "I will try to see the road out this way." He went back by the travelling road that we came, he branched off near the Six Tommy Dodds, near some workings, and came near Mat's Cabin again.
5083. *Q.* That is no answer to my question; did Evans say to Frost, "There is only me and you know the way to No. 2; would it not be better for one of us to stay behind for fear other men may come out?" *A.* No. David Evans said,—(*Interrupted*).
5084. *Q.* You say no? *A.* I say no.
5085. *Q.* Did Mat Frost stay while Evans went on? *A.* Mat Frost went away.
5086. *Q.* Did he go with Evans? *A.* No, there is too much of a man about him for that.
5087. *Q.* Apparently the only man there was you? *A.* No; Mat Frost was there.
5088. *Mr. Lysaght.*] I submit that there is no need to put a question like that.
5089. *His Honor.*] The witness is only narrating what he knows.
5090. *Mr. Wade.*] There are other persons who have given evidence on this point before.
5091. *Witness.*] I am only telling the truth.
5092. *Mr. Wade.*] *Q.* When did you first make a statement about this matter—what you knew about the case? Did you mention it to anybody before you came here? *A.* The first statement would be to my mates.
5093. *Q.* Since the explosion? *A.* Of course I have spoken about it—it is common talk.
5094. *Q.* By anybody? *A.* Not by anybody.
5095. *Q.* Anywhere in the mine? *A.* No.
5096. *Q.* Where were you at the time of the inquest? *A.* Mount Keira.
5097. *Q.* You knew the inquest was going on? *A.* Yes.
5098. *Q.* And you knew men were giving evidence about the case? *A.* Yes.
5099. *Q.* Did you offer yourself? *A.* No; I was asked here.
5100. *Q.* Who asked you? *A.* Well, I knew I was to be called long ago.
5101. *Q.* Who asked you? *A.* Mr. Lysaght was the man who brought me here.
5102. *Q.* When did he ask you? *A.* Some time back.
- 5102½. *Q.* How far back? *A.* A month. He told me he would want me to give evidence here; and I said "Very good."
5103. *Q.* Did you see Hammon after the explosion—Clifford Hammon? *A.* I have seen him since.
5104. *Q.* Did you see him shortly afterwards? *A.* I saw him coming out of the tunnel that evening.
5105. *Q.* Did you notice his arm? *A.* No.
5106. *Q.* Was he burnt? *A.* I cannot say. I remember his coming out of the tunnel.
5107. *Q.* You cannot say whether his arms were burnt or not? *A.* No.
5108. *Q.* Was his face? *A.* No.
5109. *Q.* Do you mean that, when the people were burnt, the flesh was hanging on their arms? *A.* The flesh was off in flakes, especially on the arms and faces.
5110. *Q.* The skin or the flesh? *A.* More than the outer skin.
5111. *Q.* What was the colour? *A.* Of course, all the bodies were black.
5112. *Q.* What colour? *A.* If you washed them they might be cherry red.
5113. *Q.* Do you say the colour was cherry red? *A.* I would not say that. The faces of the people burnt were black.
5114. *Q.* There was the outside skin off the face—it was a loosening of the skin? *A.* It was broken.
5115. *Q.* Underneath the skin was black? *A.* Excepting where it was pink.
5116. *Q.* Where the skin was off, what was the colour? *A.* I said that the bodies, where the sound skin was remaining, were of a pink colour.
5117. *Q.* What was the colour of the flesh where the skin had been taken off it? *A.* It would be black.
5118. *Q.* From the coal dust? *A.* Yes.
5119. *Q.* And also the coal dust on it? *A.* I expect so. It would not be like a clean-cut wound. You would not see the blood or the cut.
5120. *Q.* Is that the same appearance as the arms, so far as you could see? *A.* Some men work naked; and some work with their shirts on.
5121. *Q.* I am taking the cases that had the skin off in flakes? *A.* Yes.
5122. *Q.* What was the colour? Did the colour of the flesh, where the skin came off the arms, seem to be much the same as the colour of the face, where the skin had come off the face? *A.* The flesh was off the face; you could see it as if half boiled—the flesh would be bursting out.
5123. *Q.* Do you know what a water blister is? *A.* Yes.
5124. *Q.* You know how the skin rises? *A.* Yes.
5125. *Q.* Do you know how the skin forms underneath—did it not flake off as the skin does off a water blister? *A.* No.
5126. *Q.* There was no water or blister? *A.* No water there.
5127. *Q.* Did not the skin flake off in the same way as when you have a water blister? *A.* No.
5128. *Q.* How did it rise? *A.* It did not rise. They were like contused wounds. In the case of some of the bodies which I helped to put in the skips you could hear the flesh slip through your arm.
5129. *Q.* The flesh was ready to come off? *A.* Yes.
5130. *Q.* You could feel the flesh? *A.* Yes.
5131. *Q.* And were the flesh and skin there? *A.* Yes, that is it, and the flesh was broken in some cases.
5132. *Q.* You did not see Aitken? *A.* Yes.
5133. *Q.* Is this the case—that his hair was singed as if it had been singed by a barber? *A.* It was singed more than by a barber.
5134. *Q.* That is not a fair description? *A.* No; the man was burnt; I could not recognise him.
5135. *Q.* I am talking about the hair? *A.* The hair was burnt. If you burn the hair off a man, the chances are that, if there is no current of air, you would see the charred hair there. Some of the bodies had it. In some of the cases the charred hair was there. In some cases it was not there; it had been burnt off clean to the scalp—burnt or blown off. I saw a horse with all his harness blown off.
5136. *Q.* Can you fix that spot? *A.* About 50 yards from where Kembla Stafford was, there was a grey horse lying; and every particle of harness was blown off him.

5137. *Q.* Was the horse dead? *A.* Dead right enough.
5138. *His Honor.*] *Q.* Was the hair of the horse singed as well? *A.* No; although Kemp Stafford was sitting up 50 yards away, and he was singed.
5139. *Mr. Bruce Smith.*] *Q.* Did you see the harness? *A.* No.
5140. *His Honor.*] *Q.* Which way was Stafford sitting, to the east or west of the horse? *A.* He would be more west of the horse.
5141. *Mr. Wade.*] *Q.* As a matter of fact he would be away from his own place when you found him? *A.* I think he was in Price's place. There were two dead horses there. There was one in the turning which had its harness on; and the horse of which I was speaking had no harness on.
5142. *His Honor.*] *Q.* The horse with the harness on was not singed? *A.* I did not pay much attention to the horse. I take it for granted that he was burnt.
5143. *Mr. Wade.*] *Q.* What position were Hewlett and Smith in—jammed against the side? *A.* No; thousands of tons of earth had fallen down. They were in the cabin—Hewlett and the boy Smith.
5144. *Q.* The cabin is a manhole? *A.* Yes, it is.
5145. *Q.* Were they lying down? *A.* I think the boy Smith, who was about 15, was sitting upon a bench in the manhole. Hewlett was on the floor; and there was a drill—Mick Quinn's drill—run into his thigh. He had left the drill in the cabin some time previously.
5146. *Mr. Bruce Smith.*] *Q.* Perhaps he had been thrown against it in the cabin? *A.* Yes, perhaps so.
5147. *Mr. Wade.*] *Q.* The drill may have been standing there; and he would be blown against it? *A.* I expect so. It was the next morning that we found him.
5148. *Q.* Were Hewlett's clothes burnt? *A.* Yes; I could not recognise him, although I worked alongside him.
5149. *Q.* Were his clothes burnt? *A.* I did not see it. I know the boy Smith was burnt.
5150. *Q.* I am talking about the clothes? *A.* They may have been burnt, but I did not see them; the chances are they were not.
5151. *Q.* What was left of the boy Silcock? *A.* All he had on him was one boot. His hair and everything was torn off him. I know he had a new pair of boots, because I was living next door to him. They were new boots; and the boot that was left was charred.
5152. *Q.* How charred? *A.* Shrivelled up with fire.
5153. *Q.* What was the appearance of the naked body? *A.* Black, like a nigger. His legs were broken and twisted about; but I saw no skin broken. He was lying on the rails; he was not covered up at all.
5154. *Q.* You only guess that the clothes were burnt off him. You did not see any burns? *A.* I did not see any burns—no.
5155. *Q.* You did not find any loosening of the skin? *A.* I would not say that I did.
5156. *Q.* Loosening—as you found in the case of Aitken? *A.* I would not swear there was a loosening of the skin. It was not broken, although his hair was burnt off.
5157. *Q.* His body was black? *A.* Yes.
5158. *Q.* With coal dust? *A.* Yes; the skin might be broken; but we did not notice it.
5159. *Q.* The other bodies were broken; and you noticed it? *A.* Yes.
5160. *Q.* Where was Tom Purcell? *A.* I think it was Jim Purcell who was burnt. His face was all burnt. No; I think it was Jack Purcell.
5161. *Q.* You do not know who it was—you found his body in the 2nd Right, near the cabin? *A.* Yes.
5162. *Q.* Is he the one with the hooked nose? *A.* Jack Purcell was a stout man.
5163. *Q.* You found him in the travelling road? *A.* Yes.
5164. *Q.* Was he a man over 30, with a hook to his nose? *A.* You mean Tom Purcell; I do not think we had anything to do with him.
5165. *Mr. Robertson.*] *Q.* I do not think you found the man on the travelling road? The man you refer to was found in the telephone cabin. One was Purcell—that is one—Purcell, A. Hewlett, and a boy named Smith? *A.* Yes.
5166. *Q.* There was another man found in the travelling road; and that was the one Mr. Wade is speaking of? *A.* I know nothing about that. The body I found was when Mr. Robertson was with me.
5167. *Mr. Wade.*] *Q.* What was his condition? Was the skin loose on his face? *A.* I will not swear that his skin was loose.
5168. *Q.* What about his hair? *A.* I think it was burnt off; I could not recognise it.
5169. *Mr. Bruce Smith.*] *Q.* You could not recognise it? *A.* No.
5170. *Mr. Wade.*] *Q.* Was his hair burnt off to the roots? *A.* I could not say—there was a doubt about his identification.
5171. *Q.* Now, as to the cause of the explosion? Were you in Aitken's working place? *A.* I was close to it; not in it.
5172. *Q.* You are forming opinions really on conjecture—you think it might be a likely place for the explosion to start. They were old workings; and if you struck a light it might have gone off? *A.* That is the easiest way to do it. It is my opinion that it originated there.
5173. *Q.* As to the place where you worked eight months ago, near Powell's Flat? *A.* Yes.
5174. *Q.* What time would you regularly fire the shots? *A.* You could fire a dozen times a day, if you liked.
5175. *Q.* What did you do? *A.* Fired at any time.
5176. *Q.* When you fired during the day, did the smoke clear off? *A.* No; not for a long time.
5177. *Q.* How long? *A.* There was always smoke there. I am speaking for over a quarter. For the first two or three weeks, or perhaps a month, there was always a mist hanging about.
5178. *Q.* Was it thick? *A.* Yes; when we went in in the morning.
5179. *Q.* Was it thicker in the morning? *A.* I do not think it was thicker in the morning. The more you added to it the more it would be. We were always firing shots in that district. Of course, we told the deputy about it.
5180. *Q.* Do you say there was no current of air there? *A.* I do not say there was no current there—it was a slow one.
5181. *Q.* A slow one? *A.* Yes; a very slow one.
5182. *Q.* What size shots did you put in—how much coal did you bring down? *A.* It was not a good place. It all depends how the skips were going.
5183. *Q.* What did you bring down on an average? *A.* You might bring down about 5 tons.

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5184. *Q.* When you found the gas light after a shot, was it in consequence of that that you complained about the ventilation? *A.* The reason we complained to Evans about it was that, when we went in in the morning, it was very bad. We all complained to him about it. He said, "I cannot make it out."
5185. *Q.* Was the ventilation badly arranged? *A.* That is more than I can tell you.
5186. *Q.* Was there any special difficulty? *A.* There must have been something wrong.
5187. *Q.* Did it improve? *A.* After a while the ventilation was better—in a week or so.
5188. *Q.* Were you in a bord? *A.* Yes.
5189. *Q.* Was it bad when you were breaking off the bord? *A.* No. The bord started the preceding caving, it was worked 15 or 20 yards. The smoke was there in the morning when you went into the place.
5190. *Q.* How long did the smoke last? *A.* All day.
5191. *Q.* What period of time—a week or a month? *A.* It lasted for a few weeks.
5192. *Q.* Now about this singing noise that you speak of—was it from the water? *A.* No, it was not water. There was something else oozing out with it.
5193. *Q.* Did that noise come from where the water was oozing out? *A.* Yes, from the same place. You might see a drop of water oozing out of the rib, and then hear the noise.
5194. *Q.* Do you know whether the oozing out of water is not sometimes mistaken for blowers of gas? *A.* The oozing of water mistaken for gas?
5195. *Q.* People believe that they have gas, when it is only water? *A.* A blower of gas would be when the gas is confined and escapes.
5196. *Q.* That is the same with water. Do you not know that water is often mistaken for gas? *A.* No; I do not think that water could make the sound I heard there.
5197. *Q.* I do not ask you about there. Do you know that the sound of water oozing from the face could be mistaken for a blower of gas. Do you know whether the sound is similar at all? *A.* I could not say that water would make that sound. It was a bubbling sound—a singing sound.
5198. *Q.* Did you test it? *A.* Yes.
5199. *Q.* Did it go off? *A.* No.
5200. *Q.* Did Allen try it? *A.* Yes.
5201. *Q.* Did you make any experiments to try and light it before you spoke to Evans? *A.* I cannot say; I cannot remember that now.
5202. *Q.* Where was this, in the face of the coal? *A.* On the rib—on the face.
5203. *Q.* How far back from the face? *A.* The noise was on the rib, it might be 6 yards from the face. It was there daily.
5204. *Q.* What kind of place was it, a wet place? *A.* It was wet; but there was no water—not to speak of.
5205. *Q.* Was it wet? *A.* No.
5206. *Q.* You say there was no water to speak of;—what do you mean? *A.* After you knocked off in the evening, the floor would be damp in the morning.
5207. *Q.* Where would it come from? *A.* From the face—out of the coal I expect.
5208. *Q.* You asked Evans what the noise was? *A.* I never did so; my mate asked him.
5209. *Q.* He said, "What do you call that"? *A.* He said, "Oh, that is gas."
5210. *Q.* Before you tried to light it? *A.* Before or after.
5211. *Q.* Did you never hear the sound of water oozing out of some place before? *A.* I have heard it oozing out of the bowels of the earth.
5212. *Q.* I am speaking of a coal-mine? *A.* I found that water there: you could put your ear to it and hear it.
5213. *Q.* And you think the sound must have come from the gas you saw? *A.* It could not come from the water: the pressure of water from behind would not make that sound.
5214. *Q.* Were you just finishing the pillars? *A.* No; that work had been running on for some considerable time.
5215. *Q.* Did they work the pillars out? *A.* I cannot say whether they did.
5216. *Q.* How long were they going on at the rate of thirty skips a day? *A.* A long time.
5217. *Q.* How long would it take to work it out;—a week, a month, a fortnight, or a quarter? *A.* In my opinion that part of the pit was being worked in advance for some months. They were making a good thing—and good money in that portion of the pit.
5218. *Q.* Is it a common thing to rush a pillar, and get the coal out as quick as you can? *A.* It all depends on the system of getting the coal out.

A number of Lithographs used to illustrate the evidence of witnesses at the Coroner's Inquest were not marked as Exhibits thereat; but the Commission decided to accept them as evidence. They were thereupon marked Exhibits and numbered as follows, the order of the numbers being the order in which the witnesses were examined:—

Exhibit No. 2—Broadhead, W.—Map by which his evidence was illustrated at Coroner's Inquest.			
Exhibit No. 3—Frost, Matthew	do	do	do
Exhibit No. 4—Morrison, John—Map by which his evidence was illustrated at Coroner's Inquest.			
(Put in during evidence on 21/8/02.)			
Exhibit No. 5—Morrison, John—Map by which his evidence was illustrated at Coroner's Inquest.			
(Put in during evidence on 23/8/02.)			
Exhibit No. 6—Evans, David—Map by which his evidence was illustrated at Coroner's Inquest.			
Exhibit No. 7—Frost, Adam, junior	do	do	do
Exhibit No. 8—Rogers, W.	do	do	do
Exhibit No. 9—May, Jonathan	do	do	do
Exhibit No. 10—Ritchie, David	do	do	do
Exhibit No. 10A—Stafford, Adam	do	do	do
Exhibit No. 11—Ramsay, George	do	do	do
Exhibit No. 12—Stafford, Ernest	do	do	do
Exhibit No. 13—Atkinson, A. A.	do	do	do

(The Commission, at 3 o'clock, adjourned until 10 o'clock on the following Tuesday.)

TUESDAY,

TUESDAY, 20 JANUARY, 1903.

[The Commission met at the Court House, Wollongong.]

Present:—

C. E. R. MURRAY, Esq., D.C.J. (PRESIDENT).

D. A. W. ROBERTSON, Esq., COMMISSIONER. | D. RITCHIE, Esq., COMMISSIONER.

Mr. Bruce Smith, Barrister-at-Law, instructed by Mr. Wood, Crown Solicitor's Office, appeared on behalf of the Crown.

Mr. A. A. Atkinson, Chief Inspector of Coal-mines, assisted Mr. Bruce Smith.

Mr. A. A. Lysaght, Solicitor, appeared on behalf of—

- (a) the representatives of deceased miners, wheelers, &c., (victims of the explosion);
- (b) the employees of the Mount Kembla Colliery (miners, wheelers, &c.); and
- (c) the Illawarra Colliery Employees' Association (the Southern Miners' Union).

Mr. C. G. Wade, Barrister-at-Law, instructed by Mr. F. Curtiss, appeared on behalf of the Mount Kembla Coal and Oil Company (Proprietors of Mount Kembla Mine).

(Mr. J. Garlick, Secretary to the Commission, was present to take shorthand notes of the evidence and proceedings.)

5219. (His Honor stated that the Secretary had drawn his attention to the fact that in the evidence various roads in the mine were referred to by names which might lead to confusion in afterwards identifying them on the map. For instance, the road marked on the map as 5th Right rope road was sometimes referred to in the evidence as No. 5 Right rope road, whereas the map showed that the No. 5 Right road was in another portion of the mine at a distance from the 5th Right rope road. His Honor asked Counsel to bear in mind the fact that all the roads leading out from the No. 1 Right engine road were called 2nd Right rope road, 2nd Left rope road, 3rd Right rope road, 3rd Left rope road, and so on; whereas those opening out from the main tunnel were designated as No. 2 Right, No. 2 Left, No. 3 Right, No. 3 Left, &c., &c. If this was borne in mind, His Honor pointed out, confusion would be avoided.)

MR. JOHN SELLS was further examined as under:—

Cross-examination by Mr. Wade:—

5220. *Q.* You said last Thursday that you had been in the Police Force? *A.* Yes.
5221. *Q.* When did you leave? *A.* I could not tell you.
5222. *Q.* How long ago? Was it in 1896? *A.* It might have been. 1896? Oh, it is longer back than that, I think.
5223. *Q.* Was it not July, 1896? *A.* I could not tell you the date or the month.
5224. *Q.* How did you come to leave? *A.* I left.
5225. *Q.* I know you left. Just answer my question. I ask you how? *A.* I do not see what that has got to do with this.
5226. *Q.* You do not? *A.* No.
5227. *Q.* Do you decline to answer? *A.* I do not say that. I know how I left all right.
5228. *Mr. Lysaght.*] I will take your Honor's ruling on that. I would ask whether it is material that a witness should be asked why he left the Police Force.
5229. *His Honor.*] If it comes to a question of credibility, of course, a witness may be examined on his former history. It is generally better that a witness should answer. If a witness declines to answer, there are some cases in which it would be quite justifiable for counsel to press the question; and other cases in which counsel, using a fair discretion, would not do so. It depends very much on the history of the matter as known to counsel.
5230. *Witness.*] It was nothing that I need be ashamed of that I left for.
5231. *Mr. Wade.*] *Q.* Were you dismissed? *A.* If you put the question like that, I will say "No."
5232. *Q.* Were you discharged? *A.* Aye; that is right—yes.
5233. *Q.* Were you discharged for bad conduct? *A.* What you like.
5234. *Q.* Yes or no? *A.* Principally through not divulging the name of a certain party.
5235. *Q.* Were you discharged for bad conduct? *A.* You can call it what you like. It may be it was for a breach of the rules.
5236. *Q.* Were you discharged for immoral conduct with a woman whilst on duty? Was that the charge? *A.* Alleged.
5237. *Q.* That is the alleged ground of dismissal? *A.* That is it.
5238. *Q.* Now, was it not in July, 1896? *A.* Well, I am not prepared to tell the month. If it was, I do not see much difference. It may have been. I do not see that it has got anything to do with this that these things should be raked up here.
5239. *Q.* Whilst you were in the Force, a couple of years before that, were not you fined for assault? *A.* I do not see why those things should be brought up to me, Your Honor, here. If I did these things, and remained in the Force for two years afterwards, it could not be so bad.
5240. *His Honor.*] Retention in the service for two years after a fine for assault almost speaks for itself, as the witness says. Assuming, for the sake of argument, that Sells was fined for assault, and was kept on in the Force for two years after that, then that action of the authorities pretty well does away with the discrediting effect of the fine. A fine for assault is a matter immaterial to the question of the honesty of the witness. If he likes to explain it he can, but I do not think it ought to be pressed further.
5241. *Mr. Wade.*] *Q.* Is that the only case of conviction for assault against you? *A.* I am not going to tell you anything more. That is all. It has nothing to do with this case at all. My antecedents have nothing at all to do with this case.

Witness—J. Sells, 20 January, 1903.

5242. *Q.* Did you receive a sentence of six months' imprisonment? *A.* I am not going to answer you any more.
5243. *Q.* Did you receive a sentence of six months' imprisonment in 1898? *A.* I am not going to answer any more questions to you.
5244. *Q.* Did you serve that sentence? *A.* I am not going to answer any questions to you at all. I know what you are hitting at. You are talking about an assault on a boat. I will explain in my own way.
5245. *His Honor.*] If you wish to explain, you may explain it.
5246. *Witness.*] I will say this and no more: I was up once for assaulting a man on a boat, and it cost him an amount of money; and I got out of it.
5247. *Mr. Wade.*] *Q.* That is not what I am referring to. Will you answer me this —? *A.* No, I will not.
5248. *Q.* Answer me this: did not the occurrence of assaulting a man on a boat take place whilst you were in the Force? *A.* I will not say.
5249. *Q.* Will you say it did not? *A.* I will not say.
5250. *Q.* Now, I ask you whether you actually have not served a sentence of six months? *A.* I am not going to answer any more questions with respect to my antecedents. I have been here seven years, and I think they speak for themselves.
5251. *Q.* Now, I ask whether in 1898 you did not actually serve as sentence for six months for assault? *A.* I am not going to answer any questions. I do not think it is an honorable question to put to a man. I think it is a cowardly thing to ask questions of a man like this, when he has lived an honorable life for years with no one to point the finger of scorn at him.

Cross-examination by Mr. Bruce Smith:—

5252. *Q.* Now, in describing the explosion in the Mount Kembla Mine, you told us that you had great experience in gas? *A.* In gases. I have had good experience among gases.
5253. *Q.* Do you mean in mines? *A.* No, not in mines; but at other works that I have worked at; in furnaces, and all those different kinds of gases and fumes.
5254. *Q.* What sort of furnaces? *A.* Smelting furnaces particularly—that is all.
5255. *Q.* What is your experience of gas in connection with smelting furnaces? *A.* Well, of course, in cleaning out these furnaces the gas is very bad. There are times when you go on for an eight-hour shift, and in reality you only do ten minutes' work.
5256. *Q.* In what other form have you had experience of gases? *A.* Outside the pit, none.
5257. *Q.* And I understand you have worked in two mines only—Keira and Kembla? *A.* Yes, that is all. I have been down a good many mines, but I have never laboured in them.
5258. *Q.* How many times do you say you acquainted the deputy with the presence of gas in the Mount Kembla Mine? *A.* Well, only on this one particular occasion.
5259. *Q.* One occasion—and that was Evans? *A.* That is the time I am speaking of—when my mate and the three of us were there.
5260. *Q.* Who were the three? *A.* Charlie Allen, Davy Evans, and myself.
5261. *Q.* Just your mate and yourself and Evans? *A.* Yes.
5262. *Q.* I think you said you do not know where your mate is? *A.* I believe he is working in the Stanford Merthyr Colliery, near Maitland; or I was told he was there. It is a new colliery.
5263. *Q.* In the Mount Keira Mine, I think you said, the ventilation was bad? *A.* No; I did not say that. I do not think I was asked any question about that.
5264. *Q.* What was the ventilation like? *A.* I have not been working there long. I have only worked in the two places in the mine.
5265. *Q.* You said it was pretty bad there; did you not? *A.* No; I do not think I was asked any questions on the ventilation of Mount Keira Mine. I said that the ventilation in one particular place I was working at in Mount Kembla was bad.
5266. *Q.* What was the ventilation like in Keira? *A.* Some parts of it are pretty warm.
5267. *Q.* What parts were they? *A.* When I was working there first, down in the old straight, it was very hot there. I was working on night work.
5268. *Q.* Did you find gas in Keira? *A.* Well — (*Interrupted*).
5269. *Q.* Did you complain that you had seen gas in Keira? *A.* No, I did not complain.
5270. *Q.* Did not you state on one occasion that you had found gas in Keira? *A.* Outside the Court, or in the Court?
5271. *Q.* Outside the Court;—and did you not state that it had been lighted? *A.* Yes, I have stated that.
5272. *Q.* Who was your mate on that occasion? *A.* I was working with Billy Preece. I am working with him still. This is the last cavil.
5273. *Q.* I am speaking, now, of Keira? *A.* Yes.
5274. *Q.* Did he light the gas? *A.* No. We were working next to Paddy and Alfred Gleeson, two brothers.
5275. *A.* In the next bord? *A.* Yes. They were just breaking away a bord at this particular time. They had been further up our bord after firing a shot; and evidently had their lunch. Well, Paddy called out to me, and said, "Come up here, Jack." I said, "What is the matter?" He said, "Come here." So Billy and I went up to his place. He said, "Come in here"—that is, to go into his bord. I said, "What is the matter?" He said, "Come in here."
5276. *Q.* Never mind what was said;—what did you see? *A.* I went up to the face of his bord, and he took the lamp and held it up to the face.
5277. *Q.* Did it light the gas? *A.* Yes.
- 5277½. *Q.* Through the lamp? *A.* With the naked light.
5278. *Q.* Was that a jet coming out of the wall—the rib? *A.* No; it was up near the roof.
5279. *Q.* Was it continuous? *A.* It was a flare. He took his hat off, and belted the flame out with his hat.
5280. *Q.* It was coming out — [*Interrupted*]? *A.* I could not say where it came from. It was there.
5281. *Q.* Did you report that to anybody? *A.* No, I did not.
5282. *Q.* Did either of those three men, your mate or the Gleesons, report it? *A.* Oh, they reported it.
5283. *Q.* To your knowledge? *A.* Yes.
5284. *Q.* To whom? *A.* Alick McDonald and Deputy Jubb.

5285.

5285. Q. Who is Alick McDonald? A. A deputy.
5286. Q. He reported it to two deputies? A. Well, I think Jubb's position is underground manager.
5287. Q. Are there two Jubb's, or only one? A. Only one.
5288. Q. Was it reported to both these men in your presence? A. I was there, close by.
5289. Q. Were they together—Jubb and McDonald? A. No. I think McDonald came in first, and Jubb came in a few minutes afterwards; but there were the four of them there at the time.
5290. Q. I understand that McDonald was told in your presence, and Jubb was told in your presence;—were those three men present? A. I heard the report being made to McDonald; but I did not hear it being made to Jubb, although they both went into the one place afterwards. Of course, Jubb came in a few minutes after McDonald.
5291. Q. You heard it reported to McDonald? A. Yes.
5292. Q. Do you remember what was said to McDonald? A. They told him that the gas was there, and that they had lit it.
5293. Q. Do you know whether McDonald said anything? A. No; I could not say anything that McDonald said. I did not hear what he said.
5294. Q. You did not hear them say anything to Jubb? A. No.
5295. Q. Where are the Gleesons? A. I expect they are working at Keira to-day.
5296. A. You are working in Keira? A. Yes.
5297. Q. And you believe they are working there still? A. Yes; they are working there still, right enough.
5298. Q. When was this? A. Last year.
- 5298½. Q. About what quarter? A. It is about four weeks ago, perhaps less.
5299. Q. Did you see Mr. Watson, the Inspector, when he went over the Keira Mine? A. I have seen him there several times.
5300. Q. Since that time when you saw gas? A. I will not be very particular whether it is before or since. Yes, I have seen him there before and since.
5301. Q. But since? A. Yes, since.
5302. Q. Have you any knowledge as to whether Mr. Watson found gas there? A. Yes.
5303. Q. Personal knowledge? A. Yes.
5304. Q. Where did he find it in your presence? A. He found it in our bord; and found it in the heading the Gleeson's were driving in.
5305. Q. Also in your presence? A. I was not in Gleeson's place.
5306. Q. I want to distinguish what you know through being told, and what you know of your own observation? A. In my own place he came in and tested; and he said "It is here."
5307. Q. In that very same place? A. In the same bord.
5308. Q. How often before that occasion which you have mentioned did you find gas in Mount Keira mine? A. When the Gleesons started this cut-through from my bord into their heading—[*Interrupted*].
5309. Q. First of all I ask you how many times can you remember gas being found in Mount Keira before that occasion? A. Of my own personal knowledge?
5310. Q. Yes. A. Once.
- 5310½. Q. How long was that ago? A. It may be two months ago.
5311. Q. You never saw it before that in the mine? A. No.
- 5311½. Q. Are you sure? A. Yes.
5312. Q. Think now. How long is it since you went into Keira? A. About six months.
5313. Q. You did not go there until after the Mount Kembla disaster? A. Not until about a week after.
5314. Q. On this particular occasion, about two months ago, where was the gas that you found? A. The Gleesons had started a cut-through a few yards from where I was working.
5315. Q. The same part of the mine that you were in a month ago? A. Yes. They had started this cut-through to go through from my bord into the heading they had driven. They had a shot holed and stemmed; and they called out "Fire"; and we had to go away a distance from the shot; and after the report there was a flare that lasted about ten or fifteen seconds.
5316. Q. That is when you were returning to the face? A. We did not return.
5317. Q. Could you see it? A. Yes; we could see it out from the cut-through; out into my bord.
5318. Q. Who were looking at it at that time? A. Four of us—two Gleesons, Billy Preece, and myself.
5319. Q. Was that reported to anybody? A. To my knowledge I do not think so.
5320. Q. Do you know why? A. Well, there are a great many things that are not reported in collieries, of course.
5321. Q. I know: but did not you consider that as indicating a considerable danger in working in that part of the mine? A. Oh, I consider there is a danger in working there, and working—[*Interrupted*].
5322. Q. But did not you then? A. It lay more with them to report it than with me.
5323. Q. It was in their bord; not yours? A. Yes.
5324. Q. Do you know why they did not report it? A. No.
5325. Q. Had they been in the mine longer than you? A. They had been in Keira a good while.
5326. Q. Did they treat it as a novelty; or did they say anything about seeing gas in Keira before? Did they regard it as quite a new thing there, or did they seem accustomed to it? A. I think Paddy Gleeson said it was the second time it had happened there.
5327. Q. You say the Gleesons are there still? A. They are there still.
5328. Q. Can you form any idea of the extent of the gas? How long the flame was? A. The flame ran from the face out to the bord. Of course they were not very far in from the bord.
5329. Q. How far is that? A. About 10 or 12 feet.
5330. Q. Did it fill the bord? A. Oh, yes; you could see where it had been.
5331. Q. It filled the bord? A. Yes; pretty well. You could see the flame out from the cut-through, in the bord.
5332. Q. Looking at the bord when the shot was fired you could see the whole place filled with flame? A. You could see the flame.
5333. Q. You said that Waples was nearly blown up—speaking of another experience of gas in Kembla Mine? A. He came rushing into my bord—[*Interrupted*].
5334. Q. Was this in Mount Kembla? A. Yes.

Witness—J. S. IIs, 20 January, 1903.

5335. Q. How long ago? You said five or six months before the disaster? A. Yes.
5336. Q. Was anybody told of that in your presence? A. Well, no. I fancy I was working by myself that day.
5337. Q. You cannot say whether anybody was told of that; or whether it was brought in any way to the knowledge of any official of the mine? A. No; not to the officials; I could not say that.
5338. Q. Where is Waples? A. He may be working at Coaldale, down there. I am not sure. I believe he is.
5339. Q. What led you to the conclusion that the harness had been blown off these horses? A. I knew pretty well that there was nobody in there taking the harness off.
5340. Q. I want to know why you thought that? A. That is the conclusion I arrived at; and others with me.
5341. Q. There was no harness on the horse? A. There was nothing left on it.
5342. Q. The horse was down? A. Down on its side.
5343. Q. Did the horse appear to be lying where it had stood? A. Yes.
5344. Q. Would not he have fallen with his harness on? A. He may not have.
5345. Q. Did not he appear to have fallen where he had stood? A. Yes; he did.
5346. Q. If he had fallen where he had stood would not he have fallen with the harness on him before the actual force came? A. Some force, coming at a terrific rate, would take the harness off him before he had time to fall down.
5347. Q. Was he against the rib? A. No; between the rails, lying on his side.
5348. *His Honor.*] Q. Did you see where the harness was? A. No, Your Honor.
5349. *Mr. Bruce Smith.*] Q. And no part of the harness was left underneath his body, as if the rest had been blown off? A. So far as I could see there was no harness visible.
5350. Q. No bridle? A. No.
5351. Q. Was any part of the horse itself blown off? A. Not that I know of.
5352. Q. Any limbs, or ears, or anything? A. No.
5353. Q. He just looked as if he had never had the harness on? A. That is right.
5354. Q. Was he burnt;—was his tail burnt? A. I could not say. I would not say.
5355. Q. You say another horse had his harness on;—was he near the one that had his harness off? A. Yes; not many yards away, but in a different heading just round a corner.
5356. Q. That is to say, one might have been exposed to a force and the other not? A. Yes.
5357. Q. Was the harness of the one round the corner complete? A. It appeared to be.
5358. Q. Did you take a sufficiently careful note of the things there—I do not say on paper, but in your mind,—to say whether there were any more evidences of force in the place where the horse without the harness was than in the other place where the horse was which had his harness on? A. No; I could not say.
5359. *His Honor*] Q. I suppose the harness would be only collar and hames? A. Collar and hames, winkers and chains. I think they have a breeching; I am not sure.
5360. Q. But have they breeching? A. Yes, I think so.
5361. *Mr. Bruce Smith.*] Q. Just show me on that map where the horse was with the harness blown off, and where the horse was with the harness remaining intact? A. We went in from the daylight heading over the mountain. I believe we were down the No. 6 Right rope road in the shaft section.
5362. Q. I understand you to say that the horse that had no harness on him was in No. 6 Right, off the shaft travelling road? A. Yes.
5363. *Mr. Robertson.*] Pardon me; he is all wrong. It was in Price's Flat.
5364. *Witness.*] Yes; it was in Price's Flat. Mr. Robertson was there at the time with me; and he knows the places. He was present at the time. That part of the pit is new to me.
5365. *Mr. Bruce Smith.*] Have you a careful note of where they were, Mr. Robertson?
5366. *Mr. Robertson.*] I made a note.
5367. *Mr. Bruce Smith.*] Then I do not think I need trouble about it.
5368. Q. You said that for a month out of the quarter—that is a third of the time—there was always smoke about, even in the morning? A. You are speaking of that heading. Yes, I said that.
5369. Q. To whom did you complain of that? A. To Deputy Evans; that is all.
5370. Q. More than once? A. Yes, a few times; several times.
5371. Q. Are you accurate when you say that, for a month out of the quarter, there was always smoke about, even in the morning, when you went there? A. Yes. I would not say it was there every morning, you know; but for two or three weeks that place was very bad.
5372. Q. What part of the mine was that? A. It was a heading—a bord off a heading that ran from the shaft down towards Powell's Flat.
5373. Q. You cannot accurately place it? A. It ran from down near the Tommy-Dodds down towards Powell's Flat.
5374. Q. Can you place it on the map? A. I cannot place it on that map. I was working on No. 41 on that cavel.
5375. Q. I understood you to describe Mr. Evans thus: "Evans was a good deputy; he would not insist on the strict carrying out of the Regulations when they were not necessary"? A. No; he was not strict.
5376. Q. Will you tell me of any Regulations that Mr. Evans did not carry out; or that he did not insist on your carrying out? A. Well, for instance, I might be holding a shot without a sprag; and he would come in and say, "Oh, it is all right."
5377. Q. Can you remember any occasion? A. That has happened several times. I cannot say now that I can remember one particular occasion when he came in, but it has happened.
5378. Q. Do you know that he noticed that you had no sprag? A. He could not be off it. He could not help noticing it.
5379. Q. You cannot satisfy me that he knew that you had no sprag, can you? You say, "He could not help noticing it"? A. No; he could not help noticing it.
5380. Q. Was anything said about it;—you said he said, "Oh, that does not matter"? A. Yes.
5381. Q. How was his attention drawn to the absence of the sprag on that occasion? A. I was holding a shot; and it was a very hard place, and the coal was cemented on to the roof in that portion of the pit — [Interrupted].
5382. Q. How long ago was this? A. It was the cavel before the disaster.

5383. *Q.* Go on? *A.* He passed some remark about the pit. I said, "there is not much fear of it falling; you cannot blow it off." He just passed a casual remark like that, and would then go away again.
5384. *Q.* You say he said what? *A.* He passed some remark about my not having a sprag; and I said, "You could not blow it off; there is no fear of it falling."
5385. *Q.* Is that the only occasion when he spoke of it? *A.* That is the only occasion I can speak of.
5386. *Q.* You say you have often done it to his knowledge? *A.* Every miner does it.
5387. *Q.* You personally have often done that to his knowledge? *A.* Yes.
5388. *Q.* And he has not interfered with it, although he has seen it? *A.* Yes.
5389. *Q.* That is to say, although he has been there, and had an opportunity of seeing it? *A.* Yes. It was not necessary.
5390. *Q.* What is the height of the seam at that point? *A.* It was under 5 feet.
5391. *Q.* Will you tell me any other regulation which Evans allowed you to ignore? *A.* No.
5392. *Q.* You said he was a good deputy, and he would not insist on the strict carrying out of the regulations when they were not necessary;—may I take it that that is the only one? *A.* In Kembla you are supposed to keep your timber within 6 feet of the face. Well, if the roof is a good roof you can keep your timber 12 feet or 14 feet from the face. Of course it is breaking the Act, all right.
5393. *Q.* Have you ever had your timber at more than 6 feet from the face when Evans has visited you? *A.* Yes.
5394. *Q.* Has any conversation ever taken place? *A.* Sometimes he might mark you up for a prop; and say, "Put a prop there," and put a ring.
5395. *Q.* Where does that regulation come in about putting props 6 feet from the face? *A.* I could not say. I believe it is in the Coal Mines Act. I am not sure.
5396. *Q.* You do not know that? *A.* No. It is understood at all events.
5397. *Mr. Wade.] Q.* What did Evans say then? *A.* Oh, it would not be an uncommon thing for him to put a ring up.
5398. *Mr. Bruce Smith.] Q.* You say he would sometimes come in? *A.* Yes; and chalk you up.
5399. *Q.* What would he chalk up? *A.* He would put a circle on the roof there.
5400. *Q.* To show where you were to put a prop? *A.* Yes.
- 5400½. *Q.* Then he did direct you sometimes to put a prop in? *A.* Yes.
5401. *His Honor.] Q.* What you mean is that he would come in and see what you had done, and see what ought to be done;—and he would direct you to do it? *A.* Yes.
5402. *Mr. Bruce Smith.] Q.* Did not you say that Evans did not make a proper examination of the face each time? *A.* Sometimes he would; and sometimes he would not.
5403. *Q.* That is before the men went to work? *A.* I do not say that. It is whilst we are at work. Of course the night deputy used to make that examination before we went to work.
5404. *Q.* What do you say he did not do that he ought to have done—I mean according to the strict regulations? *A.* Sometimes he would go past your bord, and call out; and would not come in to the pillar.
5405. *Q.* Did you ever complain of that? *A.* No.
5406. *Q.* Is that what you mean when you say that he would sometimes come in without making a proper examination? *A.* That is what I mean.
5407. *Q.* That sometimes, instead of coming into your bord, he would simply walk by and call out? *A.* He would not come up to the face where you were working.
5408. *Q.* Call out what? *A.* "Are you all right? How are you going on?"
5409. *Q.* And you would reply "All right"? *A.* Sing out "Yes."
5410. *Q.* What, in your opinion, ought you to have done? *A.* In my opinion then I was quite satisfied with it.
5411. *Q.* What did you consider was his duty then that you say he did not do? *A.* I knew it was his duty. I was breaking the rules myself; and he was doing the same.
5412. *Q.* I understand you to take a rather lax view of these things yourself; you think it is all right;—but what was his duty, in your opinion, which you think he did not fulfil? *A.* Certainly his duty was to come in and inspect the face of your working place.
5413. *Q.* Every time he passed? *A.* Once during working time at all events.
5414. *Q.* That you say, he did not do? *A.* No.
5415. *Q.* Frequently he would come in and go out without having inspected your face at all? *A.* Yes.
5416. *Q.* That is Evans? *A.* Evans.
5417. *Q.* Did any other deputy do that? *A.* No. Nelson was more strict than Evans was. The other deputy was more strict than Evans was.
5418. *Q.* And how many times would it occur that the deputy would walk by instead of coming in—in the case of Evans? *A.* It may have happened ten or twelve times.
5419. *Q.* In how long? *A.* During all my experience there.
5420. *Q.* And that is how long? *A.* Pretty well two years.
5421. *Q.* On all other occasions he came in? *A.* Oh yes; he would come in; and sometimes he would stay there a few minutes to have a conversation with us; and sometimes just come in and turn round again and go out.
5422. *Q.* Did you, on Thursday, fix the time at which Evans came into your place, when that singing noise was going on, and when he said it was gas? *A.* I did fix the time. I think I said it was about four or five months before.
5423. *Q.* It will be down on the notes if you have; it is all right. When Evans walked by on these dozen occasions, was it at the beginning of the shift, or the middle, or the end? *A.* At different times. Sometimes he would come round to your place at 10 o'clock in the morning; other times at 12, or any hour.
5424. *Q.* But when he passed? *A.* No; I could not fix the time when he passed.
5425. *Q.* Nor the part of the shift? *A.* No; I could not.

Re-examination by Mr. Lysaght:—

5426. *Q.* After the gas was reported by the Gleeson's in Keira, do you know whether any precautions were taken regarding that place? *A.* No; there were not—no alterations.
5427. *Q.* Are you still working in Keira with the naked light? *A.* Yes.

Examination

Examination by Mr. Robertson :—

5428. *Q.* You made some remark tending, it appeared to me, to reflect on the management for rushing in skips to pillars? *A.* That is the time we had the meeting—yes; I did, Mr. Robertson.
5429. *Q.* In what way did that show any bad management? *A.* Oh, I did not reflect on the management in connection with that part. We were working in the shaft at this time—in this bad place that I speak of,—and we were not getting many skips there. We were getting about eight or nine a day, that is all; but in those four places in particular they were getting as high as thirty skips a day; and the miners had a meeting, and a deputation was sent to Mr. Rogers in connection with the matter, and I was one of the deputation; and I had the sheet from the check-weighman for the month previously, showing the number of skips that each pair of men had throughout the pit. Some of them would be getting, say, for the fortnight's pay, 60 tons; others had 130 and 140, and, I think, pretty well up to 200 tons. Well, Mr. Rogers—when I read those out to him—said “Sells, I had no idea that things were like this; and I thought they were more equally distributed than this, but those four places there are special places.” I said, “We will give you that in; it does not matter if you give them fifty a day, those four, if you call them special places; but we want to have them more equally distributed to the other places.” He said, “All I can do is this: I will promise you that you will get your share of skips.” We went back; and the next day there was a difference in the skips.
5430. *Q.* What you say now is not quite the same as you said previously. What you said previously seemed to convey an impression to my mind that there was something wrong; that it was being worked too quickly? *A.* Yes.
5431. *Q.* As a matter of fact—you have not had much experience in mining—to work out pillars quickly is the best possible way? *A.* Yes; but those four places were worked out with extra quickness.
5432. *Mr. Bruce Smith.*] I think he suggested that Mr. Rogers had an object in working that out quickly, because it was extra dangerous.
5433. *Witness.*] Yes; that is the opinion of the miners generally on it.
5434. *Mr. Robertson.*] I understood him to say that the practice of working pillars out quickly was dangerous.
5435. *Mr. Bruce Smith.*] No; he conveyed that those were worked out quickly because they were dangerous.
5436. *Witness.*] That is what I said.
5437. *Mr. Robertson.*] *Q.* As a matter of fact, pillars are always worked out quickly? *A.* Certainly.
5438. *Q.* You will admit, I presume, that it is considerably more difficult to ventilate pillars than bords? *A.* Yes; it would be.

Examination by Mr. Ritchie :—

5439. *Q.* I think you told us about Mr. Evans passing your place and making no examination at all;—was Mr. Evans always the day deputy while you were there in that section of the mine? *A.* In the shaft section always.
5440. *Q.* He was always the day deputy in the shaft section whilst you were there? *A.* Yes; Mr. Nelson was the deputy for No. 1.
5441. *Q.* How did he examine your place when he came in? *A.* He would come into the face sometimes; and look round and turn back again.
5442. *Q.* Did he ever ask any questions about seeing gas; or anything of that kind? *A.* No, never.
5443. *Q.* Did he make any attempt to examine for gas himself any part of the working place? *A.* No, never.
5444. *Q.* On no occasions? *A.* On no occasions.
5445. *Q.* And on those occasions when Mr. Evans did not come into your bord did any other deputy come into your bord during your shift that day or on those dates? *A.* No.
5446. *Q.* In other words, you had no examination of your working place that day or on those dates? *A.* That is right.
5447. *Q.* Did the under-manager frequently call into your place? *A.* The under-manager? Yes; frequently.
5448. *Q.* After you had that gas did he ever make any inquiries about finding gas? *A.* No.
5449. *Q.* About how often did the under-manager call round? *A.* Mr. Leitch used to come around, and the other man, too, (Nelson), when he was promoted to underground-manager; we used to see them pretty often: perhaps once or twice a week.
5450. *Q.* How often did you see the manager in your place? *A.* I never saw him in my place.
5451. *Q.* Did you ever see the Government Inspector? *A.* In Keira.
5452. *Q.* In Mount Kembla? *A.* Never; only at the time of the accident. It is working time I am speaking of.
5453. *Mr. Bruce Smith.*] *Q.* Did you ever see the Government Inspector in the mine at all in Mount Kembla? *A.* Not in Mount Kembla, until, at the time of the explosion, I saw Mr. Atkinson.
- (Witness left.)

MR. WILLIAM MARSHALL was sworn, and examined as under :—

Examination-in-chief by Mr. Lysaght :—

5454. *Q.* What is your name? *A.* William Marshall.
5455. *Q.* What are you? *A.* A miner.
5456. *Q.* Where are you employed? *A.* In Old Bulli.
5457. *Q.* What mining experience have you had? *A.* Twenty years.
5458. *Q.* Where? *A.* In different parts of the Home country.
5459. *Q.* Give me the names of the collieries? *A.* In the Home country I will give you Logan's, Dalziel, Camp Creek, Meadow Pit, Mayfield No. 1, and Mayfield No. 2. In New Zealand — (Interrupted).
5460. *Q.* What collieries there? *A.* Kia Ora, Shag Point, and Bulli, in the old mine.
5461. *Q.* Which Bulli? *A.* Old Bulli.
5462. *Q.* How long have you been employed at Old Bulli? *A.* A little over eleven years—about twelve, as near as possible.

5463. Q. And during the whole of that time have you been cutting coal? A. Well, I have been cutting coal all the time I have been employed at Bulli. I might be a day out on stone-work, mind.
5464. Q. And you are a member of the Delegate Board of the Illawarra Miners' Union? A. Yes; at present.
5465. Q. Tell me, did you go to Kembla the day of the disaster? A. Not on the day of the disaster.
5466. Q. Did you go into the Kembla Mine after the disaster? A. Yes.
5467. Q. When? A. On Saturday; into No. 1.
5468. Q. Were you with the party of inspection headed by Mr. Ritchie? A. No; I was not with that party.
5469. Q. Was it the Saturday immediately following the disaster? A. Yes.
5470. Q. Who went with you? A. The late Mr. Cater was the leader of the party.
5471. Q. And what was the party? An exploring one? A. No; a party to bring out the dead bodies which were in No. 1.
5472. Q. Can you show on a plan any of the places in No. 1 where you visited? A. I do not know—unless I saw the plan very clearly.
5473. Q. This is No. 1 Right, all the way up there? A. Where is the daylight tunnel, coming in?
5474. Q. This is it? A. We took the daylight.
5475. *His Honor.*] Q. You went in by the daylight heading? A. Yes; we entered by the daylight.
5476. *Mr. Lysaght.*] Q. This is the 5th Right rope road here? A. We came down the main rope road after we came in the daylight; and then we had to leave that rope road on account of a heavy fall, and get down the back heading on to Powell's Flat.
5477. Q. Did you observe anywhere any signs of flame having passed? A. Down below there were signs.
5478. Q. What do you mean by down below? A. Down below, where there were split props. Those have always got a certain amount of—well, they are not chips, but fine fibres, sticking where they have been split.
5479. *Mr. Wade.*] Q. Splinters? A. No; but finer than splinters. What I mean is that there are splinters with a fine hair-like tail to them; and fire passing along had singed that off.
5480. *Mr. Lysaght.*] Q. Where was it you noticed the props singed like that? A. Down about where the fall was; and even the other side of what I believe was a trap-door, which was all smashed, where we brought the dead bodies through.
5481. Q. Can you say who was found near where these props were burned? A. The last two that were brought out; but not out of Powell's Flat: they were brought out of somewhere about the back heading. I could not really describe that.
5482. Q. Who were they? A. Morris and son
5483. Q. Did you see the place where Morris and son were brought from? A. Not exactly; because our party went to Powell's Flat and brought so many bodies from there; and then we came back; and when we came back a gentleman—I cannot say exactly who the gentleman was—told us that there were some other dead bodies, and asked would Mr. Cater send some of his party to bring them. He had been at them previously to us. We went and brought those two other bodies out and took them right outside; and the last thing I did was to see them on the cart.
5484. Q. Were those two bodies the bodies of Morris and his son? A. So I was told by the people who knew them.
5485. Q. Did you observe whether any of their clothing was burnt? A. Yes; I did.
5486. Q. Which of them? A. Both. The hair of both was completely burnt down. When you touched their arms or their breasts to lift them or move them about—this was out in daylight, away from the pit altogether—everything you touched seemed to come away; and the hair—you would not know there had been hair there unless you ran your hand over; and then you would get what you might call ashes.
5487. Q. Do you speak of the hair of their head? A. Yes; that is what I speak of.
5488. Q. Had Morris, senior, a beard? A. Well, now, I could not exactly say. That I would not like to swear to.
5489. Q. Leaving their bodies themselves, what about their clothing? A. Their clothing even seemed to be singed. The young man's arms were bare to above the elbow; but the older gentleman had got his coat on. It seemed as if he was about to leave the mine.
5490. Q. Dealing now with the older man first—did he appear to be completely dressed to go out? A. Yes.
5491. Q. What articles of his clothing were burnt? A. I should say that everything on him was perfectly singed. That is giving my opinion.
5492. Q. Did you notice his boots? A. Yes; they even seemed to be browned. I took more notice of that than of anything else.
5493. Q. His boots seemed to be what? A. To be what I would call scorched.
5494. Q. Had he his cap on? A. Yes; he had his cap on. I could not say whether it was on, mind, when the dead body was lifted, or not; but the cap was there on him. The young man had none on.
5495. Q. Keep to the old man first. Did you see whether the old man's tools were anywhere near where he was found? A. I cannot say about that.
5496. Q. Is there anything else you want to tell us about the body of the old man—about its condition? A. No. I cannot tell you more than that, by examining outside when we came to the daylight, I could see it had been burnt: it had been in the flame, in my opinion.
5497. Q. In addition to being burnt, were any of the clothes torn? A. Not that I am aware of. They might have been torn, and I would not take any notice of that; because many a man will wear a torn coat to the pit.
5498. Q. Tell us exactly what clothing the younger man had on him? A. He was in trousers and flannel—a flannel shirt; and when he was lifted I believe he had his cap in his hand; and I know there is a pipe which another mate of mine from Bulli picked up and put on the stretcher with him. The cap was at the back of the neck when he was picked up.
5499. *Mr. Wade.*] Q. What do you mean by the neck? A. He had his cap like that (*imitating*). He was lying on his face; he had his hand at the back of his neck with the cap, like as if he was shielding himself from something.
5500. *Mr. Lysaght.*] Q. Do you know if he was lying on his face when he was found? A. Yes; because we had to turn him over to put him on the stretcher.

Witness—W. Marshall, 20 January, 1903.

5501. Q. Do you know whether he was facing outbye or inbye? A. I am not acquainted with the mine, and cannot say.
5502. Q. Do you know whether he was facing towards the coal or facing out? A. I could not say, because I was not at the face of the coal. I would not like to say what I do not know.
5503. Q. Did you actually help to lift him and turn him over? A. No, I did not. I think Spears and another man did.
5504. Q. How far were you away when he was turned over? A. It may be a few yards.
5505. Q. Cannot you tell me whether he was facing the way you came up? A. No; I cannot. A good few of us turned away because there was too great a stench.
5506. Q. In what way were his clothes affected? A. They were about the same as the old man's, I should say, apparently; only that the flannel shirt, of course, is not as liable to catch fire. You could not tell so much with the flannel shirt as you could with any other garment, because it will not catch fire nearly so quickly.
5507. Q. What about his boots? A. His boots were about the same as the old man's. They looked as if they had been scorched.
5508. Q. Then, in addition to the burning or scorching, did any injuries appear to them otherwise? A. No; I saw no other injuries.
5509. Q. No bones broken, or anything like that? A. I could not say. We did not examine for that.
5510. Q. What was the condition of the place near where they were found? Was there any broken timber, or anything like that lying about? A. Well, of course, there may be loose timber and the like of that—I would not like to say that there was not blown out timber; because, not really knowing the mine, to go into that would be a serious question.
5511. Q. You have not told us yet where it was exactly that these bodies were found? A. I could not, really, because, not knowing the mine, it would be impossible. I might say it was in a certain place. But, according to accounts that I have of the mine from other people that knew the mine, it was about a back heading in No. 1. It was my first time in that mine.
5512. Q. You were told it was the back heading of No. 1. Did they tell you how far you were from the working face? A. No; I do not know.
5513. Q. How far were the bodies from the place where you saw the props singed? A. They would be a good bit.
5514. Q. What is a good bit? A. Well, you see, the one was in one direction and the other in the other, about where the big fall occurred. Well, of course, I could not tell how it would lie. One road you go this way, and another that; and it is hard for me to tell by just simply walking into the mine what the difference would really be.
5515. Q. Perhaps you could tell me this: besides these bodies, did you notice anything else burnt about where they were found—anything you like, the ribs, props, brattice, anything? A. As far as I saw of what timber was there, or about where they were, there were none of these small tail ends of split timber that I saw. They appeared to have been singed off.
5516. Q. When you say there appeared to be none there, do you mean that they had been burnt off, or that there were none burnt or singed? A. I said that any of the split timber that was there had none of those tails on it. They appeared to be singed off. There are some round props; and there are some of these split props.
5517. Q. In addition to the timber, did you notice the brattice? A. I cannot say that I noticed any brattice burnt. It might have been; but I did not pay that particular attention.
5518. Q. Did you notice on the rib sides any indication of burning? A. No; I cannot say that I did, on the rib sides.
5519. Q. Can you say whether there was any broken timber near either of these bodies? A. No; I cannot say that I can.
5520. Q. Do you know whether the lamps were near the bodies? Their lights? A. I believe that — [Interrupted].
5521. Mr. Wade.] Would it not be as well, for the sake of accuracy, to know what he himself saw, and what he was told?
5522. His Honor.] The witness is very careful about that. I noticed that when he came to something he was told he was careful to say so.
5523. Mr. Lysaght.] Q. What about the lamps? A. I believe, as near as I can think, that the son's lamp was in the cap that he had—close to the cap, I think it was. I know there was one lamp that I brought out; but where the other one was I cannot say. I believe it was the son's lamp that I brought out.
5524. Q. What do you mean by "near the cap"? Do you mean fixed in the cap? A. You see I might have the cap there; and the lamp might happen to fall off the cap, and be close to it. I know the lamp came out with the stretcher; and I believe it was the son's.
5525. Q. Did you notice, where this body was lying, whether it had left an impression in the dust? A. That I cannot say.
5526. Q. Was that place a damp place or a dry floor? A. I believe they are all dry that I saw. I saw no real wet there.
5527. Q. Can you remember whether, when you turned over that body, you turned it out of a dusty place or out of a damp place? A. Well, I believe it was all dry. It must have been dusty, because it was all dry. I know the back heading that we went down first from Powell's Flat was very dusty.
5528. Q. Did you notice what sort of dust was lying there—black, or gray, or what? A. No. I cannot say that I did notice what sort of dust it was.
5529. Q. Did you notice whether there was any extra amount of dust lying over the bodies? A. I know there was dust on all their clothes.
5530. Q. But, apart from the ordinary pit-dust that would get on the clothing, did you notice any other sort of dust? A. Oh, well, you might call it sooty dust, or anything like that; but there was dust on them.
5531. Q. That is what I want to know. Did you notice whether the dust on them appeared to have been burnt? A. That I cannot say. That is a very serious question—as to whether it was singed or not.
5532. Q. I would like you to be careful on that—as to whether the dust that was lying on the bodies appeared to have been singed or burnt? A. Well, now, I think that would take a chemical test to answer that

that question. In my opinion it might be burnt; but then I could not swear it was burnt. In my opinion this was the dust that fell after the explosion; but that is only my opinion.

5533. *Q.* Now, can you tell us of any other body found near Morris and son's? *A.* I cannot. There were only the two in that part of the mine that day. Those were the last two that were found on Saturday evening.

5534. *Q.* Can you tell me of any body that you yourself turned over, and put into a truck? *A.* I think Crawford was the name of one I turned over and put into a truck.

5535. *Q.* Where was that? *A.* In Powell's Flat. He was an elderly man. It was on the right side of Powell's Flat.

5536. *Mr. Ritchie.] Q.* What name was that? *A.* Crawford, I think, was the name.

5537. *His Honor.] Q.* They were all strangers to you? *A.* Yes.

5538. *Mr. Lysaght.] Q.* Was that body burnt? *A.* No; it did not show any signs of burning. Where the hair was off the heads of the other bodies, the hair of this was all complete; which drew my attention to the other two. There were several; but I cannot tell you their names.

5539. *Q.* Were any of the bodies that you assisted to bring up from Powell's Flat in any way burnt or singed? *A.* I cannot say that one body we lifted at Powell's Flat seemed so. They did not show signs of that. They may have been; but they did not show it openly enough for me to see it in the mine.

5540. *Q.* In addition to the bodies in Powell's Flat, are there any other bodies that you yourself turned over and helped to put in a truck? *A.* No others.

5541. *Q.* Then the only bodies that you think were burnt were the two Morris's? *A.* The only two I saw.

5542. *Q.* Was there any sign of flame having been in the vicinity of Powell's Flat? *A.* Oh, yes; you could see there had been flame there.

5543. *Q.* Why? *A.* Because you could see the roof discoloured where it had passed over.

5544. *Q.* What do you mean by discoloured? *A.* Well, it leaves a sort of blackness on the roof that is not always seen in a mine. I will explain what I mean: in coming down the main road you see a white clear roof where the coal has been taken out. When I went there, of course, I saw quite a different affair altogether; it was a different colour—the roof was.

5545. *Q.* What sort of colour? *A.* It was a darkish—well—sootified—affair as you passed along.

5546. *Q.* Was it a dull black? *A.* Yes.

5547. *Q.* You say a sooty appearance? *A.* Yes.

5548. *Q.* Did you examine it? Did you feel it with your hand? *A.* You could easily mark it. My hand was on it several times. You could easily mark it in this place; but in the main tunnel it was quite different.

5549. *Q.* Did you say you had frequently marked the soot? *A.* Yes; because we had a very bad light—the lamps were not showing well—and really sometimes we used to even bump our heads.

5550. *Q.* Can you say really that there was soot along the roof?

5551. *Mr. Wade.]* He said "sootified."

5552. *His Honor.]* A dark appearance which he described as sootified.

5553. *Mr. Lysaght.] Q.* Did you get anything on your hand when you felt it that way? *A.* Well, you see, you would get a black, sticky—a black scum—sort of stuff. I could not really describe it so that you gentlemen could understand it

5554. *Q.* What was it like? *A.* Well, it might be the same as if you rubbed your hand along the kettle; but not so black; not so dry as that; but of a damper, grittier nature.

5555. *Q.* Can you tell me where it was, coming along to Powell's Flat, that you first met that black substance on the roof? *A.* I could not exactly tell you that. You see I am not acquainted with the roads; and not being acquainted, I could not exactly say.

5556. *Q.* To what extent did that appear to be about Powell's Flat? Was it all over it; or did you notice it only in any particular place? *A.* No; I believe it had been all over it, in my opinion.

5557. *Mr. Bruce Smith.] Q.* All over Powell's Flat? *A.* Yes; all over and round there—round that locality.

5558. *Mr. Lysaght.] Q.* In addition to that on the roof, did you notice the brattice cloth there? *A.* The brattice was torn in many a place; and the wires knocked down. We had to struggle through the wires (*meaning the telephone wires*).

5559. *Q.* Keep to the brattice? *A.* We had to clear some out of the road to get through to the dead bodies.

5560. *Q.* Was the brattice cloth burnt or singed at Powell's Flat? *A.* That I cannot really say; because I did not examine that closely to see if it was burnt or singed. I was simply hurrying to get those dead bodies away; and we shifted it away out of the road and went on.

5561. *Q.* Did you notice whether the props were singed there? *A.* There were very few props going down where I am telling you; only this door that I tell you of that was broken up; and there was canvas there when I got there. Whether it had been a door or a brattice I cannot say; but it appeared to me that there had been a trapdoor, and it had been smashed to pieces. Well, that did not appear to be burnt.

5562. *Q.* Did you notice anywhere in the pit this gray dust lying on the floor? *A.* That was all down the back heading; and all through there there was a lot of dust on the floor.

5563. *Q.* I mean, not the natural black dust that you see, but a thin gray dust? *A.* You mean the dust that falls by the way. There was plenty of that there; but not the dust that you meet in a coal face in a dry place. In a dry place at the coal face there is always a certain amount of dust; but in a road there is always a certain amount of dust in the air that falls on the ledges and on the floor; and there was a lot of that in the back heading.

5564. *Q.* Did you notice any gray dust—that is, coal-dust—that apparently had been burnt and gone to ashes?

5565. *Mr. Bruce Smith.]* What does he mean by back heading?

5566. *Mr. Lysaght.] Q.* Do you mean where Morris was found? *A.* No. You could not get down the rope road to Powell's Flat. You had to go down the back heading to get down to Powell's Flat. There was a white horse in the main road. He was down at this fall I spoke about.

5567. *Q.* Was this white horse burnt or singed? *A.* I could not tell you.

5568. *Q.* Had he harness on? *A.* I could not say. There was white lime on him. Another man went and put lime on him to keep the smell down.

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5569. Q. How do you know you were at Powell's Flat? A. Because some of the men that were with us belonged to Kembla; and they said we were on Powell's Flat; and that is where we started out to go to.
5570. Q. If I show you where Powell's Flat is on the map can you show us this back heading? A. I think I can.
5571. Q. Here is the 5th Right rope road; up here is where Morris was found; and here is the 4th Left travelling road; and here is Powell's Flat (*indicating them on the map*)? A. I came through this (*indicating*). What heading is this? Is not this the back heading?
5572. Q. Yes. That is the back heading you refer to? A. Yes.
5573. Mr. Bruce Smith.] Q. The back heading between Stafford's Flat and Powell's Flat? A. Yes.
5574. Mr. Lysaght.] Q. Is there anything you observed anywhere during that inspection that you want to tell the Commission;—any assistance you can give the Commission as to what caused the disaster? A. Oh, I could not prove to them what caused it. Of course, I believe it was by fire-gas; but, of course, that is my opinion only.
5575. Q. Now, coming to these recommendations: No. 1—"Managers, under-managers, deputies, and shot-firers, to hold certificates of competency by examination." What do you say regarding that? A. I am quite of opinion that it should be so; that they should all understand their work thoroughly before they are allowed to undertake it.
5576. Q. Who is the Manager at Old Bulli now? A. Mr. Johnson.
5577. Q. Is he certificated by examination? A. That I really could not tell you. Some say yes, and some say no. Of course, I am not certain.
5578. Q. You say that some say yes, and some say no? A. Yes.
5579. Q. Whom do you mean? A. Some of the miners.
5580. Q. Do you know that the miners object to Mr. Johnson's being Manager? A. I do not know that they object under that light.
5581. Mr. Wade.] Because there has been no accident.
5582. Mr. Lysaght.] I ask him does he know if any of the miners object to Mr. Johnson.
5583. Mr. Wade.] I object. If the question is put as to whether there is an objection to Mr. Johnson because he has not got a certificate by examination, then it may have something to do with this inquiry.
5584. Mr. Lysaght.] I will put it that way.
5585. Q. Do you know whether, the men being of the opinion that Mr. Johnson is not a Manager certificated by examination, they have an objection to his continuing in the position of Manager? A. No; I do not know that.
5586. Mr. Bruce Smith.] Q. Do you say they do not know that? A. Some of them might say. I do not know. I will not say what the other miners know. I will only speak for myself.
5587. Mr. Lysaght.] Q. Who is your shot-firer at Old Bulli? A. One is Ted Rowan, and the other is Stan Woods. They take fortnight and fortnight about the night-shifts. No shots are fired in our mine, only at night; so the one who is on at night for the fortnight fires the shots and loads.
5588. Q. What lamps have you in Old Bulli? A. Safeties.
5589. Q. How long have you had the safeties? A. I would safely say about three months, as near as I can tell.
5590. Q. And before these safeties were introduced had you ever seen gas in Old Bulli? A. Oh, often, often; and I have been told of it by the deputy in the morning.
5591. Q. Within, say, the last twelve months, how often have you seen gas in Old Bulli? A. I cannot speak since the lamps came in vogue.
5592. Q. Before the lamps? A. Taking the twelve months before the lamps were introduced, I might say I could see it nearly every day if I liked to look for it.
5593. Mr. Wade.] Q. Did you see it? A. Very nearly every day. If I did not see it, then I could hear it.
5594. Mr. Lysaght.] Q. When you say you saw it, did you ever light it? A. Yes; often.
5595. Q. How often? A. I might light it once or twice a day accidentally by hanging the lamp on the side of the rib and going to cut; and I might just happen to hang it where there was what you might describe as a blower, and it would light; and it would no sooner light than it would be out—just fizzing like a blowfly.
5596. Q. And that was an everyday occurrence? A. Yes.
5597. Q. Did it ever light along the roof with you, in addition to lighting that way? A. No, never—not with me.
5598. Q. Were you present when it ever lit along the roof in any other place? A. No.
5599. Q. Did you not consider it dangerous when it used to light like that? A. No, I did not.
5600. Q. Do you consider it is dangerous now? A. Well, if the same precautions are taken now as were taken before the introduction of safety-lamps, I should not consider it dangerous.
5601. Q. What were the precautions you speak of? A. They did many things then. They always carried air close to the face; and never went more than 30 yards before they put a cut-through. I have put in cut-throughs in 20 yards where it was required. But, if they neglect those things now—[*Interrupted*].
5602. Q. Do they neglect those things now? A. We have not had time to prove it.
5603. Q. But have they, as far as you have observed, not been so cautious;—have they relied upon the safety-lamps? A. There are no headings going now, so I cannot say that.
5604. Q. But have you noticed it yet? A. I cannot say. There are no places extending ahead; and when we are not opening out ground these things are not likely to occur.
5605. Q. You said you could hear gas;—what do you mean by that? A. Well, you could hear it, because it is something like a blowfly. Lots of miners say, "Well, you have a blowfly in your corner." It just makes a noise similar to that.
5606. Q. You say the deputies told you something about gas? A. Yes.
5607. Q. What was that? A. When I used to be working the main heading, of course, at night, we might leave on a certain amount to cut. The day before, I would cut in about 3 feet, and leave her hanging; and next morning, going in, the deputy would say to me—[*Interrupted*].
5608. Q. What deputy? A. John Cavill.
5609. Q. What would John Cavill say to you? A. He would say to me, "Marshall, keep your light out of the cut." That would tell me that, before I went into the cut to work, I would hang my light on the roof side, back a piece.

5610. *Q.* That is, that you could not wear your light in your cap? *A.* No.
5611. *Q.* You had to keep it away from where you were cutting the coal? *A.* Yes.
5612. *Q.* Did he say anything besides "Keep your light out of the cut"? No; he knew that I knew what he meant by saying so.
5613. *Q.* That was what? *A.* Well, that he had reported that there was a certain amount of fire in the cut.
5614. *Q.* Fire? *A.* Well, gas.
5615. *Mr. Wade.] Q.* You said that he would report this? *A.* He would report this; he had reported this; and he would report it to me, warn me, before I went in.
5616. *Mr. Lysaght.] Q.* Now, did you not consider it dangerous to work with a naked light, even outside the cut, if the coal was giving off gas? *A.* Well, no, not when she was well aired. I did not consider it dangerous, because I saw the Chief Inspector come in there, and try her with his lamp—his hydrogen lamp.
5617. *Q.* You say you saw the Chief Inspector try her? *A.* Yes.
5618. *Q.* What was the result of his trying? *A.* Well, he did not tell me that.
5619. *Mr. Wade.]* He thought it was safe, at all events.
5620. *Mr. Lysaght.] Q.* He did not say so; he does not know what the Inspector thought? *A.* I did not know.
5621. *Q.* In addition to that deputy, has any other deputy told you anything? *A.* No; that is the only deputy we have in Hill End.
5622. *Q.* And that is the same mine where the big disaster was some fifteen years ago? *A.* Quite true.
5623. *Q.* Were you working in that mine at the time of the old disaster? *A.* No.
5624. *Q.* I want still to know what precautions were taken which, in your opinion, rendered that place safe? *A.* Well, cut-throughs were put over at very short distances.
5625. *Q.* What short distances? *A.* Well, 30 yards, at the outside. And the canvas was always kept, I will say, well up the face. That was in the main heading.
5626. *Q.* If either of these precautions had been neglected in the slightest, would the place have been dangerous? *A.* Yes.
5627. *Q.* Had you ever to leave any of these places because the canvas was not sufficiently up to the face? *A.* No, I never had.
5628. *Q.* Now, with regard to shot-firing—who bores the hole in your colliery? *A.* The miner.
5629. *Q.* And is he there when the shot is fired? *A.* No.
5630. *Q.* Who charges the hole with the powder? *A.* The deputy.
5631. *Q.* Do I understand that all the miner does is to bore the hole? *A.* Yes; and leave it, and report it to the night deputy, and tell him that he has bored a hole; and the night deputy comes in and loads it, and fires it.
5632. *Q.* And the next morning you go in and pull the coal away, unless you are on the night-shift (*no answer*).
5633. *Q.* I am speaking of yourself, in your daily duties as a miner? *A.* Yes.
5634. *Q.* If men are on the night-shift, when is the shot fired? *A.* It is bored; and it is fired while they are there. They are present in that case.
5635. *Q.* Do I understand that they are not fired for the day-shift because it is dangerous to have the men there? *A.* That is quite right.
5636. *Q.* Then is it not equally dangerous to the men to fire while they are there at night-time? *A.* There are only a few in.
5637. *Q.* Is it not equally dangerous when there is only one there? *A.* Quite so.
5638. *Q.* Do you consider that a safe practice? *A.* It is not a safe practice; but it is according to the law.
5639. *Q.* Is not it a dangerous practice? *A.* Yes; it is a dangerous practice when anybody is there; but they have to do it.
5640. *Q.* During the night-shift who charges the shot? *A.* The deputy.
5641. *Q.* Do you know how he does fire it? *A.* Yes.
5642. *Q.* How? *A.* By a wire.
5643. *Q.* Have you ever known him to open a safety-lamp to ignite the fuse? *A.* No; it is locked. He cannot open it.
5644. *Q.* Would the opening of the safety-lamp to ignite a fuse, in your opinion, be a dangerous proceeding? *A.* I should think it would. You might as well have a naked light there.
5645. *Q.* Do you know whether this shot-firer at Old Bulli has had any experience as a shot-firer? *A.* Well, of course, these men are old miners; and I could not say whether they have experience as shot-firers or not. I know they have been old miners in Bulli for years and years. I could not speak for their abilities as shot-firers, only as old miners. I know they are both men who have reared big families in the mine.
5646. *Q.* Now, recommendation No. 2—"Inspectors should be vested with absolute powers to order the use of safety-lamps." What do you say in support of that? *A.* I should say that Inspectors ought to be entrusted with power to do so when they see danger; but at the same time they ought to have the power, when they come into a mine, to see that the brattice and those things are carried out to the same extent when the safety-lamp is used as when the naked light is used; and so not have the men stifled through having safety-lamps in.
5647. *Q.* What you mean is that you would not rely on the safety-lamp alone; but you would want the Inspectors to have absolute power to make the management carry out the other details? *A.* Yes.
5648. *Q.* Bratticing and that? *A.* Yes; keeping it up to the face.
5649. *Q.* Do you know of any mine in this district where an Inspector has suggested the use of safety-lamps, and the management have refused to put them in?—
5650. *Mr. Wade.]* Would not it be better to confine this to Bulli? It is so easy to find the exact men, and the exact people to whom Mr. Lysaght refers, and to ask them about it.
5651. *Mr. Lysaght.] Q.* I will ask that. Do you know that of your own knowledge? *A.* Of course, I do; but it is a private question, mind, you have asked me. Of course, I know it privately, you see—that is, that I know that our Chief Inspector ordered them two or three times.
5652. *Q.* Where? *A.* In Bulli.
5653. *Q.* I do not care whether it is private or not. I want to know all about it? *A.* Simply we had to put them in when he sent those letters about them; and we wanted to get them out, because we knew there was no necessity for them.

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5654. *Q.* Do you mean Chief Inspector Atkinson? *A.* I believe it was he. It came from that firm anyhow.
5655. *Q.* That firm? *A.* I mean to say it came from the Inspector. I cannot say whether it was the Chief Inspector or Mr. Watson.
5656. *Q.* How long was that, before the lamps were put in, that the request came to put them in? *A.* Merely a few weeks. Of course, I could have seen the letters.
5657. *Q.* Did you see the letters? *A.* I did not read them.
5658. *Q.* Who brought you the letters? *A.* I will tell you, if you will allow me to explain, how it came about. I went as a deputation of one appointed by the miners, thinking there was no necessity, to see Mr. Johnson about not having the lamps in, because it was a great reduction to us. Of course, he showed us that he was powerless. He said, "Here are letters from the Mines Department; and I have got to put them in or take all responsibility." So of course we closed down then when we found where it came from, and nothing more took place.
5659. *Q.* And you think the Inspector ought to have that absolute power? *A.* I think he ought to have, if at the same time he carries out the other.
5660. *Q.* Now, No. 3—"Ventilation by furnace prohibited, and fans substituted." What have you at Old Bulli—a furnace or a fan? *A.* A furnace.
5661. *Q.* Can you say whether, on any occasion, the air has been reversed in Old Bulli? *A.* Not in Bulli; but in other mines I know.
5662. *Q.* In other mines in this district? *A.* Not in this district.
5663. *Q.* And you approve of that recommendation? *A.* Yes.
5664. *Q.* Recommendation No. 4—"Waste workings to be sealed off and surrounded by return airways, such return airways not to come in contact with intake." You approve of that? *A.* I do.
5665. *Q.* Recommendation No. 5—"Cut-throughs not more than 30 yards apart"? *A.* I approve of that.
5666. *Q.* In your opinion, would the cut-throughs every 30 yards at all weaken the security of the roof? *A.* No. They can put them through as narrow as 6 feet if they wish to do so. It would not be noticed.
5667. *Q.* Recommendation No. 7—"Monthly examination by deputies and District Inspector with hydrogen flame." You approve of that? *A.* I do.
5668. *Q.* Recommendation No. 12—"Extra supply of safety-lamps and requisites, equal to one-third of number of persons employed below ground, to be kept constantly in good order and ready for use." You might tell us what your experience was at Kembla as regards safety-lamps? *A.* I think the safety-lamps, even on the third day, were not what they ought to be.
5669. *Q.* In what way were they deficient? *A.* There were a few very good lamps, which would show a light; but there were others, mine, for instance, that I took in myself, that went out—died out.
5670. *Q.* Was that due to the wick? *A.* I cannot say; I did not examine it. There were more than myself. We met two or three others in the dark; they got in the dark also. There were a few good lamps, and there were a very few, in my opinion. Well, I can see—now I am using a fairish lamp—the difference; it was a great deal.
5671. *Q.* Do you know whether the lamps were taken from Old Bulli for Kembla? *A.* No, none.
5672. *Q.* Had you any lamps at Old Bulli? *A.* Yes, we had; at that time we had nearly 200. We have broken many of those up since; and we have a good lamp now.
5673. *Q.* Were those 200 in good order? *A.* I could not say.
5674. *Q.* You have broken them up since? *A.* Yes.
5675. *Q.* Recommendation No. 13—"Travelling and haulage roads to be properly watered." Do you water the roads in Old Bulli? *A.* Yes.
5676. *Q.* How? *A.* We have a square tank, which is fitted—well, you saw one of those watering-carts in Sydney?
5677. *Q.* Yes. *A.* Well, it is fitted exactly on the same principle.
5678. *Q.* Does that travel all over the mine? *A.* Yes; and for the centre of the road we often send in casks fitted on a stand; and they draw the plug out at certain places and let it run.
5679. *Q.* Was that done before the Kembla disaster—the watering with a water-cart like those used in Sydney? *A.* Yes.
5680. *Q.* For how long? *A.* I could not say. I do not know when this tank was first used. I know it has been there for years. I do not know whether the watering has been carried out strictly, but I know it has been there for a long time.
5681. *Q.* Is Old Bulli a dusty mine? *A.* Old Bulli, the part which we call now Old Hill End, was very dusty; but Ladysmith is different. There are some very wet places in it.
5682. *Q.* Was this Hill End district then for years systematically watered to keep the dust down? *A.* That I could not say—at that time.
5683. *Q.* For the past three or four years has it been watered with this tank like a Sydney water-cart? *A.* The roads were; but this Ladysmith did not require it.
5684. *Q.* I am only talking about the Hill End district? *A.* Yes; but the Hill End district is done with.
5685. *Q.* What I want to show is that years ago, at Old Bulli, they did systematically water the main roads? *A.* Yes; the main wheeling roads.
5686. *Q.* Did you yourself see them do that? *A.* Oh, yes.
5687. *Q.* Were the travelling roads touched with water? *A.* There is no travelling road; there is only the one road in and out of Bulli.
5688. *Q.* Recommendation No. 14—"Managers to give more personal time and attention to management of collieries." You might tell me how often you have seen Mr. Johnson in your working-place, say, in twelve months? *A.* Oh, well, I have seen him a good few times during that time.
5689. *Q.* In twelve months what would be his attendance, say, in your working-place? *A.* I think I can say twelve times with safety. He may be in when I am not there; he might be in after the shift. I know often he has been.
5690. *Q.* Recommendation No. 16—"Manholes should be enlarged." Are the manholes large enough in Old Bulli, in your opinion? *A.* Our manholes are about 3 feet deep by 4 feet wide.
5691. *Q.* And, I suppose, 6 feet high? *A.* No; I do not say they are all 5 feet.
5692. *Q.* Do you know of any instance where the manholes have not proved large enough? *A.* No.
5693. *Q.* Recommendation No. 18—"Instruction to employees on means of escape." How many roads have you out of Old Bulli? *A.* One.

5694. Q. Is there any other escape? A. No escape. There is only the one road, unless you take the air-course and know the road to take it.

5695. Q. Do you know the road to take it? A. I believe I know the greater part of it, and that I could manage it myself.

5696. Q. In case of a disaster, if you could not get out the way you went in, could you find your way out the other road? A. I might; but I would not say that I could.

5697. Q. And that is after working there for twelve years;—now, is there any other road out of Old Bulli? A. No; only the one to my knowledge.

5698. Q. How would you have the miners instructed as to the way to get out? A. I would have them at each quarter after the cavel, each part of the men led out by a deputy by a different road each quarter. I will show you my reason for that: men are so often changed from one part of the mine to another; and if you have been away for three or four months from a mine, certain bords fall in and certain headings are gone out and closed. And I am sure that I, for one, would not mind losing an hour on this appointed day, and meeting the deputy at a certain place, and all of us accompanying the deputy out and learning the means of escape from danger, either through a fall of the roof or anything else.

5699. Q. Recommendation No. 19—“Coal Mines Act should forbid the keeping of a black-list”;—do you want to say anything on that? A. Yes; I would be greatly against a black-list. I think that ought to be done away with.

5700. Q. Do you know whether there is any black-list in existence? A. I know at one time—that is, shortly after I came here—I knew a man walked about in this district for a long time; and he went to some mines, and he told me himself that some of the Managers said to him that they could not employ him; and others said “Come back next week,” and so on, simply punishing him, keeping him walking backwards and forwards instead of telling him that they would not give him a job.

5701. Q. Who was this man? A. John Dryden. His family was starved the half of the time.

5702. Q. Is he in the district now? A. Working at Old Bulli.

5703. Q. In your opinion, would such a provision result in the better management of collieries? A. Of course it would.

5704. Q. In what way? A. In many ways. Do you mean in the line of—[*Interrupted*].

5705. Q. A Manager not being able to let another Colliery Manager know about a man like that? A. Yes, it would. It would make a man more independent. He could turn round and say to a Manager, “So-and-so is wrong in my place; and I would like to see it righted.” At present the Manager says “You must wait your time.” Then the man has no other option but to stay and wait until the matter is righted, or to go; and if he goes he knows the news will be there before him; and he may travel the country and not get a job.

5706. Q. Do you know that that is the case? A. Yes.

5707. Q. Have you abstained from reporting what you have observed? A. No; because I have never cared.

5708. Q. Now recommendation No. 20—“Safety-lamps not to be unlocked for shot-firing.” I think you did say that was a very dangerous practice? A. Yes. I say so still.

Cross-examination by Mr. Wade:—

5709. Q. Do you mean that you think (Recommendation No. 19) that some men fear that if they lose their present billet they may not get another one? A. Quite so.

5710. Q. Can you give me any specific instance in the last twelve years where a man has been hounded by one Manager to another Manager? A. Now, Mr. Wade, you have asked me what is not a reasonable question. I would not attempt to bring a man's name before this public Court. I object to this question.

5711. Q. You know perfectly well that under the Arbitration Act the Court has said that if a man is dismissed improperly they will see him restored? A. If he can prove it.

5712. Q. Do you mean to say that you cannot prove that you are dismissed improperly? A. I can prove it provided I have got enough money to stand out and keep my family while I am proving it; but while I am proving it my wife and family are starving.

5713. Q. Do you mean to say that you cannot go to the Arbitration Court and prove it in a few days? A. No; I cannot.

5714. Q. Not by going to the Union? A. Before it can go to the Arbitration Court from the Union it will have to go to the whole body; and it will take so long to do this and to get the vote of the district.

5715. Q. You will have been dismissed already, before you go to the Union; do you understand? A. Yes.

5716. Q. Of course I do not mean you personally; but any man who has been improperly dismissed. If he thinks he has been improperly dismissed he has got the right to go to the Union; has not he? A. He has after a time.

5717. Q. Is not it a fact that your own Union rules provide that, if you have been improperly dismissed, you can get support from the Union in the interval? A. It is quite true; but let me show you — [*Interrupted*].

5718. Q. Is it true? A. You got my answer; but I must show you the time it will take. I have first to lay my charge before the Committee; that takes a week or a fortnight. Then it has to go to the general meeting; and that will take a week or a fortnight. Then it has to go to the General Secretary; and the Executive have to deal with it; and the General Secretary has to go to Sydney; and I have to wait all the time.

5719. Q. If you have been improperly dismissed does not your Union give you a certain allowance per week during the time you are out of employment? A. Yes; after you go through all this routine.

5720. Q. And does not that allowance date back? A. Quite so; if you can stand waiting for that length of time.

5721. Q. Does it cost you a single penny to put your grievance before the Union? A. No. It only costs me my living. It takes the time. That is what is the matter.

5722. Q. Now, I ask you if you know a single instance? I would like you to give me the man's name? A. I refuse to do that.

5723. Q. Can you give a single instance of a man who has suffered in this way during the last twelve years? A. I can prove no case; because I do not know the circumstances of the case myself.

5724. Q. Can you give me the name of a man who, you think, has suffered? A. I can give no names.

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5725. Q. You know it is an issue here? It is one of the claims made by the miners? A. Quite true.
5726. Q. And if you can give an instance of it, if you bring an instance in this way, it will make your claim all the stronger? A. Quite so; but I will bring no names.
5727. Q. I will give you the chance if you want it? A. I will not accept that chance at another man's loss. It would be all right for me to take the chance.
5728. Q. Is Dryden in employment now? A. Yes.
5729. Q. At Bulli? A. Yes.
5730. Q. How long has he been there? A. I think he has been there on and off about five years. I could not say exactly.
5731. Q. So he has left and has been taken back again at the same place since he first went to Bulli? A. He was at Bulli before the explosion.
5732. Q. But since you have known him he has actually been to Bulli, has left, and has been taken back again? A. No. I do not know that he has left and been taken back. I was reckoning up how long he had been there before the strike we had. I know he has been there since the strike; that is just about three years.
5733. Q. That is just the very thing I want. You miners struck? A. Yes.
5734. Q. Refused to work? A. We did not refuse to work at all: we got locked out.
5735. Q. You called it a strike? A. No; it was a lock-out.
5736. Q. It is worse still. It is a lock-out? A. Yes.
5737. Q. Did the Manager take this man Dryden back afterwards? A. He had to take every man back by the terms of the arbitration.
5738. Q. And he has stayed on since? A. Yes.
5739. Q. Why did you give Dryden's name? A. I gave Dryden's name because his was a case that was known all over the district. Which is known to-day.
5740. Q. And are not the other cases known all over the district? A. I do not suppose they are, because the men have simply cleared and left the place.
5741. Q. Well, it can be no harm to them if their names are given? A. Oh, yes; there may be some of them here in other mines.
5742. Q. Have you reported things when you thought necessary yourself? A. Yes.
5743. Q. And have you been continuously employed during the whole twelve years? A. Oh, no.
5744. Q. You were away when you were locked out? A. No, I was not.
5745. Q. Were you in the mine during that time? A. No.
5746. Q. With that exception, have you been employed there continuously during twelve years? A. No. I have been there when I worked. I went prospecting on the goldfields, perhaps, for a short time, and returned again.
5747. Q. How long has Mr. Johnson been Manager? A. I cannot say.
5748. Q. How far back can you trace him;—how far back do you know? A. About seven years, as near as I can trace it.
5749. Q. Now, with regard to the exits (Recommendation No. 18), Mr. Lysaght put it to you that there is only the one way out from the mine? A. Yes.
5750. Q. There is more than one way, is there not? A. No.
5751. Q. What is this air-opening you refer to? A. Well, you could not go up the furnace.
5752. Q. You said you knew the way out through the air-course? A. I said I might be able to find my way out by the air-course—that is, providing the mouth of the tunnel was not closed.
5753. Q. How would you get out by the air-course? A. You would come to the furnace.
5754. Q. What would you do then? A. Try to make the best of your way out.
5755. Q. Is there no daylight-tunnel out? A. No. The furnace is not a great distance from the mouth of the tunnel; and, of course, if you get back through the airway to the furnace, you might be able to make your way out through the tunnel, if it were not closed.
5756. Q. Now, with regard to the watering of the roads (Recommendation No. 13);—the road in Bulli is a main and tail rope road? A. Main rope road.
5757. Q. And the skips come out in trains of about how many? A. From twenty to sixteen.
5758. Q. What pace do they travel;—do they go as high as 15 miles an hour sometimes? A. Oh, no.
5759. Q. It may be a fair thing to say they go as high as 12; take the place you go in to yourself;—how far do you go in to Hill End to your work? A. About 2 miles.
5760. Q. You used to get a ride in in the empty skips returning to the face;—how long would that take? A. About twenty minutes, sometimes more.
5761. Q. So you used to go at least 6 miles an hour? A. Yes.
5762. Q. And that went a good deal slower than the full train of skips coming out? A. Well, it is about five minutes' difference; because if they bring them any faster they will pull the road out.
5763. Q. And these twenty skips in a train, going at least 7 miles an hour, throw up a lot of dust? A. Yes, they do.
5764. Q. And they travel on the road which has been watered for a number of years? A. Yes.
5765. Q. Now, let us get some idea of the dust;—the dust there is very often over your ankles? A. Where?
5766. Q. At Bulli? A. Not on the main road.
5767. Q. That is because it is kept watered? A. Yes.
5768. Q. Now, was it not actually over your ankles? A. No. Where?
5769. Q. In what you call Hill End;—was not the dust in some of those headings even lately over your ankles? A. No; I never saw dust to my ankles in my life. I never saw dust that high. I saw slack lying where slack has been used for filling up places in the road, when it comes to stone—where the coal dips into the stone, as soon as we strike the stone, in the main heading we only take 6 feet 6 inches, and in the common heading 6 feet; and that is filled up.
5770. Q. But take the ordinary skip road, where the skips run, is not the road churned up by the horses;—does not it get very deep there? A. It gets to a few inches, but not like what you are describing.
5771. Q. And those parts are also watered? A. Yes.
5772. Q. What do they use there—the tub with a plug in it? A. Yes.
5773. Q. Is that what you describe as very dusty? A. No.

- 5773½. Q. Wait a minute;—I want you now to tell me whether you are speaking of the main horse road headings, or whether you are speaking of a heading which is not a main horse road heading? A. In the main horse road heading there is no such dust as that; but it may be in a bit of a bye-heading where there are only two or three bords working down.
5774. Q. Then in the main horse road headings you would not want the watering—it is not necessary? A. No—I mean to say, that is continuously watered, and the dust is not in there.
5775. Q. In those parts it is kept continuously watered, and the dust has no chance to get dry and 3 inches deep? A. No.
5776. Q. But in the side horse road it is not watered continuously; and at times it does get dry? A. Yes.
5777. Q. And does get to a depth of 7 inches? A. No; not so deep as that.
5778. Q. How deep? A. I might say you could kick it along with your foot when you are going.
5779. Q. There are three things—the main engine road, the main horse road headings, and the bye-road headings? A. Yes, that is what I mean.
5780. Q. I suppose you workmen at Bulli always walk out from your work? A. Yes.
5781. Q. As a matter of fact you have to walk out along the road in which the two trains of skips travel? A. Yes.
5782. Q. And you have got room—in fact it must be so—to always keep clear of the trains as you are walking out? A. Now, Mr. Wade, I am not going to answer that before I know what you mean.
5783. Q. Quite right? A. Do you mean that I can walk all the road alongside the rib and be clear of the skips? or do you mean that I have manholes here and there to go into?
5784. Q. To your knowledge has there been any accident in Bulli through men not having room to pass skips either approaching them or passing them? A. There was one killed before my time; and there was one killed in my time; but I cannot tell you how he was killed.
5785. Q. All you know is that he was killed? A. He was killed by the set on the road; but I could not tell you how it happened.
5786. Q. Your view I understand with regard to Bulli is this: that the mere fact that you know there is gas there is not a ground for at once putting in safety-lamps (Recommendation No. 2), but you would first see that the ventilation was improved? A. The fact of—[*Interrupted.*]
5787. Q. Supposing you were working and saw gas? A. Yes.
5788. Q. You would not rush off at once and say “We must have safety-lamps”? A. No.
5789. Q. If you were in authority, you would first take steps to see if the ventilation was deficient? A. Yes.
5790. Q. And if it was deficient you would see if you could improve it? A. Yes.
5791. Q. And you believe that it is quite safe to work in such a place, if you have sufficient ventilation to carry off the gas? A. Yes.
5792. Q. And then if it gets too big an amount of gas, and the ventilation cannot carry it off, then you think of putting in safety-lamps? A. Yes. The first plan would be to improve the ventilation, if possible; and then, if it could not be done, safety-lamps should be adopted, by all means.
5793. Q. Then there is this further step, that you might even try some better method of ventilation before you resorted to safety-lamps? A. Yes; I would do that. Of course, I would take great precautions, during that time, to see that there was no derangement of the bratticing, or anything like that.
5794. Q. You may have some temporary derangement of the bratticing in some particular spot? A. Then the men ought to be withdrawn at once.
5795. Q. You would remedy that? A. Yes.
5796. Q. And if the ventilating power was not sufficient, you would improve that? A. Yes.
5797. Q. And then, if those things failed, you would think about safety-lamps? A. That is true.
5798. Q. And I understand you were satisfied with the conditions in Bulli with the naked light at the time? A. Yes; we were satisfied at that time.
5799. Q. Now, I want to get it quite clear about this shot-firing;—it is only in a particular part of Bulli that they have had shots fired under the naked light system? A. Under the naked light system?
5800. Q. You have had safety-lamps all over Bulli, have you not? A. No; only Hill End.
5801. Q. Before that the shots were fired at night? A. Yes.
5802. Q. But in Hill End only? A. Yes.
5803. Q. But in Cox's, that is the other district, at the other end of the hill? A. Yes.
5804. Q. Cox's have been working on the naked light for years and years? A. And are now.
5805. Q. And the men there fire their own shots, do not they? A. No; they do not. You are not allowed to fire your own shot in Bulli.
5806. Q. Who finds the powder? A. The men. You have to pay for your own; but the deputy loads and fires.
5807. Q. I thought you told me that it was only in Hill End that they fired at night? A. Quite so. In Cox's you can fire in the day time; but you cannot fire without the deputy to load and fire.
5808. Q. Then, in Hill End, the shots are only fired at night? A. Yes.
5809. Q. At Cox's you can fire the shots in the day time or night;—but you have to get the sanction of the deputy first of all? A. The deputy comes and fires it and sees it done.
5810. Q. And he just takes the ordinary precautions to see that there is no gas about? A. There has not been gas seen there.
5811. Q. It is an extra precaution which really is not necessary? A. Well, I do not know about that.
5812. Q. So far as the presence of gas goes? A. So far as we know.
5813. Q. So far as you know there has been no gas there to cause any risk in Cox's? A. Quite so, so far as I know.
5814. Q. When you speak about seeing gas in the last twelve months nearly every day—[*Interrupted*]? A. Not the last twelve months. I said the twelve months previous to the lamps going in.
5815. Q. You are working in only one part of the Hill End district? A. There is only one part working.
5816. Q. You are only speaking of one part of the Hill End district, where you worked for twelve months; say the whole of last year? A. Yes.
5817. Q. How many headings were there altogether? A. At the commencement of last year, I think, there were six headings, which you saw yourself.

Witness—W. Marshall, 20 January, 1903.

5818. Q. I did not see the best? A. Of course, you looked out that you did not see that.
5819. Q. There were six headings;—you were approaching a band or belt of cinder in that part of Hill End? A. No; that is going to the jump. There is no cinder there.
5820. Q. You have pretty well worked out the whole of that part through coming to faults or disturbances? A. From what we see at present the headings are getting nearly all stopped. There is a prospecting heading going. I do not know what she will bring.
5821. Q. Do you know whether they are more likely to find gas in the neighbourhood of disturbed country than in the place where the seams are perfectly solid? A. Yes; I quite believe you are right.
5822. Q. Was it always in the headings that you found this gas? Q. No.
5823. Q. Did you ever find it in the bord? A. Yes; the last bord I drove, previous to putting in the lamps, I put a cut-through over—I might say about 20 yards: it might be a little more—into the other bord, to get a better ventilation and have less canvas.
5824. Q. Did you see gas there? A. Yes. The under-manager used to try nearly every day; and I have seen a show of it on his lamp; and at other times I have lit it myself; but only just a little thing coming out of the coal.
5825. *Mr. Bruce Smith.*] Q. What is the under-manager's name? A. Charles Hope. He used to try nearly five days out of six.
5826. *Mr. Wade.*] Q. Now, about these safety-lamps—how did you first come to hear about the Inspector asking for safety-lamps to be used? A. Well, I am telling you ———
5827. Q. From Mr. Johnson? A. Yes; he said it was not his fault.
5828. Q. What first took place was this, was not it: that Mr. Johnson wanted safety-lamps used? A. No; he simply put up a notice saying that on and after a certain date safety-lamps would be used in Hill End.
5829. Q. He wrote a notice and put it up? A. Yes.
5830. Q. And on that you men went to object? A. Yes, quite true.
5831. Q. And when you went to object to the use of these lamps you found out that Mr. Johnson had got a request from the Chief Inspector to put them in? A. Yes; from the Department of Mines.
5832. Q. Was that the only occasion that you heard the management propose to put safety-lamps in? A. Yes; that is the first we knew of it—when the notice went up.
5833. Q. There has been no accident in Bulli since you have been there, from gas? A. No.
5834. Q. In any shape or form? A. None that I am aware of.
5835. Q. Either an explosion or a man being burnt? A. None that I am aware of.
5836. Q. Now, with regard to your examination of Mount Kembla, I suppose you took no note, did you? A. No; I took no note.
5837. Q. And I suppose you have not discussed what you saw there with anybody since? A. I may have talked the business over, the same as miners do, one with the other. We often talk in the mine of what each one saw and did not see.
5838. Q. Whilst the thing was fresh in your mind you would compare notes and discuss things you had seen with other men? A. No; I did not compare notes.
- 5838½. Q. You would discuss what you had seen and what the others had seen? A. Oh, yes; we would do that. We might not discuss what we had seen; but give an opinion upon what we thought it was.
5839. Q. Now, what was your mind chiefly fixed on? Getting out these bodies? A. Well, that is what we went there for.
5840. Q. More than examining, I suppose, as to the cause of the disaster? A. Well, of course, we had a certain number of bodies to get; and everybody that happened to be in the mine was interested to see and know as much as he could.
5841. Q. Can you tell me, now, if Morris, senior, had a beard or not? A. Well, I told you that to that I was not prepared to swear.
5842. Q. Did he have any hair on his face? A. If he had a beard, I think the most of it was gone; according to his hair.
5843. Q. I do not ask you what he used to have. Did he have any hair on his face then? A. The first two men that got to these men covered their faces with quick lime; and it was only when you moved them. They covered them over because we could not really approach them.
5844. Q. I understand. I want to know can you give us an opinion whether Morris, senior, had any hair on his face or not? A. I tell you I cannot tell you, because, as soon as we put them on the stretcher, the first thing we did was to cover their faces; and even when they were outside we tried to keep their faces covered from the public, even after we got them in the cart.
5845. Q. Then the head was exposed a very short time to your view? A. No; their heads were exposed all the time; but we threw something over so as not to show their faces.
5846. Q. If the head was in your view ——— [*Interrupted*]? A. I had the head in my hands. I lifted it with my hands.
5847. Q. Will you swear there was hair on the face or not? A. I am not certain. I will not swear.
5848. Q. Did the father have his flannel shirt on? A. I did not examine into his clothes. I tell you he had his coat on.
5849. Q. Was his coat buttoned? A. I could only swear what I know.
5850. Q. I want to know if you can tell us whether his coat was buttoned or not? A. I will not swear whether it was buttoned or not.
5851. Q. Which one was it had the skin on his breast detached? A. That was the young fellow.
5852. Q. Were they, as far as you could see, thoroughly black? Was their skin all blackened? A. Their skin was discoloured; but I will not say it was thoroughly black.
5853. Q. What colour was it? A. It would be hard for me to tell what colour a man's skin is when it was blackened by coal dust.
5854. Q. That is what I want you to tell me? A. It had been blackened; but I could not tell you what it was.
5855. Q. Was the whole body, as far as you could see, blackened by coal-dust? A. As far as I could see, it all had coal-dust on it; only, as I told you, when you touched the breast the skin came off.
5856. Q. You mean that it is very much blacker than the ordinary condition when a man is at work? A. I cannot argue on that. It is according to what a man is doing in a mine.
5857. Q. You know how much coal-dust a man gets on him in a mine? A. It is according to what he is doing. If I am in the cut all day I will come home three times as black as a man that is working in the face. It is impossible to answer such a question as that on oath.

5858. *Q.* Now, did the appearance of the father give you the impression that he had finished his work for the day? *A.* He had either finished, or was going to start. You could not say which. The man had his coat on; and I consider when he has his coat on that he has either finished or is just going to start. I would never put mine on unless under those circumstances, or except on an occasion when I am going to have dinner and there is a strong current of air.

5859. *Q.* This was long past dinner-hour? *A.* You cannot say. Men eat their dinners at all hours.

5860. *Q.* But it is a bit late—about 2 o'clock? *A.* Yes; I would reckon it was late for that.

5861. *Q.* And the boy seemed to be —? *A.* At work.

5862. *Q.* As if he had been at work? *A.* Yes.

5863. *Q.* And was apparently trying to run away from something behind him? *A.* Yes; he had his pipe in one hand and his cap.

5864. *Q.* He had something at the back of his head? *A.* Yes; he put his hand to the back of his head, with the cap in it.

5865. *Q.* Now, with regard to the pieces of the props you saw burned, is not this what you mean: that, when you split the timber, you get long spikes or splinters, and they taper off to a point as sharp as a needle? *A.* Something like a fibre.

5866. *Q.* All you saw was that that fibre at the very end of the splinter —? *A.* Had gone.

5867. *Q.* And what was missing was this bit of fibre at the end of this bit of splinter? *A.* Yes.

5868. *Q.* How long would the fibre be? *A.* Oh, well, it is according to what sort of timber it is.

5869. *Q.* How long? *A.* I have seen it, say, as long as that. (*Witness indicated with his finger and thumb a length of about an inch.*)

5870. *Q.* From an inch —? *A.* Down to nothing. Mind, that is only when timber is split green.

[At 1 p.m. the Commission adjourned for luncheon.]

AFTERNOON.

(On resuming at 2:15 p.m., Mr. W. R. Pratt attended to take shorthand notes of the evidence and proceedings).

Mr. WILLIAM MARSHALL, previously sworn, was further examined, as under:—

5872. *Mr. Wade.] Q.* You said there was some dust on the roof which you said was "sootified"? *A.* Yes.

5873. *Q.* Did you notice the same kind of dust on the props? *A.* I cannot say. I examined the props for dust. Old props naturally carry a certain amount; but new props would not have so much dust on them.

5874. *Q.* You say you were in the 4th Left road. Were you in the travelling road, or the rope road in the 4th Left? *A.* What do you mean?

5875. *Q.* The road between the tunnel and Stafford's Flat—is that a rope road or a travelling road? *A.* A rope road.

5876. *Q.* Were there any props in that road? *A.* I think there may be an odd one or two.

5877. *Q.* Did you notice any dust on them? *A.* I did not notice; we were shoving the skips along at that time.

5878. *Q.* Can you say there was any dust? *A.* I cannot; I did not examine them.

5879. *Q.* What examination did you make of the dust on the roof near Powell's flat—feel it with your fingers? *A.* I put my hands against it, and felt the stuff on my hands afterwards.

5880. *Q.* Is that all? *A.* I did not examine it; only just what you would do with your eyes.

5881. *Q.* Did you notice the appearance of the dust on the 4th Left rope road—on the ground itself? *A.* I could not say that there was much dust there. The road seemed clear.

5882. *Q.* There was no dust at all? *A.* There was no confusion.

5883. *Q.* I am not talking about confusion? *A.* I told you there was no amount of dust to take notice of. I was pushing skips all the time. I had only a little pony in to bring the bodies up with.

5884. *Q.* Were you in Morris' working place at all? *A.* No.

5885. *Q.* Were you at the spot where they were actually picked up? *A.* I could see where it was.

5886. *Q.* You saw them picked off the ground? *A.* Yes, I saw them rolled off the ground.

5887. *Q.* Were they close together? *A.* They were at no distance away.

5888. *Q.* Did you examine their working place. *A.* No, I did not.

5889. *Q.* Can you tell me where it was where you saw what you call this "fibrey" substance on the props? *A.* I saw it at Powell's Flat.

5890. *Q.* You say the fibre ends had been singed off? *A.* Yes.

5891. *Q.* Did you see it singed anywhere else? *A.* At the place where the dead bodies were, it was singed; but I could not say the name of the place.

5892. *Q.* The "fibrey" ends had disappeared? *A.* Yes, they had disappeared.

5893. *Q.* Where was this door you spoke of? *A.* At a back heading.

5894. *Q.* Between the 4th Left rope road and Powell's Flat? *A.* Yes. I do not swear it was a door; it may have been a door, it was right boards anyway. It was all blown to pieces.

5895. *Q.* Now, about this black-list. Do you object to one Mine-Manager giving an account of a workman, if another Mine-Manager asks him to do so? *A.* Well, do you mean so far as workmanship is concerned; or do you mean of any little difference between him and the Company?

5896. *Q.* First of all, take this case—a man has been employed at Bulli? *A.* Yes.

5897. *Q.* He is dismissed? *A.* Yes.

5898. *Q.* He goes to Clifton and asks for employment. Suppose the Clifton Manager asks the Bulli Manager what kind of character he could give him, do you object to the Bulli Manager's stating what he knows about the man, supposing it is truthful? *A.* You say if truthful. No; if it is only as to his being a workman, I do not object; but I object to the Manager's asking whether a man is troublesome, or whether he is always taking a leading part in unionism, or whether he will cause trouble.

5899. *Q.* Suppose a man is notorious as being a person who stirs up strife between man and master—would you object to one Manager's telling another Manager this fact? *A.* A Manager may call a man an agitator; but it may be that the man is capable of expressing a point and of explaining a point more fully than anyone else. He may then be called an agitator only because of being the mouthpiece of others.

5900. *Q.* Would you object to a Manager's expressing an opinion as to that fact? *A.* I would not object if they asked for it, but mostly the opinion is there beforehand.

Witness—W. Marshall, 20 January, 1903.

5901. *Q.* If a Manager asks for it, you do not object? *A.* Not as to his being a workman; but I object to their interfering with a man's liberty of speech.
5902. *Q.* If a man exceeds his liberty of speech and causes trouble, do you object to one Manager's telling another Manager if he likes to do so? *A.* Not if he did so.
5903. *Q.* Do you admit that, if these facts existed, and a man has been a trouble, you do not object to one Manager's telling what he knows? *A.* If he did so—[*Interrupted*].
5904. *Q.* Would you object? *A.* I would not object the way you put it. I object in other ways. A man gets dismissed for being the mouthpiece of other people. His own opinion may differ; but he has to explain what he is sent for; and then he is blamed for being an agitator.
5905. *Q.* Now you say that all waste workings should be sealed off? *A.* Yes.
5906. *Q.* Do you think it a good idea? *A.* Yes; but if they lead into the return air, not to have them sealed off completely.
5907. *Q.* You said you did. Mr. Lysaght asked you whether all waste workings ought not to be sealed off? *A.* Yes, from all intake airways.
5908. *Q.* Can you say that, so long as the air from the waste workings is not mixed with the intake airways, you are satisfied? *A.* So long as the intake air does not come in contact with them, and provided the air goes through them.
5909. *Q.* You do not want them sealed off? *A.* Not sealed off.
5910. *Q.* You would have openings, and let the air from these openings go into the return air-ways only. *A.* Yes; but the air should not go near the working places.

Cross-examined by Mr. Bruce Smith:—

5911. *Q.* Have you given a deal of consideration to these recommendations? *A.* I have considered some of them.
5912. *Q.* Take this one which you have been examined about—"That the Coal Mines Act shall forbid a black-list." I want to know what you mean? *A.* A man being victimised in a list which may be sent round.
5913. *Q.* A regular system of sending a list round from mine to mine? *A.* Quite so.
5914. *Q.* How would you prevent one Manager from communicating with another, and giving a name? *A.* The only way you could do it is, if a man got dismissed to-day he may have a chance to get a job to-day, but to-morrow he may not have a chance. He might be asked, "Where were you working last?" and he would be told he had better come to-morrow. We may know that the Manager or under-manager is putting on men; but you go to-morrow, and you are told, "We do not want any men," and you hardly go away before another man is put on. That is a good sample of what I mean.
5915. *Q.* You are telling me of what may occur;—how are you going to prevent verbal communications. You cannot prevent Managers speaking to one another? *A.* No.
5916. *Q.* You could not determine what they should speak about; and you would not know? *A.* No.
5917. *Q.* All you wish to prevent is the passing between the Mine-Managers of what you call "a black-list" of people understood not to be desirable employees? *A.* Quite so.
5918. *Q.* I see in this suggestion that mention is made as to forbidding and penalising the improper prevention of discharged persons obtaining employment. That opens up the question as to proper and improper prevention;—do you think it is possible to lay down such a prohibition to Managers communicating with one another as to prevent this—is it practicable? *A.* I think it could be done, but you would never put it down altogether.
5919. *Q.* You could never find out what communication passed. Supposing two Managers were talking to each other in the street? *A.* It is not often done that way, but by letter, and there is certain information known privately which we are never likely to know how to stop unless we could take them into Court.
5920. *Q.* Do you know that in Kentucky there is a law that prevents the passing of anything like this on paper? *A.* I do not know.
5921. *Q.* I am told that it is so in Ohio;—have you thought out a practical way of doing that? *A.* I am showing you a way to get out of the difficulty. I could prove that a letter had passed from one Manager to another to prevent so-and-so getting work—then there should be some penalty.
5922. *Q.* Supposing one Mining Manager arranges with another that, if the name of a miner is merely mentioned, it means that he ought not to be employed, then all a Manager has to do is to say, "I saw John Brown this morning";—can that be stopped;—it is put before the Commission as a practical suggestion; but do you think it is possible to stop this thing? *A.* Yes, I think it is possible to stop it to a certain extent, if you made it punishable; I believe there would be a remedy found out by Parliament.
5923. *Q.* I will not be quite sure; but I think I understood you to say, with regard to the burning and singeing of the props, that they were at the back heading between Stafford's Flat and Powell's Flat;—was there any other part of the mine where you saw a similar thing! *A.* On the way that we went down for the bodies of Morris and son; but I cannot describe the place.
5924. *Q.* I would like it described.
5925. *His Honor.*] *Q.* I think this was the first time the witness was in the mine? *A.* Yes.
5926. *Mr. Bruce Smith.*] *Q.* Where did you find the other props that were burnt;—I will refer you to this map? *A.* As far as I can judge, the other place in which I saw burnt props was towards the end of No. 1 Right heading, near where the Morris were found.
5927. *Q.* Then the first place you mention and the second place are the only ones where you saw burnt props? *A.* The only places that I would be in.
5928. *Q.* As far as the 4th Left is concerned, you saw props there; but they did not appear to you to be burnt? *A.* I did not examine them; we were shoving the skips.
5929. *His Honor.*] The witness says that he does not know whether they were burnt or not; he has no idea.
5930. *Mr. Bruce Smith.*] I want to know whether he looked. You cannot speak as to that? *A.* No; I was working at the time.
5931. *Q.* You have not had much experience of judging burnt timber, have you? *A.* I have seen some.
5932. *Q.* Was this timber, up at the end of No. 1 Right main level, and that between Stafford's and Powell's Flats, burnt more or less to the same extent? *A.* I could not notice any difference between them.
5933. *Q.* There was no difference in the burning, to you? *A.* Not to me, with such light as I had.

5934. *Q.* You have been examined by Mr. Wade as to the extent of the burning on Morris and son? *A.* Yes.
5935. *Q.* From what you saw of their hair, have you any doubt as to their being burned? *A.* Not the least, as far as their hair is concerned.
5936. *Q.* Is it true that the hair was shrivelled up tightly as the result of heat, or was it actually burnt so that you could crumble it into dust? *A.* It was burnt into dust.
5937. *Mr. Wade.] Q.* Do you mean that the whole of it crumbled away? *A.* What I got of it did; and it all appeared to be the same.
5938. *Q.* You did not catch hold of the very ends of the hair? *A.* No, I caught hold of it with my hands.
5939. *Mr. Bruce Smith.] Q.* Regarding those timbers which you saw burnt up near Morris and son's bodies, were they in the same level or heading? *A.* I believe so. Of course I am not certain of the locality.
5940. *Q.* Now you told us that the roof was what you called "sootified"; and you described that, when you put your hands up, you got black stuck upon them, such as you get off a kettle? *A.* Only more greasy.
5941. *Q.* Was it distinct from coal-dust; or was it the same kind of thing? *A.* It is different.
5942. *Q.* With all your experience of coal-dust being burnt this was quite different? *A.* Yes.
5943. *Q.* Suppose you put your hand on ordinary coal-dust, has it that greasy feeling? *A.* It might have on certain sorts of timber, if the sap happened to be in it.
5944. *Q.* I am taking dust on any ledge of coal? *A.* No, it is not the same.
5945. *Q.* The stuff you get off the roof had quite a distinct feeling? *A.* Yes.
5946. *Q.* You say it had a greasy feeling? *A.* Yes.
5947. *Q.* Now, in speaking with regard to the Bulli Mine, you said that "if the same precautions were taken now you have the lamps as were taken previously to your having the lamps, you think there would be no danger? *A.* Yes.
5948. *Q.* What are the precautions? *A.* I do not think there are any at present; but I am saying that, now the lamps are in use, anything may occur if the mine is not kept up to the standard that it used to be.
5949. *Q.* I think you suggested that there is now a less careful state of things? *A.* No.
5950. *Q.* Have you seen any indications of a falling off in the care of, or the management of, the mine? *A.* No; I cannot say so, as yet.
5951. *Q.* Did you not say before that the cut-throughs used to be every 30 yards? *A.* Yes.
5952. *Q.* Is there any difference now? *A.* We have no places in the mine going ahead. We are starting to come back again.
5953. *Q.* You cannot say that there is any difference? *A.* No.
5954. *Q.* Has there been any difference in the care of carrying the brattice up to the face? *A.* No.
5955. *Q.* You said that, if the same precautions were taken now as were taken before the lamps were put in, there would be no danger? *A.* Yes.
5956. *Q.* Do you assume that the same care is not being taken? *A.* No.
5957. *Q.* Then, so far as your mind is concerned, you do not see any difference in the amount of care being exercised? *A.* Not during the last few months.
5958. *Q.* I suppose you have some expectation that, by introducing lamps, there will be less care taken in the detection of gas? *A.* That is the general feeling among the miners. They are afraid that the same precautions will not be taken to keep the mine up to the original standard of proficiency.
5959. *Q.* You say that John Cavill said, "Marshall, keep your light out of the cut"? *A.* Yes.
5960. *Q.* Is that all? *A.* Yes.
5961. *Q.* How do you know what he meant? *A.* Well, of course — [Interrupted].
5962. *Q.* Had anything occurred previously between you? *A.* He might be in in the morning when a bit of the roof would be wrong. Cavill would say, "Do not go in until I come with you." He might try it. Our underground-manager would often do the day tests. He might say, "I want to go in there; there may be gas there."
5963. *Q.* Gas has been mentioned. *A.* It may be.
5964. *Q.* You said, "He would know what I mean"? *A.* Yes.
5965. *Q.* How long ago is this Cavill affair? *A.* Twelve months.
5966. *Q.* Did Cavill ever report your finding gas? *A.* Yes, I heard the underground-manager say so. There is a report nearly every day in the book. Where there is gas he reports it.
5967. *Q.* You said that they say something—who are "they"? *A.* Different miners.
5968. *Q.* I want to know whether you mean the miners or the deputy? *A.* Yes, the deputy.
5969. *Q.* You heard the miners say that there were entries as to the presence of gas? *A.* Yes.
5970. *Q.* Frequently? *A.* Yes.
5971. *Q.* How long ago? *A.* Eight or nine months ago, or perhaps not so long.
5972. *Q.* You said, "I saw the Chief Inspector try it? *A.* Yes.
5973. *Q.* You know Mr. Atkinson by sight! *A.* Yes.
5974. *Q.* You saw him try it? *A.* Yes.
5975. *Q.* With a safety-lamp, or with a hydrogen flame? *A.* With a hydrogen flame.
5976. *Q.* Did he find any? *A.* I know he found some.
5977. *Q.* How do you know that? *A.* I had a talk with the Manager afterwards.
5978. *Q.* The Manager? *A.* The underground-manager—Charles Hope.
5979. *Q.* Did Hope tell you that the Chief Inspector had found gas in your bord? *A.* In the heading.
5980. *Q.* Did not you say that before the lamps were put in there were cut-throughs at intervals of 30 yards and canvas up to the face? *A.* I told you that we were then going ahead; and that since the lamps had been put in we had been working backwards.
5981. *Q.* I understand you to say that safety-lamps give nothing like the light which you had from the open lamp? *A.* I said so.
5982. *Q.* Therefore, all things being equal, you had much rather work with a naked light? *A.* A great deal.
5983. *Q.* That is, everything being safe. *A.* Yes.
5984. *Q.* Now, you endorse the recommendation that the Inspector—the local Inspector you mean—should have the absolute power of ordering lamps into a mine? *A.* Yes.

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5985. *Q.* Now, I want to put this case to you. Suppose you have as Inspector a man who very easily believes what is told him, without taking the trouble to investigate. Supposing some one tells him a story about gas in the mine; is there not the possibility of injury to the miners themselves, without you give power of investigation? *A.* Yes.
5986. *Q.* Do you not think that if the Inspector, after hearing and reporting, comes to the conclusion that there is danger by working with open lights, it would be the wisest course to order lamps at once, and then give the management the opportunity of going into the question to see whether it is a true report? *A.* In that case I believe his duty would be to go to the mine and make a thorough inspection, and then order them.
5987. *Q.* That is another alternative. You think that he ought not to order them right away, but go and make an inspection? *A.* Yes, make an inspection at once.
5988. *Q.* I am going to put a case to you. Supposing a report comes to the Inspector. Suppose he goes straight to the mine, but finds no gas. What should he do then? *A.* I suggest that he should communicate with the Manager and the miners, and have a thorough representative inspection; so that if he missed any gas it might be pointed out to him.
5989. *Q.* If the Inspector receives information that leads him to conclude that a mine is dangerous, so long as the lamps are ordered, and in the meantime you have the matter investigated, you would be satisfied? *A.* Yes, if there were an investigation by both sides.
5990. *Q.* Otherwise you say that the Inspector should have power to order lamps straight away; and perhaps two or three hundred men may be compelled to work with lamps when open lights would meet the case? *A.* Yes. I am afraid the Managers would object to lamps, if there were no danger.
5991. *Q.* I understand that you went in a body to protest against the use of safety-lamps, and that when the Manager satisfied you that the Chief Inspector required them you fell in with that view at once. *A.* Yes.
5992. *Q.* And you withdrew the protest? *A.* Yes.
5993. *Q.* You recognised that whatever was ordered by the Chief Inspector was in the interests of all concerned? *A.* Yes; and we withdrew the request.
5994. *Q.* I want to know what you understand by this 12th recommendation—I will read it to you—“Extra supply of safety-lamps and their requisites, equal to one-third of number of persons employed below ground, to be kept constantly in good order and ready for use.” I will put a case to you. Take a mine with 300 men at work, and they have 300 lamps, do you suggest an additional hundred beyond those? *A.* Yes.
5995. *Q.* Why, in a case of that kind? *A.* If we had 100 spare lamps, and an explosion took place, then, with all the willing hands about to rush to our assistance, and the lamps ready, the men could be got out at once.
5996. *Q.* If there were 300 men, and they were working in two shifts, would all the lamps be required? *A.* You say if they were working in two shifts—the two shifts could be in at once.
5997. *Q.* What is the largest proportion which would be in use? *A.* There might be every lamp in use, if anything happened to occur between 1 o'clock and half-past 2 o'clock.
5998. *Q.* Then for one hour and a half the whole of the lamps would be in use? *A.* Yes.
5999. *Q.* And if an explosion took place there would be no lamps for the rescue party? *A.* No.
6000. *Q.* Seeing that possibility, you suggest that a further 100 should be used? *A.* Yes; we suggest that they should be ready for use.
6001. *Q.* Now, take the case of a mine with 300 men where lamps are not used? *A.* We say that a fair quantity of lamps should always be ready for use.
6002. *Q.* You say that an hour and a half is the time that all the lamps would be in use? *A.* Yes; but it might overreach that time.
6003. *Q.* What do you mean by keeping the lamps in good order? *A.* I mean clean, and with wicks all ready in them.
6004. *Q.* Not oil—would you have the oil there? *A.* I say that in new lamps it would do if the oil was there.
6005. *Q.* Supposing that the lamps are there, and the oil is there—how long would it take to fill each lamp? *A.* It would take about half a minute to fill a lamp.
6006. *Q.* Suppose you have a supply of lamps and wicks—that is all you want? *A.* No, I want the wicks put in them; that takes the longest time.
6007. *Q.* Now, you were describing the watering of the roads;—I understand from what you say that you were running a barrel along the rails, and you took the plug out, and let it run on the floor? *A.* That is for watering the horse roads.
6008. *Q.* Is that done for the purpose of watering the roads, or for getting rid of the water? *A.* For the purpose of watering them.
6009. *Q.* Have you a superabundance of water? *A.* Sometimes we have.
6010. *Q.* Are these casks used for muddy places where water accumulates? *A.* No. Where the water accumulates we have a tank for the purpose, like an iron cart.
6011. *Q.* The cask is taken along for the purpose of watering the roads? *A.* The cask is for the horse roads; and the cart is for the main roads.
6012. *Q.* Does the water run outside the rails, or between them? *A.* The water-cart is the same as the Sydney water-cart. The water goes outside the rails; it has a spray.
6013. *Q.* How are the sides and the roof watered? *A.* The sides and the roof are never done. I do not think the spray rises that high.
6014. *Q.* Then nothing but the floor is watered? *A.* The floor and part of the sides.
6015. *Q.* How far up the sides? *A.* Just according to the water that is forced out.
6016. *Q.* How much—how wide is it? *A.* Some places 6 feet; and some 10 feet.
6017. *Q.* What space beyond the rails? *A.* In some cases a foot, and sometimes more.
6018. *Q.* In some cases it reaches the sides? *A.* Yes; sometimes.
6019. *Q.* How high up does the spray go? *A.* According to the pressure of the water.
6020. *Q.* What would be the highest—a couple of feet high? *A.* Yes.
6021. *Q.* Do I understand you that there is no travelling road at all in Old Bulli? *A.* No.
6022. *Q.* All the men have to go back by the rope-road? *A.* Yes.
6023. *Q.* How many years have you been there? *A.* Eleven.

6024. *Q.* During that eleven years have you known a case in which the manholes were insufficient? *A.* At one time they were; but they are more plentiful now.
6025. *Q.* What distance are they apart? *A.* From 20 to 30 yards.
6026. *Q.* How far apart were they before? *A.* I cannot tell.
6027. *Q.* Are they about 3 feet deep and 4 feet wide? *A.* Some of them are larger, and some smaller.
6028. *Q.* You have from 1 to 2 feet between the rail and the wall? *A.* Yes.
6029. *Q.* A man could stand safely away from the skips? *A.* Yes.
6030. *Q.* In any case he can resort to the manholes? *A.* Yes.
6031. *Q.* Do you think in the case of Old Bulli that the manholes want increasing? *A.* I cannot say that there are often so many men together.
6032. *Q.* You only remember one instance where there was an accident? *A.* Only one instance. I do not know whether he was in front of the skips and got caught by them.
6033. *Q.* It was not a case of a number of men crowding into a manhole, and the outer man being caught by one of the skips? *A.* No.
6034. *Q.* Then, during eleven years in that mine you have not known of an instance in which the manholes proved too small? *A.* No; because when coming out, in order to use the manholes, a few of the men would keep behind.
6035. *Q.* And if you had travelling roads as well? *A.* Then we would have no trouble at all.
6036. *Q.* About this proposal that a deputy should, from time to time, show the men the different ways out of the mine;—I understand that you want every quarter that the deputy should take a number of men, and show them the different ways out of the mine? *A.* Yes.
6037. *Q.* You say that there is a different way out from the main road? *A.* I know there is the return airway.
6038. *Q.* How is it that you never found that way out? *A.* You are not allowed, according to law, to go from your own place to another man's place.
6039. *Q.* Did you ever ask? *A.* I have never asked; until the last three months they would not allow you to travel a return airway with a naked light.
6040. *Q.* Now, would not the way round out of a mine depend very much on the position in which an accident took place? *A.* Yes, it might.
6041. *Q.* This is what I mean. On the map there, there is the main tunnel and the daylight tunnel. Now, are there not a dozen places in that mine where an accident could take place which would make it desirable for the men to go out a dozen different ways in order to avoid that accident? *A.* Yes.
6042. *Q.* Merely showing the men out one way would not be of much assistance, if the men were working and an explosion took place in a different part of the mine? *A.* No.
6043. *Q.* Suppose the men were working in No. 1 Right main level and had been shown the way out by the daylight heading on the north side of the mine, that would not be of much use to men working near the longwall goaf to the west of the shaft district, if an accident took place near them? *A.* It might not be; but it would be possible for an explosion to take place in a part of the mine where they could get out at the daylight heading.
6044. *Q.* Is it not possible to have an explosion in a dozen different places which would require the men to get out at a dozen different places: I mean that each explosion would require the men to go out of the mine by a different way? *A.* Yes.
6045. *Q.* Would it be possible for the deputy to instruct the men in one or two ways of getting out of the mine, and for the men in trying to get out by those ways to run themselves into danger? *A.* It is possible.
6046. *Q.* Is it not possible that, unless the men were instructed in every possible way, how to get round a difficulty, they might go by a way that they had been instructed in and run into danger? *A.* It is quite possible.
6047. *Q.* Then that proposition would want a good deal of thinking about? *A.* Yes.
6048. *Q.* And in that case a deputy would have to instruct the men—if an explosion took place here, you get out so-and-so; if an explosion took place there, you would get out so-and-so; and they would have to be fully informed of how to meet all the different contingencies that might arise? *A.* If every quarter, when the men are shifted from one district to another, they could be given instruction, they would soon get to know every outlet in the mine.
6049. *Q.* The men are always being shifted about the mine? *A.* Yes.
6050. *Q.* Let me see how many mines have you been in? *A.* A good few.
6051. *Q.* You told us of about fifteen? *A.* Yes.
6052. *Q.* In about twenty years mining? *A.* Yes.
6053. *Q.* You have been in fifteen mines? *A.* Yes.
6054. *Q.* You have been a wanderer? *A.* Yes.
6055. *Q.* Now about Dryden's case. You say you know of other cases, but do not care to mention the names of the men? *A.* No.
6056. *Q.* Without going into the names at all, do you know of any cases in which your mind is satisfied that men were kept out of employment by messages passing from Manager to Manager; or is it a mere matter of conjecture? *A.* No; we had proof of it; but I am not going into it. I am satisfied in my own mind that it has been done.
6057. *Q.* Can you tell me the reason why? *A.* I will give you a solid reason. It is because they took the leading parts in different things in connection with Unionism, and because they spoke when the other parties wanted them to say nothing.
6058. *Q.* They were good talkers? *A.* Yes.
6059. *Q.* Was that the only reason? *A.* Yes, I believe the Managers told them so—that if they would keep their tongues quiet it would be better for them.
6060. *Q.* Were they men who engendered a sort of illfeeling between the mine-owners and the men? *A.* No; the men I mean were most opposed to that—they were men who would keep that kind of thing down.
6061. *Q.* What was Dryden's strong point? *A.* Dryden was taking leading parts and speaking strong.
6062. *Q.* What do you mean by strong? *A.* By telling them what he thought.
6063. *Q.* Was it true? *A.* That is how men get themselves disliked, by telling the truth.
6064. *Q.* Was it anti-capital sort of talk? *A.* About the Union—saying what the men ought to do.
6065. *Q.* Were there other cases that you know of? *A.* I did not say so.
6066. *Q.* Is Dryden at Old Bulli now? *A.* Yes.
6067. *Q.* Is he quiet? *A.* He is quiet enough. He does not take any leading part now at all. 6068.

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6068. *Q.* How long has this care that you spoke of been exercised in Old Bulli about not letting men fire shots? *A.* Since I have been there; I think since the explosion.
6069. *Q.* That is since the Bulli explosion—that is fifteen years ago? *A.* Yes.
6070. *Q.* I think I asked you if you knew whether Hope, the under-manager, reported gas from time to time? *A.* Yes, I believe he did.
6071. *Q.* You say you saw it in the book? *A.* No, I did not say that I saw it in the book.
6072. *Q.* You said that the miners told you that they saw it in the book? *A.* Yes.
6073. *Q.* I would like to ask you your opinion as to why the check inspecting is not more thought of. What is your explanation as to that? *A.* The check inspecting — [Interrupted.]
6074. *Q.* I mean the right of the men to make check inspections from time to time. What is the reason they do not do it? *A.* We do not feel ourselves up to it; and we find that we have not got really competent men to do the work. The men would not be able to explain matters to a Court. Perhaps they might be asked if the machine were correct, and they could not swear whether it was correct or not.
6075. *Q.* Do you mean the meter for measuring the air? *A.* Yes.
6076. *Q.* Do you mean to say that you have not men that you have confidence in who could do this work? *A.* We have lots of men; but they are looking for posts under the Colliery Managers, and take good care they will not do the work.
6077. *Q.* Suppose the inspection is right, what is there to be afraid of in it? *A.* It is seldom that a man can go round and not find fault somewhere.
6078. *Q.* Then there is an impression that any men who undertake this work may have to report things which will render them unpopular? *A.* Yes.
6079. *Q.* You said something about a man going into Court? *A.* If he were wanted to prove something he might have to go there.

Re-examined by Mr. Lysaght :—

6080. *Q.* You said that Managers told men to keep their tongues quiet, and they would be better off? *A.* Yes.
6081. *Q.* Can you tell me any names? *A.* I told you before that I am not going to give any names.

Examined by Mr. Robertson :—

6082. *Q.* You know that after the explosion at Bulli the mine was worked with safety-lamps? *A.* I have only been there about eleven years; and the mine was under Manager Evans.
6083. *Q.* Has not the mine been worked eleven years with safety-lamps? *A.* I cannot say how long before I went there.
6084. *Q.* Did you hear whether the miners objected to the safety-lamps being withdrawn? *A.* I cannot say I did.
6085. *Q.* In the light of what occurred in the explosion at Bulli, do you think it was an improper decision to withdraw the safety-lamps? *A.* I do not understand.
6086. *Q.* In the light of what occurred at Bulli—there must be gas there—you described it—did it not occur to you that it was an improper decision to withdraw the lamps from the mine? *A.* No, not if it could be proved that the mine was properly aired, and that there was sufficient air to carry away the gas without allowing it to accumulate.
6087. *Q.* That is under the normal conditions of a mine; but accidents happen—doors are left open, brattice may be knocked down;—you have to provide against contingencies? *A.* Yes, in cases of that kind it is right to have lamps.
6088. *Q.* You said that you would only put in safety lamps, where gas was given off, if the ventilation could not be improved? *A.* Quite so.
6089. *Q.* Am I to understand that you think that safety-lamps are constructed for the purpose of working in gas? *A.* What I mean to say is, if there is a sufficient current of air to allow no gas to show unless by a sensitive lamp, there is sufficient air to carry the gas away, and then the mine could be worked with a naked light.
6090. *Q.* If there is not sufficient air, you have the safety-lamp? *A.* Yes.
6091. *Q.* That idea prevailed thirty or forty years ago; I think they have had a better knowledge of the use of safety-lamps now-a-days; I think a safety-lamp is only intended to provide for contingencies or accidents which may occur in the best regulated mine; however, you are of opinion that a safety-lamp is intended to work in gas? *A.* Yes, it was intended to work in gas.
6092. *Q.* I am sorry you have that opinion? *A.* That is my opinion of the safety-lamp.
6093. *Q.* Now, do you positively assert that a black list is in evidence in this district? *A.* I do.
6094. *Q.* Can you give me any proof of it? *A.* There has been proof enough in the district.
6095. *Q.* Can you give me any proof; you said something about something being done by letter? *A.* Yes.
6096. *Q.* Do you know of any letters that have passed? *A.* If I say yes, you will ask me for the proof.
6097. *Q.* Yes? *A.* I am not going to prove it. For that reason, I will not say I do.
6098. *Q.* I have been longer in the district than you have, and I know of no such thing. I feel aggrieved; and I think you should give proof. You appear to know more than I do; and I do not think you should make charges unless you are in a position to prove them? *A.* There is one man's name that I gave you; and you can call him before the Court, and he will give you proof.
6099. *Q.* Who is that? *A.* Dryden; and I believe there is another—Mr. Suttle.
6100. *Q.* Mr. Suttle was employed by me and there is no black list there; Mr. Dryden was not employed by me, although he applied; but there was no case of black list? *A.* No.
6101. *Q.* You know there have been numbers of inspections by workmen throughout the district? *A.* Yes.
6102. *Q.* Did you ever hear anyone suffer because he had made such an inspection? *A.* I have heard tell of them. Nothing has occurred at my own mine.
6103. *Q.* Can you give me any specific instance of any person who has suffered to the slightest extent, because of having acted in the capacity of check-inspector? *A.* I know lots of men who could do the work, but they will not take it; and that is the reason they give.
6104. *Q.* You say that you cannot secure men to do the work? *A.* We have men who could do it—past Managers; but they will not do it on that account.
6105. *Q.* You cannot give us any specific instances of anyone who has suffered during all these years? *A.* No.

Examined by Mr. Ritchie:—

6106. *Q.* You say that Cavill told you to keep your light out of the cut? *A.* Yes.
6107. *Q.* You attribute that to mean that there was gas there? *A.* Yes.
6108. *Q.* Was the brattice up on this occasion? *A.* Yes, pretty well up.
6109. *Q.* What steps were taken to get rid of the gas? *A.* You hung the lamp back; and the swing of the pick and your arm was sufficient to send that little out.
6110. *Q.* The ventilation was not blowing on the face of the coal? *A.* Yes, but there might be a little gas in the corner.
6111. *Q.* Did the deputy take steps to remove it? *A.* You did it yourself.
6112. *Q.* Did the deputy trust to you to take these steps? *A.* Yes.
6113. *Q.* On any occasion did he go with you to remove it? *A.* No.
6114. *Q.* In what way did they build the stoppings? *A.* Some were built with brick; and others with stone and dirt.
6115. *Q.* In what way? *A.* They would build it up with stone; and the other end of the cut-through would be open through the heading.
6116. *Q.* I think you told Mr. Bruce Smith, with regard to the extra supply of lamps, that all the miners would be employed for about an hour and a half? *A.* It might be more.
6117. *Q.* How many have you working on a night shift at Bulli? *A.* I think eighteen or twenty.
6118. *Q.* How many on the day shift? *A.* I think on the last pay we had thirty-six.
6119. *Q.* Only thirty-six in the day-shift? *A.* I do not think there would be many more; that is the Hill End district.
6120. *Q.* I am talking of the colliery generally? *A.* I think it would be fifty or sixty—perhaps about forty.
6121. *Q.* How many wheelers, shift-men, and miners, would be employed altogether—would there be 120? *A.* No, I do not think more than eighty or ninety.
6122. *Q.* At all events, two-thirds of the lamps would be employed—eight hours would be a day's shift in the mine? *A.* The wheelers are there longer.
6123. *Q.* Then in the case of this colliery no lamps would be employed for six hours during the day? *A.* Yes.
6124. *Q.* How often does the deputy visit your place? *A.* Once in the morning; and he comes afterwards.
6125. *Q.* Does he come round every day? *A.* Yes.
6126. *Q.* Does he examine a second time? *A.* Only when he thinks there is something wrong.
6127. *Q.* He would examine again if he thought there was anything wrong there? *A.* Yes.
6128. *Q.* Does he tell you that he knows of it? *A.* No.
6129. *Q.* Did you ever notice anything different in the face on the occasion of the second examination? *A.* I know he is more particular.
6130. *Q.* Have you any knowledge of there being anything different in the face? *A.* I know that there were blowers in it; but unless you put a naked light to them you would not exactly know.
6131. *Q.* Speaking generally, how does he make an examination of the face? *A.* In the morning before you go in.
6132. *Q.* You know nothing about that? *A.* Well, once a day, unless he happens to be coming back the same road—as a general rule, say, once a day.
6133. *Q.* You tell us that sometimes he makes no examination at all? *A.* He may go for months and not make any examination while you are there.
6134. *Q.* He simply comes and asks you how you are getting on, whether there is anything wrong, whether you have plenty of timber? *A.* Yes.
6135. *Q.* How often have you seen the District Inspector during your time? *A.* Twice in the main heading during one quarter, and once when working up a bord last quarter. I think that I saw the Chief Inspector four times.
6136. *Q.* I mean the District Inspector? *A.* I have seen Mr. Watson about three times: he has been there more often; but I have not seen him.
6137. *Q.* Within what period? *A.* Within the period of his being there.
6138. *Q.* Since when? *A.* Since the Mount Kembla explosion.
6139. *Q.* Prior to that, did you have visits from the local Inspector? *A.* I saw Mr. Bates there twice.
6140. *Q.* Did the Inspector make any examination? *A.* In some places. We took it that, if they made an inspection at one place and not at another, they saw something before they came there.
6141. *Q.* You took it that unless they saw something in the book they would not try? *A.* I have been in places where the Inspector has tried; and in some places there he has not tried.
6142. *Q.* You think because of that he must have seen something in the book? *A.* Yes.
6143. *Q.* Have you any further reason to think that? *A.* No.
6144. *Q.* Does the underground-manager look for gas? *A.* The underground-manager does.
6145. *Q.* Have you ever seen the Manager there? *A.* Not to my knowledge. I have heard tell of his being in the mine; but I have never seen him make any examination.

Mr. ROBERT SCOTT was sworn and examined as under:—

Examination in chief by Mr. Lysaght:—

6146. *Q.* What is your name? *A.* Robert Scott.
6147. *Q.* What are you? *A.* A miner working at the Mount Pleasant Colliery.
6148. *Q.* What is the extent of your mining experience? *A.* Close on twenty-three years now.
6149. *Q.* Where have you worked? *A.* In Northumberland in England, and in this State.
6150. *Q.* What mines have you worked in in England? *A.* At the Cranlington Colliery, at the Broomhill Colliery, at the Stobswood Colliery, and at Corrimal and South Bulli, and also Mount Pleasant.
6151. *Q.* How long have you been at Mount Pleasant? *A.* Three or four years, I think.
6152. *Q.* Did you go to Kembla at the time of the disaster? *A.* Yes.
6153. *Q.* What time did you reach there? *A.* About 4 o'clock.
6154. *Q.* Do you know anything about the supply of safety-lamps? *A.* There were very few lamps, as far as I saw.

Witness—R. Scott, 21 January, 1903.

6155. Q. What was your experience? A. When we went there they were going in with naked lights. They could not find safety-lamps.
6156. Q. Did you look for any? A. Yes.
6157. Q. What was the result? A. I could not find any.
6158. Q. Where did you look—in the lamp cabin? A. I went to where there was a sulky. I carried a case over; but they could not find the oil for them.
6159. Q. Do you know where they were looking for them? A. They were looking for oil and lamp-cotton. They sent a boy to find lamp-cotton.
6160. Q. Do you mean to a shop to buy it? A. Yes.
6161. Q. Had there been an adequate supply of safety-lamps, do you think more lives might have been saved? A. I think so.
6162. Q. Were the lamps that were there in good condition? A. They were in bad condition. One I had would not burn at all.
6163. Q. Did you get it out of the sulky? A. It was one of the old fashioned Davy lamps.
6164. Q. How long was it before a good supply of lamps could be got to give them to the rescuers? A. It must have been over an hour.
6165. Q. Was it the absence of lamps that prevented the rescuers going in before? A. Word was left at the tunnel-mouth that no one was to go in with a naked light.
6166. Q. Was it the absence of lamps that delayed the party going in? A. According to what I could see.
6167. Q. What part of the mine did you go into? A. I never went into any part.
6168. Q. Did you on any subsequent day? A. No.
6169. Q. You do not know anything about the disaster? A. No.
6170. Q. Are you a miners' delegate? A. Yes.
6171. Q. Now, with regard to these recommendations—(1) "That Managers, under-managers, and shot firers should hold certificates of competency by examination"? A. I believe in that.
6172. Q. Do you offer any reasons? A. I believe that the Coal Mines Regulations should be carried out. The Act says that a man should be competent before he takes a position as Manager.
6173. Q. What about deputies and shot-firers? A. I consider that the deputy holds a responsible position, and that he should be competent to inspect the place thoroughly every morning.
6174. Q. Who is deputy at present at Mount Pleasant? A. At present we have three deputies—Mr. Popple, Mr. Rhodes, and Mr. Murphy.
6175. Q. Do you know whether they hold certificates? A. I cannot tell.
6176. Q. Who are the shot-firers? A. We have none.
6177. Q. Who fires the shots? A. The miners.
6178. Q. Is there any inspection? A. Not that I am aware of.
6179. Q. What sort of lamps do you use? A. Flare lamps, and in the pillars they have safety lamps.
6180. Q. Do you know why? A. As far as I understand, for protection.
6181. Q. From what? A. From gas, or something of that kind.
6182. Q. Is gas known to be there? A. It has been reported in Mount Pleasant.
6183. Q. Have you seen it? A. Yes.
6184. Q. How long ago? A. I have seen it in every colliery I have worked in. I saw it last quarter.
6185. Q. Were you working with a naked light? A. Yes.
6186. Q. Did you report it? A. No.
6187. Q. Did it light? A. Just lit up a little.
6188. Q. Was the deputy there? A. No.
6189. Q. When did you see it before that? A. The quarter before that.
6190. Q. Did you report it? A. No; I never reported gas.
6191. Q. Was there not enough for you to report it? A. I did not think there was sufficient to report it.
6192. Q. Do you know whether gas has been reported in Mount Pleasant? A. If I am not mistaken, it has been reported by the Government Inspector. I read it in the Annual Report.
6193. Q. What ventilation have you? A. A fan.
6194. Q. When was that put in? A. At the beginning of the year, I think—about twelve months ago.
6195. Q. Before that was the ventilation in Mount Pleasant good? A. Not so good as at the present time.
6196. Q. Have you known the ventilation to be reversed before the fan was put in? A. It never came to my experience.
6197. Q. Now, with regard to Recommendation No. 2—"Inspectors to be vested with absolute powers to order the use of safety-lamps"? A. I think the Inspector should have that power. But, when he finds out that it is necessary to order the Manager to use safety-lamps, there is something strange about it. The Manager should find it out before then.
6198. Q. Do you think that safety-lamps ought to be used in every part of Mount Pleasant? A. I think that some parts of Mount Pleasant can be worked with a naked light.
6199. Q. Do you know of any mine where the Inspector suggested the use of safety-lamps, and the Manager refused to put them in? A. I have read it in the Annual Report this year. I only know what I have read.
- 6199½. Q. With regard to ventilation—No. 3—"Ventilation by furnace prohibited, and fans substituted"? A. I think the fans are a better means of ventilation.
6200. Q. No. 4—"Waste workings to be absolutely sealed off and surrounded by return airways; such airways not to come in contact with the intake"? A. I approve of that, as far as I can see. It is a thing that should be done.
6201. Q. No. 5—"All places, except prospecting drives, to have cut-throughs not more than 30 yards apart"? A. I approve of that.
6202. Q. What is the average distance they are apart in Mount Pleasant? A. I cannot tell you the average distance. I think there are some considerably over 30 yards.
6203. Q. What is the longest distance? A. I could not tell you exactly: I never made any measurements in that respect.
6204. Q. In your opinion, would cut-throughs 30 yards apart at all weaken the roof? A. I do not think so.

6205. *Q.* Do these long drives in Mount Pleasant give proper ventilation at the face? *A.* In some of them the ventilation is very weak.
6206. *Q.* You have noticed that? *A.* Yes.
6207. *Q.* Have you noticed it since the fan was put up? *A.* Yes; I noticed it last quarter.
6208. *Q.* Was the bratticing close up to the face? *A.* Fairly close up; sometimes 4 or 5 yards back, sometimes closer.
6209. *Q.* You say that the air has been deficient? *A.* Yes.
6210. *Q.* If cut-throughs were put every 30 yards, do you think that would improve the ventilation? *A.* In my opinion it would do so.
6211. *Q.* Did you ask for these cut-throughs to be put in? *A.* No.
6212. *Q.* I will pass over No. 6. But now we come to No. 7—"Monthly examination and report by deputies and District Inspector with the hydrogen flame"? *A.* I think that is quite necessary—the mine certainly ought to be inspected properly from time to time.
6213. *Q.* I will not enter into Nos. 8, 9, and 10; now, with regard to No. 11—"Weekly measurement of air in each section, and report thereof sent to Inspector." Do you know how your measurement is taken in Mount Pleasant? *A.* I have never seen it measured at any time.
6214. *Q.* Do you think the recommendation would materially assist in the safety of the mine? *A.* I should say that it would.
6215. *Q.* Where would you take the measurements? *A.* At the main intake.
6216. *Q.* Anywhere else—they take it at the main intake now? *A.* On the return airways.
6217. *Q.* Anywhere else? *A.* You can take it at the face if you like.
6218. *Q.* Is the measurement of the air at the intake any indication of what air there is at the face? *A.* If you have a lot of air coming into the main tunnel, you expect to get it at the face.
6219. *Q.* What if the brattice gets disarranged? *A.* You cannot tell then.
6220. *Q.* Have you ever known of the brattice getting disarranged? *A.* Yes.
6221. *Q.* Is it a common thing? *A.* I have seen it.
6222. *Q.* I have already dealt with No. 12, referring to safety-lamps; and I will now ask you about No. 13, "Travelling and haulage roads, and other places necessary, to be properly watered." What is your experience? *A.* We water the travelling road. It is the main engine plane. They have a water-cart with a spray.
6223. *Q.* How long have they had it? *A.* Between six and nine months.
6224. *Q.* Before the Kembla disaster? *A.* I think it was before then.
6225. *Q.* Do they water the roof at all? *A.* I never saw them water the roof.
6226. *Q.* The sides? *A.* Just a little of the rib.
6227. *Q.* You have not any independent travelling road there? *A.* I have never seen any.
6228. *Q.* There is a recommendation, No. 14—that "Managers be compelled to give more personal time and attention to the management of the colliery." How often have you seen the Manager at Mount Pleasant? *A.* A great many times. He is often there. Sometimes I have seen him three or four times a week.
6229. *Q.* Now, regarding No. 16—that "the size of the manholes be enlarged"? *A.* I think the manholes should be enlarged.
6230. *Q.* Are they too small? *A.* I think so.
6231. *Q.* Have you known of any accidents on the haulage road? *A.* I have not heard of any.
6232. *Q.* Have you known of cases where the men had to crush into the manhole? *A.* Sometimes it might happen that four or five men come all at once; and then you have to crush into the place.
6233. *Q.* You recognise that they appear to be too small? *A.* Yes.
6234. *Q.* What is the size of them? *A.* I cannot tell you exactly. They may be 4 feet wide; but they go in narrower at the back. I think they are about 4 feet from the front.
6235. *Q.* There is a recommendation, No. 18—that "Instruction be given to employees regularly on the means of escape." What about this? *A.* I only know one way—the way I go in.
6236. *Q.* You know of no other. Cannot you go out by the return airway? *A.* I have never been out by the return airway.
6237. *Q.* You never heard of any other way out? *A.* No.
6238. *Q.* In case of accident you would have to go down the main haulage road? *A.* As far as I know, I should have to do so.
6239. *Q.* Have you ever asked any one to show you other ways out? *A.* I have not. I think it has been suggested by one of the Lodges that the miners ought to be instructed on the different ways out of the mine.
6240. *Q.* When was the suggestion made? *A.* Six months ago.
6241. *Q.* Before the Mount Kembla disaster? *A.* Yes.
6242. *Q.* The men asked that they should be instructed? *A.* Yes.
6243. *Q.* Have they been instructed? *A.* I have not been.
6244. *Q.* Who would give you that instruction? *A.* The under-manager or the deputy.
6245. *Q.* When? *A.* At the change of each quarter. When the cavil was drawn, any man who did not know should be instructed as to any road in that portion of the mine which he would work in.
6246. *Q.* Recommendation No. 19 is—"The Coal Mines Act to forbid a black-list of employees being kept, and penalising improper prevention of discharged persons obtaining employment." What do you want to say about that? *A.* I cannot say much. If there is a black-list, I do not think it should be kept.
6247. *Q.* Do you know whether one is kept? *A.* We all have a suspicion it is kept. That is all we have got.
6248. *Q.* Do you know of any person who has ever been prevented from getting employment? *A.* I could not swear to that.
6249. *Q.* Have you ever heard of any? *A.* I heard that Coulson was. He was at one time President of the Illawarra Association. I only heard it.
6250. *Q.* In your opinion would the provision forbidding a black-list and forbidding Managers improperly refusing employment, conduce to the safety of the mine? *A.* I approve of the recommendation.
6251. *Q.* Why did you not report the gas you discovered? *A.* A man does not care to be running about reporting these little bits of things.
6252. *Q.* Why? *A.* Because he would get the sack.
6253. *Q.* Do you think so? *A.* I had a suspicion that I would.

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6254. Q. No. 20 recommends that "safety-lamps should not be unlocked for shot-firing." Do you think it is dangerous to unlock them? A. If safety-lamps are being used I would not unlock them.
 6255. Q. How do you light the shots at Mount Pleasant? A. With a lamp—with a naked light.
 6256. Q. Is there anything else you want to say anything else about? A. Not that I know of.

Cross examined by Mr. Wade :—

5257. Q. How long have you been a delegate? A. I think about eighteen months.
 6258. Q. Is it part of your duty to tell the Manager of the mine about things that ought to be looked into? A. Part of my duty —[*Interrupted*].
 6259. Q. Yes, as a delegate? A. Not as a delegate.
 6260. Q. What is your duty as a delegate? A. My duty to the Delegate Board is to discuss anything the Lodge may send forward to be discussed.
 6261. Q. Have you anything to do with the mine Manager—making representations to him? A. Yes, when there is a deputation.
 6262. Q. Have you gone to your Manager on deputations from your Lodge? A. Yes.
 6263. Q. Frequently? A. On several occasions.
 6264. Q. Connected in any way with the miners' work? A. No.
 6265. Q. Then, with reference to what? A. About deficient places and the like of that.
 6266. Q. Complaints by miners? A. Yes.
 6267. Q. Have you been dismissed? A. When I was a boy.
 6268. Q. Do not go back into ancient history. Have you been dismissed for carrying complaints to the Manager? A. No.
 6269. Q. Have you been punished in any way? A. No.
 6270. Q. Have you made complaints on your own account apart from the Lodge? A. No.
 6271. Q. Have you had cause of complaint? A. I have had cause; but I never complained.
 6272. Q. So far as you are concerned, you have been none the worse because of carrying complaints? A. I never carried any.
 6273. Q. You said something about deficient places? A. I never carried any on my own account; they were for the Lodge.
 6274. Q. You are none the worse for having taken complaints on behalf of the miners? A. I am not.
 6275. Q. Do you know of any man in Mount Pleasant who has suffered because he has made complaints? A. No.
 6276. Q. Your idea as to a black-list is suspicion? A. Yes.
 6277. Q. You have no cases that you know of? A. No.
 6278. Q. How far back in ancient history have we to go in the case of Coulson? A. In 1895 or 1896.
 6279. Q. What became of him? A. He is the Manager now of a workmen's club at Helensburgh.
 6280. Q. What do you mean? A. I do not know. You know what a club is.
 6281. Q. Is not a club, unfortunately, a place for unlimited drinking? A. Some people say so; but I do not think so.
 6282. Q. Where was he dismissed from? A. From Helensburgh, I think.
 6283. Q. On account of his being President of the Union? A. I do not know whether he was President.
 6284. Q. What for? A. For taking some prominent part in one of the Miners' Lodges; but what it was I cannot tell you. That is all I can tell you.
 6285. Q. You know that he was an official of the Miners' Lodge when he was dismissed? A. Yes.
 6286. Q. Have you special mining rules at Mount Pleasant? A. Yes.
 6287. Q. You know a rule about reporting gas? A. I think there is some rule about it.
 6288. Q. Are you not sure? If you are not sure, you had better say so? A. I do not know the rules.
 6289. Q. Have you never heard of that rule? A. I may have heard of it; but I have not got it at my fingers' ends.
 6290. Q. Do you know about any rule for reporting gas if you find it? A. I do not.
 6291. Q. Do you know that you are supposed to study the rules? A. I am supposed to do a lot of things which I do not do.
 6292. Q. Can you tell the Court whether there is a special rule about reporting gas? A. I cannot tell you.
 6293. Q. You have no idea? A. No, if I read it I have forgotten it.
 6294. Q. Is there any rule about reporting danger in the mine? A. I think on one occasion I reported about a brattice.
 6295. Q. Is there any rule about reporting danger? A. There is a rule that if any man finds his place unsafe he sends for the Manager and reports it. But there is not a rule about gas, that I know of.
 6296. Q. Do you not think that gas would make your place unsafe? A. Yes.
 6297. Q. You are not bound to report gas? A. I suppose so. According to the way you report it. I would not get a chance of reporting it if it went off; it would report me.
 6298. Q. You cannot tell how much gas is dangerous, and how much would blow you up? A. No; a miner cannot tell.
 6299. Q. You are to report it, large or small? A. Yes.
 6300. Q. Why did you not report it? A. I do not report little bits of flares-up.
 6301. Q. They are dangerous? A. I did not say they are dangerous.
 6302. Q. You may have only a small light this moment, and an explosion a moment afterwards? A. I think that it would be very improbable that you would see a little light first and a big one afterwards.
 6303. Q. You think it worth risking? A. We did it. We have a suspicion that if we report things, as far as gas is concerned, we may get the "säck." There is a certain amount of suspicion about it.
 6304. Q. But during all your years, you never found that suspicion verified? A. I never found it verified, because I never reported it.
 6305. Q. Do you know whether it is a common thing to find gas there? A. You may not find it every five minutes. I have seen it on occasions.
 6306. Q. In different parts of the mine? A. Yes.
 6307. Q. Are you on friendly terms with the deputies? A. I am on friendly terms with the Manager, so far as I know of.
 6308. Q. The deputy comes to your place every day? A. Yes.

6309. *Q.* And you did not trouble to tell him about the gas? *A.* For the simple reason that I never make a practice of reporting these things.
6310. *Q.* Is that all the reason you can give? *A.* Yes.
6311. *Q.* Whether it is a large amount or a small amount? *A.* If it were a large amount it would report me.
6312. *Q.* If it were a large amount, and it did not report you, would you report it? *A.* If it were a large amount, I should not report it. I should think it would send me flying.
6313. *Q.* Your practice is to make no report of any gas? *A.* My practice is to make no report on gas.
6314. *Q.* Are you going to continue that practice? *A.* As far as I know, I will.
6315. *Q.* If you find gas, you will not report it? *A.* It depends on circumstances.
6316. *Mr. Bruce Smith.*] I do not think we are concerned with this witness' intention.
6317. *His Honor.*] I do not know that we have anything to do with what he intends to do. He is only expressing an opinion on these matters; and those opinions have been expressed before.
6318. *Mr. Wade.*] I wanted to know what his view is as to the matter of a black list, and whether the objection is a *bona-fide* one or not.
6319. *His Honor.*] I understand the witness to say that it goes very little beyond suspicion. They put two and two together; and they arrive at a conclusion. They may be mistaken, or they may not.
6320. *Mr. Wade.*] *Q.* With regard to using water on the main road. The haulage road is the engine road at Mount Pleasant? *A.* Yes.
6321. *Q.* Is that the road you travel on, to and from work? *A.* Yes.
6322. *Q.* Do horses go on that road, too? *A.* Yes.
6323. *Q.* That is the road you water? *A.* Yes.
6324. *Q.* How far in? *A.* Somewhere near a mile from the mouth to the face.
6325. *Q.* How far does the engine run in—not up to the face? *A.* It is not far away from the face to the main heading.
6326. *Q.* For all that distance it is watered? *A.* Yes.

[The Commission at 4.15 adjourned until 10 o'clock the following morning.]

WEDNESDAY, 21 JANUARY, 1903.

[The Commission met at the Court House, Wollongong.]

Present:—

C. E. R. MURRAY, Esq., D.C.J. (PRESIDENT).

D. A. W. ROBERTSON, Esq., COMMISSIONER. | D. RITCHIE, Esq., COMMISSIONER.

Mr. Bruce Smith, Barrister-at-Law, instructed by Mr. Wood, Crown Solicitor's Office, appeared on behalf of the Crown.

Mr. A. A. Atkinson, Chief Inspector of Coal-mines, assisted Mr. Bruce Smith.

Mr. A. A. Lysaght, Solicitor, appeared on behalf of—

- (a) the representatives of deceased miners, wheelers, &c., (victims of the explosion);
- (b) the employees of the Mount Kembla Colliery (miners, wheelers, &c.); and
- (c) the Illawarra Colliery Employees' Association (the Southern Miners' Union).

Mr. C. G. Wade, Barrister-at-Law, instructed by Mr. F. Curtiss, appeared on behalf of the Mount Kembla Coal and Oil Company (Proprietors of Mount Kembla Mine).

(Mr. J. Garlick, Secretary to the Commission, was present to take shorthand notes of the evidence and proceedings.)

6327. *Mr. Lysaght.*] I received this letter from John Sweeney, who, in par. 4807 of the evidence, said that on a Friday night a deputy did not examine his place. He wishes to correct it now to Monday night, the 12th of January. I tender this letter to the Commission in order that the correction may be made in the evidence, if Your Honor think fit.

6328. *His Honor.*] There is no objection to that being done, because it is a trifling matter. It evidently is an error.

6329. (Mr. Lysaght then handed in the letter, in which Mr. Sweeney states that he finds, after careful consideration, that he made a mistake in his evidence; and that it was on Monday night, the 12th of January, that he did not see the deputy in his working place. The letter was put in and marked *Exhibit* No. 14, and the evidence of Mr. Sweeney was altered as requested.)

Mr. ROBERT SCOTT, previously sworn, was further examined, as under:—

Cross-examination by Mr. Wade:—

6330. *Q.* Do you know anything about the inspections by Chief Inspectors at Mount Pleasant Colliery? *A.* Well, I see their reports.

6331. *Q.* How often do you see them? *A.* I think I have seen two at Mount Pleasant Colliery.

6332. *Q.* When was the last? *A.* About, it might be, three months ago.

6333. *Q.* And the one before that? *A.* It must have been over twelve months. I think there have been two inspections in about eighteen months by check-inspectors.

6334. *Q.* Did the same man make the inspection each time? *A.* I think there was one man from Helensburgh, and one of our local men named Fee.

6335. *Q.* And the last time? *A.* Young and Weeks.

6336. *Q.* Are they both Mount Pleasant men? *A.* Yes; the last two inspections were made by both Mount Pleasant miners.

6337. *Q.* Is Young the check-weighman? *A.* No; not now. He is a miner.

6338. *Q.* He was check-weighman? *A.* Yes; he was at that time.

6339.

Witness—R. Scott, 21 January, 1903.

6339. *Q.* Are they both good men? *A.* They must have been good men to get the job, I suppose, as far as I know.
6340. *Q.* But I suppose the miners elected them—the Lodge? *A.* Yes; the miners elected them from the Lodge.
6341. *Q.* As far as you know from their reports, was it a thorough inspection of the mine? *A.* According to our report it was a thorough inspection.
6342. *Mr. Lysaght.*] Does not Your Honor think that the production of these reports would be better than the witness' recollection of their contents?
6343. *Mr. Wade.*] Yes.
6344. *His Honor.*] The questions on the reports are really not for the purpose of ascertaining their contents, but for the purpose of ascertaining how these check inspections are conducted generally.
6345. *Mr. Wade.*] Yes; whether they are made; and how they are made.
6346. *Q.* Have you got those reports? *A.* I do not know whether the local secretary has the reports or not, but I believe they are sent to the district; in fact they have to hand a report in to the management of the colliery.
6347. *Q.* But have not you got a duplicate? *A.* I have not; not in my possession.
6348. *Q.* But the Lodge? *A.* I could not tell you that either. I think they hand one copy to the management, and the other they keep.
6349. *Q.* The Miners' Lodge keeps it? *A.* I think that is the way of it.
6350. *Q.* Young is a man of experience, is he not? *A.* Yes.
6351. *Q.* How long has he been at Mount Pleasant? *A.* I think he has been there all his life.
6352. *Q.* Is he a man that you can rely upon? *A.* As far as I know.
6353. *Q.* And the other man, Weeks? *A.* He is just something similar.
6354. *Q.* A man you can rely upon? *A.* Yes.
6355. *Q.* And did not you choose these two men to make an inspection in consequence of the disaster at Mount Kembla? *A.* No; I think the men made that inspection before Mount Kembla.
6356. *Q.* You said three months ago? *A.* Well, I may be wrong as far as the date is concerned; but I think that inspection was made before Mount Kembla. I would not swear it was so; but I think it was.
6357. *Q.* Do these men take a safety-lamp round with them? *A.* Yes; they have two.
6358. *Q.* One for each Inspector? *A.* Yes.
6359. *Q.* And do they measure the air? *A.* Yes; they measure the air, I believe.
6360. *Q.* Have they got a measurer? *A.* Yes.
6361. *Q.* Does that belong to the Lodge? *A.* It belongs to the district.
6362. *Q.* What do you mean by the district;—do you mean that it belongs to the Miners' Association? *A.* Yes.
6363. *Q.* And it is available for any Lodge that wants it? *A.* Yes.
6364. *Q.* Now, with regard to these waste workings, I want to know what your own proposal, your idea is. You see you were asked some question about waste workings; and you said, "Yes," you endorsed it. Now, I want to know what it is that you do endorse or that you approve of? *A.* The waste workings should either be thoroughly ventilated or sealed off.
6365. *Q.* You were not asked about ventilating; you were asked if they should be sealed off? *A.* Sometimes you cannot thoroughly ventilate them.
6366. *Q.* You would, first of all, get them ventilated, if you could? *A.* Yes.
6367. *Q.* And if that is not practicable, then you would consider the question of sealing off? *A.* Yes.
6368. *Q.* I suppose you would make every endeavour to have the ventilation carried through, first of all? *A.* Yes; I think it is the safest way to have thorough ventilation.
6369. *Q.* Have you got any waste workings at Mount Pleasant? *A.* I have never made an inspection. There must be some waste workings; but I have never gone round inspecting the mine.
6370. *Q.* Have they taken any pillars out there? *A.* Yes; they have taken some out there.
6371. *Q.* Now, in regard to the Manager's visiting the underground workings, do you know how Mount Pleasant compares with Mount Kembla for size? *A.* I do not know. I was never in Mount Kembla.
6372. *Q.* Never inside Mount Kembla? *A.* No.
6373. *Q.* How many men are employed at Mount Pleasant at present? *A.* I think about 100 miners.
6374. *Q.* Do you know what number they employed at Mount Kembla before the disaster;—over 200 miners? *A.* I think it was.
6375. *Q.* About 210? *A.* Something like that.
6376. *Q.* Have you had any experience of working in deep mines? *A.* Not extra deep.
6377. *Q.* What is the deepest you have been in? *A.* About 100 fathoms, I think.
6378. *Q.* Was that in England? *A.* Yes.
6379. *Q.* What size of pillars do they have there? *A.* Twelve-yard pillars—thickness.
6380. *Q.* Square, or what? *A.* That is the ordinary pillar; that is where they are working their bords and headings 12 yards thick.
6381. *Q.* Twelve yards along the heading? *A.* Twelve yards between the bords.
6382. *Q.* And how far do they run? *A.* About 35 yards.
6383. *Q.* And when was that? *A.* When I left there: that was in 1887.
6384. *Q.* You say there are some places in Mount Pleasant where there is a distance of more than 30 yards between cut-throughs? *A.* I never measured them. I could not swear. In those bords the cross-cuts are between 60 and 70 yards apart.
6385. *Q.* That is between bord and bord? *A.* No; from heading to heading.
6386. *Q.* Take the headings themselves: how far apart are the cut-throughs in the headings? *A.* I could not swear. I did not measure.
6387. *Q.* About how far? *A.* Some might be 40 yards; and some might be a little less; and some might be more.
6388. *Q.* You mentioned 60 yards just now? *A.* I said the distance between cross-cuts from one cross-cut to the other would be between 60 and 70 yards in some cases.
6389. *Q.* And in some cases you have a distance of 60 or 70 yards without a holing or communication between? *A.* Yes; there must be.
6390. *Q.* How is the ventilation carried through? *A.* With brattice,

6391. *Q.* And that is the way you worked when you had a furnace at Mount Pleasant? *A.* Yes.
6392. *Q.* Did you have any trouble through having these long distances, 60 and 70 yards, without a cut-through? *A.* We considered — [Interrupted.]
6393. *Q.* It is not what you considered;—did you ever have any trouble? *A.* The air was not as good as it ought to be, we always thought; or in a good many instances.
6394. *Q.* Were you at Mount Pleasant before the present Coal-mines Act came into force in 1894? *A.* No; I do not think I was.
6395. *Q.* Where were you then? *A.* I think I was at South Balli then.
6396. *Mr. Bruce Smith.*] The Act came into force in 1896.
6397. *Witness.*] I think I was at Corrimal Colliery at that time.
6398. *Mr. Wade.*] *Q.* Do you recollect how far cut-throughs were apart in those days? *A.* Just about the same. No; I think it was 35 yards at that time.
6399. *Q.* And that would be without brattice? *A.* Yes; they were without brattice.
6400. *Q.* You could work cut-throughs 35 yards apart; and you were not bound to use brattice at all? *A.* No.
6401. *Q.* Did they have them longer than 35 yards apart in those days? *A.* I could not tell you. I never noticed.
6402. *Q.* But now-a-days they use brattice whether cut-throughs are 35 yards apart or more? *A.* Whether they are more or less they use brattice.
6403. *Q.* They all use it, do they not? *A.* Yes; they all use it.
6404. *Q.* How long have the present day deputies been employed in those positions that you know of? *A.* As far as I know, one of them who is there must have been there these last nine or ten years. He has been, off and on, for the same length of time: perhaps more.
6405. *Q.* And the night deputy? *A.* He has been on now about two or three years, as far as I can recollect.
6406. *Q.* And you said yesterday that the deputies should have practical experience of the way to inspect a place? *A.* Yes.
6407. *Q.* Then is not the experience you gain from working every day in the mine the best experience you can have? *A.* There are a lot of things a man can learn from going to those — [Interrupted.]
6408. *Q.* From going to Mr. May, perhaps? *A.* Mr. May, yes; or any of these Technical Schools,—lots of things that one cannot learn from practical experience, such as the composition of gas, and how much of it will explode, and all this.
6409. *Q.* You can learn from practical experience to tell gas from the cap on the safety-lamp? *A.* Yes.
6410. *Q.* And you know yourself, as a practical man, that once the cap shows on the flame at all you ought to be careful? *A.* Yes.
6411. *Q.* Now, that is a question entirely of experience—learning to see this cap on the safety-lamp? *A.* Yes.
6412. *Q.* I mean that a new chum cannot see it at all? *A.* Oh, a new chum can see it; but he would not know what it meant.
6413. *Q.* Are you quite sure he could see it? *A.* He might not see it at first: but if he were given instructions where to look to find it he would find it.
6414. *Q.* Is it not a fact that many of these deputies who are really good practical men would not be any good if it came to an examination with pen and ink? *A.* I could not tell you that.
6415. *Q.* Would you care to face an examination with pen and ink? *A.* I have faced one examination: I would not object to facing another.
6416. *Q.* You have faced one? *A.* Yes.
6417. *Q.* What was that? *A.* Not in a mine.
6418. *Q.* What for? *A.* I decline to answer that question.
6419. *Q.* Why? *A.* Because it is nothing in connection with a mine.
6420. *Q.* Will you tell us? *A.* No; I will not.
6421. *Q.* What was it? *A.* It was nothing at all in connection with a mine.
6422. *Q.* Then why not tell us what it was? *A.* I will not tell you.
6423. *Q.* It was nothing to be ashamed of? *A.* No. I got my certificate. That is all.
6424. *Q.* Then why not tell us what it was? *A.* I will not tell you.
6425. *Q.* You are not ashamed of anything you have done in your life? *A.* No.
6426. *Q.* Was it an examination as a Freemason? *A.* No.
6427. *Q.* As a school-teacher? *A.* No.
6428. *Q.* As a Sunday-school teacher? *A.* No; I never go to church.
6429. *Q.* Nothing to do with a club, I suppose? *A.* It might be.
6430. *Q.* Was it? *A.* No. I do not need a certificate to drink beer.
6431. *Q.* But you want a license to hold a club? *A.* No.
6432. *Q.* You do not? *A.* No.
6433. *Q.* Do you know anything about a license in this district? *A.* I do not bother myself with a license.
6434. *Q.* You said that if there had been more safety-lamps there would have been more lives saved in Mount Kembla? *A.* I said, "In all probability."
6435. *Q.* Were not men who could help themselves walking out, a number of them, before the exploring parties first went in? *A.* Yes.
6436. *Q.* And those who could not walk out had to be carried out? *A.* Yes.
6437. *Q.* And the only way to carry them out was on stretchers? *A.* Yes.
6438. *Q.* Was not the whole difficulty this: that, even supposing you got in with the safety-lamps, you wanted the stretchers inside before you could carry them out? *A.* No; if there had been lamps there, the relief parties could have gone in and assisted men out with their hands, without stretchers, until stretchers were made.
6439. *Q.* You think so? *A.* Yes; some could have been brought out that way.
6440. *Q.* However, this is a fact, is it not, that as soon as they got the stretchers the men came out pretty quickly? *A.* Yes.
6441. *Q.* And there were exploring parties who had gone in with safety-lamps before they got the stretchers? *A.* Yes; as far as I know there were.

Witness—R. Scott, 21 January, 1903.

6442. *Q.* As far as you know, those parties had to wait for stretchers before they could carry men out? *A.* As I understand it, they carried all the men they found alive out a certain distance to where the fresh air was in the mine. Some were carried a distance by two men getting hold of them, until they got to the fresh air. That is what I understand was done until the stretchers were got.

6443. *Q.* Do you not know that a number of men who were actually in the mine carried out other men to the fresh air? *A.* Yes.

6444. *Q.* That was done by men who were actually in the mine at the time of the explosion? *A.* Yes.

Cross-examination by Mr. Bruce Smith :—

6445. *Q.* How would you describe the ventilation of Mount Pleasant before the fan was put in ;—was it weak or very weak? *A.* It was very weak in a good many places.

6446. *Q.* You told us yesterday it was very weak with the fan? *A.* That is, in one place where I was working last quarter.

6447. *Q.* You said the ventilation was very weak sometimes in Mount Pleasant? *A.* In the heading that I was working in.

6448. *Q.* That is the only one you know? *A.* Yes.

6449. *Q.* As far as you know it may have been very weak in other places? *A.* As far as I know it might have been very weak in the others.

6450. *Q.* Then, with regard to the place you have worked in, you have not seen any difference between the ventilation with the fan and without the fan? *A.* The air would have been much worse if the fan had not been put in.

6451. *Q.* I am not asking you to say what it would have been. You have described the ventilation before the fan, and the ventilation now that there is a fan, in the same words, "very weak"? *A.* In that one particular place.

6452. *Q.* But that is the only place you knew? *A.* Yes.

6453. *Q.* But you do not know now that it is not very weak in some of the other places? *A.* There is much more air coming in now, I think, by half.

6454. *Q.* But you do not know now that it is not very weak in some of the other places? *A.* I do not know.

6455. *Mr. Bruce Smith.*] I do not propose to ask this witness any more questions, your Honor. Your Honor made a suggestion about cross-examining these witnesses upon their endorsement of these recommendations; and since yesterday I have discussed with Mr. Atkinson the course he proposes to take in connection with these recommendations. I recognise that, in fairness, Mr. Wade ought to know what attitude Mr. Atkinson takes up in regard to these proposals, before he brings his evidence; because it may save him bringing some evidence which, after hearing Mr. Atkinson, he may not consider it necessary to bring; and it may induce him to bring other evidence in regard to the modifications which he may suggest to Mr. Atkinson to adopt, and which Mr. Atkinson may be disposed to adopt. And Mr. Atkinson wants to know what Mr. Wade's witnesses have to say from the management point of view before he gives the Commission his final recommendations; and therefore he proposes to do this—and it seems to me to be a very fair course, both for Mr. Lysaght and Mr. Wade—in giving his evidence he will tentatively state how far and to what extent he can fall in with the suggestions; reserving to himself the right to modify any of his proposals after hearing what Mr. Wade's witnesses have to say on behalf of the mine-owners. In that way he will have heard all that Mr. Lysaght's witnesses have to say in support of the suggestions; he will have heard all that Mr. Wade's witnesses have to say in opposition to those twenty suggestions; he will have indicated between the two what his present opinion is; and he will reserve to himself the right to modify his opinion in any way which Mr. Wade's evidence may convince him to be necessary. With that view I do not propose to cross-examine any of these members of the Delegate Board any further with regard to the twenty suggestions; because I think we have really heard from those that have already been called the greater part at all events of the reasons which they have to advance in support of the recommendations. I think your Honor will see that that is a very fair course to take.

6456. *His Honor.*] That course does not put Mr. Wade in any different position from the position in which he stood before; except that it might suggest to him to be more exhaustive than he otherwise would be in cross-examination.

6457. *Mr. Bruce Smith.*] I had proposed originally in my own mind that I should not submit any proposals to the Commission until all the evidence had been given; but it occurred to me that if that were done Mr. Wade would not know, until after he had given the whole of his evidence, what attitude Mr. Atkinson was going to take up, unless he cross-examined him; and then, of course, he would get it in a patchy sort of way. But, by this proposal, Mr. Atkinson will say tentatively what position he takes up with regard to these suggestions, and, if Mr. Wade brings forward any evidence that farther modifies Mr. Atkinson's views, he will have an opportunity of altering it, modifying it, before putting it permanently and finally before the Commission.

6458. *Mr. Wade.*] Where is the limit?

6459. *Mr. Bruce Smith.*] I am doing this entirely in my friend's interest. If my friend does not like it, I will adopt my original course of not making any suggestions whatever until the end of the case; and that might lead, perhaps would lead, to Mr. Wade's having to call a good deal of evidence which he may not require to call; and it may lead him to leave out evidence which he may require to call in view of Mr. Atkinson's evidence. I only announce that because it is connected with my resolution not to examine any more of these witnesses on these twenty suggestions. Their evidence is merely repetition; and I think they have now given us all the reasons they have to advance, in their corporate capacity, at all events, in support of these propositions.

Examination by Mr. Robertson :—

6460. *Q.* You said something about the road being watered in Mount Pleasant—the floor, I mean? *A.* Yes.

6461. *Q.* Now, if the road is only watered on the floor, the timbers and the sides must hold a lot of dust, must they not? *A.* Yes.

6462. *Q.* Then, in the event of an explosion starting at the end of one of your hauling roads, there will be sufficient dust in the roof and the timbers and the sides to carry it on? *A.* Yes.

6463. *Q.* Therefore, so far as preventing an explosion is concerned, the watering is absolutely useless;—so far as preventing the extension of an explosion is concerned, watering the floor is useless? *A.* It is practically useless.

6464. *Q.* With reference to the diffidence of miners to complain to the management about any defects, assuming for the sake of argument that that is correct as far as the individual miner is concerned, has he any hesitation, in the collective capacity of the Union, to complain? *A.* No. I think it is just a suspicion that is amongst the most of us.
6465. *Q.* But if Robert Scott hesitated by himself to complain to the management, Robert Scott has no hesitation whatever in complaining to the Union; and the Union, in its turn, never hesitates to bring such matters before the Manager;—I think you will admit that Unions frequently do complain to the management? *A.* Yes.
6466. *Q.* Therefore, there is no difficulty in finding a channel of communication between the individual miner and the management through the Union? *A.* No; there is no difficulty in that.
6467. *Q.* Do you know that officials in this district have been prosecuted by their own Managers for not reporting defects? *A.* No; I do not know that.
6468. *Q.* Well, it is a fact? *A.* It may be.
6469. *Q.* Do you think, therefore, that a Manager who would prosecute his own official would hesitate to accept a report from the miner? *A.* I can hardly grasp the meaning of that.
6470. *Q.* If a Manager has sufficient sense of responsibility to prosecute his own officials for not reporting a defect, or not reporting gas, do you think he would object to a miner's reporting a defect? *A.* Some Managers might not object to a miner's reporting it; but others might.
6471. *Q.* So that there are at least no objections to some men reporting? *A.* There may not be. Some Managers may take a sensible view of it; and others may not.
6472. *Q.* You admit that it is not the general rule? *A.* According to what you say, it must not be a general rule.
6473. *Q.* Now, as to the objections of miners to accept the position of check-inspector for fear of dismissal, we have heard a good deal about that, have we not? *A.* I never heard that a man objected exactly, for fear of getting the "sack," or anything like that. I never heard anybody say that straight out.
6474. *Q.* We have heard it in this Court. Do you know that the district, through its General Secretary, applied to a Manager in this district to supply him with proper safety-lamps for the purpose of making those inspections? *A.* Yes; I believe I heard the District Secretary mention that myself.
6475. *Q.* Therefore, not all of the Managers have any objections to those inspections? *A.* No. I suppose there are some Managers who will do their duty.
6476. *Q.* Do you know, as a matter of fact, that in many of the collieries, as a rule, the check inspectors receive every assistance; and they are invited to make the most thorough inspection? *A.* According to the report that I have read from the Mount Pleasant Colliery, they got every assistance there.
6477. *Q.* That is one place. Would you be surprised to learn that there are other places where every opportunity is given to the men to make a most searching and thorough investigation? *A.* I do not know anything about any of the other collieries since this check-inspection started. I have not worked at any other colliery but Mount Pleasant since this check-inspection was put in force.
6478. *Q.* Do you know that the suggestion for ventilating waste workings and surrounding them with return air-ways is not original? *A.* It is not original. It has been proposed, I think, before. I think I have read it in some of the reports.
6479. *Q.* Exactly. As a matter of fact, a Commission which sat some years ago considered this? *A.* Yes.
6480. *Q.* Can you say whether the ventilation has improved considerably since the new Act came into force in 1896? *A.* I know it has improved in the Mount Pleasant Colliery in a great many places.
6481. *Q.* As a general thing, I suppose you have conversations with miners from different parts of the country; and I daresay you must have heard it reported if there was an improvement in the condition of the mine as far as ventilation is concerned? *A.* Well, the brattice system was not always satisfactory. It has not always been satisfactory.
6482. *Q.* I mean in a general way the ventilation has improved? *A.* In a general way it may have improved. I think I have heard men from various collieries say that the ventilation has improved a little since the 1896 Act.
6483. *Q.* Do you know that previous to 1896 it was compulsory to have cut-throughs not over 35 yards apart? *A.* Yes; I think that was in the Act—35 yards.
6484. *Q.* And since that the restriction has been removed? *A.* Yes.
6485. *Q.* So that the ventilation of mines has not suffered in any way by the removal of such a restriction in the working of mines? *A.* I do not comprehend what you say.
6486. *Q.* You said something about pillars being 35 yards in the deepest mine you worked in in the Old Country, 100 fathoms deep? *A.* Yes.
6487. *Q.* That was in 1887? *A.* It was in 1887 when I left. I was working in those workings in 1887.
6488. *Q.* But since 1887 there has been a considerable advancement in the system of working mines?—There are always improvements, I suppose? *A.* I have not seen any of the Acts passed since I left.
6489. *Q.* Not in the Acts at all. There have been improvements in the methods of working mines, have there not? *A.* There have been improvements here; but what there has been in England I do not know.
6490. *Q.* And we may take it that England has not fallen behind? *A.* Yes.
6491. *Q.* And as a matter of fact modern good mining practice demands very much larger pillars—that is, to insure safety, and for the perfect recovery of the pillars afterwards? *A.* Yes.
6492. *Q.* Now, the effect of your recommendation to have cut-throughs 30 yards apart would be to restrict the size of the pillars to under 30 yards—would it not? *A.* It would.
6493. *Q.* And if it is necessary in a deep mine to have pillars 100 yards square the effect would be rather disastrous? *A.* I do not see that the cut-throughs would weaken it very much.
6494. *Q.* Do not you think, if it is necessary to have a 100 yards square pillar without any opening at all to support the weight of the superincumbent strata —[*Interrupted*]? *A.* It just depends on what kind of work you are working.
6495. *Q.* There are only two systems of working, generally speaking, in a mine; and those are pillar and stall, and long wall; and, if it is necessary to have pillars 100 yards square in some cases, surely the effect of putting cut-throughs every 30 yards would weaken it to some extent? *A.* Certainly it might weaken it to a certain extent.
6496. *Q.* And it might be disastrous? *A.* I cannot see that there would be any disaster about it.

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6497. *Q.* Is not it necessary even in this district to have certain pillars 100 yards? *A.* You can make it 100 yards if you like, if you make proper provision to carry the air in.
 6498. *Q.* After all it comes to this then, that if you have adequate ventilation it does not matter to you how that system of ventilation is secured? It does not matter to you by what system the mine is ventilated if it is ventilated? *A.* If it is ventilated thoroughly.

Examination by Mr. Ritchie:—

6499. *Q.* Have you any fear in your mind of being cut off from the ventilation by having long stretches of canvas carried on? *A.* Yes; sometimes little bits of roof fall and carry the canvas down. In the Mount Pleasant Colliery they just brattice it from prop to prop, and it takes very little to pull this light brattice down.
 6500. *Q.* Is that one of the reasons why you advocate cut-throughs at regular distances? *A.* That is one of the reasons—the fear of this brattice being knocked down.
 6501. *Q.* And cutting you off from the air? *A.* Cutting us off from the air.
 6502. *Q.* Have you had any cause to complain of the ventilation at Mount Pleasant Colliery prior to the erection of the fans? *A.* Not at Mount Pleasant. I never remember complaining.
 6503. *Q.* And you have heard, in your meetings, complaints made about the ventilation? *A.* I could not say that I have.
 6504. *Q.* Your check-inspectors' reports have all disclosed sufficient ventilation? *A.* So far as I remember they said there was sufficient ventilation.
 6505. *Q.* And has the ventilation increased since the erection of the fan? *A.* Oh, yes; considerably. I think it is very near one-half that it has increased since the fan.
 6506. *Q.* Have your check-inspectors' reports, or any other reports you have had in your meetings, indicated that there is an improvement generally through the erection of the fan? *A.* Through the erection of the fan they consider there is great improvement all through the mine.
 6507. *Q.* You have heard satisfaction expressed with the ventilation since then? *A.* Yes.
 6508. *Q.* Do I understand you to advocate, in connection with one of your proposals there, that Managers who hold service certificates should have those certificates cancelled unless they can pass an examination? *A.* I think the law should be carried out. It says, "Managers with certificates of competency."
 6509. *Q.* The law does not say that at the present time? *A.* I understood it did.
 6510. *Q.* The law says that certain persons may hold certificates of service. Now, do I understand from you that your proposal is that those certificates should be cancelled unless the persons are qualified by examination? *A.* It is a very severe question; but I will answer it. If they are not competent to go through an examination they should have their time-service certificates withdrawn.
 6511. *Q.* The service certificates should be cancelled unless the Managers are prepared to go through an examination? *A.* Yes.
 6512. *Q.* Do you think there is any greater danger in a miner's reporting danger in a mine to a thoroughly competent Manager, or in his reporting to an incompetent Manager? *A.* If he reports to an incompetent Manager, perhaps the Manager would not understand the risk; whereas the competent Manager would.
 6513. *Q.* You think there would be greater risk to the miner in reporting to an incompetent Manager? *A.* There would be.
 6514. *Q.* Do you know what system the check-inspectors adopted in making their examination? *A.* I could not give you any details about what method they adopted.
 6515. *Q.* Do you know if they examined the waste workings at all? *A.* According to their report they did. I am sure it is in their report that they examined all waste workings to the face; and all intakes and returns and travelling roads.
 6516. *Q.* I think you told me that one of the check-inspectors had worked the whole of his time in Mount Pleasant? *A.* Pretty nearly the whole of his time.
 6517. *Q.* That is where the whole of his experience had been gained? *A.* Yes.
 6518. *Q.* That is Mr. Young? *A.* Yes.

[Witness retired.]

Mr. PATRICK GLEESON was sworn, and examined, as under:—

Examination-in-chief by Mr. Lysaght:—

6519. *Q.* What is your name? *A.* Patrick Gleeson.
 6520. *Q.* What are you? *A.* A miner.
 6521. *Q.* Where are you employed? *A.* At Mount Keira.
 6522. *Q.* How long have you been employed at Mount Keira? *A.* I daresay I have been there about five or six years.
 6523. *Q.* Have you worked in any other mine? *A.* No, not in any other mine.
 6524. *Q.* Now, have you any recollection of discovering gas at any time in Mount Keira? *A.* Yes.
 6525. *Q.* Give us particulars of each occasion? *A.* The first time I found it was after firing a shot.
 6526. *Q.* When? *A.* Oh, I daresay it would be about six or seven weeks ago.
 6527. *Q.* What part of the mine? *A.* In the place we called the Old Straight.
 6528. *Q.* What number? *A.* The number of the place we worked in was No. 29; but this was in another place. We had turned away over like to where we were working a cut-through, driving into the heading where I was working.
 6529. *Q.* Who was your mate? *A.* My brother, Alfred Gleeson.
 6530. *Q.* What happened? *A.* I had had a mis-ed shot the day before; and of course I had to come out. The next morning I went in, and I bored another hole about a foot or a little more away; and after the shot went off there was a terrible rumble and noise; and, of course this flash came out.
 6531. *Q.* How far did the flash come out? *A.* Well, I daresay the cut-through was in about 7 or 8 yards. I was away up the bord.
 6532. *Q.* Where did the flash come out? *A.* Into the bord where I broke away from. Of course, when I came back again to see what it was, I could see the coal was, like, white; a sort of burnt, you know—like you see coal when it is burnt.

6533.

6533. *Q.* What did you do? *A.* I was a bit afraid of it. I did not know what to do in fact. I did not say anything about it at the time; not for a month or so afterwards; not till I lit up the other gas.
6534. *Q.* Did you say anything about that to any person? *A.* Well, of course, there were a fellow named Jack Sells, and Billy Preece, and my mate, with me.
6535. *Q.* Do you know whether Sells and your brother saw this flash? *A.* Oh, yes. We all saw it. No; I do not think Preece was at work that day.
6536. *Q.* And Sells and your brother saw it? *A.* Yes.
6537. *Q.* When was the next occasion? *A.* The next occasion I was working in the heading.
6538. *Q.* What number? *A.* No. 29. I had finished the cut-through. It was just about dinner time; and just as we were going to our dinner I fired the shot.
6539. *Q.* How long ago? *A.* I daresay it would be just before the new year. My mate had gone to his dinner some distance, about 40 or 50 yards away; and Sells and Preece were in at their work, in at the face. Of course I went in to see what the shot had done, about four or five minutes afterwards; and I went in with my light, looking the same as usual; and it all flared up all round me. It gave me a great start; and I was almost thinking about running to leave the place at once.
6540. *Q.* Where did it start to flare from? *A.* Over my head.
6541. *Q.* The roof? *A.* Yes, all round.
6542. *Q.* At the time when it lit how far were you from the face of the coal? *A.* From 2 to 3 yards, I daresay.
6543. *Q.* What did you do? *A.* I got my hat; that was the only thing I had. I thought the best thing I could do was to try and knock it out. I took off my hat; and I suppose I was some minute or two knocking it out.
6544. *Q.* Knocking what out? *A.* The flame, the light. I succeeded in getting it out; and I went out. I thought the others might not believe me; and I called them in; and, when I went in to show them where it lit, it went off again; and it burnt gradually out then with a blue light.
6545. *Q.* How long did it keep alight the second time? *A.* I suppose three or four seconds.
6546. *Q.* How long was it alight the first time before you got it brushed out with your hat? *A.* I daresay it would be a minute or two.
6547. *Q.* What did you do after that? *A.* The wheeler came in in the meantime; and of course I wanted to report it; and he saw Jubb out on the flat; and he sent him in; and I reported it.
6548. *Q.* What did you say to Jubb? *A.* I told him there was gas there. McDonald was there too.
6549. *Q.* What is McDonald? *A.* Alick McDonald, the deputy.
6550. *Q.* And what is Jubb? *A.* He is a sort of head deputy or under-manager, or something like that.
6551. *Q.* What did you say to them, or either of them? *A.* I told them there was gas there. Of course they examined with their lights. I do not understand the lights.
6552. *Mr. Wade.* *Q.* What do you mean? The safety-lamps? *A.* Yes. I have only been used to the naked light. Jubb examined it; and I had another shot ready to fire; and he asked me would I be long before I bored the hole. I said "No, I can bore it now." I thought he was going to wait until I fired the shot. He waited until I bored the hole; and he put his lamp to the hole; and then he said it was not worth speaking of.
6553. *Mr. Lysaght.* *Q.* Jubb said it was not worth speaking of? *A.* Yes.
6554. *Q.* Did McDonald say anything? *A.* Well, of course, Jubb more examined it. He said it was smoke from the shot; but there was no smoke there. The smoke had gone when it lit.
6555. *Q.* When Jubb told you it was smoke from the shot, you knew there was no smoke there when it lit? *A.* Oh, I am certain.
6556. *Q.* Was anything else said by Jubb? *A.* No. He just let us go on working just the same as usual.
6557. *Q.* Was there anything said by McDonald? *A.* No; only that it was just like the smoke; he said it was not gas at all. He said that powder smoke makes fire like gas; but I have worked in smoke with the naked light where I could not see my hand in front of my face.
6558. *Q.* Was that all that happened on that occasion? *A.* Yes.
6559. Was there any other occasion? *A.* My mate came out another time and told me that it lit again; but I was not there then.
6560. *Q.* You did not see that? *A.* No.
6561. *Q.* Do you know whether either Jubb or McDonald reported in a book what you had reported? *A.* I could not say.
6562. *Q.* You were speaking about smoke? *A.* Yes.
6563. *Q.* What was it you wanted to say? *A.* On night shifts I have fired a shot; and the smoke has never left there for the whole night; but it never lit.
6564. *Q.* Where was that? *A.* In a place called No. 4.
6565. *Q.* In Keira? *A.* Yes.
6566. *Q.* How long ago? *A.* About twelve months ago or a little more.
6567. *Q.* Then was the ventilating current good? *A.* No; there was not the best of air. Of course there could not have been, or else the smoke would not have remained there.
6568. *Q.* I understand there was not enough air to carry the smoke away all night? *A.* No.
6569. *Q.* Has that been a frequent experience with you—the smoke accumulating? *A.* Yes. I have worked in places often when the smoke would be, perhaps, an hour or so before it would go away.
6570. *Q.* Has that been recent? *A.* Yes. We have had to go round with our shirts and wave it out.
6571. *Q.* That is shirt ventilation. How often have you had to do this shirt ventilation? *A.* It is pretty often, when you are in these shooting places where the smoke accumulates.
6572. *Q.* And is that recent too? *A.* Even up to last quarter we were in a place where all the smoke from all the other men used to come to where we were; and we had to be there all day too.
6573. *Q.* Just tell me where that place is? *A.* In the Old Straight.
6574. *Q.* What number? *A.* No. 29.
6575. *Q.* Then do I understand that all your working day you were working in smoke that had come to you from other men's places; and it was never moved? *A.* Oh yes.
6576. *Q.* That is a fact? *A.* Yes.
6577. *Q.* And, apart from the smoke, what was the kind of air? *A.* It almost smelt the same as if it were sulphur; in fact it did not agree too well with me; I was not able to eat my meals from the smoke.
6578. *Q.* The effect of the smoke on you was that you could not eat your meals? *A.* No. 6579.

Witness—P. Gleeson, 21 January, 1903.

6579. *Q.* Did it make you vomit, or anything like that? *A.* No; I have never vomited; but I used to have to leave sometimes and go out to get into where the air was fresh.
6580. *Q.* Did you ever complain of that to the deputies? *A.* Yes; we have spoken of it many a time; and of course they would say it was the other men's smoke.
6581. *Q.* Who would say that it was the other men's smoke? *A.* The deputies.
6582. *Q.* Which one? *A.* Alick McDonald. He said we should have to stop shooting if the smoke continued that way; and of course we told him then that it was from the other men. Sometimes, perhaps, we would not have fired a shot at all. Of course we would have to put up with this smoke that came from the other men.
6583. *Q.* And, in addition to the smoke, what was the air like? *A.* It was very hot. You would almost sweat if you were to just sit down.
6584. *Q.* How long would you have to remain away from your work to get some fresh air? *A.* Just a few minutes.
6585. *Q.* And how far would you travel to get the fresh air? *A.* You might have to go 20 or 30 yards. The air would not be so bad then.
6586. *Q.* Was the brattice kept right up to the face in that place? *A.* Not until I lit this gas. After I had lit the gas and reported it they made a little more ventilation.
6587. *Q.* How? *A.* By putting up more brattice.
6588. *Q.* But at the time this smoke used to come from the other men and remain with you, how far was the brattice from the face? *A.* I daresay it would be 8 or 9 yards.
6589. *Q.* Do you know whether the Manager knew of that condition in the mine? *A.* Yes; the Manager knew of it. When he came in he would be going along, and almost trip; you could not see with the light.
6590. *Q.* Who is that? *A.* Mr. Jones.
6591. *Q.* Mr. J. C. Jones? *A.* He would say we would have to stop the shooting altogether if there was so much smoke.
6592. *Q.* How often has he had that tripping experience? *A.* He generally used to come round about once a fortnight.
6593. *Q.* What would he trip over? *A.* They are not very level roads in there; and if the smoke is that thick you cannot see where you are going properly.
6594. *Q.* But still he let you work in there? *A.* Yes.
6595. *Q.* Are you working in the same place now? *A.* No; I am working a long way off. I am working near Daylight, they call it. It is good air where I am now.
6596. *Q.* It is near the tunnel? *A.* It is within a few minutes' walk of in and out.
6597. *Q.* You said something about not understanding a safety-lamp: did you ever use a safety-lamp? *A.* No.
6598. *Q.* Do you know how to examine for gas? *A.* No.
6599. *Q.* Have you any idea how to examine for gas with the safety-lamp? *A.* They have often said there would be a little blue flare on the top.
6600. *Q.* But could you examine? *A.* No; I do not know anything at all about it.
6601. *Q.* Do you think you are competent to fire a shot? *A.* Yes.
6602. *Q.* You think you are? *A.* I have had a lot of experience in it, anyhow.
6603. *Q.* How do you light your shots? *A.* With the naked light.
6604. *Q.* And when you are firing the shot have you ever had anything go off wrongly? That is, has the shot missed fire frequently with you? *A.* No. I daresay I have had about three in all my experience.
6605. *Q.* Is there any dust in Keira where you fire the shots? *A.* Yes; there is plenty of dust.
6606. *Q.* What happens when you fire a shot? *A.* We are not near the shot at the time; you see we have to get a good bit away.
6607. *Q.* But you see the result of what the shot does. In addition to blowing out the coal does it do anything to the dust? *A.* It raises a great dust about.
6608. *Q.* How long does it take this great dust to settle? *A.* That always depends on the air.
6609. *Q.* On an average, what is your experience? *A.* It might be five or six minutes before the dust would settle. I have never taken much particular notice.
6610. *Q.* Where is that dust raised from? *A.* I daresay, mostly, from the shot; because where I was working last time, where this gas lit, the coal was of a sort of damp nature.
6611. *Q.* The coal was damp? I am keeping to these places where you say it was dusty. Where, in addition to the coal, does the dust come from?
6612. *Mr. Wade.*] He does not say there was dust in addition to that from the coal.
6613. *Mr. Lysaght.*] *Q.* Was there any place other than the coal where the dust came from? *A.* Along the roads.
6614. *Q.* What do you mean by along the roads? *A.* Where the horse travels—all round the roads.
6615. *Q.* And the sides? *A.* Yes.
6616. *Q.* And what about the roof? *A.* I could not say. I do not know whether any comes from the roof.
6617. *Q.* Is there any dust on the roof? *A.* A small quantity.
6618. *Q.* And what is about the thickness of the dust in the dustiest places where you fired the shot, on the floor? About how much is there on the ground? *A.* In some parts of the mine there would be perhaps 2 or 3 inches.
6619. *Q.* Did you know that there was any danger in firing a shot in a dusty place? *A.* No, never.
6620. *Q.* Do you know it now? *A.* Yes; I have been afraid since I lit the gas.
6621. *Q.* With the exception of the fright you got through lighting the gas, do you know that there is any danger in that dust rising? *A.* No; only what I hear them talking of; that they reckon the dust is explosive.
6622. *Q.* Is that since Kembla? *A.* That is all.
6623. *Q.* Is any water put on these places where you fired these shots? *A.* No; not where I have fired.
6624. *Q.* Have you ever seen any water up there? *A.* No.
6625. *Q.* Not even since the disaster? *A.* I have never seen water; unless it has been put there in the night, when I was not there.
6626. *Q.* You could tell that, surely *A.* Yes; I do not think they have.

6627. *Q.* Do you know whether they water the roads? *A.* I have seen the water lying on the roads when I have been travelling to and fro. They have water laid there now.
6628. *Q.* You have never seen water in these places where you fired the shots? *A.* No.
6629. *Q.* How long do you think it would take this dust to settle, when it is raised? *A.* About five or six minutes.
6630. *Q.* Is your engine road the travelling road at Keira? *A.* No; not just at present. Of course, it has been the travelling road.
6631. *Q.* Do you know the size of the manholes there? *A.* I never took much notice. They might be 5 or 6 feet, by about 3 or 4 feet wide.
6632. *Q.* Do you know of any accident having occurred there through the manholes being too small? *A.* No; I have never known of any there.
6633. *Q.* In your opinion, are those manholes big enough in case of any accident; or should they be bigger? *A.* They would be big enough for one man, in fact for three or four men. If there were a lot of men going along at a time they would not be big enough.
6634. *Q.* If there were more than four men, would they be big enough? *A.* Oh yes, they could "scroodge" into them.
6635. *Q.* About how many men could "scroodge" into them? *A.* I have never taken much notice. You might pack six or seven.
6636. *Q.* Do you know the various roads out of Keira (Recommendation No. 18)? *A.* I know them pretty well. I have travelled pretty well all the roads there.
6637. *Q.* How many are there? *A.* There are the main tunnel and two other travelling roads.
6638. *Q.* Would you be able to find your way out by any of those three roads? *A.* Yes, I can get my way out on any of them.
6639. *Q.* Has any person ever showed you those roads out? *A.* No.
6640. *Q.* Did you discover them by working in places immediately adjoining them? *A.* In different parts of the mine. When men were coming out I would go with them.

Cross-examination by Mr. Wade:—

6641. *Q.* Just let me understand more clearly where it is that you had this trouble with the smoke. What do you call that? *A.* No. 4.
6642. *Q.* No. 4 District? *A.* Yes.
6643. *Q.* What were you working in? *A.* A bord on night shift.
6644. *Q.* What particular work were you doing? *A.* Getting coal.
6645. *Q.* How far in would that be from the tunnel mouth? *A.* I suppose it would be $2\frac{1}{2}$ miles.
6646. *Q.* What district was this place in, where you say the shot flared up? *A.* In the Old Straight.
6647. *Q.* Whereabouts is that, compared with No. 4? *A.* It is working, like, towards this No. 4 District: in fact they had holed into this No. 4; but not, of course, where I was working; but I believe they are now bringing the coal out from No. 4 by the Old Straight.
6648. *Q.* How far in was that? *A.* I daresay it would be 2 miles.
6649. *Q.* You are working in a cut-through off a bord? *A.* Yes.
6650. *Q.* You say you had put a shot in before that which flared up? *A.* Yes; I had a missed shot the day before.
6651. *Q.* You mean to say that the shot the day before did not go off? *A.* It never went off.
6652. *Q.* What did you do with the hole? *A.* I had to go home that day, and had to report it.
6653. *Q.* Was that shot drawn or left? *A.* It was left.
6654. *Q.* How close to that shot did you put the second one in? *A.* From 1 foot to 15 inches.
6655. *Q.* Did the shot that went off, as far as you know, light the missed shot too? *A.* Yes.
6656. *Q.* You had a double explosion? *A.* Yes.
6657. *Q.* Did you notice the colour of the flame that leaped out or flared out? Was it reddish? *A.* No; it was a blue light.
6658. *Q.* Did not you see any red flame at all? *A.* No.
6659. *Q.* Not when the shot went off? *A.* No; I never noticed any red flame.
6660. *Q.* Not at all? *A.* No. Of course I was some distance away from it. It just flashed out of the bord round the brattice; and I saw it flash out and heard this rumble and noise.
6661. *Q.* What became of the flame. Let us understand? Was it a long tongue of flame? *A.* It must have been a good flame; it came out about 6 or 7 yards.
6662. *Q.* Did it stay like that? *A.* It stayed like that for some seconds or so.
6663. *Q.* What happened then? *A.* I was half afraid to go back at the time.
6664. *Q.* What happened to the flame? *A.* Then it went out.
6665. *Q.* It was only a question of seconds then? *A.* Yes; something like that.
6666. *Q.* Then you went up with your light, I understand, to the face? *A.* Yes.
6667. *Q.* Whereabouts did it light then? *A.* It was not on that occasion that it lit with my light at all. It was in the heading that it lit with my light.
6668. *Q.* That is the whole of the flame you saw at that time? *A.* That is the whole of the flame that I saw at that time.
6669. *Q.* When was it you first spoke to Sells about it? *A.* Sells saw that himself.
6670. *Q.* That is not what I asked you. When was it you first spoke to Sells about it? *A.* I spoke to him then. I said "That was gas right enough." We went in then afterwards and saw where the coal had been turned like white, the same as if it had been singed.
6671. *Q.* Nothing lit then when you were with Sells? *A.* No.
6672. *Q.* Where was the next occasion? In the same particular place? *A.* Within about 7 or 8 yards. We were in the heading, driving the opposite way.
6673. *Q.* This cut-through was between two headings; the cut-through where you had the flare? *A.* We were driving the cut-through in to where we were working, to fetch better air.
6674. *Q.* And after you had driven the cut-through? *A.* We were then driving the heading.
6675. *Q.* After you had driven the cut-through you went back to the heading? *A.* Yes.
6676. *Q.* And you saw this light again in the heading? *A.* In the heading.

Witness—P. Gleeson, 21 January, 1903.

6677. Q. Who were working in the heading? You and your brother? A. Yes; only me and my mate.
6678. Q. Where was Sells? A. He was working in his own bord, going the same way as the heading; but there were about 16 yards between the two.
6679. Q. Was the coal between you and him? A. Yes.
6680. Q. A shot was fired that time; and I understand you to say that there was no flare-up when the shot went off? A. Yes; no flare.
6681. Q. Whereabouts did it light afterwards? What particular part? A. I went in afterwards to see what the shot had done, just before I sat down to my dinner.
6682. Q. Where did it light? A. It lit all over my head, and went down all over the coal that the shot had knocked down.
6683. Q. How far off was the flame? A. I suppose it was 6 or 7 feet high.
6684. Q. The flame was on the roof above your head; and it came down to the coal that had fallen? A. Yes.
6685. Q. How far did it come from the roof? A. Down on the coal, I suppose 6 feet.
6686. Q. There were 6 feet in height of flame? A. Yes.
6687. Q. And how long over your head? A. It was up to the roof.
6688. Q. And along the roof? A. It ran, I suppose, from 2 to 3 yards back from where the face was.
6689. Q. You said it was round you? A. Yes.
6690. Q. Was it on your sides too? A. I stepped back out of the way when it lit.
6691. Q. When it lit it came down almost 6 feet, almost to the floor; and it was over your head at that time? A. Yes.
6692. Q. Was it on your sides at that time? A. Yes; it was all round me.
6693. Q. You were a lucky man: were you not burnt? A. No; I got back too quickly out of the way.
6694. Q. You beat the gas? A. Yes; of course, I stepped back all at once.
6695. Q. Did it run back when it lit? Did it run back from the face? A. Yes, where the coal was; 2 or 3 yards from the coal.
6696. Q. Was there any report, any noise, when this lit? A. It gave me such a start I did not take much notice of anything else.
6697. Q. Where was your light when this was first lit? A. I had it in my hand, looking at the shot to see what was on the floor; to see what the shot had done.
6698. Q. How much coal was there on the floor? Three or four tons? A. Yes; about that.
6699. Q. Were you going to examine the coal on the floor that had fallen? A. Yes.
6700. Q. Were you standing over the coal? A. Just standing like this to see what the shot had done; and away it went.
6701. Q. What did you do then? A. I took off my hat. Of course it was gradually getting smaller; and I belted it out with my hat.
6702. Q. How far back did you step before you began to belt it out with your hat? A. About two yards.
6703. Q. And it never touched you? A. No; the flame never hurt me.
6704. Q. How long was the flame playing 6 feet in height? A. Some few seconds.
6705. Q. Until you put it out? A. Yes.
6706. Q. You came back; and you say it lit again? A. Yes; I thought they would not believe me that there was gas there.
6707. Q. Never mind about that. You went away; and when you came back it lit again? A. Yes; I went to shew them where it lit.
6708. Q. What part did it light this time? A. In the face, and all over the coal, in the cracks.
6709. Q. Was that like a gas-jet burning? A. You could see a little blue light run along the coal, that way—(indicating). It burnt away nice and gradual.
6710. Q. Did you tell all these details to Jubb or McDonald about this big flame? A. Yes.
6711. Q. Exactly as you have told us? A. Yes; in fact, I told them it was just the same as if you lit up a bag saturated with kerosene.
6712. Q. Now, let us understand about these places where there was so much smoke; were there many people firing shots in that split? A. Yes; they fired shots in almost every place there.
6713. Q. Did they fire many during the course of the day? A. Two or three shots in the day sometimes; sometimes one.
6714. Q. How many places were firing shots at that time? A. Sixteen or seventeen places.
6715. Q. And they might fire two or three shots in their shift? A. Yes.
6716. Q. Is that an unusual amount of firing, as far as you know, in Keira? A. No.
6717. Q. It is a common thing to have? A. It is a common thing to have them fired in that way.
6718. Q. To have as many as forty or fifty shots fired in the one split? A. Yes; in fact, you would hear them all day long.
6719. Q. How long did it stay like this, in this smoky condition? A. It was not so bad after I had lit the gas. They put up more brattice; and that used to take it away a little quicker.
6720. Q. But I understand there is no gas in this No. 4 District? A. I never saw any gas there.
6721. Q. That is where the smoke was so bad, you say? A. The smoke was there every night, if we fired the shot; but we used to try and avoid firing the shot in the shift; we prepared it the night before, if we could.
6722. Q. How many days did this continue in this way? A. All the time we were there.
6723. Q. How long was that? A. Three months.
6724. Q. It never improved? A. No; it was just the same when we left as when we started.
6725. Q. Did you see any of the Government Inspectors or the District Inspector? A. We worked there on the night shift; and of course they did not come round in the night.
6726. Q. There were no Government Inspectors in that place during the night? A. No.
6727. Q. What month was this? Just before Christmas? A. This was over twelve months ago.
6728. Q. With regard to the dust, you said one of these places was damp, where you were firing shots? A. The coal was not damp; but of a sort of damp nature.
6729. Q. It must have been a bit damp then? A. It was not damp; and it was not dry, exactly. You could raise the dust there. You could go along and kick the dust up with your feet.
6730. Q. The coal at the face I am talking about. That was damp? A. No, it was not damp. It was of a sort of a damp nature.

6731. *Q.* That will do me if you cannot get any nearer than that. Was it damper than usual? *A.* No; it is always the same. Well, of course, I could not explain. If you were there I could show you the difference between the dampness and the very dry coal. It is a very dusty coal altogether. Some parts of the mine you see very dusty; in fact, when you go into it the dust would almost choke you. This place was not as bad as that.
6732. *Q.* What is the nature of the coal there? Is it hard? *A.* Yes; it is a hard coal.
6733. *Q.* Is that more dusty than the soft coal, or less dusty? *A.* The soft coal, I believe, is the dustiest of the lot.
6734. *Q.* And this is about the hardest coal in the mine in the Old Straight? *A.* Yes, pretty well. Mostly all were shooting there.
6735. Now, the dust in the working-place is very different from the dust in a haulage road—is it not? *A.* No; it is a regular fine dust.
6736. *Q.* It is much coarser, taking it as a whole? *A.* Oh, no; something about the same.
6737. *Q.* You mean to say the dust in the working-place is the same as in the haulage road? *A.* Yes.
6738. *Q.* Just the same? *A.* Yes.
6739. *Q.* No difference? *A.* No. The horse stirs it up as he goes along the main travelling road.
6740. *Q.* And the horse is mainly between the rails? *A.* Yes.
6741. *Q.* The only traffic is the men who are walking in there, and the officials when they come in? *A.* Yes.
6742. *Q.* You have made a statement that it is dangerous to fire a shot in a bord? Do you know anything about coal dust; and what kind of dust is dangerous? *A.* No; I know nothing at all about it.
6743. *Q.* So you are going on what you have been told? *A.* Only what I have heard about the dust causing an explosion.
6744. *Q.* With regard to the smoke, let us get some idea what it was like. Do you say it was so thick that you could not see? So thick that a man would actually trip up? *A.* Yes; it is in such great volumes of smoke all along the road: in fact, the wheeler was always complaining.
6745. *Q.* I do not want to know about the wheeler. I want to know about your place. Do you mean to say it was so thick that you could not see where you were stepping? *A.* Yes.
6746. *Q.* Even with the naked light? *A.* Yes.

Cross-examination by Mr. Bruce Smith:—

6747. *Q.* What is the name of that wheeler? *A.* I think his name was Dibden.
6748. *Mr. Wade.] Q.* Did you say the smoke was always coming in? *A.* Yes, every day.
6749. *Q.* But whilst you were working did you say the smoke kept coming into your working-place? *A.* Yes; it had to come right round our face to carry it away.
6750. *Q.* Therefore evidently there was a current of air? *A.* Yes; or it would never get there at all.
6751. *Mr. Bruce Smith.] Q.* I understand the air was going directly towards your working-place from a number of other working-places down below;—and the smoke from their shots had to come past you before it got out? *A.* Yes.
6752. *Q.* And it hung about your place? *A.* Stopped about for hours; in fact, for the whole shift at times.
6753. *Q.* And you say this wheeler was constantly complaining of this smoke—Dibden? *A.* Yes.
6754. *Q.* Is he there now? *A.* Yes; he is there at the present time.
6755. *Q.* Do I understand you have never had any experience except in the Mount Keira Mine? *A.* That is all.
6756. *Q.* And only five or six years? *A.* Yes.
6757. *Q.* What other occupation have you followed? *A.* I have been working in the town here, at the grocer's.
6758. *Q.* Other work, not mining? *A.* Yes.
6759. *Q.* When did you first know that you were coming here as a witness? *A.* When this gentleman came to me and gave me a —— [*Interrupted.*]
6760. *Q.* When the constable came to you and gave you a subpoena? *A.* Yes.
6761. *Q.* That is yesterday afternoon? *A.* Yes.
6762. *Q.* Whom did you inform in the mine that you were coming? *A.* I was home from work.
6763. *Q.* And you have not been back to the mine since? *A.* No.
6764. *Q.* And you have had no conversation with anybody in connection with the mine? *A.* No; I have had no conversation whatsoever.
6765. *Q.* You say that when you went back after firing the shot you found all the smoke hanging about. How long was that after the shot had been fired? *A.* On each occasion?
6766. *Q.* When you informed McDonald and Jubb? *A.* There was no smoke hanging about then at all.
6767. *Q.* No smoke? *A.* No.
6768. *Q.* How long was it after you had fired the shot before you went back, when this explosion of gas took place? *A.* About four or five minutes.
6769. *Q.* And that is about the usual time you remain away, is it not? *A.* Yes.
6770. *Q.* Do I understand you to say you told McDonald distinctly? *A.* Yes.
6771. *Q.* And you told Jubb? *A.* Yes; I explained it to both of them.
6772. *Q.* And you have told me that Jubb said that it was only smoke? *A.* Yes; he said the smoke makes gas of itself, after firing the shot. He said there is a certain quantity of gas in it.
6773. *Q.* He did not seem to believe your statement about gas? *A.* No; he did not.
6774. *Q.* I understand you told Jubb and McDonald distinctly about it, and described to them what occurred? *A.* Yes.
6775. *Q.* Were you in the Mount Keira Mine before the fan was put in? *A.* There is no fan in Mount Keira Mine.
6776. *Q.* You say, "I have often complained to the deputies of this smoke coming out from other men." Are there any other names, besides those of Jubb and McDonald, to whom you complained? *A.* No.
6777. *Q.* Are there any other deputies there? *A.* No; there are only two deputies there.
6778. *Q.* Jubb is an assistant under-manager, I understand? *A.* Something to that effect: I cannot tell you what he is.
6779. *Q.* You cannot tell me the names of any others to whom you complained? *A.* No.

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6780. Q. Did you complain to the Manager, Mr. Jones, when he came round on that occasion and tripped on the floor? A. No; he came round and said we would not have to fire so much. It was he that complained.
6781. Q. He complained of the smoke? A. Yes; and said he would have to stop so much shooting.
6782. Q. Did you ever tell him, on that occasion or any other, about the gas you had found there? A. No.
6783. Q. Did he speak of it to you? A. No.
6784. Q. About the firing, is the same amount of firing going on in all parts of that mine, or more in that part? A. That was the main part of the mine where this firing was mostly done.
6785. Q. You are firing then every time there? A. Yes; we could not get the coal without shooting.
6786. Q. In the other portions of the mine, what proportion of times did you have to fire? A. I am working now in a portion where we have not got to fire at all.
6787. Q. But in that one you had to fire every time? A. Yes.
6788. Q. And the others had to fire every time? A. Yes.
6789. Q. How many times did you fire in the day? A. I could fire as much as three shots in the day.
6790. Q. And how many places were there down below you whose smoke was coming up to you? A. About sixteen or seventeen. Of course, I do not know exactly.
6791. Q. Roughly? A. Yes; I should say there were that many.
6792. Q. Will you tell me what watering is done in that mine? A. There are pipes laid in; but I have never seen it watered; but as I have been travelling through I have seen the roads wet.
6793. Q. The road—that is the floor? A. Yes; the haulage road.
6794. Q. Have you ever seen the sides wetted by water? A. I never took any notice.
6795. Q. Have you never seen any apparatus for watering, spraying, or anything of the kind? A. No.
6796. Q. In the whole of your five years? A. Yes.
6797. Q. When the smoke came up to you from the other places, did any dust come up? A. No; I never took any notice of the dust; mostly the smoke.
6798. Q. You were asked by Mr. Wade whether you did not see a red flame when the shot was fired. Would you be in a position to see the flame of the shot when it goes off? A. No; not in the face.
6799. Q. You would be some distance down, and round a corner? A. Yes.
6800. Q. You would not expose yourself to the line of the explosion? A. No.
6801. Q. So that even if there were a red flame from the actual shot you would not see it? A. No; I could not see any red flame.
6802. Q. But what you saw ———? A. Was blue.
6803. Q. What you saw was what was exposed after you had gone up to see the face after the shot? A. Which?
6804. Q. The blue? A. Oh, no; while I was up after the shot was fired.
6805. Q. Then you looked round the corner? A. No; I was standing in the road waiting for the shot to go off.
6806. Q. Supposing the face is where you are; and you come back as far as to me; you would not stand here and look at it? A. No; I would come back to where you are; and then go up this way.
6807. Q. Where you were you could not see the face of the place where the shot was? A. Yes.
6808. Q. How long would you remain away? A. I would remain away that time, getting on pretty well ten minutes.
6809. Q. It was, then, after that ten minutes that you came up and this explosion of gas took place? A. No.
6810. Q. When? A. I do not know which time you are talking of.
6811. Q. Did you see the flame come round the corner then? A. Yes.
6812. Q. How far down had it to come to come round the corner? A. It had to come 6 or 7 yards; I could see the flash, the blue.
6813. Q. Then you saw it clearly as it came round the corner? A. Yes.
6814. Q. Is Dibden in this mine now? A. Yes.
6815. Q. Still a wheeler? A. Still wheeler.
6816. Q. Do I understand that ever since this explosion, as you call it, you have still used naked lights; and that you still fire your shots with the naked lights? A. Yes.
6817. Q. But the brattice has been improved? A. The brattice has been improved; yes.
6818. Q. What was the position of that shot in the face of the coal—down below, or the middle, or high? A. Where I bored the hole?
6819. Q. The second hole? A. The second hole?
6820. Q. When the first did not go off? A. I suppose it would be about 3 feet from the roof.
6821. Q. About half-way up? A. Yes, the second shot. The first was between 2 and 3 feet.
6822. Q. It is about 6 feet from your roof to the floor? A. About 7.
6823. Q. And your first shot is put where? A. About 1 foot 9 inches from the roof.
6824. Q. And your second shot was put in about ———? A. About 3 feet down.

Examination by Mr. Robertson:—

6825. Q. Since you reported the firing of this gas to the officials, have any of them shown any ill-feeling towards you? A. No; there has been no ill-feeling shown towards me.
6826. Q. Then you had no hesitation in making a report? A. Not a bit.
6827. Q. You had no fear of being dismissed or suffering in any way? A. No fear at all. I would not be frightened if they put me off to-morrow.
6828. Q. And you would not hesitate to report to-morrow? A. No. I think there are just as good fish in the sea as ever were caught. If I do not get work there, I can somewhere else.
6829. Q. I think you said that the air from sixteen or twenty places had to pass over your place? A. Yes.
6830. Q. Therefore, if shot-firing is carried on in every one of those sixteen or twenty places, you would have to endure sixteen or twenty times more smoke than the first man would experience? A. Yes.
6831. Q. And, with the very best ventilation, you must have this smoke from all the other places? A. Yes; I used to get the smoke.
6832. Q. You could not avoid it? A. It had to come that way.

6833. *Q.* If there were a hurricane of air that way it is still inevitable that you must have the full benefit of all the smoke produced by the shots in that district? *A.* Yes.
6834. *Q.* What explosive is used in firing shots? *A.* Powder. I always use blasting powder.
6835. *Q.* What tamping? *A.* Clay, since the explosion.
6836. *Q.* Since what explosion? *A.* Mount Kembla.
6837. *Q.* What before that? *A.* Anything we could get hold of—the dust off the road, damped.

Examination by Mr. Ritchie:—

6838. *Q.* In that place in No. 4 where you complained of smoke, how far was the last cut-through from the place where you were working? *A.* It was a 4 yards heading; and I drove this place down some certain distance, and then I had to come round and put a cut-through in.
6839. *Q.* You drove the heading a certain distance, and then came round to put in a cut-through? *A.* Yes.
6840. *Q.* How far was that from the face of the heading? *A.* I suppose about 40 yards.
6841. *Q.* And how far was the brattice carried up from the cut-through towards the face of the heading? *A.* From the cut-through?
6842. *Q.* Yes, towards the face of the heading? *A.* I do not understand exactly what you mean.
6843. *Q.* You say now the cut-through would be about 40 yards from the face of the heading which you drove up a certain distance after cavilling? *A.* Yes.
6844. *Q.* You cavilled a 4-yard heading? *A.* Yes.
6845. *Q.* You drove it up a certain distance; and then you came back into the cut-through? *A.* Into a bord to drive a cut-through into the heading.
6846. *Q.* How far was the cut-through which gave you your ventilation from the face of the working of the heading? *A.* The heading was not quite down to where we drove the cut-through. We had to drive back over to meet it.
6847. *Q.* How far was the other one that was driven previously? *A.* About 40 yards.
6848. *Q.* That was the nearest opening to the face of your heading? *A.* Yes.
6849. *Q.* How far was the brattice? *A.* The brattice was down to the bord. It was down the 40 yards where we broke away from.
6850. *Q.* Your ventilation would require to come through this cut-through in order to go up the heading or bord? *A.* Yes; after we had finished the cut-through.
6851. *Q.* Can you make a sketch of it? I cannot get the meaning of this? *A.* [*Witness drew a sketch and explained it.*] There was a gannon bord down this way; and there was a cut through across here (at right-angles to gannon bord) and our heading went down there (beginning at end of, and at right angles to, the cut-through first mentioned, and parallel to the gannon bord). We went down that, way about 35 yards (meaning the heading was continued 35 yards from the end of the cut-through). Then, of course, this bord (the gannon bord) continued straight on.
6852. *Q.* The gannon bord? *A.* Yes. The gannon bord continued straight on; and we came into the gannon bord here (*indicating a point in gannon bord about 40 yards from opening of cut-through first mentioned*) to hole over into this heading.
6853. *Q.* What I want to know is what the distance was from that cut-through in the heading to the face of the heading? *A.* The brattice was kept up fairly close in the heading.
6854. *Q.* The distance would be between 30 and 40 yards? *A.* Yes.
6855. *Q.* Your ventilation, of course, went through that cut-through? *A.* When we worked in the heading the ventilation had to come up this (gannon) bord, and then come down (the cut-through) behind the brattice into our heading.
6856. *Q.* The current would not go through the second cut-through until after you holed? *A.* No. The current of air that was travelling had to go down this gannon bord first (to the end), and then came back behind the brattice, and down into our place (through the first mentioned cut-through into the heading); and then it went round the brattice and down to the other men.
6857. *Q.* The ventilating current came up this gannon bord, up to the face of the gannon bord, and down the side of the canvas, through this cut-through, and up this side into your heading? *A.* To the face of our heading.
6858. *Q.* I take it you drove to the point where you thought you would hole, before you stopped? *A.* No; we did not. He marked us off too soon. We did not meet the heading when we drove the second cut-through there.
6859. *Q.* They stopped the heading really before you were up to the distance for the cut-through. *A.* Yes.
6860. *Q.* How far was the brattice carried from the end of the cut-through to your heading towards the face? *A.* It used to be kept up fairly. Of course, at one time the Inspector came in when we were in this heading; and he said it would be as well to put over a cut-through.
6861. *Q.* What would be the distance then? How far would the brattice be from the face of your heading when you were complaining about the smoky conditions? *A.* I suppose it would be about 3 or 4 yards.
6862. *Q.* And was the smoke thicker at the face than on the outside of the canvas? [*Witness did not answer.*]
6863. *Q.* You see you have 3 or 4 yards where you have no canvas? *A.* Yes.
6864. *Q.* Was the volume of smoke thicker there? *A.* Oh, yes. Sometimes we would go in to fill the skip, and we would have to grope to feel where the coal was.
6865. This is at the face of the workings? *A.* Yes.
6866. *Q.* Was it clearer some way back? *A.* Some distance back; a long way back.
6867. *Q.* When you complained of that smoke, did they make any attempt to increase the ventilation? *A.* Yes; put the brattice up.
6868. *Q.* Did that make any difference? *A.* It did not make a great deal of difference; but, once the Inspector came round, they turned us out and told us to put in this cut-through.
6869. *Q.* Could you feel the current? *A.* No.
6870. *Q.* Did it cause any deflection of your light at all? *A.* Of course, your light would be still; but if you put it at the brattice you might see it flutter a little bit.
6871. *Q.* Behind the brattice? *A.* Yes.
6872. *Q.* What would be the distance between the brattice and the side of the heading—about 18 inches? *A.* Yes, about that.
6873. *Q.* And you could just see a little flicker then? *A.* Yes.

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6874. Q. If you put a light behind the brattice, the distance between the brattice and the rib side being about 18 inches, you would get a slight deflection of your light, a flicker? A. Yes.
6875. Q. This continued during the whole currency of the quarter—the smoky condition of the place? A. When we drove the second cut-through, of course, they ventilated it after we had the explosion, and it took the smoke away much quicker.
6876. Q. But you did not have an explosion in this place? A. No. The smoke was there all the time.
6877. Q. Did you ever complain to Mr. Jones himself when he came in about the ventilation? A. No; I never spoke to Mr. Jones about it. I thought it was quite sufficient to speak to the deputy.
6878. Q. Did you regard the ventilation there as deficient? A. Not enough air?
6879. Q. Yes? A. I know there was not enough air there.
6880. Q. And I think you told us you complained to the deputy;—you were working in this place at night? A. No; it was No. 4. This is in the Old Straight you are talking about now, is it not?
6881. Q. You have told us here that the smoky conditions were in No. 4? A. Yes; are you talking of No. 4 now?
6882. Q. Yes. No. 4 is where you had the smoky conditions? A. I had it in both places.
6883. Q. Now, we will take you to the place where you were working at night? A. That is over twelve months ago.
6884. Q. That was in the Old Straight? A. No; No. 4.
6885. Q. Very well, No. 4. Did you have smoke to complain of there also? A. Well, of course, I never saw anybody there very much, only the night deputy.
6886. Q. Were the conditions smoky there at night? A. Oh, yes; the day-shift men were complaining terribly about it.
6887. Q. And did you have these smoky conditions at night? A. Oh, yes; there were only six or seven men working there at night, and the horses.
6888. Q. And after firing a shot, did you have the smoke with you all night? A. Yes.
6889. Q. Did you complain of that also? A. No; I never complained of it there.
6890. Q. You are talking of the No. 4 now? A. Yes.
6891. Q. Where you were working at night? A. Yes.
6892. Q. Did you complain about that also—about the smoky conditions there at night? A. No; I never complained of it there.
6893. Q. How far was the brattice off the face in that place? A. Sometimes it would be 8 or 9 yards.
6894. Q. Did not you complain to the night deputy? A. No. I thought there was enough complaint about it in the day. If they could not improve it for the men in the day, I thought it was no use my complaining, and they could not improve it for me at night.
6895. Q. There were less men working at night; and you thought it would be clearer at night? A. Yes.
6896. Q. Who was the deputy on that occasion? A. Richardson.
6897. Q. Did he see these smoky conditions? A. Yes.
6898. Q. Did he ever pass any remark about it at all? A. Not that I remember.
6899. Q. Did he on any occasion put any brattice on? A. Yes; he used to put up the brattice.
6900. Q. That was part of his work, I suppose? A. Yes.
6901. Q. Was he the examining deputy for the places for the day-shift men? A. No; he was the night deputy.
6902. Q. And who made the examination of the places for the day-shift men? A. Jubb. He was a deputy at that time.
6903. Q. Did he come in during the time you were working your shift? A. No; I never saw him at all for the three months. Of course, I was on in the night; and he was on in the day.
6904. Q. Now, getting to the place where you had this flare-up of gas, did the deputies visit the place there every day? A. Yes; Deputy McDonald was there every day.
6905. Q. Did he carry a safety-lamp or a flare-lamp in the daytime? A. Sometimes the safety, and sometimes the flare-lamp.
6906. Q. After having reported this gas, did he generally make an examination when he called in every day? A. Yes; he generally made an examination.
6907. Q. What did he do? A. Put the lamp up to the roof.
6908. Q. The flare-lamp? A. No, the safety-lamp.
6909. Q. Did he fire the cut;—did you do any cutting there? A. No.
6910. Q. He lifted his lamp to the roof and looked for the gas? A. Yes.
6911. Q. Did he do that in every case? A. I think so.
6912. Q. And he came in regularly every day? A. Yes.
6913. Q. How far was the brattice off the working face in the place where you had this gas lit? A. I dare say it would be 4 or 5 yards—something like that.
6914. Q. After having lit and complained of that gas, was the brattice carried in closer? A. Yes; it was drawn up within about 6 or 7 feet then.
6915. Q. Was it carried up any distance afterwards? A. No. Of course, I did not work in it a long time afterwards. After that there was a little spare brattice; and I would tack it up myself—like—to fetch it in closer to the face.
6916. Q. What part of the mine are you working in now? A. Daylight.
6917. Q. What is the state of ventilation there at the present time? A. There is good ventilation there.
6918. Q. And all your complaints appear to be directed towards the straight section of the workings? A. Yes.
6919. Q. That is, bad ventilation? A. Yes.
6920. *Mr. Bruce Smith.*] Q. Did you ever tell Richardson whether you found gas there? A. That is over twelve months ago, when I worked for Richardson, and I never thought of gas. Gas was not in my head at all.
6921. *Mr. Ritchie.*] Q. You had not seen gas when you were working under Richardson? A. No.
6922. *Mr. Wade.*] Q. Where you found the smoke was bad in No. 4, did you do any cutting there? A. No.
6923. Q. You relied upon the powder to get your coal down? A. Yes; of course, we did not fire a great many shots there; it was a good place.

6924. *Mr. Lysaght.*] He did not give the name of the Inspector who ordered the cut-through.
 6925. *Mr. Ritchie.*] *Q.* Who was the Inspector who suggested the cut-through? *A.* I do not know his name.
 6926. *Q.* Is it the Inspector who is going round at present? *A.* Yes.
 6927. *Q.* Mr. Watson? *A.* I think so.
 6928. *Q.* Or Mr. Bates? *A.* No; Mr. Watson.

[*Witness left.*]

MR. ALFRED GLEESON was sworn, and examined as under:—

Examination by Mr. Lysaght:—

6929. *Q.* What is your name? *A.* Michael Alfred Gleeson.
 6930. *Q.* What are you? *A.* A miner in Mount Keira.
 6931. *Q.* How long have you worked in Keira? *A.* I have been at Keira a couple of times. I was there some time ago for about twelve or eighteen months; and the last time I went back I have been there a little over two years.
 6932. *Q.* Have you worked in any other pit besides Keira? *A.* No; only Keira.
 6933. *Q.* Have you discovered gas at any time in Keira? *A.* Yes, I have.
 6934. *Q.* Take the occasions separately, and tell me the particulars? *A.* The first time I saw gas there we had lit a shot and had gone out into another bord; and after the shot went we heard a terrible drumming noise—I thought it was the roof falling in, myself; and some of them said it was the powder going off. I did not know what it was.
 6935. *Q.* How long ago was that? *A.* That must be about two months ago, I think. It may be a little more.
 6936. *Q.* After that? What happened after this drumming noise? *A.* We saw the flash from where we were standing: we saw the flash of light.
 6937. *Q.* Where did the flash come into? *A.* From the cut-through we were driving; it flashed out into the bord.
 6938. *Q.* How far out into the bord did it come? *A.* It did not come far. It just flashed, so that we could just nicely see it.
 6939. *Q.* What was the colour of the flash? *A.* That I could not say. I did not take much notice.
 6940. *Q.* What did you do after you saw this flash? *A.* When it stopped we went back to see what was the matter, and went in to look; and the shot had knocked the coal down all right. We went up towards the face, and we saw the coal all like as if it had been singed.
 6941. *Q.* Did anything happen after that? *A.* No; nothing particular just about that time. We went on working as usual.
 6942. *Q.* When was the next occasion you saw gas? *A.* I suppose it would be, perhaps, a fortnight or three weeks after that again, as near as I could say. I could not say for certain. We lit a shot, and we both walked out into the other bord; and, about five minutes after it went off, my mate went into the bord, and I went and sat down and had a bit of lunch; and I was not long in there when he came running up and said, “I have lit her up”; and I, and Mr. Sells, and another young fellow named Preece, ran in to see. When we got there he told us he had belted it out with his hat; and we said, “Where did you light her”? And he said, “Over there”; and he was just holding up his light for us to see and she lit up again.
 6943. *Q.* When she lit up again how far was his light off the face of the coal? *A.* Somewhere about 2 yards, I should think.
 6944. *Q.* And what part lit first? The face of the coal, or the roof, or what? *A.* Well, the coal, you see, had blown off about half-way up, and there was a roof underneath it; and it seemed to be underneath that that it went; and the flame seemed to die out up in a crack, up behind that again.
 6945. *Q.* How long did this gas remain alight? *A.* When we saw it then?
 6946. *Q.* Yes? *A.* Oh, about two or three seconds, that is all.
 6947. *Q.* And did it burn itself out, or did he put it out? *A.* It burnt itself out.
 6948. *Q.* Do you know whether any report was made about that? *A.* Yes.
 6949. *Q.* To whom? *A.* We told the wheeler.
 6950. *Q.* Who told the wheeler? *A.* My brother.
 6951. *Q.* What is the name of the wheeler? *A.* Harold Dibden.
 6952. *Q.* And after that? *A.* He went out and told the deputy, or under-manager, whatever he may be termed.
 6953. *Q.* Who came in? *A.* Mr. Jubb.
 6954. *Q.* What is Jubb? *A.* I think he is under-manager.
 6955. *Q.* What did he say? *A.* He came in, and he looked for gas, and appeared as though he could not find it.
 6956. *Q.* What did you tell him? *A.* We told him that the gas had lit up; and he said, “Where?” and we showed him where; and he put his lamp to it; and he appeared as though he could not find any gas at all.
 6957. *Q.* What sort of a lamp had you? *A.* I think you call it a Davy lamp.
 6958. *Q.* What did he say? *A.* He said he could not find any gas. He looked all over the roof, and about the coal with the lamp; and then he asked us to bore a hole. So we bored a fresh hole on the opposite side of the face; and when we had finished the hole he put his lamp up to the hole, and he said, “Oh, there is nothing worth speaking about.”
 6959. *Q.* Did you notice what effect there was on the lamp? Were you watching it closely? *A.* No; I could not tell. I do not understand that business at all.
 6960. *Q.* You do not know how to detect gas with the lamp? *A.* No.
 6961. *Q.* Did you notice a small blue cap come on to the top of the lamp, on the top of the flame? *A.* No; I did not notice it at all.
 6962. *Q.* Did McDonald come in too? *A.* Yes; and he was there when Jubb was trying for the gas.
 6963. *Q.* Did he say anything? *A.* He said it must have been the smoke. “The smoke,” he said, “composes gas; and it must have been the smoke.”
 6964. *Q.* Was there any smoke there at all when he said it must have been the smoke? *A.* There was no smoke when we went back.
 6965. *Q.* There was no smoke when it lit? *A.* No smoke when it lit.

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6966. Q. Was there any other occasion when you discovered gas? A. Yes; there was another occasion just a few days afterwards. I went in after we had fired a shot; and it lit, and burnt out itself. It only lasted about five seconds.
6967. Q. How long was it after the shot had been fired before you went in? A. Fully five minutes.
6968. Q. And how long did it light on that occasion? A. It had just blown about half way up again; and I was going up with my lamp, and saw all the coal lying on the floor, and went up to tap it with my pick to see whether it was safe to go near it or not; and as I did so the flame caught my light.
6969. Q. Where was your light? A. On my head.
6970. Q. Then the flare lit the gas from the roof? A. It must have: but it ran down underneath.
6971. Q. Did it burn long? A. About four or five seconds.
6972. Q. Did you make any report about that? A. When the deputy came in I told him about it.
6973. Q. Who? A. Mr. McDonald.
6974. Q. What did he say? A. He said it must be the smoke after the shot. He examined for gas and could not find any; and he said "There is no gas here now."
6975. Q. Did you say anything to him? A. I said to him, "It is peculiar how smoke would light like that." I said, "It was a blue light." I said it put me in mind of my papa when he would be burning spirit over a pudding at Christmas time.
6976. Q. Was there any smoke there on that occasion when you lit it the third time? A. No.
6977. Q. Was there any other occasion? A. No.
6978. Q. Have you ever had a safety-lamp in your hand to use? A. No.
6979. Q. Do you fire your own shots? A. Yes.
6980. Q. Is there any dust about when you fire these shots? A. At that time there was not; but at other times I have been in places where I could hardly see for the dust.
6981. Q. Was this before you fired shots, or after? A. We were not allowed to fire shots there. They stopped us. This was while we were working — [Interrupted.]
6982. Q. Do you know why you were not allowed to fire shots? A. No.
6983. Q. Who stopped you? The deputy.
6984. Q. Did you ask him why? A. I do not think we did ask him why.
6985. Q. Had you any reasons for not asking him? A. Well, the dust was so bad that we came to the conclusion ourselves that the dust was the cause of his stopping us. It was terribly dusty.
6986. Q. And how long had it been terribly dusty and you firing shots? A. I think about a few weeks before the explosion—just about that time, with the worry we had, we got out of our reckoning.
6987. Q. You think it was a few weeks before the Kembla explosion? A. Yes.
6988. Q. And was it after the Kembla explosion that he stopped you firing the shots? A. Yes.
6989. Q. Can you tell me where that place was in Keira? A. It was what they call "Up the Jump."
6990. Q. What district? A. In the Jump District.
6991. Q. What number? A. The number of the place we were working then I really could not say.
6992. Q. Do you know whether the firing was stopped because it raised the dust, or because of the danger from the dust that was there.
6993. Mr. Wade.] That is only guess-work.
6994. Mr. Lysaght.] Q. How long had this shot-firing been going on, with the dust there, before the explosion? A. Well, you see we had cavilled the place a few weeks before the explosion; and we had only fired about two or three shots in it, because it did not need much firing.
6995. Q. When you fired the shots, did any of the dust light at all? A. I did not see any light.
6996. Q. Did you know it was dangerous to fire shots, with dust about like that? A. I had no idea it was.
6997. Q. Was any water put about that dust while you were firing shots? A. No.
6998. Q. Was water put anywhere where you were firing a shot in Keira? A. No.
6999. Q. And, now, is there any dust in the place where you are working? A. No; no dust.
7000. Q. Is it watered there? A. No; we never shoot.
7001. Q. Is it a damp part of the mine? A. It is rather inclined to be damp. It is near to the surface.
7002. Q. Are there many dusty places in Keira like what you speak of? A. Well, I have not worked in many myself.
7003. Q. Do you know whether there are many? A. There are a few. We have been winning in a few places where it has been dusty.
7004. Q. Have you ever had any of them watered? A. Not to my knowledge. I have seen them watering in the main road; but, in this particular place where we had so much dust, it was up a very steep place and they could not get the water up to it.
7005. Q. You do not know whether they ever tried? A. I believe they tried. The horse could not pull the water-tub up.
7006. Q. And then, when the horse could not pull the water-tub up, they just let it rip? A. Yes; and stopped at the main headings.
7007. Q. What sort of ventilation was it in these places where you were—good air or bad air? The air was pretty good in that place.
7008. Q. Have you worked in places where the air has not been good? A. Yes.
7009. Q. Where? A. In No. 4 section.
7010. Q. What do you say about that? A. We were there on the night shift in one quarter; and you could sit down, and the perspiration would teem off you sitting down.
7011. Q. What for? A. It was so hot.
7012. Q. Was there anything else, besides the heat of the air, objectionable? A. Yes; there was the smoke, when we fired a shot. When we first went in the smoke would be there, and would be there when we went out sometimes, and would never leave.
7013. Q. And did not you do anything yourself to shift that smoke? A. We would take our shirts and fan it that way.
7014. Q. Ventilation by the shirt? A. It would not shift it much.
7015. Q. Did you make any complaint about those conditions? A. We have said to the night boss that it was very hot down there, and the air was not travelling much.
7016. Q. Whom was that to? A. Mr. Richardson.

7017. Q. And what did he do or say? A. He said the furnace man had the furnace in good order, when he was round there. We thought it was the furnace man had gone to sleep.
7018. Q. You were satisfied from what he said that the furnace man was awake? A. Yes.
7019. Q. Is that the only explanation he gave you? A. That is about all he said.
7020. Q. How many roads out of Keira do you know? A. Four. Three that we are allowed to travel; and the other that we are not.
7021. Q. Could you find your way out on this other one that you are not allowed to travel? A. Oh yes, I could. It is the tunnel-mouth.
7022. Q. Now, is there anything else you want to say about the conditions of the ventilation at Keira? A. No.
7023. Q. Did you ever see Mr. Jones in this smoky place? A. Yes.
7024. Q. Did he make any remark about the smoke? A. Oh no; I never saw him in the smoky place.
7025. Q. Where did you see him? A. In the dusty place.
7026. Q. Did he say anything about the dust? A. He said it was very dusty. It made him cough a little when he first came in, as we were just filling a skip.
7027. Q. Did he say anything about shifting you? A. He told us to put a cut-through over as soon as possible.
7028. Q. At that time how far was the cut-through away? A. I think it was pretty close to 50 yards.
7029. Q. And what about the brattice? A. The brattice was kept up pretty well. They kept the brattice up pretty fair—not as well as they kept it up after, though.
7030. Q. You mean after the explosion in Kembla? A. After the explosion.
7031. Q. Have the conditions improved at Keira since the explosion? A. Wonderfully.
7032. Q. At the present time are you getting enough air; or is there smoke hanging about your place still? A. Where I am at present there is any amount of air. We get the first current of air that comes into the mine.

Cross-examined by Mr. Bruce Smith:—

7033. Q. You knew nothing, I suppose, about coming here yesterday afternoon? A. Not the slightest.
7034. Q. You were never asked to come? A. No.
7035. Q. You simply got a subpoena when you came here? A. When I came home from work I got a subpoena.
7036. Q. And you have not been to the mine since? A. No.
7037. Q. You have spoken of a dusty place, and a smoky place, and a place in which you saw gas? A. Yes.
7038. Q. How do you describe the one which you call smoky—which part of the mine? A. In No. 4 section.
7039. Q. And the place that was dusty? A. In the Jump section.
7040. Q. And the place where you saw this gas on two occasions? A. On the Old Straight section.
7041. Q. They are all different places? A. All different sections.
7042. Q. And I understand that, upon two occasions on which you saw gas, it was five minutes after the shot had gone off? A. Yes.
7043. Q. That is to say, you had heard the shot; so that there was no doubt that it was not the shot which you saw? A. No.
7044. Q. But it was five minutes afterwards? A. Yes.
7045. Q. And, when you saw the light come round the corner, might that have been the light coming from the shot—a red light? A. It lasted too long. I cannot see that the powder would last so long. It was such a thumping noise, for a long time.
7046. Q. How long did it last? A. It lasted a few seconds.
7047. Q. Do you know there were two charges to go off on one of those occasions? A. Yes; there were.
7048. Q. In your opinion, would that have accounted for what you saw? A. Well, at the time I thought perhaps that may have been the case.
7049. Q. Did you notice any difference, in the colour of the flame that came round the corner, from the usual flame? I suppose you have often seen the light come round the corner from a shot when you have got out of the way? A. No; never.
7050. Q. You have never seen it before? A. No.
7051. Q. Then this is an entirely new experience, to see the light coming round the corner in that way? A. Yes.
7052. Q. When you got back after the shot, and saw the colour of the coal, what colour was it? A. It seemed to be whitish.
7053. Q. Have you talked these matters over with your brother before you came here? A. Well, we had not much talk about it. Of course, when I got the subpoena I asked him did he get a subpoena; and he told me "yes."
7054. Q. But have you talked these matters over as to what evidence you were going to be asked for? A. No.
7055. Q. Did you know what you were going to be asked about? A. No; I did not.
7056. Q. Until when? A. Until I came to the Court.

Cross-examination by Mr. Wade:—

7058. Q. You had no idea? A. Well, only just from knowing —[*Interrupted.*]
7057. Q. Did you know you were going to be asked some questions about seeing gas? A. No; I did not.
7059. Q. Knowing what? A. That Mr. Sells was at the Court; and when I got the subpoena I surmised that that must be what brought me here. I could not see what else it would be.
7060. Q. And you asked nobody? A. No.
7061. Q. How much of the coal do you say was white? A. Oh, just round the back, the coal up near the top.
7062. Q. You mean along the face? A. Yes, along the face, and a little bit along the rib too. It was not a great lot of white.
7063. Q. Do you say that was a sign of singeing? A. Yes, it appeared to me to be so.
7064. Q. How often do you know of the deputy being told there was gas in this place? A. He knows we have told him about seeing gas twice; and we have told him about this other occurrence too.
7065. Q. How often did he examine the place? A. Every day.
7066. Q. Did you say he made some special examination after you reported? A. Yes.
7067. Q. How often did he do that? A. Only the once.
7068. Q. You have told us of twice at all events;—you say he came in on one occasion, and asked you to bore a hole? A. That was on the same day. I call that all the one examination.
7069. Q. On one occasion he specially examined the hole you had bored in the face? A. Yes.

Witness—A. Gleeson, 21 January, 1903.

7070. Q. And on another occasion he made an examination, when you told him there had been gas, did not he ;—you say you saw it three times? A. Oh yes. When I saw it myself, McDonald examined ; but that was only on his usual every day examination.
7071. Q. And who was it examined the hole that was bored? A. Mr. Jubb.
7072. Q. Was McDonald there then? A. Yes. McDonald was there.
7073. Q. Did you say that Jones was never in this place where the smoke was bad? A. I never saw him there. It was on the night-shift I was working then.
7074. Q. Who was working there with you? A. My brother.
7075. Q. Did you go in at the same time? A. Yes.
7076. Q. Did you come out together? A. Yes.
7077. Q. Did he tell you to stop using so much powder? A. He never told us that.
7078. Q. Are you sure of that? A. Yes.
7079. Q. Was any complaint made of your using too much powder? A. Yes ; by Mr. Richardson, when we were firing shots in some loose coals there one night. I do not know whether he told it to us that we were using too much powder ; or to some other men, and the other men told us.
7080. Q. Did he complain of your using too much powder on this occasion? A. No.
7081. Q. Did you use less powder after that? A. No.
7082. Q. What do you mean when you say you fired shots among loose coal? A. He seemed to think we should get it without shots there.
7083. Q. You did not do any cutting there, did you? A. Yes ; we used to do a little cutting there.
7084. Q. How deep did you go? A. According to the holing. If I had 2 feet of holing, I would do 2 feet of cutting. If I had 3 feet of holing, I would do 3 feet of cutting.
7085. Q. How used you to do? A. Generally shoot it.
7086. Q. That is easier? A. That is easier in one sense.
7087. Q. It is all the same to you ;—you get paid just the same? A. Yes.
7088. Q. Now, did not Mr. Jones complain to you that you used too much powder? A. Not to us ; I never heard of it until this day.
7089. Q. And you never saw the smoke so thick that Mr. Jones could not find his way, and tripped, or anything like that? A. I believe I did on one occasion.
7090. Q. Did not Jones then tell you you were using too much powder? A. No. He told the man in the next bord.
7091. Q. He never told you? A. We were present. My mate was just arguing the point there with him about something.
7092. Q. Did he tell you and your mate that you were using too much powder? A. No.
7093. Q. Was not he speaking to you? A. He was speaking to the men in the other bord, and told them not to fire any more shots, except at knock-off time.
7094. Q. Did he give any reason for that? A. Not that I know of, except that he hurt his toe when he kicked it.
7095. Q. Do you think that is why he told them not to fire a shot? A. Yes.
7096. Q. Because he hurt his toe? A. Yes ; he could not see for the smoke.
7097. Q. And that is the reason he told them not to fire the shots? A. Yes.
7098. Q. Is that the place where the dust was bad? No.
7099. Q. Was the smoke so thick as all that—that he could not see where to put his feet? A. It was. I have seen the smoke so thick that —[*Interrupted*].
7100. Q. I am not asking what you have seen. I am asking was it so on that occasion? A. Yes ; the smoke was very thick on that day.
7101. Q. What was the size of the flame that lit when your brother pointed it out to you? A. He had been in himself, before.
7102. Q. He had been in, and he told you that the place had lit ; then he went back and pointed out where it was lit, and it lit again. A. Yes.
7103. Q. How much flame was there then? A. There was a flare just lit up, about the size of a bucket under the coal, and gradually went away there.
7104. Q. Did not it spread to the roof? A. No ; it did not go to the roof at all. It went under this — [*Interrupted*].
7105. Q. It just went in straight? A. Yes. [*The witness then retired.*]

CLIFFORD HAMMON was sworn, and examined as under :—

(This witness was called by the Commission, who asked Mr. Bruce Smith, as a matter of convenience, to conduct his examination-in-chief) :—

Examination by Mr. Bruce Smith :—

7106. Q. What is your name? A. Clifford Hammon.
7107. Q. What are you? A. A wheeler.
7108. Q. And you were engaged in the Mount Kembla Mine at the time of the explosion? A. Yes.
7109. Q. As a wheeler? A. Yes.
7110. Q. What part of the mine did you do your work in? A. No. 1 5th Right.
7111. Q. Just tell me what happened to you when the explosion took place? A. I was sitting down at the time of the explosion.
7112. Q. Whereabouts? A. Where I was wheeling on the flat.
7113. Q. I would like you to show me that ;—I suppose you understand a simple plan of the mine? A. Yes. (*looking at map*), I was sitting here. This was No. 90.
7114. Q. You were sitting by the cut-through? A. Here ; yes.
7115. Q. That is the first cut-through beyond the 5th Right rope-road? A. Yes.
7116. Q. You were at the mouth of the cut-through? A. Yes.
7117. Q. Which side of the bord were you sitting? A. On the right-hand side, going in.
7118. Q. That is about your position (*indicating position on map*)? A. Yes.
7119. Q. Which side of the cut-through? A. The outbye side.
7120. Q. You were sitting down ;—doing what—having lunch? A. Doing nothing.
- 7121.

7121. *Q.* What happened? What did you hear, or see, or feel? *A.* The first thing I heard was just like a rumbling noise, and like at the same instant a gust of wind came, and hot dust.
7122. *Q.* From what direction? *A.* From either the main tunnel or the travelling road.
7123. *Q.* Do you mean the travelling road behind you? *A.* Yes; down below.
7124. *Q.* Do you mean coming into No. 1? *A.* Going up the rope; yes.
7125. *Q.* You felt a gust of wind;—you are clear as to the direction you felt it;—what way was it going? *A.* This way—(Indicating)
7126. *Q.* We will call that an easterly direction.
7127. *His Honor.*] I understand you were in the bord a little way? *A.* Yes.
7128. *Q.* And it would come up the bord to you? *A.* Yes.
7129. *Mr. Bruce Smith.*] *Q.* It came up this way, then, from the south? *A.* Yes.
7130. *Q.* Now, that is immediately after the rumbling? *A.* Yes.
7131. *Q.* Was there anything else with the wind;—any dust or smoke? *A.* There was any amount of dust there—fine dust like soot. I was covered in that; and it was hot.
7132. *Q.* What did it do to you;—what effect had it on you? *A.* It blew me from where I was sitting to about 5 yards away.
7133. *Q.* It really moved you bodily? *A.* Yes.
7134. *His Honor.*] *Q.* Rolled you over? *A.* Blew me straight out.
7135. *Mr. Bruce Smith.*] *Q.* As you sat? *A.* Yes.
7136. *Q.* Shifted you as you sat? *A.* Yes.
7137. *Q.* And you found yourself 5 yards away? *A.* Yes.
7138. *Q.* Were you banged against the wall or the rib? *A.* No; straight in the middle of the road, like, as soon as it eased up.
7139. *Q.* Were you knocked about? *A.* A little bit. My ears and the back of my neck were scorched.
7140. *His Honor.*] *Q.* On the left side? *A.* Yes; on this side — (the left indicated).
7141. *Mr. Bruce Smith.*] *Q.* Were you facing the opposite side of the bord at that time, when you were sitting down? *A.* I was sitting on the left-hand side, and looking straight across.
7142. *Q.* At the rib-side? *A.* Yes.
7143. *Q.* What happened after you were blown 5 yards? *A.* As soon as I got my senses a bit I sang out.
7144. *Q.* Were you unconscious from the force of the wind? *A.* No; dazed like.
7145. *Q.* What did you sing out? *A.* I sang out for some miners to come down to where I was.
7146. *Q.* The names of the miners? *A.* Laidlaw and McKinlay.
7147. *Q.* Did they come down immediately? *A.* Yes. After they came down I said to them—they wanted to know what had happened—I did not know. I said, "Come down here and have a look at the horse." The horse was lying down.
7148. *Q.* Where was the horse when you were sitting down? *A.* Just below me, between me and the main rope road, at the feed-box.
7149. *Q.* Which way was he placed? *A.* He was faced inbye.
7150. *Q.* His head was up towards you? Yes, looking up towards the bord.
7151. *Q.* What happened to him? *A.* The last I saw of him he was lying down on the side of the road, when we left there.
7152. *Q.* That is when you said, "Come down and have a look at the horse"? *A.* Yes.
7153. *Q.* You could not see the horse then from where you were sitting? *A.* Before the explosion.
7154. *Q.* After the explosion? *A.* Oh, no.
7155. *Q.* How far down would he be? *A.* Five or 6 yards.
7156. *Q.* You had gone up to meet these men? Yes.
7157. *Q.* And you said, "Come down and have a look at the horse"? *A.* Yes.
7158. *Q.* How did you find the horse placed? *A.* Lying down.
7159. *Q.* In the same place where you left him? *A.* He was shifted across the road, and lying down amongst the timber.
7160. *Q.* And outbye of where he had been, or inbye? *A.* Inbye.
7161. *Q.* He had been driven in the same direction as you? *A.* Yes.
7162. *Q.* Only he was driven across the bord? *A.* Yes.
7163. *Q.* And as near as you can say he had been driven 10 yards? *A.* Yes.
7164. *Q.* When he was standing feeding had he harness on? *A.* Yes.
7165. *Q.* Had he harness on when you saw him lying down? *A.* Yes; just the same.
7166. *Q.* Was he knocked about? *A.* We never stopped to see. As soon as we had a look at him, Laidlaw said, "He is dead; let's get out of this." And we went then.
7167. *Q.* Which way did you go out? *A.* We went straight out of No. 90, until we came to a cut-through, and straight out of that.
7168. *Q.* You went up bord No. 90, and then out by the daylight tunnel? *A.* Yes.
7169. *Q.* Had McKinley and Laidlaw anything to say about it then;—had they experienced anything? *A.* No; only a gust of wind like—just wind.
7170. *Q.* And you simply went out? *A.* Yes.
7171. *Q.* Did you see anybody else? *A.* Oh, we saw about twenty or twenty-five miners going out.

Cross-examination by Mr. Wade:—

7172. *Q.* How long after you first heard the rumbling did you get blown away? *A.* The shock came almost the same instant.
7173. *Q.* Do I understand that you were facing sideways on to this gust as it came up? *A.* Yes; sideways on.
7174. *Q.* Which side was towards the gust? *A.* The left.
7175. *Q.* Did you see any flame? *A.* No.
7176. *Q.* No flame or fire? *A.* I shut my eyes as soon as it started to come.
7177. *Q.* When you were first conscious of it coming, what did you see then? *A.* I did not see anything, only a black cloud.
7178. *Q.* You did not see any red cloud? *A.* No; no red.

Witness—C. Hammon, 21 January, 1903.

7179. Q. I suppose you discovered afterwards this black cloud was dust? A. That was dust and smoke.
 7180. Q. Now, was this very hot? A. Yes; red hot.
 7181. Q. You say there was no flame? A. Well, it would burn you wherever it touched you. Of course it was not red.
 7182. Q. But still it was hot enough to burn you? Yes.
 7183. Q. What were you working in? A. Just in pants and short-sleeved shirt.
 7184. Q. Did it have any effect on the exposed parts of your body or arms? A. Just like a scorching.
 7185. Q. It scorched you? A. It scorched me wherever I had no clothes on.
 7186. Q. What effect did it afterwards have on your skin? A. None. Afterwards I was all right.
 7187. Q. What about your skin afterwards? A. The skin all came off where it got scorched.
 7188. Q. That is the outside skin? A. Yes.
 7189. Q. That is wherever you were scorched? A. Just like it comes off when you are sunburnt; yes.
 7190. Q. Now, did you see some of those men who were dead afterwards? A. Yes.
 7191. Q. Did you see any skin come off any part of their body? A. Yes.
 7192. Q. Did it come off in the same way as it came off yours? A. No; it was worse.
 7193. Q. In what way was it worse? Do you mean there was more of it? A. More of it; and burnt worse, like.
 7194. Q. But what was burnt! A. All their body was burnt.
 7195. Q. Do you mean that there was more of the body burnt than in your case? A. Yes.
 7196. Q. Did you see the skin hanging loose, having come off their arms; A. Yes; I saw the skin all shrivelled up on them; and they were burnt so that you could hardly tell them.
 7197. Q. And were their arms very black? A. Yes.
 7198. Q. And I suppose you were very black too? A. Oh; I was black.
 7199. Q. What became of your lamp or your cap? A. I kept them; they were on my head.
 7200. Q. They were not blown off? A. No; the lamp was fastened in the cap.
 7201. Q. I suppose the lamp was alight? A. Yes; the cotton wick got levelled off just like as if it was cut off with a knife.
 7202. Q. The part that was outside the spout? A. Yes.
 7203. Q. Was levelled with what? Levelled with the edge of the spout? A. Yes.
 7204. Q. Did you examine your horse at any time afterward to see if he was singed? A. I looked at him afterwards. He did not appear any the worse for it.
 7205. Q. He is alive now, and working? Yes; I am working with him now.
 7206. Q. Did you examine him to see whether the hairs under the jaw were singed or not? A. No; I just stood at a distance and looked at him in the stable.
 7207. Q. And then you went away from Kembla, I understand? A. Yes; I went to Newcastle.
 7208. Q. And you did not see him until you came back? A. No.

Cross-examination by Mr. Lysaght:—

7209. Q. What made you come back from Newcastle? A. I expect because I liked this better than Newcastle.
 7210. Q. Did anyone write for you to come back? A. No.
 7211. Q. Were you asked by the management to come back? A. Well, yes; I believe I was.
 7212. Q. Now, look, Hammon, you know perfectly well you were? A. I just remember about this. The boss of the wheelers told another wheeler to write up for me; but I never got that letter.
 7213. Q. Who is the boss of the wheelers? A. Adam Frost.
 7214. Q. And he directed another wheeler to write up for you? A. To write to me.
 7215. Q. You did not get that letter? A. I had left there before that letter got there.
 7216. Q. Before you left had you not got word that you were wanted back at Kembla? A. No.
 7217. Q. Did you ever get that letter that was sent on to you? A. No.
 7218. Q. Never got it yet? A. No.
 7219. Q. Now, have you had any conversation with Mr. Rogers regarding the disaster? A. Yes.
 7220. Q. When had you the last conversation? A. A week ago to-night, I think it was.
 7221. Q. Where was it? A. In his office.
 7222. Q. Did he send for you? A. Yes.
 7223. Q. Did he ask you on that occasion had you been burnt? A. Yes.
 7224. Q. And what did you tell him? A. I told him "yes."
 7225. Q. And what did he say? A. I do not know. I forget now what he said.
 7226. Q. Now, just try and think what he did say when you told him you were burnt? A. I could not think what he said. They took down whatever I told them.
 7227. Q. Who took it down? A. The clerk at the pit—Warburton.
 7228. Q. Was there anyone else present besides Mr. Rogers? A. Mr. Hotchkis, the underground manager.
 7229. Q. Anyone else? A. No.
 7230. Q. Did you know what they were taking this statement down for? A. No; I did not. I did not know they were taking it until they were very near finished.
 7231. Q. Then how did you know? A. Well, I dropped that they were taking it when I saw them writing. They were writing down as I told them.
 7232. Q. Behind your back? A. No; in front of me.
 7233. Q. Could not you see them writing it down? A. Well, I never took any notice for awhile. They were writing when I first came in there.
 7234. Q. Did you sign that statement? A. Yes.
 7235. Q. Do you know where it is now? A. No.
 7236. Q. Have you altered that statement since last week? A. No.
 7237. Q. Did not you tell Mr. Rogers that you were burnt in other places besides the neck? A. The ears, the neck, and the arms. Wherever there were no clothes on me I was scorched.
 7238. Q. And you told him that? A. Yes.
 7239. Q. Now, did not you also tell him that your clothing was burnt in parts? A. No, I did not.
 7240. Q. Not your shirt? A. No.

7241. *Q.* Was not your shirt, near your arms here, singed? *A.* Well, I do not think so. I never looked at the shirt anyhow: but I never told him that it was singed.
7242. *Q.* Do you know whether it was singed or not? *A.* No; I never looked.
7243. *Q.* Did you tell Mr. Rogers that you did not see any flame? *A.* Yes.
7244. *Q.* He asked you that question? *A.* Yes.
7245. *Q.* Now, as a matter of fact, directly you heard the sound you shut your eyes? *A.* Yes; as soon as the gust of hot dust and stuff came.
7246. *His Honor.*] *Q.* The question is: did you shut your eyes because you thought there was something coming, when you heard the sound; or did you shut your eyes when you found there was something coming?
7247. *Witness.*] *A.* When I felt it.
7248. *Mr. Lysaght.*] *Q.* Could not you see what was coming? *A.* I did not want to see it.
7249. *Q.* Did you see what was coming; or did you shut your eyes directly you heard the sound? *A.* No; as soon as this stuff came I shut my eyes.
7250. *Q.* Then you saw it coming? *A.* I saw it in a kind of a way.
7251. *Q.* How long was it you saw it coming before it touched you? *A.* A second.
7252. *Q.* And you at once shut your eyes? *A.* Yes.
7253. *Q.* So that there might have been flame there, for all you know? *A.* There might have been flame there, for all I know.
7254. *Q.* Do you know what it was scorched you, if it was not this flame? *A.* This hot dust.
7255. *Q.* If there was no flame there could you account for your being scorched? *A.* Only the dust.
7256. *Q.* Did it burn your boots? *A.* No.
7257. *Q.* Did it shrivel them up? *A.* No.
7258. *Q.* Had it any effect on your hair? *A.* No; I do not think so.
7259. *Q.* Now, do you not remember whether it singed your hair;—just you think whether you remember your hair being singed. *A.* Well, I was not told about its being singed, anyhow; and I could not see it.
7260. *Q.* Did not you notice after the disaster? Did not you look to see whether your hair had been singed at all? *A.* I never looked.
7261. *Q.* Did you look to see the appearance at the back of your ear? *A.* I could feel it.
7262. *Q.* Did you get a glass to look at that? *A.* Yes.
7263. *Q.* Now, what was the extent of the burning on the back of the ear;—did not it burn the hair too? *A.* That was after I went home and got a wash.
7264. *Q.* Did not it burn the hair at the back of the ear too? *A.* I could not see it burnt then.
7265. *Q.* When did you see it burnt? *A.* I did not see it burnt at all.
7266. *Q.* Did the skin peel off your neck? *A.* Yes.
7267. *Q.* Now, which was the more severely burnt—your neck or your arms? *A.* The ears. The ears were the worst. This ear [*indicating the left ear*].
7268. *Q.* Now, you might tell me this: is that the only conversation you had with Mr. Rogers about the disaster? *A.* Yes.
7269. *Q.* You are clear upon that answer now, that that is the only conversation? *A.* That is all.
7270. *Q.* Have you had any conversation with any other officials about the disaster—officials of Kembla Mine? *A.* No; I have not.
7271. *Q.* When did you know that you were to come as a witness here? *A.* I did not know until last night.
7272. *Q.* Did not Mr. Rogers tell you you were wanted? *A.* Mr. Rogers gave me a bit of an idea, you know.
7273. *Q.* What did he tell you? *A.* He told me that I might be called.
7274. *Q.* Where? *A.* Here. He told me that, the night I was there.
7275. *Q.* Will you tell me what was in that statement that you gave to Mr. Rogers? *A.* Something the same as I have given here to-day.
7276. *Q.* Was there anything that you told him that we have not got out from you;—try and think carefully. It is only a week ago? *A.* I did not tell him any more.
7277. *Q.* Who was it asked you to go into Mr. Rogers' office? *A.* Adam Frost.
7278. *Q.* And did he tell you what sort of statement you were to make? *A.* No; he did not tell me anything: and when I was going home that night I saw Mr. Rogers, and I asked him what he wanted me for then; and he would not tell me. He said, "Come to the office at 7 o'clock"; and I did not know what he wanted me for until I got there.
7279. *Q.* Why did you leave Mount Kembla? *A.* There was not much work. There were only about two days' work a fortnight after the explosion.
7280. *Q.* Could you not be put on helping to clear the roads? *A.* I was doing that; and there were too many men; and I could only get two days a fortnight.
7281. *Q.* Were you discharged, or did you leave of your own accord? *A.* I left of my own accord.

[At 1 p.m. the Commission adjourned for luncheon.]

AFTERNOON.

(On resuming at 2:15 p.m., Mr. W. R. Pratt attended to take shorthand notes of the evidence and proceedings.)

CLIFFORD HAMMON, previously sworn, was further examined as under:—

7283. *Mr. Lysaght.*] *Q.* Did you have any conversation with any of the officials that night? *A.* Only with the underground manager, when he told me to come here.
7284. *Q.* You have not been subpoenaed, have you? *A.* No.
7285. *Q.* Who is the underground manager? *A.* Mr. Hotchkis.
7286. *Q.* By his direction you came here? *A.* Yes.
7287. *Q.* Is that all he told you? *A.* That is all.
7288. *Q.* At this interview with Mr. Rogers, Mr. Hotchkis, and Mr. Warburton, who did the writing?
A. Mr. Warburton.

Witness—C. Hammon, 21 January, 1903.

7289. Q. Did he ask you any questions ; or did you give a statement? A. I gave a statement ; and a few questions were asked.
7290. Q. Did he ask you whether you had ever seen any gas in Kembla? A. No, they never asked me that.
7291. Q. Do you remember seeing Mr. Bates or Mr. Nelson before the explosion? A. Yes, ten minutes or a quarter of an hour before.
7292. Q. Where were you then? A. I was sitting down at the same place as I was when the explosion happened.
7293. Q. Did they speak to you? A. They said good day.
7294. Q. Which way did they pass? A. They went out of the haulage road into the main tunnel.
7295. Q. Do you know what time it was when they passed you? A. Somewhere about 2 o'clock, I expect ; I cannot say to a few minutes.
7296. Q. Do you remember how long it was after they passed you before you heard a noise? A. About ten minutes or a quarter of an hour.
7297. Q. Do I understand you to say that your lamp was blown out? A. Yes.
7298. Q. Did you notice any smell? A. There was a smell.
7299. Q. What was it like? A. It was like smoke or steam. I cannot describe it.
7300. Q. Did it smell like sulphur? A. No.
7301. Q. Did you ever notice it before? A. No.
7302. Q. Did it smell like canvas? A. Yes, like the smell of new brattice:
7303. Q. Did you notice any brattice scorched or burnt? A. No.
7304. Q. Did you notice whether the harness was torn off the horse? A. No, I never noticed.
7305. Q. You told us that a number of men were burnt a good deal worse than you. Who were they? A. F. Smith was one. That was the only one I noticed.
7306. Q. Do you know where he was working? A. On the left hand rope road ; somewhere there, from what I am told.
7307. Q. You do not know of your own knowledge? A. No.
7308. Q. Did you notice which was his road out? A. Yes ; he would be going the way I went down every night.
7309. Q. Did you travel that road daily? A. Yes.
7310. Q. Is that the only way you know out of the mine? A. The travelling road and daylight heading.
7311. Q. Those are the only two ways? A. Yes.

Re-examination by Mr. Bruce Smith :—

7312. Q. You told us where F. Smith was working ; was it No. 94 on the plan? A. I think that is Charles Smith.
7313. Q. What did F. Smith do there? A. He was a clipper.
7314. Q. Where would his work be? A. Oh, it would be about half-a-mile away.
7315. Q. In No. 1? A. In No. 1, on the left road.
7316. Q. Near the telephone tunnel—by you? A. Half a mile from me.
7317. Q. Do you know where the body of Nelson was found? A. No.
7318. Q. Tell me the points between which F. Smith would work, as near as you can? A. (*Looking at map.*) Between Stafford's Flat and No. 1 main level.
7319. Q. He only came half way down? A. He did not go up to the main level.
7320. Q. Is it a fact that he was working near the telephone cabin? A. His work was not near that place.
7321. Q. Do you know that his work was between Stafford's Flat and No. 1 main level? A. No.
7322. Q. Was your work and his connected? A. No.
7323. Q. Did you meet him? A. No ; we used to meet there.
7324. Q. At that time? A. Yes.
7325. Q. Where did you see him this last time? A. Outside.
7326. Q. After the thing was over? A. Yes, the next day.
7327. Q. Do you know that he was found near the telephone cabin—actually in it? A. No, I did not.
7328. Q. You are asked whether you saw anybody burnt more than you were? A. That boy was.
7329. Q. How was he burnt? A. He was burnt till all the flesh was parted on his body.
7330. Q. Do you mean split open? A. Cracked and broke.
7331. Q. Did you see his hair? A. I never took any notice of his hair.
7332. Q. What clothes had he got on? A. Just a pair of pants and his boots.
7333. Q. Where you saw the flesh had parted—was it on the chest? A. All over his body—in front.
7334. Q. Do you mean cracked ; or was the skin hanging off? A. Cracked and hanging off. He was terrible.
7335. Q. What colour was it? A. Black.
7336. Q. Was there any coal dust on it? A. He had coal dust all over him.
7337. Q. Now how long were you with Mr. Rogers over this affair? A. About an hour, I should think.

Cross-examined by Mr. Wade :—

7338. Q. I want to ask you about that. Did you tell what you knew about the matter when you were asked? A. Yes.
7339. Q. Did any one of those three gentlemen ask you to say anything that was not true? A. No ; and what I gave I gave of my own free will.
7340. Q. How long had you been back at Kembla before you saw Mr. Rogers? A. About a week and three days.
7341. Q. With regard to Frost, the boss contractor, is that Adam Frost, senior? A. No, young Adam Frost.
7342. Q. Were you under him before the explosion? A. Yes.
7343. Q. His father is contractor to the mine? A. Yes.
7344. Q. With regard to Charles Smith, the man working in the 5th Right, did you see which way he went out? A. The same way as myself.
7345. Q. Through the daylight heading? A. Yes.

Re-examined by Mr. Bruce Smith:—

7346. *Q.* Were you asked to give evidence at the Coroner's inquest? *A.* No.
 7347. *Q.* You were not here then? *A.* Not at the beginning; I was here for the first couple of days; and then I went away.
 7348. *Q.* Did you come to the Court? *A.* No.
 7349. *Q.* What were you ever spoken to about it? *A.* No.
 7350. *Q.* By nobody? *A.* No.
 7351. *Q.* Did you make any statement up to the time that you went away? *A.* No.
 7352. *Q.* Had you spoken to anybody connected with the mine? *A.* No.
 7353. *Q.* Did you offer yourself as a witness? *A.* No.

Examined by Mr. Ritchie:—

7354. *Q.* Who first informed you that the Manager wanted to see you, or for you to make a statement? *A.* Adam Frost.
 7355. *Q.* Did he tell you while you were at work during the day? *A.* No; Jack Morgan told me the first time, and Frost afterwards.
 7356. *Q.* What were the exact words he said to you? *A.* He just told me that Mr. Rogers wanted to see me at the office at 7 o'clock.
 7357. *Q.* Did he tell you what it was about? *A.* No.
 7358. *Q.* Do you know Charles Smith? *A.* Yes.
 7359. *Q.* Do you know that he gave evidence here? *A.* Yes.
 7360. *Q.* Was it before Smith gave evidence, or afterwards, that you were told? *A.* Afterwards.
 7361. *Q.* Did Mr. Rogers ask you, or did any of the officials ask you, whether you had read what Smith said? *A.* No.
 7362. *Q.* Did they make any reference to what Smith had said? *A.* No.
 7363. *Q.* They did not say anything about what Smith had said? *A.* They told me something about Smith telling them that he had found me. He had come down and found me—I would not be sure what it was—and that he took a lot of men out, and that he found a way out for them.
 7364. *Q.* Did they ask you whether it was correct? *A.* They asked me what I knew.
 7365. *Q.* Did Mr. Rogers tell you that they intended taking down in writing what you were saying. *A.* No.
 7366. *Q.* You only discovered that they were taking it down? *A.* Yes, the clerk was writing when I went in. I did not know that he was writing my statement. When I went in he got another slip of paper, and wrote down what Mr. Rogers asked me and what I said.
 7367. *Q.* Did Mr. Rogers tell you why he wanted you to sign it? *A.* No.
 7368. *Q.* What did he say? *A.* He asked me to sign it; and I read it and signed it.
 7369. *Q.* It was absolutely correct? *A.* Yes.
 7370. *Mr. Wade.*] It is through a message that I sent to Mr. Rogers that I got this witness here. As soon as I found that Hammon was at the mine, I sent up to them to get a statement from him.
 7271. *Mr. Lysaght.*] I do not know whether Mr. Wade would have any objection to my seeing that statement.
 7372. *Mr. Wade.*] I will get it.
 7373. *His Honor.*] Have you got it here?
 7374. *Mr. Wade.*] I have seen it, but I have not got it here.

MR. WILLIAM HARLEY was sworn and examined as under:—

Examination-in-chief by Mr. Lysaght:—

7375. *Q.* What is your name? *A.* William Harley.
 7376. *Q.* What are you? *A.* A coal miner.
 7377. *Q.* Where are you working? *A.* At Woonona Colliery.
 7378. *Q.* How long have you been there? *A.* Several years.
 7379. *Q.* Have you worked in any other colliery? *A.* At Helensburgh, and at Bulli.
 7380. *Q.* How long at Helensburgh? *A.* Three and a half years.
 7381. *Q.* How long at Bulli? *A.* About ten years.
 7382. *Q.* What has your total experience been? *A.* About sixteen years coal mining.
 7383. *Q.* Are you a member of the Delegate Board of the Illawarra District? *A.* Yes.
 7384. *Q.* Did you go to Kembla at the time of the disaster? *A.* No.
 7385. *Q.* Well now, take the recommendations of the Board. No 1—"Managers, under-managers, deputies, and shot-firers, to hold certificates of competency by examination, and to have had five years' practical mining experience, before being eligible for their respective positions." Have you anything to say regarding that? *A.* Regarding the experience of Managers.
 7386. *Q.* As regards that recommendation, can you say anything in support of it? *A.* Yes, I believe they ought to have certificates. It would be far better for all of them to have them.
 7387. *Q.* Has your Manager a certificate by examination? *A.* I cannot say.
 7388. *Q.* What sort of lamps have you at your mine? *A.* Naked lights.
 7389. *Q.* Who does the shot-firing? *A.* The miners do it themselves.
 7390. *Q.* Has gas been discovered at Woonona to your knowledge? *A.* Never, to my knowledge.
 7391. *Q.* Has it the reputation of being a non-gassy mine? *A.* As far as I know.
 7392. *Q.* Who is your deputy? *A.* Joseph Fowler.
 7393. *Q.* Do you know whether he passed any examination? *A.* I could not say.
 7394. *Q.* Recommendation No. 2 is that "Inspectors be vested with absolute power to order the use of safety lamps"? *A.* Yes, I think it would be better if the Inspectors had that power.
 7395. *Q.* Do you know of any colliery where they desired safety-lamps, and the Manager refused to have them? *A.* No.
 7396. *Q.* Recommendation No. 3 is, "Ventilation by furnace prohibited, and fans substituted"? *A.* Fans are the best.

Witness—W. Harley, 21 January, 1903.

7397. Q. Have you worked in collieries having furnaces? A. Yes, at Bulli and at Woonona.
 7398. Q. What was the air like at Bulli? A. Very good. As far as I can recollect the furnace is at Bulli at the present time.
 7399. Q. What have you at Woonona now? A. A fan.
 7400. Q. When was it put in? A. Three or four years back.
 7401. Q. Recommendation No. 4 is, that "Waste workings to be absolutely sealed off, and surrounded by return airways for fear of emissions; such return airways not to come in contact with intake"? A. Yes.
 7402. Q. Are the waste workings sealed up at Woonona? A. Some are, at all events.
 7403. Q. What with? A. Some with brattice, and some with bricks.
 7404. Q. Does the intake air pass these wastes? A. Yes.
 7405. Q. In your opinion does that materially affect the air? A. When the men are working.
 7406. Q. I mean where the intake air passes the waste workings;—does that make the air bad? A. No.
 7407. Q. That has not been your experience? A. No, it has not.
 7408. Q. With regard to No. 5—"All places, except prospecting drives, to have cut-throughs not more than 30 yards apart." How are your cut-throughs at Woonona? A. Some are 40 yards; some are 60 yards; and I have driven places myself 100 yards.
 7409. Q. Is brattice up to the face? A. Yes.
 7410. Q. If the cut-throughs were only 30 yards apart, would they weaken the roof? A. I do not think so.
 7411. Recommendation No. 6 is that "Inspection should be made with locked safety-lamp on all occasions"; but I will pass that over, and come to No. 7; which is that "A monthly examination and report be made by deputies and District Inspectors with the hydrogen flame." What do you say to that? A. I think it should be done.
 7412. Q. Is there any examination made with locked safety-lamps in your colliery? A. Yes.
 7413. Q. Every day? The deputy comes round about 11 o'clock.
 7414. Q. Do you know of any examination by the hydrogen flame? A. Only by the Government Inspector.
 7415. Q. How long ago was that? A. About a month ago.
 7416. Q. Do you know whether he discovered any gas or traces of it? A. I cannot say.
 7417. Q. I will pass over Nos. 8, 9, 10, and 11; and I now come to No. 12, which recommends—"An extra supply of safety-lamps and their requisites, equal to one-third of the number of persons employed below ground, to be kept constantly in good order and ready for use." Have you any reserve at your colliery? A. Not that I am aware of.
 7418. Q. Have you seen any, except those which the deputy uses? No, only those which the deputy and Manager use.
 7419. Q. Recommendation 13 is—"Travelling and haulage roads, and other places necessary, to be properly watered." Is your colliery dusty? I cannot say.
 7420. Q. Have you any appliances for watering? A. The only watering is by tubs, by water got out of the old workings.
 7421. Q. Are the travelling-roads watered? A. They are pretty wet themselves.
 7422. Q. Are the haulage roads watered? A. These are watered by water from the old workings.
 7423. Q. Are the working places watered? A. No.
 7424. Q. When you fire a shot, do you raise dust? A. I have seen no dust from a shot.
 7425. Q. I will pass over Nos. 14 and 15, and come to No. 16, which recommends that the "size of manhole be enlarged." What size are yours? A. About 4 feet square.
 7426. Q. Is the travelling-road at your colliery also the haulage road? A. Not now.
 7427. Q. Recommendation No. 18 is—"Instruction to be given to employees regularly on the means of escape." How many ways do you know out of the Woonona mine? A. One travelling-road, and another road out past the fan. The men themselves do not get instructed on that. I do not think they are allowed to go on it.
 7428. Q. You know that road in case of disaster? A. Yes.
 7429. Q. Those are the only two you do know? A. Yes.
 7430. Q. Recommendation No. 19 is that "The Coal Mines Act should forbid a black list of employees being kept, and penalising improper prevention of discharged persons obtaining employment." Can you give me any instances where people have been prevented from obtaining work? A. I cannot.
 7431. Q. You support the recommendation? A. Yes.
 7431½. Q. If such a provision is made, would it induce the men to report what they observe? A. Yes.
 7432. Q. Do you know whether the men have in the past abstained from reporting? A. I have heard of it.
 7433. Q. Is it your experience? A. No.
 7434. Q. You have heard of it in your own colliery? A. Yes.
 7435. Q. Recently? A. Yes.

Cross-examined by Mr. Bruce Smith :—

7436. Q. You were at Bulli ten years? A. It is nine or ten years since I was there.
 7437. Q. I thought you said that you were there ten years;—how long were you there? A. Well, I was there nine or ten years. I was 13 years old when I started.
 7438. Q. During that time have you any reason to complain of the ventilation? A. No.
 7439. Q. The mine was well bratticed up? A. Yes.
 7440. Q. You cannot remember a case of the air reversing suddenly, so that you had to complain of it? A. No.
 7441. Q. There was a furnace in that mine? A. Yes.
 7442. Q. Woonona had a furnace? A. It had previously.
 7443. Q. There is a fan there now? A. Yes.
 7444. Q. You say that there are some places where there are 100 yards between the cross-cuts? A. I have driven them myself.
 7445. Q. Have you had reason to complain of the ventilation there? A. Once.
 7446. Q. How long ago? A. Two years.
 7447. Q. Was that place well bratticed up? A. It was very narrow. We were driving a 7-foot heading; the brattice was close to the head.
 7448. Q. How long were you at it? A. Pretty well nine months.
 7449. Q. You only complained once during nine months? A. I did not make a practice of complaining.
 7450. Q. There was only one occasion on which you felt disposed to complain? A. Yes.
 7451. Q. Was that remedied at all? A. No.

7452. *Q.* Was it the last part of the 100 yards? *A.* The last part. One man was in a bord; and the other was in a heading. The Inspector was coming in. I was driving the heading; and they brought me back to the bord. They fenced the heading off: but the next day I was put into it again.
7453. *Q.* The alteration was only made for one day, when the Inspector came? *A.* Yes.
7454. *Q.* And they put you back after he had been there? *A.* Yes, I was put back after he had been there.
7455. *Q.* Did you know that the Inspector was coming? *A.* Not until they brought us out.
7456. *Q.* Did any of the people of the mine know that he was coming? *A.* Not that I know of.
7457. *Q.* Did you hear any conversation in the mine that led you to suppose that anyone knew that he was coming? *A.* No.
7458. *Q.* When did you hear it that morning? *A.* When I was coming out of the heading; when the Inspector was coming in.
7459. *Q.* How long before he came to your place? *A.* He brought me back to the bord to work with my mate. Then some one came up, and told us that we had to go out on the engine road, to timber it. The next day they put me back in the heading again.
7460. *Q.* Who was the Manager? *A.* Charlie Heath.
7461. *Q.* Who was the Inspector? *A.* Inspector Rowan.
7462. *Q.* You say you were at work nine months in that heading? *A.* In that and other parts.
7463. *Q.* I mean the part where you were driving 100 yards up. When did you experience the shortness of air? *A.* A long way up.
7464. *Q.* About half way? *A.* Yes.
7465. *Q.* You had no reason to complain of air for 50 yards? *A.* It was my mate, he was always complaining I did not make it a practice to complain.
7466. *Q.* Were you less sensitive than he was? *A.* I did not make it a practice.
7467. *Q.* Had you any reason? *A.* Yes, I could have complained.
7468. *Q.* The air was not satisfactory? *A.* No.
7469. *Q.* It was not satisfactory when you got past 50 yards? *A.* No, it was not.
7470. *Q.* Up to that point it was all right? *A.* No, it was not all right then.
7471. *Q.* How long is this ago? *A.* Between twelve months and two years.
7472. *Q.* Did your mate complain? *A.* He was complaining nearly every day.
7473. *Q.* To the deputy? *A.* Yes, Joseph Fowler.
7474. *Q.* Did he do anything to remedy it? *A.* He tried to, by keeping the brattice well up and well down to the floor; and he tried to cover all the holes in.
7475. *Q.* Your mate complained for both of you? *A.* Yes.
7476. *Q.* You were feeling that the air was not sufficient? *A.* Yes.
7477. *Q.* Is that the experience on which you had founded the belief that cut-throughs should not be more than 30 yards apart? *A.* Yes.
7478. *Q.* Now, have you any reason to believe that you were taken out of this heading because they knew that the Inspector was coming? *A.* None at all.
7479. *Q.* You heard of it an hour before he came? *A.* They put me back in the bord first, and then sent a man to put us both on the engine road timbering. I passed the Inspector on the engine road.
7480. *Q.* That is, an hour before he came to your part of the mine? *A.* Yes.
7481. *Q.* You cannot tell me whether the Inspector had come to the mine before? *A.* No.

Cross-examined by Mr. Wade:—

7482. *Q.* In what direction was the Inspector going when you saw him? *A.* He was in the engine road.
7483. *Q.* What time—about 10 o'clock? *A.* About 10 o'clock; we came in about 9 o'clock.
7484. *Q.* Who came to you? *A.* A road-man named Arthur Reeves.
7485. *Q.* You were by yourself? *A.* I was in a heading about 50 yards past the bord.
7486. *Q.* How did the air circulate? *A.* It travelled up the heading first by the brattice, round the heading, and back to the bord.
7487. *Q.* Did you do any work in the heading? *A.* Yes.
7488. *Q.* And at the bord? *A.* About a quarter of an hour at the bord.
7489. *Q.* And when was it? *A.* As near as I can tell you about twelve months or two years ago.
7490. *Q.* Where is Heath now? *A.* Dead.
7491. *Q.* And Rowan? *A.* I believe he is in the Old Country.
7492. *Q.* You say that nobody told you that morning that the Inspector was coming? *A.* No.
7493. *Q.* The first thing you knew of it was when you met him on the road? *A.* Yes; that is the first I knew of it.
7494. *Q.* Do you know how long he was there? *A.* I think he passed us going out again, about 1 o'clock.
7495. *Q.* When did you finish the job upon the engine road? *A.* That shift.
7496. *Q.* You finished what you were to do? *A.* Yes.
7497. *Q.* Is this the fact: that when you and your mate were in a bord together—but where were you; in a bord, or in the heading? *A.* I was in the heading until they brought me out; and then I did work for a quarter of an hour in the bord.
7498. *Q.* Where was the canvas put up? *A.* Across the heading.
7499. *Q.* Is this what was done—to put the brattice across the heading, and give you the benefit of the air? *A.* No, they put a fence across the heading.
7500. *Q.* To save the air travelling up the heading and take it to you? *A.* No. The brattice is put up to drive it in the bord and out again.
7501. *Q.* This time you say that the brattice was put there to cut off the heading? *A.* No.
7502. *Q.* You say that the air was turned into the bord, and that you were there? *A.* No.
7503. *Q.* Do you say that the air was not turned into the bord? *A.* It had to go to the heading first.
7504. *Q.* Then the air was not put off the heading? *A.* It went up the heading, between the brattice and the rib, behind the bord, and out again.
7505. *Q.* You say that when they brought you out of the bord they put a fence there? *A.* Yes.
7506. *Q.* They did not put the canvas across there? *A.* No.
7507. *Q.* Then the air travelled just the same that day as it had done on previous days? *A.* Yes.

Witness—W. Harley, 21 January, 1903.

7508. Q. Then you say that a fence was put up across the heading from which you and your mate had been withdrawn;—and that the air current travelled the same that day as on previous days? A. Yes.
 7509. (A rough sketch of the air current drawn by the witness was shown to the Commissioners.)
 7510. Q. Then the air was not better in the face of the bord than it was at the heading that day? A. No better.
 7511. Q. It would make no difference in connection with the examination of the mine? A. No.

Re-cross examination by Mr. Bruce Smith :—

7512. Q. That fence which you speak of was an indication that you were not to go up there? A. Yes.
 7513. Q. And that the heading was dangerous? A. It was an indication that work at the heading had been stopped.
 7514. Q. Was there any gas there? A. No.
 7515. Q. If there had been gas there, it would have been brought round to your bord? A. Yes.
 7516. Q. Anything in the heading would go to your bord? A. Yes.
 7517. Q. Do you know any reason for fencing it up? A. No.
 7518. Q. You say you never found any gas there? A. No.
 7519. Q. And never reported it? A. No.
 7520. Q. That was the only time in nine months that you had ever been stopped going there? A. Yes.
 7521. Q. Did you ever hear any explanation of it? A. No.
 7522. Q. Was it taken away immediately? A. Yes.
 7523. Q. The same evening? A. Yes.
 7524. Q. Did you ever ask why the fence was put across there? A. I did not.
 7525. Q. Did you express any surprise to the deputy? A. I did not.
 7526. *His Honor.*] Q. Did the Inspector go up to that heading? A. I cannot say. I was not there the remainder of the day.
 7527. *Mr. Bruce Smith.*] Q. You were sent to other work? A. Out on the engine road.
 7528. Q. Had you ever been put on that kind of work before? A. Yes.
 7529. Q. Often? A. Not often. I might have been, three or four shifts.
 7530. Q. In nine months? A. Yes.
 7531. Q. Were you kept there the whole of the shift? A. The whole of the shift.
 7532. Q. And you came back? A. The next day.
 7533. *His Honor.*] Q. Was there anything wrong with the roof in that heading? A. No.
 7534. *Mr. Bruce Smith.*] Q. Was anything done to strengthen the roof? A. No.
 7535. Was anything done to suggest why they had taken you off—any timbering? A. There was only the timber I put there myself.
 7536. Q. Had the Government Inspector been there at any time you were not working there? A. No; I did not see him.
 7537. Q. Had he been in the mine during the nine months? A. Yes.
 7538. Q. You say that you were working in the heading, and your mate in the bord? A. Yes.
 7539. Q. You were taken from the heading? A. Yes, and put in the bord, and afterwards on the engine road.
 7540. Q. And your mate, too? A. Yes, we were both working together.
 7541. Q. And if the Inspector went to that place he would not find anyone working there, either you or your mate? A. No.

Examined by Mr. Robertson :—

7542. Q. Is there anything strange in a miner being taken from his working-place to do repairs? A. Nothing that I know of.
 7543. Q. It might have been quite a legitimate instruction? A. Yes.
 7544. Q. When a man is removed from his place, is it not the practice to put up a danger board there? A. It is.
 7545. Q. There is nothing strange about that? A. Nothing strange about it.
 7546. Q. What do you suggest from the circumstances you have mentioned? A. There is nothing that I can suggest about it.
 7547. Q. You seem to imply some sort of a bad practice or a suspicious practice on the part of the management? A. No.
 7548. Q. That was the impression conveyed to my mind. Why did you mention it? A. I was asked about it.
 7549. Q. You seem to suggest that you were taken out and put back again for some reason? A. No. I did not know that the Inspector was coming. I do not know what I was taken out for.
 7550. Q. The impression conveyed to my mind is, that this was done for a purpose? A. I did not state that it was done for any particular purpose at all.
 7551. Q. There is nothing wrong about it? A. Not that I know of.
 7552. Q. I think you worked for three and a half years at Helensburgh? A. Three years for the first time; and the last time for about six months.
 7553. Q. You must be aware that at Helensburgh drives are driven from 100 to 200 yards without cut-throughs? A. I did not know.
 7554. Q. You did not know that that was a common practice? A. No. I never worked in those places myself.
 7555. Q. Where did you work? A. At the Dip, the South Jig, the North Jig, and the Slant.
 7556. Q. That is a most extraordinary circumstance, considering that this is the practice carried out to-day, and cut-throughs are 100 yards, or 200 yards or more, apart? A. I never worked in one; and I worked in headings.
 7557. Q. And you worked in bords? A. Yes.
 7558. Q. And you did not work in bords 100 or 200 yards in length? A. Never.
 7559. Q. Do you say that seriously? A. Yes.
 7560. Q. All I can say is that your evidence is not of any value; because it is absolutely opposed to the facts? A. Well, I am not aware that I have worked in places driven 100 or 200 yards without cut-throughs.
 7561. Q. After that opinion of yours I can only say that I place no value on your evidence in other respects; because what you say is so absolutely opposed to practice? A. I cannot remember any places being driven that far.
 7562. Q. You say that places have been driven 50, 60, or 100, yards, at Woonona? A. Yes.
 7563. Q. And that you only once had reason to complain? A. Yes.

7564. Q. And with that one exception there appeared to be no defect in the ventilation of the place? A. No.
 7565. Q. Why should cut-throughs be put 30 yards apart? A. To carry ventilation better.
 7566. Q. If the ventilation can be carried to the face by other means, there is no reason why cut-throughs should be made? A. The air would be carried better by cut-throughs.
 7567. Q. If it is carried to the face, that is all that concerns you, is it not? A. Yes.
 7568. Q. Did you say that any examination was made with the hydrogen lamp? A. Only by the Inspector.
 7569. Q. Would you be surprised to learn that an examination has been made by the Manager? A. If an examination was made by the Manager, I was not aware of it.
 7570. Q. Who was the Manager at the time that this occurred—I mean this suspicious circumstance? A. Charles Heath.
 7571. Q. I thought it was Mr. Kater? A. The Manager was Mr. Kater; and the under-manager was Charles Heath.
 7572. *Mr. Bruce Smith.*] The witness told me the name of the Manager was Charlie Heath.
 7573. *Mr. Robertson.*] Q. You said that your mate frequently complained? A. Yes.
 7574. Q. Was there any ill-feeling at all towards your mate? A. Not that I know of.

Examined by Mr. Ritchie:—

7575. Q. How long is it since you were at Helensburgh Colliery? A. Three years.
 7576. Q. Did the distance between the cut-throughs vary; or was it uniform? A. As near as possible uniform.
 7577. Q. The same distance between in one section as in another? Yes.
 7578. Q. The intake airways pass the waste workings in the Woonona Colliery? A. Yes.
 7579. Q. Did you regard that as dangerous? A. No.
 7580. Q. There was no danger of the bad air coming out of the waste workings? A. Not that I know of.
 7581. Q. If any came out, would it be carried into the general workings? A. Yes.
 7582. Q. Would there be any danger then? A. Yes.
 7583. Q. Do you think there is any danger now? A. Well, I think there is.
 7584. Q. How long is it since you were at the Bulli Colliery? A. About twelve months after the explosion.
 7585. Q. Were you coal-getting or wheeling? A. Both.
 7586. Q. How long were you on coal? A. About two years.
 7587. Q. And how long on wheeling? A. I wheeled nearly all my life, from when I first started.
 7588. Q. Would that be a number of years? A. Yes.
 7589. Q. Your actual experience on coal at Bulli was two years? A. Yes.
 7590. Q. And, had the ventilation been defective, you would not know, you being in the air currents? A. Yes, that is so.
 7591. Q. Do you make that correction, that the parts of the colliery you were in were where the intake air currents were? A. Yes.
 7592. Q. You say that, after doing a day's work timbering the main engine road, you went into the heading again? A. Yes.
 7593. Q. Was the ventilation the same as it was before you were withdrawn? A. Just the same.
 7594. Q. How long did you work in a bord afterwards? A. About a week.
 7595. Q. Was there any improvement in the ventilation? A. No.
 7596. Q. Do you know if any improvement took place? A. Not until the heading was put through into another heading. After working in the bord they put us on another heading, to drive it up to the first one.
 7597. Q. To meet it? A. Yes.
 7598. Q. And so the ventilation was put there? A. Yes, on the other side.
 7599. Q. What was the reply generally given to you when you made complaints? A. That they would try and remedy it.
 7600. Q. Did you notice any improvement? A. Only by fixing the brattice up. But it made it no better, because the current was not going. There was not sufficient room behind the brattice to carry the air, as the place was only between 6 and 7 feet altogether.
 7601. Q. Did the person who came to tell you in the morning say that the Inspector was coming? A. No. We asked him what was the matter; and he said he did not know.
 7602. Q. Who brought you out? A. Reeves.
 7603. Q. What position does he hold? A. He is a road man.
 7604. Q. Did he tell you to go to the engine road and work? A. Yes.
 7605. Q. How long after that was it before you met the Inspector? A. It would be about from half an hour to an hour.
 7606. Q. How far was the Inspector from the surface of the mine when you saw him? A. We met him about half way.
 7607. Q. How long would it take him to travel from the surface? A. About ten minutes or a quarter of an hour.
 7608. Q. If the Inspector had arrived when word was first sent to you, that would be about the time it would take for you to meet the Inspector? Yes.
 7609. Q. The Inspector did not ask you anything about the place? A. No.
 7610. Q. He did not know that you were working in it? A. No.
 7611. Q. Did you say that the deputy visited the place every day? A. Yes.
 7612. Q. Did he carry a safety-lamp? A. Yes.
 7613. Q. Did he make any examination? A. Nearly every day.
 7614. Q. What did he do? A. Put the lamp up to the face of the coal.
 7615. Q. Every day? A. Yes.
 7616. Q. Does he examine the waste workings? A. I cannot say.
 7617. Q. Did you ever read the reports in the book at the mine? A. No.
 7618. Q. Do you know that you are permitted to read the reports? A. Yes.
 7619. Q. So far as you know, were the waste workings inspected? A. I have no knowledge of whether they inspect the waste workings or not in that colliery.

[The Commission, at 3-20 p.m., adjourned until 10 o'clock the following morning.]

THURSDAY, 22 JANUARY, 1903.

[The Commission met at the Court House, Wollongong.]

Present:—

C. E. R. MURRAY, Esq., D.C.J. (PRESIDENT).

D. A. W. ROBERTSON, Esq., COMMISSIONER. | D. RITCHIE, Esq., COMMISSIONER.

Mr. Bruce Smith, Barrister-at-Law, instructed by Mr. Wood, Crown Solicitor's Office, appeared on behalf of the Crown.

Mr. A. A. Atkinson, Chief Inspector of Coal-mines, assisted Mr. Bruce Smith.

Mr. A. A. Lysaght, Solicitor, appeared on behalf of—

- (a) the representatives of deceased miners, wheelers, &c., (victims of the explosion);
- (b) the employees of the Mount Kembla Colliery (miners, wheelers, &c.); and
- (c) the Illawarra Colliery Employees' Association (the Southern Miners' Union).

Mr. C. G. Wade, Barrister-at-Law, instructed by Mr. F. Curtiss, appeared on behalf of the Mount Kembla Coal and Oil Company (Proprietors of Mount Kembla Mine).

(Mr. J. Garlick, Secretary to the Commission, was present to take shorthand notes of the evidence and proceedings.)

7620. (Mr. Wade informed the Commission that he had a number of witnesses to be called in Wollongong next week. He was, however, pledged to attend the sittings of the Arbitration Court in Newcastle, in connection with a case which had been part heard, and which would be resumed next week. He could not say how long that case would last; and he desired to know whether, if it lasted after the examination of the witnesses whom he intended to call in Wollongong to give evidence on matters of fact, the Commission would grant him an adjournment of a week, in order that he might be able to attend to examine the witnesses who would afterwards be called by the Mount Kembla Company to give expert evidence.

7621. Mr. Bruce Smith pointed out that it was by no means certain that Mr. Wade really would require the adjournment for which he asked, as the arbitration case in Newcastle might be completed in time to allow Mr. Wade to be present and call the expert evidence to which he referred without the necessity of an adjournment of the Commission. Mr. Bruce Smith pointed out that he was appearing in a quite impartial capacity, and was examining the witnesses solely with the object of eliciting the truth. If Mr. Wade would supply him with the proofs of the evidence which he (Mr. Wade) expected his Wollongong witnesses to give on the matters of fact, he (Mr. Bruce Smith) would be prepared to examine them with just the same eye to Mr. Wade's case as if Mr. Wade were examining them himself; then he would put the proofs on one side, and would ask the witnesses any questions which might suggest themselves to him from any other standpoint. Mr. Wade might rely upon his witnesses being examined fully according to the proofs which he might place before Mr. Bruce Smith.

7622. Mr. Wade said he had not obtained the proofs of these witnesses yet, but he would be quite willing to fall in with Mr. Bruce Smith's suggestion.

7623. His Honor said that the tenor of Mr. Bruce Smith's examination of the witnesses so far showed that he took an independent position. There would be no difficulty about that. The Commission would sit next week in Wollongong to take the evidence of local witnesses. Mr. Wade's application for an adjournment was too indefinite. There had been a great deal of delay in the inception of the work of the Commission, and they desired to finish it as soon as possible.

7624. Mr. Bruce Smith suggested that, if Mr. Wade found later on that he desired to have an adjournment, the Commission could meet specially to hear his application and deal with it then if the necessity arose.)

MR. JOHN McLEOD was sworn, and examined as under:—

Examination-in-chief by Mr. Lysaght.

7625. Q. What is your name? A. John McLeod.

7626. Q. What are you? A. A miner.

7627. Q. Where? A. Mount Keira.

7628. Q. Have you worked in the Mount Kembla Mine? A. Yes.

7629. Q. How long ago? A. From about last October twelve months, up to the explosion.

7630. Q. How long did you work there? A. I reckon about nine months.

7631. Q. What district? A. Shaft and No. 1.

7632. Q. Do you remember the number in the shaft district? A. Yes, I worked in No. 41 bord.

7633. Q. Now, while working there did you ever discover any gas? A. Not in the place I was working.

7634. Q. Do you know of gas being in the vicinity of that bord? A. Yes, I saw gas in the heading.

7635. Q. What heading is that? You are not familiar with the map, are you? A. No, I am not.

7636. Q. Can you tell me in whose heading it was? A. Maunders and Williams. They had cavelled another place, and the heading was stopped. It was a cut-through heading; and they were sent into that from another cavel. She had not been numbered.

7637. Q. Can you say what part of the shaft district it was in? A. It was in the right-hand section.

7638. Q. Was it near any particular place that you can think of? A. It was a heading coming in the direction of Powell's Flat.

7639. Q. I will show you Powell's Flat. When you travelled in, which way would you turn off? A. I turned off at Mat's Flat travelling road.

7640. Q. That is here? A. Yes.

7641. Q. Then where would you go? A. I turned off No. 6 Right Rope Road.

7642. Q. And then down the heading to the east. A. I came along this bord (*indicating*).

7643.

7643. *Mr. Bruce Smith.*] *Q.* Then you travelled along the air course, did you? *A.* I travelled down this way. That was 39 bord, and that No. 40, and 41.
7644. *Q.* That is the last line of cut-throughs? *A.* Yes, this is the last line of cut-throughs.
7645. *Mr. Lysaght.*] *Q.* It was in these bords between the 6th Right Rope Road and Powell's Flat? *A.* It was in the heading. I worked in one of these bords; and we came out of our bord.
7646. *Q.* It is clear that it is in this heading between the 6th Right Rope Road and Powell's Flat? *A.* Yes.
7647. *Mr. Robertson.*] I do not think that heading was in operation at that time.
7648. *Witness.*] It was between April and June.
7649. *Mr. Lysaght.*] *Q.* What year? *A.* Last year.
7650. *Q.* Not the year of the disaster? *A.* Yes; three or four months before the disaster.
7651. *Q.* Tell us exactly what it was?
7652. *Mr. Bruce Smith.*] The place was No. 49, according to the numbers on the plan before the Commission.
7653. *Mr. Lysaght.*] *Q.* What was it you saw? *A.* When there was a shot fired there, and we fired a shot in our place, we came out at the time they fired a shot in their place.
7654. *Q.* Who are "they"? *A.* Maunders and Williams. Their shot was a standing shot. We went in to have a look to see what it had done; and when we got within—well, there were three of us going in—we were like following each other—and I got close to the face, within about a couple of feet of the face; and it was cracked down the right-hand side. I just went to look at the crack; and, of course, I did not stop to see the rest.
7655. *Q.* Of course what? *A.* When she flared up I — [Interrupted].
7656. *Q.* What flared up? *A.* Well, I thought, gas.
7657. *Q.* How long did that burn? *A.* I could not say; a few seconds, that is all. It just flashed out.
7658. *Q.* How high did it flash up? *A.* I suppose there was a flare about 3 or 4 feet high; and it would come out about 10 or 12 feet.
7659. *Q.* Into the —? *A.* Come out along the heading. It just whipped out-like-along the top of the heading.
7660. *Q.* Had it any effect upon you? *A.* No; it had not.
7661. *His Honor.*] *Q.* It just misced you, did it? *A.* Well, I kept down.
7662. *Mr. Lysaght.*] *Q.* Did you fall on your face? *A.* No, not on my face; but I fell so that I could get out of the road of it if there was too much of it; or try to.
7663. *Q.* Do you know whether that was reported to any official or not? *A.* I could not say.
7664. *Q.* It was not your working place? *A.* No.
7665. *Q.* Where are those men now who were working that place? *A.* To the best of my knowledge they are in Newcastle somewhere; they were there. One went there a few days before the explosion. The other was a man who was in the explosion; and he left there as soon as he could get away.
7666. *Q.* Give me their Christian names? *A.* There you have got me. I could not tell you that.
7667. *Q.* But I have not got you;—that is the trouble? *A.* I think Paddy was the name of Maunders; but the other one they used to call "Smiler" for a nickname.
7668. *Mr. Ritchie.*] *Q.* What? *A.* He was known by the name of "Smiler Williams."
7669. *Mr. Lysaght.*] *Q.* On any other occasion have you seen gas lit there? *A.* No; not in the shaft section.
7670. *Q.* In any section? *A.* I have seen it something similar, only not so much, in No. 1 section.
7671. *Q.* In what part of No. 1? *A.* In No. 72 heading.
7672. *Mr. Bruce Smith.*] *Q.* Was it No. 72 then? *A.* Yes; the quarter I worked in it. That would be the quarter after what I spoke of.
7673. *Mr. Lysaght.*] *Q.* Where was that No. 72 heading? *A.* In Powell's Flat.
7674. *Q.* Here is Powell's Flat (indicating on the map)? *A.* It was off Price's Flat.
7675. *Q.* Straight in there? *A.* Yes.
7676. *Q.* Going that way? *A.* Yes.
7677. *Q.* How far up was it? *A.* I could not tell you the numbers of the places; but to the best of my knowledge there were six or seven bords in the heading.
7678. *Q.* That would be near the end of the heading off Price's Flat? *A.* Yes.
7679. (The heading pointed out by the witness is marked No. 72 on the plan before the Commission.)
7680. *Mr. Lysaght.*] *Q.* How long was that before the disaster? *A.* I could not say. We only worked in it a month, I think; but I think it was a little before the disaster, anyhow.
7681. *Q.* What do you call a little? *A.* I would not say a week or a fortnight.
7682. *Q.* Was it within a month of the disaster?
7683. *Mr. Bruce Smith.*] The witness's name is down on the plan, and his mate's.
7684. *Mr. Lysaght.*] *Q.* Who is your mate? *A.* Head.
7685. *Mr. Bruce Smith.*] Their names are down.
7686. *Mr. Lysaght.*] *Q.* I want you to tell us exactly what happened there? *A.* It was something similar.
7687. *Q.* I want to know exactly what happened? *A.* We had fired a shot; and it hung up something like the other one. For two or three inches it was hanging to the roof, just hanging and ready to fall and when I went back my mate said, "You want to be careful going back there; she might light up on you." I went back, and, of course, with him telling me that, I naturally kept my head down a little; and when I did put the light up to see if we would have to shoot her again, or to see whether we could loosen her with the pick and let her down, it flashed out about a yard and a foot, and then went back again behind the coal.
7688. *Q.* How far were you off the face when it lit? *A.* No distance at all. I think I must have put my light pretty close to the face.
7689. *Q.* What do you mean by close? *A.* Within a few inches of the roof.
7690. *Q.* Was it at the roof when the gas lit? *A.* Yes.
7691. *Q.* And came out about 3 or 4 feet along the roof, and went back in behind the coal? *A.* Yes; it appeared to do that.
7692. *Q.* Did you report that? *A.* No.
7693. *Q.* Do you know whether Head reported it to any officials? *A.* No; I spoke to him; but he only smiled at it.

Witness—J. McLeod, 22 January, 1903.

7694. Q. Do you know whether he reported it? A. Not to my knowledge.
7695. Q. Had you any reason for not reporting it? A. The only reason was, when he seemed to laugh at it, I took it to be a common occurrence with the likes of him who had worked there so long.
7696. Q. What? The discovery of gas like that? A. Yes; that was my opinion.
7697. Q. But upon what did you base your opinion that gas was a common thing in Kembla? A. Oh, well, I suppose, simply conversation.
7698. Q. Do you know that gas had not been reported there within twelve months of the disaster, according to the officials? A. I never made it my business to inquire if they never reported gas, or if they ever reported it.
7699. Q. Did you consider that gas was dangerous? A. I do not know that I ever thought about it.
7700. Q. But you recognise now that it was dangerous? A. There is no doubt now.
7701. Q. Was that a dusty part of the mine, that last part? A. No.
7702. A. Was it a damp part? A. Yes.
7703. A. Was the place where you were working in the Shaft District a dusty part? A. No.
7704. Q. Was that a damp part? A. Yes.
7705. Q. Were the roads ever watered in either of those places? A. Well, I believe on one occasion I noticed a drop of water on the roads, on the travelling road, that is—about one occasion only.
7706. Q. Do you know of any dusty parts of Kembla Mine? A. I do not know any dusty working-places.
7707. Q. Well, what places do you know that are dusty? A. Well, the travelling roads—one travelling road in particular.
7708. Q. Which one is that? A. It starts from Adam's Flat, the telephone cabin in No. 1; and, as far as I have travelled down it, it was fairly dusty down to Price's Flat, or almost to Stafford's Shunt, as they call it.
7709. Q. You say that, in your opinion, that was the dustiest part of the mine? A. The dustiest part that I have seen in the mine.
7710. Q. Was that every watered—that travelling road? A. Not to my knowledge.
7711. Q. And, as you would go along it, would the dust rise? A. If there were a few men together, of course there would be a good deal of dust; but if a man were by himself, of course he would always keep ahead of it.
7712. Q. Did you ever report that the dust was too much, or too strong, there? A. No; I have never bothered reporting anything.
7713. Q. Now, tell me what sort of air had you in this last place at the No. 1 Right? A. I had good air in that No. 72 heading.
7714. Q. At the time that this gas lit, was the brattice close up to the face? A. Yes.
7715. Q. And in the other (Shaft) District, when the gas lit, what sort was the air? A. I could not tell you about the air, about the particular place where the gas lit. It was not my own place.
7716. Q. But in your own place, when you were about there? A. There was once or twice when I reported to Evans that I did not think that there was sufficient air coming in there, and it was a bit hot.
7717. Q. Was anything done by Evans when you reported that the air was not sufficient? A. He just tacked the brattice a bit closer to the face; that is all.
7718. Q. Did you ever report to anybody else that the air was not sufficient? A. Yes; I reported to Mr. Nelson, when he was day deputy in No. 1.
7719. Q. What part of No. 1 was the air deficient in? A. No. 68 bord, in that quarter. It was a bord off Powell's Flat heading.
7720. Q. And what was done by Mr. Nelson? A. He just brought the brattice a little closer.
7721. Q. When you say the air was hot, was it too hot to work in? A. No; but it was not pleasant to work in. You know, you could feel the effects of it on you. It seemed to give you a drowsy feeling after you had worked a time. It was all kind of misty after you had worked in it for a length of time.
7722. Q. It had that effect on your eyesight? A. I cannot say it had an effect on my eyesight.
7723. Q. In addition to this gas that you had discovered, have you ever discovered gas in Mount Kembla? A. Not to my knowledge. I have never seen it.
7724. Q. Have you ever used a safety-lamp? A. No.
7725. Q. Do you know how to use one? A. No.
7726. Q. What has been your total mining experience? A. I have worked on and off in coal-mines since I was a lad.
7727. Q. About how many years? A. About sixteen or seventeen years, I suppose. Of course I have not been underground all the time, you will understand.
7728. Q. Well, underground, how long have you worked? A. I am a bird of passage, I am not certain.
7729. Q. Well, roughly? A. I would say, I suppose I have been ten years underground.
7730. Q. Do you know how to use a safety-lamp in detecting gas? A. No; I would not say I do.
7731. Q. Coming to the mine you are working in at present, what sort is the air at Keira? A. It is what I would call good air; what I have seen of it.
7732. Q. Have you had any bad air there? A. Oh no; not to call bad air. It was slightly warm in one place I have worked in, but nothing out of the common.
7733. Q. How long ago was that? A. Just a few weeks ago.
7734. Q. Was there any smoke in your place, accumulating? A. No; it used not to accumulate. It was simply that a lot of shots were fired in succession about the other places; and of course there would naturally be a lot of smoke travelling at one time.
7735. Q. Have you ever found gas in Keira? A. No.
7736. Q. How many roads do you know out of Keira? A. I know three roads out.
7737. Q. How many did you know out of Kembla? A. Two.
7738. Q. What were they? A. The daylight tunnel, and the main travelling road.

Cross-examination by Mr. Wade:—

7739. Q. I understand that you only saw this flare, which you think was gas, twice in Mount Kembla? A. Yes.
7740. Q. And I suppose you have fired a good many shots there yourself, have you not? A. Yes.
7741. Q. How long were you working in Mount Kembla? A. Somewhere near about nine months.

7742. *Q.* That would be the nine months just before the disaster? *A.* Yes.
7743. *Q.* And what parts did you work in? You have told us of the last quarter just before the disaster—that quarter was only about three or four weeks? *A.* About a month gone.
7744. *Q.* And the quarter before that you were in this heading between Powell's Flat and the No. 6 Right rope road? *A.* Not in the heading; I worked in a bord in that heading.
7745. *Q.* What other parts did you work in besides that? *A.* When I started first, I worked in a left hand bord off Powell's Flat heading.
7746. *Q.* You worked in and about, or round about, Powell's Flat all the time you were in Kembla? Is that it? *A.* Yes.
7747. *Q.* You spoke about this flare up in Maunders and Williams' bord from a standing shot? *A.* Yes.
7748. *Q.* Do you mean by that that the shot had not brought all the coal down? *A.* That was it. It fetched hardly any: it just left a few pieces.
7749. *Q.* And I suppose it left a big crack? *A.* Yes.
7750. *Q.* And did you notice the smoke oozing out of that crack? *A.* There was a good deal of smoke coming out of the top, where it had broken away from the roof.
7751. *Q.* That would be where this crack was? *A.* Yes; it was cracked along the top and down the side.
7752. *Q.* And the smoke would rise to the highest point? *A.* Yes.
7753. *Q.* And the smoke was coming out of the crack apparently caused by the shot? *A.* Yes.
7754. *Q.* Now, in the other case, in your own working place, was it the same kind of thing there; that there was a crack, and the smoke was oozing out of the crack? *A.* Yes; it was something similar.
7755. *Q.* That is, there was a crack; the smoke was oozing out; and your light seemed to set it on fire? *A.* Yes.
7756. *Q.* Now, with regard to the first occasion, I understand that as soon as you saw the flame you ducked at once? *A.* Yes.
7757. *Q.* Did you put your head down and close your eyes? *A.* I swung round out of the road down below.
7758. *Q.* Did you turn your head away from it? *A.* I swung round quickly and got down.
7759. *Q.* Did you turn your head away from or towards the flame? *A.* I turned it away after I saw what it was. Of course, I could see it was a flame.
7760. *Q.* I want to know, did you see the length of the flame? Can you be precise about that? You say it was a yard back? *Q.* Yes; I could see that. I saw it come that distance back.
7761. *Q.* What distance? *A.* I reckoned about 12 feet, as near as I could judge. I would not say positively 12 feet.
7762. *Q.* What was the length of the crack caused by the shot in the first case? How long would it be—a few feet? *A.* The crack down the side of the coal, as far as I could see, of course, was pretty near to the bottom of the coal.
7763. *Q.* From the roof? *A.* Yes; it was a crack along the roof and down the side.
7764. *Q.* Pretty well the full height of the seam, 6 feet? *A.* Yes.
7765. *Q.* And how far along the roof? Would it be 3 or 4 feet across the face along the roof? *A.* Oh yes; more than that. It might have been a couple of yards, or, perhaps, even more than that.
7766. *Q.* Did you yourself fire shots pretty frequently? *A.* Yes.
7767. *Q.* Were you firing shots pretty well every day? *A.* Yes.
7768. *Q.* And I understand, when the coal actually came down after the shot, you never saw anything like this? *A.* No.
7769. *Q.* You have been asked various questions about the state of the air. I suppose in any mine you have ever been in you have found the air warmer at some times than at others? *A.* Yes; of course different places, different conditions. That is my idea of it.
7770. *Q.* And it may get warmer, I suppose, if they are firing too many shots about the same time in your split, and the air comes down pretty thick? That makes it warm or stuffy? *A.* Of course, that may have an effect on it; I daresay it would.
7771. *Q.* Does not the smoke coming down make it hotter? Supposing you have seven or eight people, or seven or eight places, above you, firing shots all about the same time, and the smoke coming round to your place, does not that make the air warmer? *A.* Yes. I daresay you would not get all the smoke off everybody firing.
7772. *Q.* I did not say you did. But that in itself tends to make the air warmer? *A.* Yes; I should think so.
7773. *Q.* What collieries have you worked in besides Keira and Kembla? *A.* For a while in Bulli, North Bulli, Corrimal, and Mount Pleasant.
7774. *Q.* When were you at Corrimal? *A.* It is a good while ago; just after Corrimal opened.
7775. *Q.* Were not you in the pit on the day of the disaster? *A.* No.
7776. *Q.* What was the substance used for firing these shots? Was it powder? I mean in these places where you saw the flare? *A.* Yes.
7777. *Q.* Ordinary blasting powder? *A.* Yes.

Examination by Mr. Bruce Smith:—

7778. *Q.* I understand you have been in Bulli, North Bulli, Mount Pleasant, Corrimal, Keira, and Kembla? *A.* Yes.
7779. *Q.* When you were in Bulli, what was the means of ventilation? *A.* A furnace; or two furnaces, I believe; but one for certain.
7780. *Q.* And what was your experience of the ventilation in that mine at that time? *A.* I considered Bulli was well ventilated.
7781. *Q.* How long were you there? *A.* I was there a few months, that was all.
7782. *Q.* And you had no cause to complain of it? That is to say, you had no more cause to complain than you had in any other mine? *A.* No; it was very well ventilated, I thought.
7783. *Q.* Now, with regard to North Bulli, what was the method of ventilation there? *A.* I could not tell you.
7784. *Q.* Was that satisfactorily ventilated? *A.* It appeared to be then, although —
7785. *Q.* What were you going to say? *A.* I have lost it now.
7786. *Q.* Now, Mount Pleasant, what was the method of ventilation when you were there? *A.* Furnace.

Witness—J. McLeod, 22 January, 1903.

7787. *Q.* And how long was that ago? *A.* It was years ago. I left Mount Pleasant and went to Old Bulli. It was nine or ten years ago, I think.
7788. *Q.* Can you recollect it sufficiently to say whether the ventilation was satisfactory? *A.* No; it was not. It was very unsatisfactory while I was there.
7789. *Q.* And that was a furnace at the time? *A.* Yes.
7790. *Q.* Now, Corrimal, what was that when you were there—a fan or a furnace? *A.* There was no fan.
7791. *Q.* It was a furnace then? *A.* Yes; and it appeared to be all right.
7792. *Q.* Can you account for Mount Pleasant being so unsatisfactory as compared with the others? *A.* I think it was the bad system of ventilation. Of course, a man is not allowed to roam over a mine to find out the cause of it; but there was something scandalously wrong somewhere.
7793. *Q.* You mean not necessarily because a sufficient amount of air was not introduced into the mine; but because it was badly managed inside? *A.* I think that had a lot to do with it.
7794. *Q.* You are in Mount Keira at present? *A.* Yes.
7795. *Q.* That is a fan? *A.* No; a furnace.
7796. *Q.* What is your experience of the ventilation there? *A.* Mount Keira is pretty well ventilated now.
7797. *Q.* It is satisfactory? *A.* Yes.
7798. *Q.* And what was your experience of Kembla with the exception of these hot places that you told us you reported once? *A.* I thought Kembla was well ventilated. That is my experience of it, of course.
7799. *Q.* I am not speaking about other people's experience through you? *A.* No.
7800. *Q.* During the nine months that you were in Kembla, did you ever experience the air becoming suddenly stationary? *A.* No; I do not recollect that.
7801. *Q.* Did you ever experience the air being reversed—suddenly going the opposite way? *A.* Not in Kembla.
7802. *Q.* Did you ever hear of its doing so? *A.* I have seen it occur in Mount Keira a good few years ago.
7803. *Q.* To what did you attribute that? *A.* Well, I had no experience.
7804. *Q.* Did you ever find out? *A.* The miners considered it was westerly winds that did it then. I do not know.
7805. *Q.* That is what you heard from your fellow miners? *A.* Yes.
7806. *Q.* Did that occur more than once in Keira? *A.* It occurred almost every time a westerly wind blew in Keira, at one time.
7807. *Q.* Did it occur latterly? *A.* I never heard tell of it latterly.
7808. *Q.* And the westerly winds have not stopped blowing, have they? *A.* No.
7809. *Q.* You have told us that you knew two ways out of Mount Kembla; that is to say, that you knew the way you came in, and you knew the daylight tunnel on the east side? *A.* Yes.
7810. *Q.* How did you find that daylight tunnel out? *A.* I found it out from other miners.
7811. *Q.* The miners told you of that way out? *A.* The miners came out that way for a short cut home; and it suited me to come out that way for a short cut home too; and I took advantage of it.
7812. *Q.* Were you ever stopped from going out that way? *A.* No.
7813. *Q.* Were you ever told that you were not allowed to go out that way? *A.* No; not by an official, like.
7814. *Q.* I mean by an official. Did any official know you went out that way? *A.* I did not meet an official on the road; but it was well known that the men did go out that way.
7815. *Q.* And no objection was ever offered to your going out? *A.* No.
7816. *Q.* How came you to go out that way—was it a short cut home for you? *A.* Yes; it cut off about 2 miles.
7817. *Q.* And that was your reason—it was not because you wanted to know the means of escape in case of accident? *A.* No.
7818. *Q.* Do many of the miners go that way? *A.* Only those living on that side who take advantage of it.
7819. *Q.* That bord 72, in which you worked; was not that in the highest part of the mine, as far as you know it? *A.* Yes; it was in the false bottom.
7820. *Q.* There is a considerable rise as you go up to it? *A.* No.
7821. *Q.* Then is 72 not a high part? *A.* It is out of a bit of a swallow; but not a really high part.
7822. *Q.* Do you know of a rule by which you miners are required to report anything you may discover in the mine? *A.* I have heard tell of it; but I have never read it.
7823. *Q.* You have a copy, I suppose, of this little book (book of rules)? *A.* I have been too busily engaged working to study it.
7824. *Q.* You have sixteen hours out of the twenty-four? *A.* That is to eat and sleep.
7825. *Q.* You do not sleep sixteen hours? *A.* Well, I have never studied that.
7826. *Q.* You know this rule: "41. All employees must report to the Manager or official in charge any defect they may discover in the machinery or appliances, or any appearance of fire-damp, choke-damp, or other noxious gas, or any defect in the roof or sides of the mine, or any other indication of danger from any other cause"? *A.* Yes; I have heard tell of the rule.
7827. *Q.* You know very well that when gas appears frequently in the mine it becomes an element of danger to yourself and all your fellow miners? *A.* I know it now.
7828. *Q.* Did not you know it before? *A.* I suppose a man gets accustomed to those things.
7829. *Q.* Your mate, you say, used to treat it as a joke? *A.* He used to kind of ridicule me when I spoke about it.
7830. *Q.* He chaffed you? *A.* Yes.
7831. *Q.* And you thought it a proper thing I suppose to succumb to the chaff; and to also treat it lightly? *A.* That is it.
7832. *Q.* What would you do now if you discovered gas? *A.* I would report it.
7833. *Q.* Fearlessly? *A.* There is no doubt about that. I would not be the slightest bit frightened to report it.

7834. *Q.* Whom would you report it to? *A.* I would report it to the deputy.
7835. *Q.* Do you think that would be done by most men now if they discovered gas? *A.* No; I do not think so.
7836. *Q.* You do not think that the majority of them would do that? *A.* No.
7837. *Q.* I think I know why; but I would like you to say why—for what reason? *A.* Oh, well, I suppose they are a bit frightened of the management, that is all.
7838. *Q.* And, as far as your experience goes, has that been the old objection? *A.* Yes. I have never had any objection myself.
7839. *Q.* Then, I understand, you have changed your attitude in that respect? *A.* No doubt.
7840. *Q.* Late events have given you more courage than you had before? *A.* It was not for the want of courage.
7841. *Q.* Would you have never done it before if you had realised the danger? *A.* There is no doubt about it.
7842. *Q.* And chanced the result;—you are a bird of passage, you said? *A.* Yes.
7843. *Mr. Wade.]* He had no fear of the result.
7844. *Witness.]* I would take my chance.
7845. *Mr. Bruce Smith.] Q.* Would you be afraid of the black-list? *A.* I am not afraid of it, in a sense. Of course, a man might be thrown out of work; but that would not make me a bit frightened.
7846. *Q.* You are not married? *A.* No.
7847. *Q.* You have not so much anxiety as a man who has a lot of bairns? *A.* That has an effect, no doubt.
7848. *Q.* When you saw that flame which Mr. Wade examined you about, I think you said you did not put your head down so that you could not see it; and you did see it;—can you tell me what colour that flame was? *A.* I had not time to see the colour.
7849. *Q.* I did not ask what Liberty shade. Was it red or blue? *A.* No red or blue; in my opinion it was just like a white light.
7850. *Q.* Was it like an ordinary red flame? *A.* No; there was no red flame about it. It was more like the light of a kerosene lantern—just a light like. I did not have time to look at the edges of it to see if it was blue.
7851. *Q.* Do you remember the flame on the other flare that you saw when going into the face, when it come out 12 feet—oh, that is the occasion? *A.* Yes.
7852. *Q.* But there is another occasion when the stuff lighted and went in again? *A.* I did not stop to see the colour of the flame.
7853. *Q.* You told us of two occasions—one in which it came out about 10 or 12 feet? *A.* Yes.
7854. *Q.* And another in which it came out about a yard or 4 feet? *A.* Yes.
7855. *Q.* Were they about the same colour? *A.* Yes; as near as I could judge.
7856. *Q.* Which was it you saw first—the 3 or 4 feet one? *A.* No; the one in the shaft section.
7857. *Q.* That is the one that caused you to bob down? *A.* Yes.
7858. *Q.* The other one—did you see that? *A.* Yes; I just saw it the same as I saw the other: just a flash, and it was gone.
7859. *Q.* You cannot tell me the colour? Was it nearer to red, or blue, or white? *A.* It appeared to be white.
7860. *Q.* Is it the sort of flame which you get from a coal fire? *A.* How do you mean? An ordinary—
7861. *Q.* Coal fire.
7862. *His Honor.]* The witness honestly says he had not time to see it.
7863. *Mr. Bruce Smith.]* And I honestly ask him something further.
7864. *His Honor.]* It was very much a case of stand from under.

Examination by Mr. Ritchie :—

7865. *Q.* Where you saw that 12 feet of flame, was that in No. 72? No; that was in the heading in the Shaft section.
7866. *Q.* That was the heading that Maunders and Williams were working in? *A.* Yes.
7867. *Q.* Did you go up to the face after you saw the flame? *A.* No; I did not bother going back again.
7868. *Q.* Had you been in the face previous to the flame? *A.* I had often been in for the loan of the machine, and different things like that.
7869. *Q.* How far was the brattice off the face there? *A.* I could not tell you that. I never took that much notice.
7870. *Q.* Would it be within 12 feet of the face? *A.* I would not like to say exactly, as far as the brattice is concerned; because I never took any notice of anything like that.
7871. *Q.* How far were you off the face when you saw the 12 feet of flame? *A.* I got pretty close to the face; and when I put my light up she came over me. I got in a crouching position, down low.
7872. *Q.* How do you manage to know the exact distance the flame was? *A.* I suppose I guessed it, like anybody else.
7873. *Q.* Do you recollect if the flame came on the outbye side of the brattice; or was it all on the inside? *A.* On the inside. The brattice was not close in then.
7874. *Q.* Then the brattice was not close in? *A.* Not at that particular time.
7875. *Q.* Was there much smoke at that time? *A.* A good deal of smoke.
7876. *Q.* Were the smoky conditions right along the face? *A.* It was coming round the brattice. There was a certain amount of smoke behind the brattice when we went in. It was driven in by the shot.
7877. *Q.* What was it lit it? *A.* My lamp.
7878. *Q.* Were you the first that went in after the shot had been fired? *A.* I was the first that went in to have a look at it. I was a bit inquisitive.
7879. *Q.* You were not so inquisitive afterwards? *A.* No.
7880. *Q.* Was the smoke thicker than you have seen on other occasions after firing shots? *A.* I would not think so.
7881. *Q.* Have you ever seen the smoke lit after firing shots at all? *A.* Well, I would not like to say. Well, I suppose it would be smoke: I have seen a red flare burn in a hole after a shot had been fired; but of course it is more like coal-dust—a little bit burning.
7882. *Q.* What made you think this was gas? *A.* The liveliness of it, I suppose. 7883.

Witness—J. McLeod, 22 January, 1903.

7883. Q. It lit up in a hurry? A. It did; very quickly.
7884. Q. And did not you notice the colour of the light at all when it lit? A. It was a light colour; that is all I noticed—a rather bright light.
7885. Q. Did it flash all across the face at once or burn gradually outwards? A. It flashed from low down up in that direction out and towards the roof; out that way and up to the roof at the same time.
7886. Q. Were you examining the top of the shot, or down in the bottom part of it? A. I looked for a crack to see whether she was broken in the bottom. I just put my light down like that; and I kept down low for fear anything might be there. I had been warned by different men that it was possible to light things like that.
7887. Q. Possible to light what? A. They considered it was powder smoke.
7888. Q. What did you consider it was? A. I considered it was gas.
7889. Q. Who warned you previous to that about the probability of some smoke igniting after a shot? A. It was a mate I worked with in Kembla—a Yankee fellow—that told me to be careful when we went back to a shot like that.
7890. Q. I suppose you have fired many a shot, have you not? A. Yes.
7891. Q. And, apart from these two occasions that you have mentioned here—Maunders and Williams' heading, and No. 72, which you were working in yourself—have you seen it light any other times? Are those the only times you have seen it light? A. Yes.
7892. Q. Have you seen the smoke equally as thick in other places? A. Yes; and I never lit it.
7893. Q. Quite as thick? A. Yes.
7894. Q. And you have taken your lamp and examined in the same way? Yes.
7895. Q. And had no light? A. Yes.
7896. Q. How far was the brattice from the face of No. 72;—you had a light there, which, in your opinion, was gas? A. Yes; what I thought was gas.
7897. Q. That was after a shot had been fired? A. Yes.
7898. Q. How far was the brattice off the face on that occasion? A. I would say it was about, as near as I could judge, 4 yards.
7899. Q. And how far did the flame come back on that occasion in No. 72? A. In my opinion it was about 3 or 4 feet; it just made a quick flash out and back again.
7900. Q. Was this shot also hanging? A. Yes.
7901. Q. Were the conditions very smoky then? A. Yes; there was a good deal of smoke there.
7902. Q. Did the smoke hang about the place long after you had fired the shot? A. No; it got away pretty quickly.
7903. Q. About how long? A. It was a thing I never took particular notice of, you know; but I will say about ten minutes, I suppose, and she would be pretty clear.
7904. Q. It would take about ten minutes to clear? A. Yes; that is to be pretty well clear.
7905. Q. Had you any reason to complain about the ventilation in that heading at all? A. No; not in that heading.
7906. Q. Are these the only two places you worked in in Mount Kembla—that number off that heading, and No. 72? A. I worked in about four or five different bords.
7907. Q. All in the same locality? A. Yes; just in the middle of the quarter I started; and I was shifted from one to the other; and then I got a cavel from one to another, and then I was in the general cavel after that.
7908. Q. And the whole of your experience in Kembla, from a coal-getter's point of view, was in this particular section? A. Yes.
7909. Q. That is between No. 41 bord, which you worked in, and No. 72? A. Yes.
7910. Q. You have not any knowledge of the state of the ventilation in other parts of the colliery, have you? A. No.
7911. Q. You told us that you thought the ventilation at Bulli Colliery was very good during your time there;—what part of the Bulli Colliery were you working in then? A. Hill End.
7912. Q. In a heading or bord? A. A bord.
7913. Q. Was the brattice kept well up there? A. Yes; fairly close. Well, within a reasonable distance.
7914. Q. Were you in one place the whole of the time? A. I worked in two different places.
7915. Q. One close to the other? A. I suppose it would be two or three headings away from the other; but both in the right-hand section.
7916. Q. Both ventilated by the one current? A. I could not say.
7917. Q. I suppose, generally, you do not know anything at all about the ventilation of Bulli Colliery? A. No.
7918. Q. You told us about the ventilation being somewhat bad at Mount Pleasant;—did you see any black-damp there? A. Yes.
7919. Q. Did you ever complain of that? A. Well, there were four or five double men there at one time knocked off through black-damp, so there is sure to have been complaint.
7920. Q. How long was that ago? A. I could not tell you the exact date.
7921. Q. Five or six months? A. It is more than that number of years ago.
7922. Q. How long have you been working at Mount Keira this last time? A. Since the beginning of September last.
7923. Q. In what part of Mount Keira? A. I have worked in what they call the Old Straight.
7924. Q. Are you working in a heading? A. Yes; at present.
7925. Q. And did I understand you to say that the ventilation was satisfactory there? A. Yes.
7926. Q. Is the brattice well kept up? A. Yes; pretty well.
7927. Q. Does the examining deputy call round every day? A. Yes; he examines every day.
7928. Q. You are working day shift? A. No, night shift; I work day shift too. Day and night.
7929. Q. You have an examining deputy at night; and one who calls round during the day? A. Yes.
7930. Q. Does the deputy call round regularly when you are on the day shift? A. Yes.
7931. Q. Does he make an examination of your place? A. Yes.
7932. Q. What does he do? A. I could not describe the lamp.
7933. Q. A safety-lamp? A. Yes; and he turns it down pretty low, and he examines, perhaps, twice in the roof, or on the face of the coal, or anywhere where there might be a possible chance of anything dangerous.

7934. *Q.* He does that every day? *A.* Yes.

7935. *Q.* Do you know anything about the ventilation of other sections of Mount Keira? *A.* No.

7936. *Q.* So, as far as your knowledge goes, it is confined to this particular place you are working in?
A. Yes; that is so.

[*Witness retired.*]

MR. SIDNEY MIDGELEY was sworn and examined as under:—

Examination-in-chief by Mr. Lysaght:—

7937. *Q.* What is your name? *A.* Sidney Leitch Midgeley.

7938. *Q.* What are you? *A.* A miner: at present my occupation is check-weighman.

7939. *Q.* Where? *A.* South Clifton.

7940. *Q.* Are you a member of the Delegate Board of the Illawarra Miners' Union? *A.* Yes.

7941. *Q.* Have you ever worked in Mount Kembla? *A.* No.

7942. *Q.* What has been your mining experience? *A.* About ten years' Colonial experience, and five in the old country.

7943. *Q.* What mines in the old country? *A.* In Yorkshire.

7944. *Q.* How long have you been working at South Clifton? *A.* About a year and nine months.

7945. *Q.* What style of ventilation have you there; a furnace or a fan. *A.* A fan.

7946. *Q.* Have you worked in any mines in this district where the furnace was used? *A.* Not in this Colony.

7947. *Q.* You know these recommendations from the Delegate Board? *A.* Yes.

7948. *Q.* Take the first one, that Managers, under-managers, deputies, and shot-firers should hold certificates of competency by examination. Have you anything to say in support of that recommendation?
A. I have got authority from my Lodge that I am a member of, the South Clifton Lodge of Miners, to strongly support these recommendations. They think it is fit and proper that these recommendations should be put in force for the protection of their lives. Men take the positions of deputies; and, in our opinion, their ambition is too high for their capabilities.

7949. *Q.* Has that been your own experience? *A.* Yes; that has been my own experience.

7950. *Q.* Who is your shot-firer at South Clifton? *A.* Well, at present the shot-firers are different from what they were when I was on the coal there.

7951. *Q.* When you were on the coal, who was the shot-firer? *A.* Alyward.

7952. *Q.* Do you know whether he had any experience as a shot-firer? *A.* He is a man that I was not acquainted with before I went to work there.

7953. *Q.* And how long has it been the practice at South Clifton for a special shot-firer to be employed?
A. On the first occasion that the safety-lamps were introduced they were appointed: and then the safety-lamps were taken out, and put in again on the 8th of September; and on both occasions they appointed special shot-firers.

7954. *Q.* Do you know why the lamps were put into South Clifton? *A.* Owing to the gas.

7955. *Q.* Did you ever discover gas there? *A.* Yes; I have seen gas there.

7956. *Q.* How long before the lamps were put in? *A.* They were put in shortly after we saw gas there—in certain portions of it the first time; but about the other portions I do not know. The lamps were introduced into the portion I was in.

7957. *Q.* Had you seen much gas there? *A.* I had seen it flare up after firing a shot.

7958. *Q.* Is the whole mine worked with safety-lamps now? *A.* Not quite. The whole of the miners that are on contract work, and the wheelers, are using safeties; but there are a lot of shift-men on the roads that are using naked lights. We requested the Manager to put safety-lights in the whole of the pit; and he told us he was responsible for that, not we.

7959. *Q.* Who is your Manager there? *A.* Mr. Wilson.

7960. *Q.* Do you know whether he holds a certificate by examination? *A.* No; it is a service certificate, so I believe.

7961. *Q.* Did you give him any reason why you wanted safety-lamps in the whole of the pit? *A.* We gave him this reason: that we did not consider ourselves safe if our neighbour was using the naked light when we were using the safety-lights.

7962. *Q.* Was that a deputation that went to him? *A.* Yes.

7963. *Q.* In your opinion is it now safe to work any part of that pit with a naked light? *A.* In my opinion it is not.

7964. *Q.* And do you voice the opinion of all men when you say that? *A.* Well, the meeting carried the motion unanimously that a deputation should wait upon him to have these naked lights taken off the road.

7965. *Q.* When he refused to put the safeties in all parts of the mine, did you do anything, or did the Lodge do anything? *A.* No; he gave us to understand that the responsibility all lay on his shoulders; and we told him that after the mine had blown up it would be too late to have the responsibility on his shoulders.

7966. *Q.* What did he say to that? *A.* He said that was his business.

7967. *Q.* Did he make any suggestion about dismissal or anything like that? *A.* No; he did not, not that I am aware of. The deputation's report was not to that effect.

7968. *Q.* Did you, as a Lodge, make any representations to the Inspector or the Chief Inspector concerning what you regarded as the non-safety of the mine? *A.* No; we do not carry it any further than that.

7969. *Q.* How many men are employed there? *A.* There are, I suppose, from about 160 to 170.

7970. *Q.* Do you know whether gas has often been found there? *A.* Well, it is there occasionally now. It is seen there now very often.

7971. *Q.* Do you know whether that is reported? *A.* I cannot say whether it is reported or not. The Government Inspector is in there very often now.

7972. *Q.* Is the deputy that you have there certificated by any examination? *A.* The underground-manager I believe has got a certificate as second or third, I am not sure which.

7973.

Witness—S. Midgley, 22 January, 1903.

7973. *Q.* By examination or service? *A.* I think it is by examination.
7974. *Q.* What about the deputy? *A.* I could not say.
7975. *Q.* And you do not know about the shot-firer? *A.* He has none at all.
7976. *Q.* Is no provision made for watering the place where the shot is fired? *A.* Since the Kembla disaster there has been.
7977. *Q.* Before that, was any provision made? *A.* No.
7978. *Q.* Is this a dusty mine? *A.* Yes.
7979. *Q.* You have had experience of dusty and non-dusty mines? *A.* Yes.
7980. *Q.* You say that this is a very dusty mine? *A.* Well, in portions of it—that is to say, it is not one of the worst I have worked in, by a long way.
7981. *Q.* Is this watering now carried on systematically? *A.* I believe it is. They have arrangements there, and the water is constantly coming down for the purpose.
7982. *Q.* Recommendation No. 2, "That Inspectors should be vested with absolute powers to order the use of safety-lamps." In view of what you have told us, do you think an Inspector should have absolute power to order in the safety-lamps? *A.* Yes; I consider they should have more power than they have.
7983. *Q.* Would the men at South Clifton be more satisfied, if the Inspectors had that power, to leave it to him? *A.* They unanimously agreed to that motion from the Delegate Board. They unanimously agreed to the recommendation from the Delegate Board.
7984. *Q.* And it is a fact that they would lose in their wages from the introduction of the safety-lamp;—it would make a difference? *A.* Yes; a vast difference.
7985. *Q.* You know there is a vast difference? *A.* Yes.
7986. *Q.* You know that as check-weighman? *A.* Yes.
7987. *Q.* What would the men suffer in a general way if the lamps were introduced all over the place? *A.* Well, we have suffered a 25 per cent. reduction, I consider.
7988. *Q.* And, notwithstanding that, the miners unanimously wanted this extra precaution? *A.* In the first instance, when the Manager introduced them the first time, on the 8th of September, he was only going to introduce them to one side of the pit; and we waited on him then, and told him we wished them to be introduced throughout the pit. He did that then, bar the rope roads; where they used the naked lights. All the miners and wheelers have safeties—all, bar the shift-men on the roadway.
7989. *Q.* Recommendation No. 3, substitution of fan for furnace. What do you say to that? *A.* I consider it is right. A fan is more to be depended upon than a furnace.
7990. *Q.* Have you had experience of bad ventilation through furnaces? *A.* I have worked in a colliery in Victoria where we have had to cease work through it.
7991. *Q.* From the defective working of the furnace? *A.* I do not say it was from the defective working of the furnace; but we had to cease work; and we sent word down to the Department; and they sent an Inspector up; and he said it was defective, as our check-inspectors had reported.
7992. *Q.* What was the name of that colliery? *A.* Outtrim.
7993. *Q.* Was a fan put in afterwards? *A.* No. I do not think it is put in yet.
7994. *Q.* Have you ever known the air to be reversed in a mine with a furnace? *A.* I cannot say that I have. I have felt a check in the air.
7995. *Q.* Have you felt the air stationary? *A.* Some days you get air very good, and other days not so good. In my opinion, the condition of the atmosphere and the direction of the wind have a lot to do with it.
7996. *Q.* Recommendation No. 4, the sealing off of waste workings, and surrounding them by return airways;—what do you say on that matter? *A.* I have seen a little of it (sealing off), but not a great amount of it. But if there is anything lodges in it (the waste), I think it ought to be allowed to come out.
7997. *Q.* Recommendation No. 5, cut-throughs every 30 yards:—what do you say on that? *A.* Where cut-throughs are further apart than that, there is a great chance of the bratticing being knocked down and the air escaping.
7998. *Q.* What is the average length of the cut-throughs at South Clifton? *A.* They are about 35 yards, I suppose, or 40.
7999. *Q.* And is the bratticing kept well up at South Clifton? *A.* Pretty well.
8000. *Q.* Then what distance from the face? *A.* Sometimes it is put up too far for us: working without a shirt the cold air comes right up on you at the face.
8001. *Mr. Wade.] Q.* Do you mean you catch cold—it is too cold? *A.* Yes; it comes on your back too cold.
8002. *Mr. Lysaght.] Q.* In your opinion would the roof be weakened by having the cut-throughs only 30 yards distant from one another? *A.* It would, I suppose, make a slight difference in that.
8003. *Q.* To a dangerous extent? *A.* I think it could be protected, though, by timber.
8004. *Q.* Recommendation No. 6;—is the South Clifton Mine inspected every morning with a locked safety-lamp? *A.* Plugged. The safety-lamp is plugged there.
8005. *Q.* Recommendation No. 7, monthly examination with hydrogen flame. What do you say on that? *A.* It has a tendency to keep the mine more intact, more safe, by having constant examinations of that description.
8006. *Q.* In your opinion would the men have a greater sense of security? *A.* Yes.
8007. *Q.* Recommendation No. 12, extra supply of safety-lamps to be kept at the mine. Did you go to Kembla after the disaster? *A.* I was there on the Friday morning.
8008. *Q.* Do you know whether any lamps were sent from South Clifton to Kembla? *A.* We took some down with us.
8009. *Q.* Had you any reason for taking them with you? *A.* We took them with us with the intention of going in if we had the opportunity of assisting.
8010. *Q.* Did you know you could not get lamps at Kembla? *A.* Yes.
8011. *Q.* How did you know that? *A.* Word came, I think.
8012. *Q.* Did you take more than you wanted for your own use? *A.* Yes; I think so.
8013. *Q.* Had you any reserve of lamps at South Clifton, or have you now? *A.* No; not now I think. There may be. I could not say for certain, because I know the Manager has ordered a lot from the old country.

8014. *Q.* Recommendation No. 13, watering the travelling and haulage roads: what do you say on that matter? *A.* In some mines the travelling roads are terribly dusty; and, in consequence, travelling amongst the horses and ponies, you cannot see; and it makes it very bad travelling, and more dangerous travelling than it would be if there were water to keep it down.

8015. *Q.* Do they water the travelling roads at South Clifton at all? *A.* I believe there has been a little put on lately.

8016. *Q.* Is there much dust on the travelling roads at South Clifton? *A.* Yes, there was; but I believe they have been cleaned up lately.

8017. *Q.* Recommendation No. 14. You might tell me how often you have seen Mr. Wilson underground? *A.* I saw him, perhaps, say, once a month, when I was underground; but I see him go down very often now, pretty nearly every day.

8018. *Q.* Is that since the Kembla disaster? *A.* Well, it is since then that I have held the position on top, so that I can see him go down.

8019. *Q.* Recommendation No. 16. Have you manholes at South Clifton that you use? *A.* There are manholes on the main road.

8020. *Q.* But that is not your travelling road? *A.* That is not our travelling road. There are bits of cut-throughs from the travelling road.

8021. *Q.* Do you think the manholes are large enough in case of accidents? *A.* I consider the manholes on the main road, on the main bank, at South Clifton are rather curious; the manhole itself would be 6 feet high and 4 feet square, and the height of the road is only 4 feet.

8022. *Q.* In your opinion, is it wide enough? *A.* In my opinion, a couple of feet wider would make it more convenient.

8023. *Q.* Recommendation No. 18, instruction to miners as to the exits: how many roads do you know out of South Clifton? *A.* Well, there is only one travelling road. There are two from the pit bottom to daylight; we have just closed one lately and opened another one.

8024. *Q.* How do you get out of the South Clifton Mine? Do you walk out of the tunnel or come up a shaft? *A.* Out of the tunnel.

8025. *Q.* Is that the only way you know out? *A.* That is the only way.

8026. *Q.* In case of a disaster, and the pit getting blocked up, how can the men get out? *A.* I believe there is a way up by the return air course.

8027. *Q.* Do you know that way? *A.* No. I do not think out of 160 men there are twelve who know that.

8028. *Q.* Recommendation No. 19. Have you had any experience of a black list? *A.* I have heard talk of it; but I have never seen it in force.

8029. *Q.* Do you know of any particular cases where men have been prevented from getting employment for having reported things? *A.* No. I knew a case in Victoria where a man got sacked from one colliery; and he could not get a start in the district.

8030. *Q.* Have you had any experience in New South Wales, in the Illawarra district, of cases where men have been victimised in that way? *A.* Not in my time; but I have heard talk of it.

8031. *Q.* In your opinion, would a provision like that tend to make the men report more than they do on bad management? *A.* That has a tendency to deter them from reporting things.

8032. *Q.* The absence of a provision like that (Recommendation 19)? *A.* Yes.

8033. *Q.* Recommendation No. 20. How do they light the fuse at South Clifton? *A.* With shot-firing lamps.

8034. *Q.* How do they use the lamp? Do they open it? *A.* No; by wire.

8035. *Q.* In your opinion, is it a dangerous practice to open a safety-lamp to light a fuse? *A.* If it is dangerous to use a naked light, it is dangerous to open the safety-lamp, in my opinion.

8036. *Q.* You think that is a dangerous practice? *A.* Yes.

Cross-examined by Mr. Wade:—

8037. *Q.* Supposing the safety-lamp is used as a precaution, and there is not necessarily gas in the place; do you say it is dangerous then to open the safety-lamp? *A.* If the lamp is used as a precaution.

8038. *Q.* Yes? *A.* I think if they are used at all, they should be used right throughout properly.

8039. *Q.* Supposing you know there is no gas in the place, is there any danger in opening a safety-lamp then to fire a shot? *A.* There may be a blower of gas.

8040. *Q.* Supposing you know there is not a blower. There are ways of finding out, are there not?

8041. *His Honor.* It is really a waste of time to ask the witness that question; which comes to this, "If there is no danger, is there danger?" He says that, if there is a necessity for enforcing a provision to meet the possibility of danger, however remote, it is as well to continue enforcing it. That is a self-evident proposition.

8042. *Mr. Bruce Smith.* The witness really says there may be no gas at the time; but there may be a blower.

8043. *His Honor.* Yes; that is the answer that suggests itself.

8044. *Mr. Wade.* *Q.* Now, what part of South Clifton did they put these safety-lamps into first of all? *A.* On the right side.

8045. *Q.* What are they passing through there? Disturbed country? *A.* A return airway.

8046. *Q.* Are they passing through some disturbed country? *A.* No.

8047. *Q.* Was not there a big fault there? *A.* They had just gone through the fault a long way; but it was the return. The air was passing that way back.

8048. *Q.* Were not the lamps used in going through this fault at all? *A.* Not while we were on the fault.

8049. *Q.* That is only a small part of the mine at all events? *A.* Yes.

8050. *Q.* And then they were taken away from there? *A.* Yes.

8051. *Q.* And since then they have been put in in another part of the mine? *A.* They have been put all through the mine in the working places.

8052. *Q.* And what do you call the roadways;—do you mean the intake airway? *A.* It is the intake airway.

8053. *Q.* Then you say that on the main intake airway the men work with naked lights? *A.* Yes.

8054. *Q.* What is the danger of that? *A.* It is not the danger of the men working on the intake; but it is the danger of the men leaving the road with the light on their head, and going into the return airway.

8055.

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8055. Q. That is, if they break the rules and do not do their duty, there may be danger? A. Yes; a man may be taken short, and go in there with the naked light.
8056. Q. Then, if the men neglect their duty and disobey the rules, then, even with the naked lights allowed on the main intake, there may be danger? A. Yes.
8057. Q. I am quite prepared to admit that. Now, why was it that you did not complain to the Government Inspector if you thought this was a serious matter? A. If we complain to the Government Inspector we are in the black books, as the saying is, with the management.
8058. Q. Now, do you say that the Miners' Lodge, as a body, are afraid to report this to the Government Inspector? A. I do not say the Miners' Lodge, as a body, are, but the miners individually are.
8059. Q. You say, individually you do not like to do it, but, as a Lodge or a body, you have no fear to bring it under the notice of the Government Inspector? A. Yes; but it has to be done individually in the first place. Say a man reports to the Lodge: that gets to the Manager's ears.
8060. Q. Now, you went as a body to the Manager? A. Yes.
8061. Q. And you say he would not grant your request? A. Yes.
8062. Q. Now, as it is a serious matter, why did you not go to the Government Inspector in the same way? A. For the reason that the Government Inspector has not got the power to order him to do it.
8063. Q. Why did you not make some complaint to him about it? A. We did not think it worth while, when he had no power to alter the conditions.
8064. Q. Now, you say you have known the air to be, not reversed, but stationary, in South Clifton? A. Not in South Clifton.
8065. Q. In what place? A. In Victoria, by the furnace.
8066. Q. You were asked, with regard to South Clifton, if you had known the ventilation to be reversed, and your answer was "No, it has been still"? A. Not in South Clifton.
8067. Q. You have not even known it to be still? A. Not in South Clifton.
8068. Q. You are not prepared to say, I suppose, when you are on the coal, that the Manager was not down the pit very frequently during the week? A. I could not say except what I have seen.
8069. Q. All you can say is how often you saw him in your working place? A. Yes.
8070. Q. Now, when you happen to be on the pit-head, you can see if he goes down? A. Not every day.
8071. Q. You do not suggest that he has gone down more frequently since the disaster at Kembla? A. Precautions have been taken since the disaster.
8072. Q. You are not in a position to say he goes down more frequently than he used to? A. No; I cannot say.
8073. Q. Now, you complain that the manholes are only 4 feet high? A. I said 6 feet high.
8074. Q. The manholes are 6 feet there? A. Yes.
8075. Q. That is all right then? A. But they are not wide enough, in our opinion, to accommodate more than one or two, or two or three, men.

(At this stage Mr. W. R. Pratt attended to take Shorthand Notes of the Evidence and Proceedings.)

Cross-examined by Mr. Bruce Smith:—

8076. Q. I understand you to say that, since the Mount Kembla affair, more caution has been noticeable? A. Immediately afterwards they watered the main roads and introduced lamps.
8077. Q. I understand that watering had not been done before? A. I never saw it done before.
8078. Q. How do they do it now? A. By watering-tubs.
8079. Q. How is the water ejected? A. By a pipe across the end of the tub, with a spray.
8080. Q. Like the street watering cart? A. The same kind.
8081. Q. How high up the ribs does the spray throw the water? A. A foot or 15 inches.
8082. Q. It waters all the floor and outside the rails? A. Yes.
8083. Q. Do I understand you to say that the mine is dusty? A. In parts.
8084. Q. Are there any parts dusty now? A. Where the shots are fired they water it.
8085. Q. The lamps were put in after the Kembla explosion? A. Yes.
8086. Q. You said something about lamps being put in, taken out again, and put in again? A. That was about fifteen or eighteen months ago.
8087. Q. What was that for;—why take them out after they had been once put in? A. The airways were more connected.
8088. Q. They were made more perfect, and the lamps withdrawn? A. Yes.
8089. Q. What occurred to induce them to put them in again? A. The mine got more gassy; and they were put in again.
8090. Q. How do you know the mine was more gassy? A. By the Deputies.
8091. Q. Do you know whether they reported gas? A. I do not know. We are not allowed the privilege of knowing what they report.
8092. Q. How do you know that it became more gassy. How do you know that that was the impression on his mind? A. I do not know.
8093. Q. It is only surmise on your part? A. It is surmise on my part.
8094. Q. You tell us that you met with gas in a good many places in that mine;—can you tell me how many places there are in which you have met with it? A. When using the lamps we do not take any notice of it. We may put a lamp up.
8095. Q. You find out that it is there, and take steps to brush it out? A. We often take our coats and knock it out.
8096. Q. You are not anxious about it now? A. No; with the safety lamps we feel more protected.
8097. Q. How many furnace mines have you worked in in New South Wales? A. None.
8098. Q. How many in Victoria? A. One.
8099. Q. You said that whilst you were working with a furnace the air was bad and you had to stop, and alterations were made? A. They had to make a lot of alterations before we were allowed to work again.
8100. Q. After they had made a lot of internal alterations was it all right? A. It was not so bad; but it used to get hot at times.
8101. Q. Is it hot now? A. Not so bad as with a furnace.

8102. You have not had a chance of comparing the same mine with a furnace and without one; but you are bearing a mine with a furnace in your mind;—do you find it hot at South Clifton? *A.* The only time is when we have a lot of bratticeing behind us and are driving cut-throughs.
8103. *Q.* You have never had the opportunity of being in a mine with furnace ventilation, and in the same mine with a fan? *A.* No, I never had that opportunity.
8104. *Q.* Do I understand you to say that, in your opinion, it would weaken a roof to have cut-throughs frequently? *A.* It naturally would; but I think the roof could be protected at the same time.
8105. *Q.* Have you had occasion to form an opinion as to how it would weaken the roof:—what is the extent of your knowledge? *A.* I have seen the Metropolitan, where they are from 30 to 35 yards.
8106. *Q.* Do you know the necessity for support is regulated by the weight above the roof of the mine. You do not require the same support in shallow as in other ground. Do you know what height of ground there is over the different parts of the mine you are in now? *A.* No.
8107. *Q.* Therefore you cannot form an opinion? *A.* No.

Examined by Mr. Robertson:—

8108. *Q.* I think you said there were some deputies and shot-firers at South Clifton that you had not confidence in? *A.* I did not say that I had not confidence in them, but I did not know who they were.
8109. *Q.* I think your words were that their positions were too high for their capabilities? *A.* My opinion is that their ambition is higher than they are capable of doing in many cases.
8110. *Q.* How do you know that, did you examine them? *A.* We form an opinion when we see a man come in and fire a shot first.
8111. *Q.* Now why do you come to that conclusion? *A.* They come and do it in a careless way.
8112. *Q.* How? *A.* They put the lamp up and down in a moment—I do not consider that is a sufficient test for gas.
8113. *Q.* It does not take very long for any person accustomed to detect gas to detect its presence? *A.* If a man has not held that position before, it would take him longer in my opinion.
8114. *Q.* Do you know whether any of them have not held that position before? *A.* I could not say. We have our own opinions.
8115. *Q.* Do you know whether the Manager satisfied himself that this man was capable? *A.* I cannot say.
8116. *Q.* Do you not think it probable that he would—do you not think that no Manager would like an incompetent man? *A.* One would naturally think so.
8117. *Q.* Now as to watering the roads—what do you think is the object in watering the roads? *A.* To keep down the dust principally.
8118. *Q.* I think you said it was uncomfortable to walk along them? *A.* It is uncomfortable.
8119. *Q.* It is a matter of comfort, is it? *A.* Safety and comfort.
8120. *Q.* In what case would danger arise from the dust? *A.* By reason of compression—from what we read of in dusty mines.
8121. *Q.* A dusty road is not in itself dangerous? *A.* No, in itself it is not; but it is uncomfortable.
8122. *Q.* You do not know of any danger? *A.* There is danger with men travelling the road having a pick in one hand and a lamp in the other, because dust may arise and blow in their faces, and perhaps they may fall, and fall on the end of a pick.
8123. *Q.* Through their not being able to see properly when walking along, they might fall on their pick? *A.* They might also fall on some timber or something lying on the side of the road.
8124. *Q.* You do not know of any other danger? *A.* There is only danger by explosion in the pit, which causes it to be dangerous.
8125. *Q.* You do not know of any other danger—how would an explosion arise in a dusty road? *A.* If the road is dusty near the face—after an explosion in the face —
8126. *Q.* But if the face is not dusty? *A.* If the face is not dusty, it may not carry it; but it is hard to say how far an explosion will go.
8127. *Q.* Then if the face is not dusty there is no danger in a dusty road? *A.* It depends how far the explosion extends. If it extends until it comes to the dust there may be danger.
8128. *Q.* If the face is sufficiently watered, and other precautions are taken, do you think a dusty road would be dangerous? *A.* Well, it would not be as dangerous as if the other parts of the pit were not attended to.
8129. *Q.* Do you not think it of more importance to have the vicinity of the face watered where the shot-firing is carried on than the roadway? *A.* I do not think it necessary to water the roadway every day. Perhaps once a week would do.
8130. *Q.* It must be watered sufficiently;—if it is to have any effect it must be thoroughly done? *A.* It is thoroughly done in the face, I believe.
8131. *Q.* Is it not of more importance to water in the vicinity of the face where the shot-firing is carried on? *A.* That is the principal place to be watered.
8132. *Q.* With reference to ventilation, you like a fan better than a furnace? *A.* Yes.
8133. *Q.* I think the suggestion is made that ventilation is not so good with a furnace as with a fan? *A.* No—in my opinion a furnace is not to be depended upon.
8134. *Q.* Why is it not so good in the one case as in the other? *A.* The atmosphere has a great deal to do with a furnace, but it would not interfere with a fan so much.
8135. *Q.* Is that not all a question of power? *A.* I think a fan keeps more uniform air than a furnace. Sometimes with a furnace it is all air, and sometimes none.
8136. *Q.* Does not the amount of air depend on a human factor? *A.* I think that a fan can be kept going at the same rate better than a furnace can.
8137. *Q.* Why should it? *A.* It appears to be so, in my opinion.
8138. *Q.* It appears to be so in a good many cases because the mine outgrows the capacity of the furnace, but the same thing may apply to a fan, you know? *A.* Yes.
8139. *Q.* About a hydrogen lamp, have you ever used one? *A.* No.
8140. *Q.* Have you any knowledge as to the time taken up in making tests? *A.* It would take a man, in my own estimation, a minute to make two or three tests.

Witness—S. Midgeley, 22 January, 1903.

8141. *Q.* If you could take two or three tests in five or six minutes you would be very clever. It takes three or four times as long as with the ordinary lamp? *A.* I never saw one used, but I believe they can detect less gas with them.
8142. *Q.* You never saw one used; but you think that they can take two or three tests a minute with them? *A.* That is what I thought.
8143. *Q.* Do you know whether hydrogen gas can be procured in the Colony? *A.* No, I do not.
8144. *Q.* You have no idea about the cost? *A.* No.
8145. *Q.* Do you consider the lighting of shots by electricity to be safe? *A.* My opinion is that it is more safe by wire than by a lamp.
8146. *Q.* Is there any difference in lighting a shot by wire and lighting by a naked light? *A.* A vast difference, to my mind. It is a flame in one case, and only a spark in the other.
8147. *Q.* But in the lighting of a fuse by wire; does it not suggest itself to your mind that lighting by a wire is to a certain extent dangerous? *A.* It is dangerous to a certain extent.
8148. *Q.* If you can light gunpowder by a wire, do you not think it is possible to light gas by a wire? *A.* If there was the amount of gas there, I believe you could.
8149. *Q.* Then, after all, it is only a question of degree or fancy? *A.* I consider you can light gas by a red wire.
8150. *Q.* Do you not think the comparative safety of lighting by wire or by a naked light is only fancy? *A.* I think it more safe by wire.
8151. *Q.* Do you not think it looks better? *A.* It looks better.
8152. *Q.* I think you said that you were not allowed the privilege of seeing the reports in the book at the mine? *A.* I do not think that I am allowed that privilege.
8153. *Q.* I think you should know better than that. Being a member of the Delegate Board, do you not know you can see the books? *A.* The check-inspector has that power.
8154. *Q.* You said something about the cut-throughs in the Metropolitan Colliery being 30 yards apart? *A.* In the headings.
8155. *Q.* You have worked in other places than the headings? *A.* I have worked in the pillars.
8156. *Q.* Are not the pillars 100 or 200 yards without cut-throughs? *A.* They may be; but I have not taken notice of them.

Examined by Mr. Ritchie:—

8157. *Q.* Do I understand that all the miners in your Colliery are using safety-lamps? *A.* In the face, they are.
8158. *Q.* Are the wheelers using them? *A.* Yes.
8159. *Q.* The shift-men working on the road are using flare lights? *A.* Yes.
8160. *Q.* Do I understand, further, that, after having considered the matter at a meeting of the underground employees, they requested the Manager to make the whole of these men use safety-lamps? *A.* Yes.
8161. *Q.* And he refused? *A.* Yes.
8162. *Q.* What reason did you put before the Manager—that it was dangerous? *A.* We told him that it was not safe to use naked lights in the pit.
8163. *Q.* How far do these men's duties take them towards the face? *A.* A good way in the main heading.
8164. *Q.* Are these men still working with flare lights although you requested the use of safety-lamps for your own sake? *A.* Yes.
8165. *Q.* Do you think there is any danger with naked lights supposing a strong concussion should raise the dust? *A.* If there was a big power behind, I believe it would cause that dust to ignite.
8166. *Q.* You mean if there was any gas mixed with the air? *A.* Yes, if there was only a small portion of gas mixed with the air, if there was concussion, it would light.
8167. *Q.* For that reason you think it injudicious to have men working on the road with naked lights? *A.* The miners consider so.
8168. *Q.* Is the mine gassy? *A.* Well, we think it so.
8169. *Q.* Are the men, generally speaking, in a state of dread over the matter? *A.* There is not much dread now—or for some time: but when we first started we kept up the agitation for a good bit.
8170. *Q.* The agitation was to have all the men below ground supplied with safety-lamps? *A.* Yes.
8171. *Q.* They wished it, for their own safety? *A.* They thought it was not safe to continue this work with naked lights; and we are of the same opinion as themselves on the subject.
8172. *Q.* Do I understand that the Manager has only a service certificate? *A.* Yes, I think so.
8173. *Q.* Do you think it possible that he does not know the danger—that he is not qualified to know? *A.* We cannot say what he is qualified for.
8174. *Q.* Do I understand you to advocate the cancellation of service certificates unless the persons holding them are competent to go through an examination? *A.* Yes, we think that there should only be competent men in charge of a mine, where there are all the miners' lives to risk.
8175. *Q.* Do you think that, if you had a thoroughly competent man as manager, you would have safety-lamps throughout the whole of the mine? *A.* In my opinion we should.

Re-cross-examined by Mr. Bruce Smith:—

8176. *Q.* You told us that the men were afraid to report, even through the Delegate Board, cases of finding gas. You said that somebody would have to bring it before the Lodge, and that would identify the place in which the gas was found. You feared that by identifying the place you would reveal to the management the source of information? *A.* Yes.

Mr. JOHN RAYNOR was sworn, and examined as under:—

Examination-in-chief by Mr. Lysaght.

8177. *Q.* What is your name? *A.* John Raynor.
8178. *Q.* What are you? *A.* A miner, working at the Metropolitan Colliery, Helensburgh.
8179. *Q.* How long have you been there? *A.* A little over seven years.
8180. *Q.* How long an experience have you had? *A.* About nineteen years mining, but I have been in a colliery about twenty-five years.

8181.

8181. *Q.* Before going to Helensburgh, where did you work? *A.* At Katoomba, in Queensland, and at Gundagai.
8182. *Q.* Did you ever work in England? *A.* Yes; for about nine years altogether.
8183. *Q.* Where at? *A.* At Bell Brothers—the Park Mine, and at Bolchow and Vaughan.
8184. *Q.* Now, which is the most gassy mine that you have been in? *A.* I should say the Metropolitan.
8185. *Q.* Did you visit Kembla at the time of the disaster? *A.* Yes.
8186. *Q.* What time did you reach here? *A.* I could not exactly say.
8187. *Q.* Roughly speaking? *A.* I was in the Court Room at the time of the disaster.
8188. *Q.* Do you know whether there were any safety-lamps available when you reached the mine? *A.* There were none when I got there.
8189. *Q.* What was your experience as regards getting safety-lamps to go into the pit? *A.* When we arrived there we went straight to the lamp-room. We applied for lamps; but they were not available.
8190. *Q.* To whom did you apply? *A.* I could not tell you the gentleman's name.
8191. *Q.* Was he the person in charge? *A.* He was cleaning a lamp at the time.
8192. *Q.* What answer did he make? *A.* That there were none available. We could not get lamps. There were three or four gentlemen waiting to go into the mine at the time; and I believe that they got lamps after waiting some time.
8193. *Q.* How long were you delayed? *A.* I must have been there an hour or an hour and a half; I did not stay at the lamp cabin all the time, but went round to the tunnel mouth.
8194. *Q.* Had there been a supply of lamps, could you have saved more lives? *A.* Yes; in my opinion we could. I could have been in twice before the time that I got in.
8195. *Q.* When you did go in, were you in No. 1 Right section? *A.* No.
8196. *Q.* What section? *A.* I think they called it the shaft district.
8197. *Q.* Did you handle any bodies that were burnt? *A.* No, I did not.
8198. *Q.* Did you afterwards go into the mine to make an inspection? *A.* No.
8199. *Q.* Was that the only time you were in the mine? *A.* Yes.
8200. *Q.* You do not know anything about the disaster? *A.* No.
8201. *Q.* Now I will ask you about these recommendations. No. 1. "Managers, under-managers, deputies, and shot-firers, to hold certificates of competency by examination, and to have had five years' practical mining experience, before being eligible for respective positions." What do you say in support of that? *A.* I think it is only right that they should hold these certificates, as we have pretty well to rely upon our deputies and managers.
8202. *Q.* Take the Metropolitan Mine, do the deputies there hold certificates by examination? *A.* I do not think they have certificates.
8203. *Q.* The shot-firers? *A.* We have none. I think what is done is done at night by the deputies.
8204. *Q.* You do not know anything about this yourself? *A.* No.
8205. *Q.* You know nothing of the qualifications of the men employed? *A.* I take them to be pretty good men; but I do not think they hold certificates.
8206. *Q.* You think they are pretty good men? *A.* Yes; good, careful men, I have known them a number of years.
8207. *Q.* Recommendation No. 2 is that "Inspectors should be vested with absolute powers to order the use of safety-lamps?" *A.* Yes, I think that should be done.
8208. *Q.* Do you know of any colliery where the Inspector wanted safety-lamps to be put in, and the management refused? *A.* I do not remember any.
8209. *Q.* Recommendation No. 3 is that "ventilation by furnace should be prohibited, and fans substituted." What have you at Helensburgh? *A.* A fan.
8210. *Q.* Have you ever been in a colliery where the ventilation was by furnace? *A.* I was in one in England, and in one in Queensland.
8211. *Q.* What was your experience of a furnace in Queensland? *A.* You could hardly call it a furnace; it was only a kind of large fire grate.
8212. *Q.* Was it good to carry air? *A.* No; it was very hot.
8213. *Q.* Because of defective ventilation? *A.* Yes.
8214. *Q.* In the old country the air was good? *A.* Yes.
8215. *Q.* Recommendation No. 4 is "Waste workings to be absolutely sealed off, and surrounded by return air-ways, for fear of omissions, such return air-ways not to come in contact with the intake." I want to know what you do with the waste workings at the Metropolitan Mine, are they sealed off? *A.* I do not think they are. I think the air course is through them, as far as I know.
8216. *Q.* If it is not practicable to ventilate a waste working, what can be done with it? *A.* Certainly it should be sealed off.
8217. *Q.* In addition, should the return air-ways bound them, so that the intake air cannot get into them. What I mean is—is it good mining practice to allow the intake air to pass through waste workings? *A.* I do not think that it should be allowed.
8218. *Q.* Recommendation No. 5—"All places, except prospecting drives, to have cut-throughs not more than 30 yards apart." What is the average distance in the Metropolitan? *A.* I think the cut-throughs are 44 or 45 yards apart, but in the Welsh bords they are 100 yards apart.
8219. *Q.* How often do you get Welsh bords, 100 yards apart? *A.* Not very often.
8220. *Q.* How many are there? *A.* I could not give you any idea, about one-half would be Welsh bords and pillars.
8221. *Q.* I do not understand you? *A.* One-half of the places in the pit would be Welsh bords; and they are driven 100 yards without a cut-through.
8222. *Q.* How is the air carried to the face? *A.* By canvas.
8223. *Q.* What sort of canvas? *A.* Ordinary mining canvas.
8224. *Q.* Does it become disarranged? *A.* It has a tendency to leave the roof. They only tack it up from one prop to the other, over 3 feet in length; and it sags away in the middle.
8225. *Q.* Did you notice loss of air because of this? *A.* Yes, by the air going over the top of the canvas.
8226. *Q.* Has your working place been defectively supplied with air through this sagging? *A.* The one we were in last quarter is a heading.
8227. *Q.* Have you worked in any of the Welsh bords? *A.* I am in one at the present time.

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8228. *Q.* What is the condition of the air there? *A.* The air where I am at present is very fair.
8229. *Q.* What about the sagging of the brattice? *A.* It does sag away from the roof a little. It always does.
8230. *Q.* You were going to speak of a heading? *A.* I was in one last quarter. I got down 40 yards; and it got pretty warm. I put it down to the canvas being away from the roof, because there was plenty of air outside.
8231. *Q.* You think there ought to be more cut-throughs? *A.* Yes.
8232. *Q.* There are now cut-throughs at every 44 or 45 yards? *A.* Yes.
8233. *Q.* Have you had occasion to complain of the ventilation to the officials? *A.* I do not think I complained.
8234. *Q.* Had you occasion to complain, whether you did or did not? *A.* I could have complained last quarter. I dare say they would have fixed it up; but, owing to the way it is tacked at present, it is not possible to keep it to the roof.
8235. *Q.* Is there any safer way of tacking it? *A.* If a batten were taken across from one prop to another, it could not get away then.
8236. *Q.* Was the working so bad that it was not a proper place to get coal in? *A.* It was not that bad—I think we had sufficient for what we were doing.
8237. *Q.* You put up with it? *A.* Yes.
8238. *Q.* Had you any reason for not complaining? *A.* I had no reason for not complaining.
8239. *Q.* What has been your general experience of the air in the Metropolitan Mine? *A.* I could not complain about it myself. Some of the pillars were a bit warm; but I could not complain.
8240. *Q.* You have got used to the pillars getting warm? *A.* It is natural, I think.
8241. *Q.* If cut-throughs were put every 30 yards, do you think it would weaken the roof? *A.* No, I do not think it would weaken the roof in the Metropolitan.
8242. *Q.* Where these Welsh bords are being worked, if they were to put in cut-throughs, would it make any material difference in the safety of the roof? *A.* I do not think it would.
8243. *Q.* Do you know why they drive these Welsh bords so long without cut-throughs? *A.* I have not the slightest idea.
8244. *Q.* What is the longest drive that you know of without cut-throughs? *A.* The one I am now working in is the longest I have been in; it is between 60 and 70 yards—somewhere about that length.
8245. *Q.* I will pass No. 6 and go on to No. 7, which is that “A monthly examination and report should be made by deputies and inspectors with the hydrogen flame.” Do they examine with the hydrogen flame in the Metropolitan? *A.* I cannot remember. I do not know; I am not certain; unless the Manager does. I do not know what kind of a lamp he uses.
8246. *Q.* I will pass Recommendations Nos. 8, 9, 10, and 11. Now, with regard to No. 12, “Extra supply of safety-lamps and their requisites, equal to one-third of the number of persons employed below ground, to be kept constantly in good order and ready for use.” Do you know whether any lamps were sent from Helensburgh to Kembla? *A.* Yes.
8247. *Q.* When? *A.* The same evening.
8248. *Q.* How many? *A.* I cannot remember the number.
8249. *Q.* Have you a large reserve? *A.* I think there is a good amount.
8250. *Q.* Have you a reserve stock of one-third? *A.* I could not say. I have no idea; I am not in the lamp cabin.
8251. *Q.* You know there is a large supply? *A.* Yes.
8252. *Q.* Recommendation No. 13 is that “The travelling and haulage roads, and other places necessary, should be properly watered.” What do they do at the Metropolitan? Do they water the travelling roads? *A.* They used to water one section, as far as I can remember; but it has not been done now for a long while past until they did it this week in one section.
8253. *Q.* Did the travelling road become dusty through not being watered? It is dusty, especially when the men and horses go in in the morning.
8254. *Q.* Does much dust rise? *A.* Yes.
8255. *Q.* Of course, there are no naked lights anywhere? *A.* No.
8256. *Q.* Where is this dusty part on the travelling road? *A.* The dust is on the pit bottom, to all the lamp stations in each district; they are pretty well all alike.
8257. *Q.* What is the distance? *A.* They are different distances. I suppose the shortest distance would be $\frac{2}{3}$ of a mile, and the longest distance about $1\frac{1}{4}$ miles.
8258. *Q.* Have you ever known these dusty parts to be watered at any time? *A.* Only these sections.
8259. *Q.* How much accumulation of dust is there on the floor—what is the height of the dust from off the solid ground? *A.* I suppose in a good many parts it must be 2 or 3 inches; but it is mostly at the sides.
8260. *Q.* In your opinion, would it be proper to water these travelling roads thoroughly? *A.* Yes, it would be much better.
8261. *Q.* Recommendation No. 14 is that “Managers should be compelled to give more personal time and attention to the management of the Colliery.” Who is your Manager? *A.* Mr. Jeffries is Under-Manager and Mr. Robertson General Manager.
8262. *Q.* How often do you see Mr. Jeffries going through the pit—once a week or once a month? *A.* I think we see him every week—say once a week. He may miss a week occasionally.
8263. *Q.* He visits the mine once a week? *A.* Yes.
8264. *Q.* That is your experience? *A.* Yes.
8265. *Q.* I pass No. 15 and go on to No. 16, which is that “The size of the manholes should be enlarged.” What about the manholes in the Metropolitan—are they large enough? *A.* I could not say much about them—I think they are wide enough.
8266. *Q.* What size are they? *A.* About 6 feet deep and 4 or 5 feet wide.
8267. *Q.* Now we come to No. 18, which recommends that “Instruction be given to employees regularly on the means of escape.” *A.* Well, this week they have started at the Metropolitan to bring the men out by a different way; each deputy brings his men out. The first lot came out on Tuesday, and another lot yesterday; and I suppose they will take each section—probably another section coming out to-day.

8268. *Q.* Did you get any notification that you were to be shown out? *A.* There was a notice at the pit-head that we were to meet a deputy, and that he would conduct us out.
8269. *Q.* A different road from that which you had travelled before? *A.* On the return air-course.
8270. *Q.* Did anyone object to go? *A.* Every man went. There was hardly any alternative, because the other roads were fenced off with a danger board.
8271. *Q.* All the men went? *Yes*, in my district, on Tuesday last.
8272. *Q.* Will this knowledge be of great service to the men? *A.* In my opinion it is better that we should know the roads out.
8273. *Q.* Was that done in the men's time? *A.* Not exactly in our own time. The men knock off about half-past 4; and we had to meet the Deputy at 4 o'clock. It took us till 5 o'clock to get out.
8274. *Q.* Did you hear any grumbling on the part of the men? *A.* No, but Mr. Jeffries told me ——
8275. *Q.* Never mind what he told you. As far as you know, none of the men objected? *A.* I never heard any one object.
8276. *Q.* Recommendation No. 19 is that "The Coal Mines Act should forbid a black-list of employees being kept, and penalising the improper prevention of discharged persons obtaining employment." You do not know of any black-list at the Metropolitan? *A.* I cannot remember any case at the Metropolitan.
8277. *Q.* Do you know of any case in the district where men have been discharged, and prevented from getting employment elsewhere? *A.* Not of my own knowledge.
8278. *Q.* In your opinion if this proposal were adopted, would it conduce to more reports being made as to the condition of a mine. Would it give the men confidence in reporting anything that they may have observed? *A.* I have only worked in the Metropolitan in this district, and none of the men there have any fear of reporting anything; I know I have not, at any rate.
8279. *Q.* Recommendation No. 20 is that "Safety-lamps should not be unlocked for shot-firing." I suppose they are not unlocked in the Metropolitan? *A.* No.
8280. *Q.* In your opinion, is it a dangerous thing to unlock a safety-lamp in a mine for this purpose? *A.* I should think it would be.

Cross-examination by Mr. Wade:—

8281. *Q.* With reference to that provision about a black-list—would it make any difference to the Metropolitan Mine? *A.* I do not think so.
8282. *Q.* In fact you get into trouble if you do not report things? *A.* You are liable to get into trouble if you do not report anything which is wrong; and I should say a man ought to get into trouble too.
8283. *Q.* With regard to the deputies at the Metropolitan—now how long have you been there? *A.* A little over seven years.
8284. *Q.* Continuously? *A.* Yes, I have never been away from the mine.
8285. *Q.* You have had a good opportunity of seeing whether the deputies were up to their work? *A.* I have been under most of them.
8286. *Q.* It is a gassy mine? *A.* Yes.
8287. *Q.* Is there any reason to say that these men are not competent to do their work? *A.* No—not so far as the Metropolitan deputies are concerned. I could not say such a thing.
8288. *Q.* Have not all of them a good knowledge of all that they ought to know with regard to their work? *A.* I think they have—they would not be in their positions if they had not.
8289. *Q.* Do you know whether these men had been at work in the mine before being raised to the positions of deputies? *A.* Yes, I can safely say that they have all worked in the mine.
8290. *Q.* And they rose from working in the coal to the position of deputies? *A.* Yes.
8291. *Q.* Have you ever considered this question of cut-throughs weakening the roof? *A.* I spoke of the matter, not to officials, but to my mates, and pretty well all of the men have spoken about it at one time or another. I do not think you can avoid its sagging from the roof — [Interrupted.]
8292. *Q.* I am talking about cut-throughs. You said that out-throughs at 30 yards distance from each other would not weaken the roof? *A.* I cannot say myself; but the cut-throughs are not very wide; and the place is well timbered.
8293. *Q.* You were told that one of the men objected to go a different way out? *A.* He did not altogether object; but he was complaining about going out that way.
8294. *Q.* Did he say that he knew the way out by that road? *A.* He did not give that as a reason. I do not see how he could know his way out by that road.
8295. *Q.* That was the first effort made to show the men out? *A.* Yes, last Tuesday was the first time.

Cross-examined by Mr. Bruce Smith:—

8293. *Q.* What is the longest heading that you know in the Metropolitan, without cut-throughs? *A.* Without cut-throughs? I think they have all got cut-throughs.
8297. *Q.* What is the longest distance—you said 100 yards? *A.* I said 44 yards.
8298. *Q.* You said there was one 100 yards? *A.* That is one of the Welsh bords.
8299. *Q.* So that is the longest distance—100 yards without a cut-through? *A.* Yes.
8300. *Q.* With the exception of a little sagging on the top that works well? *A.* Oh, yes, the canvas works well.
8301. *Q.* Have you ever been in a part of the mine where the drives run some hundreds of yards, and they carry the air by means of pipes? *A.* I believe pipes are used somewhere, but I have never been in that part of the mine.
8302. *Q.* Have you been in no other mine but this one in this district? *A.* No, not in this district.
8303. *Q.* You can only speak of this mine as regards the air? *A.* The air is satisfactory.
8304. *Q.* You complain of the dust? *A.* Of the dust on the travelling road.
8305. *Q.* You say that it varies, but that in some places it is 3 inches thick? *A.* Two or three inches thick.
8306. *Q.* Suppose you take a section—say a foot of the road—and gather up all the fine dust. What would it weigh? *A.* I have not the least idea, I cannot tell you.
8307. *Q.* Would it weigh 1 lb. 5 lbs. or 10 lbs.? *A.* I have no idea.
8308. *Q.* Do you mean that there is a uniform depth of dust all across the road? *A.* Where you walk you kick it along, but there is more at the sides.

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8309. Q. You have no other complaint to make about the dust? A. I complain about it being dusty—it is very uncomfortable.
 8310. Q. You do not think that there would be any danger? A. Only by explosion.
 8311. Q. Then you think there would be? A. Yes, only by explosion.

[The Commission at 1 p.m. adjourned for luncheon.]

(On resuming at 2 p.m., Mr. W. R. Pratt attended to take shorthand notes of the evidence and proceedings)

CAPT. JOHN RAYNOR, previously sworn, was further examined as under:—

Examination by Mr. Robertson.

8313. Q. With regard to the small mine in Queensland, where you said that the furnace was only a fire-grate, if there had been a proper furnace, probably there would have been no defect in the ventilation? A. It might have been better if there had been a proper furnace; what we had was absolutely no good. It was a large fire-grate standing on three legs.
 8314. Q. That was not exactly a furnace, was it? A. It was something similar to one.
 8315. Q. Do you know, speaking of the Metropolitan Colliery, whether the waste workings open out on the return airways? A. I believe they are open to the air-courses; they are not sealed.
 8316. Q. You do not know of any that open out to the intake? A. No.
 8317. Q. You said that you advocated having cut-throughs every 30 yards? A. I said that I did not think that it would make any difference to the roof.
 8318. Q. It is not a matter of the roof exactly? A. I thought that was the way the question was put to me.
 8319. Q. That is not the point. Have you observed, in both bords and in the pillar workings, that the timber is crushed and that the bottom is heaving up? A. Yes.
 8320. What causes that? A. I cannot say exactly; I would put it down to the weight on the timber, but I may be wrong.
 8321. Q. The weight of the strata overhead. Do you not see that the effect of giving up the practice of having large pillars, and adopting much smaller ones, by making cut-throughs every 30 yards, would be to increase the crush on the pillars? A. It might be on the pillars; but in the heading which I was speaking about —[*Interrupted.*]
 8322. Q. The mine is all pillars? A. Eventually it is.
 8323. Q. You know what crush is? A. Yes.
 8324. Q. Do you know that it brings on creeps? A. Yes.
 8325. Q. Have you heard of any disaster in this country through pillars being too small? A. I do not think I have, excepting up Broken Hill way.
 8326. Q. I mean in a coal-mining district—in Newcastle? A. I heard of a creep in the Metropolitan; but it was before my time.
 8327. Q. Have you heard of a disaster of the kind I mention? A. No.
 8328. Q. Do you know whether the creep would be aggravated by small pillars? A. I cannot say whether it would or not.
 8329. Q. Do you not think it is good practice and good management to have large pillars? A. I do not think it would make that much difference. It may do so.
 8330. Q. If you found a creep or crush going on what steps do you think, as a practical man, should be taken to prevent it? A. I think that the best step would be to timber it with chocks.
 8331. Q. I mean to prevent such a thing occurring? A. I could not say what steps ought to be taken to prevent it. There may be different things which cause it to occur. It may be a large fall which brings it on.
 8332. Q. What do you think generally causes it? A. Sudden weight going on it.
 8333. Q. A sudden weight going on what? A. On the seam.
 8334. Q. Do you not think that larger pillars would prevent it? A. Large pillars would be stronger.
 8335. Q. If you cut a large pillar it would weaken that pillar, would it not? A. Yes, it would weaken it.
 8336. Q. With reference to the brattice sagging—you know it is imperative. You cannot do without it, can you? A. I do not think they can altogether do without it, but I have seen them do without it in the Welsh bords.
 8337. Q. Before the passing of the 1896 Act there were many bords without brattice, but you are the men who asked to have that state of things remedied? A. I cannot remember a case where they have done without it lately; but they used at one time.
 8338. Q. I presume that leakage of air is inevitable? A. It may be to a certain extent; but I think it could be better than it is now, if the brattice was tacked up to a batten.
 8339. Q. Do you know that, when it is tacked up first, it is taut and straight? A. Yes.
 8340. Q. And that the cause is not the brattice sagging but the roof being irregular? A. Yes; but there are any amount of places where the roof has never stirred, as far as the naked eye can see, and the brattice is away from the roof, although the roof is as solid as ever it was.
 8341. Q. I think you said that the Metropolitan was the most gassy mine you have ever worked in. Therefore, if the leakage of air was bad, you would expect to find gas in the working faces? A. I daresay you would—I daresay they do occasionally.
 8342. Q. Have you ever found it? A. I have not found it myself; I do not say it could not be found in heading.
 8343. Q. Do you think that it is absolutely necessary to carry all the air up to the working face; is it not enough if there is sufficient to dilute any gas that may be given off? A. The more air you get the better.
 8344. Q. Did you not get enough? A. I do not complain myself.
 8345. Q. Are there any places in the mine, besides the working places, which require to be ventilated? A. I should say that the whole of the working places require to be ventilated.
 8346. Q. Do not leakages serve a good purpose? A. I do not understand you.
 8347. Q. Do not leakages of air through the doors, the brattice, and sometimes through the stoppings serve a good purpose? A. There are leakages there—I have heard of them—through both the brattice and the stoppings.

8348. *Q.* I asked, do you not think that they serve a good purpose? *A.* I could not exactly say; perhaps they may. I have had no experience to that extent.
8349. *Q.* Do you know what ventilation there is there? *A.* I do not know.
8350. *Q.* Do you know whether it is small or large? *A.* It is pretty large.
8351. *Q.* Would it be possible to have that large ventilation, if you attempted to carry all the air into the working faces? *A.* I cannot say whether it would be possible to carry all the air there, perhaps it would not be.
8352. *Q.* Speaking of these places being warm, what temperature do you think they would be? *A.* I said that the place we were in was warm, by the time we got down the length of the cut-through.
8353. *Q.* When was that? *A.* Last quarter.
8354. *Q.* Do you know what was the natural temperature? *A.* No.
8355. *Q.* Would you be surprised to know that it is 83°? *A.* It might have been; I never saw it. I never saw the temperature taken.
8356. *Q.* You have check-inspectors going round? *A.* We had one there this week, not in the back heading, but the one next to it. Last Monday we had Mr. Watson there.
8357. *Q.* I am referring to your own check-inspector? *A.* There have been check-inspectors there.
8358. *Q.* Do they not take the temperature? *A.* I think they do.
8359. *Q.* Do you not know from the report? *A.* They would report on it.
8360. *Q.* If the natural temperature is 83°, you would not expect to find it as cool as a winter day on the surface? *A.* No, certainly not.
8361. *Q.* You could not expect to find it otherwise than warm? *A.* No; you could not expect it very well.
8362. *Q.* As to the watering of the roads. You say the roads are dusty; which is perfectly true. I think you said you would like them to be watered? *A.* It would make them much better if they were watered.
8363. *Q.* You know that water has been very scarce at Helensburgh for many years? *A.* Yes. This last year it has.
8364. *Q.* You know the Company have twice spent a large sum of money in bringing water from Sydney for the boilers? *A.* Yes; on two occasions since I have been there—that is during the past seven years—I have known them to bring water. The remainder of the time they have had enough.
8365. *Q.* Enough for what? *A.* Enough for watering the travelling roads. I do not think it would take a great deal.
8366. *Q.* You have not gone into any calculation to ascertain how much it would take? *A.* No.
8367. *Q.* Do you know how many miles of roads would have to be watered? *A.* No, I do not.
8368. *Q.* Have you any idea how many miles of main roads, intakes, and returns, there are in this Colliery which you are working at? *A.* Do you mean all the travelling roads put together?
8369. *Q.* Yes; and all the intakes and returns? *A.* I should say 6 or 7 miles.
8370. *Q.* Would you be surprised to learn that there are 30 miles, without counting the bord-roads. *A.* That would depend on the number of return air-courses.
8371. *Q.* Of course it would;—would that modify your opinion as to the practicability of watering them? *Q.* I should say that the ones you are travelling on ought to be watered.
8372. *Q.* What do you want them watered for? *A.* To settle the dust.
- 8372½. *Q.* What is the object of that;—is it a matter of comfort to the men? *A.* It would be a matter of great comfort to them.
8373. *Q.* Did you not say something about something happening in the event of an explosion? *A.* I think I was asked the question if it would be dangerous; and I said it would be, in the event of an explosion.
8374. *Q.* You would water the travelling roads, that is your suggestion? *A.* They should be watered.
8375. *Q.* Would not an explosion travel through one of the return air-courses as much as it would along a travelling road? *A.* I daresay it would.
8376. *Q.* What would be the use of watering one road unless you watered them all? *A.* It would do them no harm to water them.
8377. *Q.* You think it would have no injurious effect on the roof? *A.* It might have; but I should hardly think so.
8378. *Q.* Have you never heard of water injuring a roof? *A.* I have heard of its injuring the floor.
8379. *Q.* It causes it to swell, does it not? *A.* Yes; you may have a case like that, but perhaps only once in twelve months.
8380. *Q.* Is it not a fact that all these miles of roads are timbered? *A.* Yes.
8381. *Q.* What would be the effect of constant watering on timber in a hot mine? *A.* I cannot say.
8382. *Q.* Would it not rot the timber? *A.* I do not think it would be necessary to have the water closer than within a few inches of the timber.
8383. *Q.* Does not the finest of the dust lodge on the timber? *A.* Yes, it lodges on the timber; but that is not the dust that stirs up when the men are travelling up on the roads.
8384. *Q.* Of course, if your idea is that we should water the roads for the comfort of the men, I can understand your suggestion that we should water the floor only; but, if the watering is for the purpose of stopping an explosion, you must water all the roads, the timber, and the sides, as well as the bottom? *A.* I think that, if there was not a particle of dust, it would not stop an explosion.
8385. *Q.* What would not stop an explosion? *A.* The dust.
8386. *Q.* I do not quite follow you;—you see, as long as you have dust on the roadway, whether on the floor or on the timbers, an explosion might travel along that road? *A.* Yes.
8387. *Q.* If you only water the floor, and do not water the timber, the watering is practically useless. *A.* I daresay it would be useless as far as an explosion is concerned.
8388. *Q.* Do you know what system of firing shots is adopted at the Metropolitan;—is it the naked light, or the wire, or what? *A.* I have never seen one fired since I have been there. I have heard them when I have been on night work. They water the place thoroughly well; that is so far as I know.
8389. *Q.* You have never been near one when it was fired? *A.* No.

Examined by Mr. Ritchie:—

8390. *Q.* You said that you could have complained about the ventilation on some occasion? *A.* I could have done so last quarter.
8391. *Q.* Did you think that the air was not sufficient? *A.* There may have been a proper amount of air coming in, but at the same time I felt it warm. 8392.

Witness—J. Raynor, 22 January, 1903.

8392. *Q.* Was it coming into your working place? *A.* Not into the heading.
 8393. *Q.* Was the brattice kept well up? *A.* Yes; kept well up to the face.
 8394. *Q.* Was it away from the roof? *A.* Yes, a little.
 8395. *Q.* Was there not a sufficient current of air playing on the face? *A.* I daresay there was. I do not think we were really short of air, but it felt more warm than we usually get it.
 8396. *Q.* Was it very hot? *A.* No, not very hot, but just warm enough to make it uncomfortable.
 8397. *Q.* Was it warmer than in the pillars? *A.* No. I have had it warmer in the pillars at the Metropolitan than it was then.
 8398. *Q.* Is the ventilation kept well on the working face of the pillars? *A.* As well as they can get it.
 8399. *Q.* Have you had any cause to complain of the ventilation being bad at the pillars? *A.* Not during the last four or five years. Before that time, when I was in old No. 5, it was very warm.
 8400. *Q.* Do you think there has been a sufficient quantity of air playing on the face of the pillars? *A.* Yes, I think so. The workings lately have been reasonable.
 8401. *Q.* I take it from that that, in your opinion, you could do with more air? *A.* There are some places where we could do with more air, I daresay.
 8402. *Q.* Do you think that what you are getting is sufficient? *A.* I think we get the amount allowable to us.
 8403. *Q.* What do you mean? *A.* I think we get sufficient, anyhow.
 8404. *Q.* You mean the minimum? *A.* Yes.
 8405. *Q.* Do you say that it is sufficient? *A.* You can always do with more than you get.
 8406. *Q.* As a practical man, do you think you were getting sufficient air—that is, losing sight of the minimum allowance? *A.* Latterly I could not complain at all.
 8407. *Q.* Excepting in the pillars, where you have complained of its being warm, do you think you have sufficient? *A.* Not at the time that I mention; but that was a good while ago.
 8408. *Q.* Did you complain at that time? *A.* I daresay I complained about its being warm.
 8409. *Q.* Did they make any attempt to make it better? *A.* They could not make it any better; they could only keep the brattice up. It was really warm in that district.
 8410. *Q.* What do you call it? *A.* Old No. 5.
 8411. *Q.* How long ago is that? *A.* It must be four or five years ago.

Mr. CHARLES JOSLAND was sworn and examined as under:—

Examination-in-chief by Mr. Lysaght,

8412. *Q.* What is your name? *A.* Charles Josland.
 8413. *Q.* What are you? *A.* A miner.
 8414. *Q.* Where are you working? *A.* At Helensburgh.
 8415. *Q.* I think you are a member of the Delegate Board of the Hlawarra Miners' Union? *A.* Yes.
 8416. *Q.* Did you come to Kembla at the time of the disaster? *A.* Yes, on the night of the disaster.
 8417. *Q.* What time did you reach Kembla? *A.* About half-past 10 o'clock.
 8418. *Q.* Did you go into the mine? *A.* No.
 8419. *Q.* Do you know anything about the supply of safety-lamps available that night? *A.* I saw very few of them about there. I was prepared to go into the mine; but I could not see any lamps to spare.
 8420. *Q.* Did you look for any? *A.* I made inquiries; but they said there was a scarcity of them.
 8421. *Q.* You could not get a lamp to go into the mine with? *A.* No.
 8422. *Q.* Did you afterwards go in with a party of inspection? *A.* No.
 8423. *Q.* You did not? *A.* No.
 8424. *Q.* You do not know anything about this disaster? *A.* No.
 8425. *Q.* You are familiar with the recommendations made by the Delegate Board? *A.* Yes.
 8426. *Q.* Have you seen a complete copy of those recommendations? *A.* Yes.
 8427. *Q.* Do you approve of them? *A.* Yes.
His Honor.] He could be cross-examined on these recommendations afterwards, if necessary.
 8428. *Mr. Lysaght.] Q.* You were one of a company who inspected Mount Kembla mine on the 29th and 30th of April and the 1st of May, 1902. You furnished this report, signed by you and C. H. Biggers. Is this your original report? *A.* Yes.
 8429. *Mr. Lysaght.]* I tender this report.
 8430. (Report put in and marked Exhibit 15).
 8431. *Q.* Who accompanied you besides Mr. Biggers? *A.* On the 29th and 30th of April the underground-manager of Mount Kembla, Mr. Leitch; and, on the 1st of May, Mr. Nelson. He was deputy at that time; he was underground-manager afterwards, and was killed in the explosion.
 8432. *Q.* On any of those visits was the pit not working? *A.* Yes, on the three days—the pit never worked.
 8433. *Q.* Were there any men in the pit at all while you were inspecting it? *A.* Only the officials; that is, the deputies.
 8434. *Q.* You never saw a working-miner there? *A.* No.
 8435. *Q.* Did you make any inspection whatever of any of the waste workings? *A.* No.
 8436. *Q.* Let me draw your attention to this plan. Here is No. 1 Right engine road. There is the main shaft. You saw all the bords between No. 1 main level and Stafford's going bord and went over the 5th Right rope road? *A.* I think I recognise those roads.
 8437. *Q.* Do you remember being in the 5th Right rope road? *A.* Yes.
 8438. *Q.* Do you remember being along the 4th Left travelling road, towards Price's Flat? *A.* I cannot recognise the thing very clearly, but I understand the rope roads and the bords.
 8439. *Q.* How many bords did you examine? *A.* Oh, about one-half of them.
 8440. *Q.* What was the value of your examination as regards one-half of the bords which you did not examine? *A.* The value—I was taking it for granted that, when I visited one bord, the others corresponded with it.
 8441. *Q.* You took it that the other corresponding bords were like it? *A.* If I went into two or three bords, and missed two or three bords, I should form the idea that those I missed were like those I visited.
 8442.

8442. *Q.* Was that your practice throughout? *A.* Yes.
8443. *Q.* Did Mr. Leitch or Mr. Nelson say anything about the bords between No. 1 Right and Stafford's going bord? *A.* They only suggested that it was no good to visit all of them, because they were all pretty much alike.
8444. *Q.* Who suggested that? *A.* Mr. Nelson.
8445. *Q.* Can you remember at what part of the mine it was Mr. Nelson suggested to you not to visit these bords — [Interrupted.]
8446. *Mr. Wade.*] He said he did not visit all the bords.
8447. *Mr. Lysaght.*] At what part of the mine was it that Mr. Nelson suggested it? *A.* I am not familiar with the names of any of the districts. I believe that is it (*pointing to the plan*).
8448. *Q.* That is the 4th Left travelling road. You say that about one-half of the bords were inspected. What about the pillars? *A.* The pillars—I think we visited about half of them—and also the longwall workings.
8449. *Q.* How long were you inspecting, say, one bord? *A.* It just depended; we might spend a quarter of an hour there or even half an hour, or perhaps only ten minutes. You might sit down in the face of the bord.
8450. *Q.* Had you ever been check-inspector before? *A.* No.
8451. *Q.* Did you know what the duties of a check-inspector were? *A.* I had a pretty good idea of what was laid down for me to go by.
8452. *Q.* As regards your own mine, do you know anything about it? *A.* I worked in it about eleven years ago. It is a different mine altogether now from what it was when I worked in it previously.
8453. *Q.* Whom did you depend on to take you to the various places in the Kembla Mine? *A.* I relied on my partner, Mr. Biggers.
8454. *Q.* Did you object when Mr. Nelson suggested that you should not go into some of the bords? *A.* I did not object. I agreed that it was no good to visit all these places, when the men were not at work.
8455. *Q.* Summing it all up, I suppose I should put this to you. As far as the waste workings were concerned, they got no examination at all; and as far as one-half of the bords and one-half of the pillars were concerned, they got no examination? *A.* That is somewhere about it. Of course, I saw the waste workings whilst I was in the pillars.
8456. *Q.* Is that a fair statement of the inspection? *A.* Yes.
8457. So that, in your opinion, nothing like a check inspection of the colliery was made? *A.* It seemed satisfactory. I was quite satisfied.
8458. *Q.* As a matter of fact, you did not know that the pit was not going to work? *A.* No.
8459. *Q.* You did not know that the pit was not at work until you reached the pit mouth? *A.* No.
8460. *Q.* Why did you make an examination on the day that the pit was not working? *A.* I did not know on what day the pit was going to work again. I might have stopped there a week, and it may not have worked.
8461. *Q.* Who had the lamp? *A.* I had the lamp.
8462. *Q.* Had Biggers a lamp? *A.* A flare-lamp.
8463. *Q.* What did Nelson have? *A.* A flare-lamp, and for part of the time an old Davy lamp.
8464. *Q.* What did Leitch have? *A.* A flare-lamp.
8465. *Q.* Was any part of the mine examined by Biggers while you examined another part? *A.* No.
8466. *Q.* You all kept together? *A.* Yes.
8467. *Q.* What time did you go in in the morning? *A.* Between 8 and 9 o'clock.
8468. *Q.* What time did you go out in the afternoon? *A.* Between 4 and 5 o'clock.
8469. *Q.* Will you admit, so far as the detection of gas is concerned, the examination was practically valueless. I am not saying anything as regards the roof, because you gave that care? *A.* I do not hardly grasp that.
8470. *Q.* I see in your report where you mention defects in the roof, but as to the detection of gas there is not one word. You have admitted, in fact, that you did not examine the wastes, and that you did not examine half the bords and half the pillars.
8471. *Mr. Wade.*] I object to that. The witness said he examined the wastes while at the pillars.
8472. *Mr. Lysaght.*] Well, I will leave him to you.

Cross-examined by Mr. Wade :—

8473. *Q.* Were you elected by the Kembla Lodge to make an inspection? *A.* By the District Lodge.
8474. *Q.* You work in Helensburgh? *A.* Yes.
8475. *Q.* You have had experience of gas there? *A.* Yes, a little.
8476. *Q.* You have worked with a safety-lamp for some time? *A.* Yes.
8477. *Q.* Did you make any examination at Kembla for gas where you thought there was a likely place to find it? *A.* On two or three occasions I did. Of course, when I went to the mine with a safety-lamp, they said "It is no good bringing a thing like that here; we have had no gas reported for twelve months." I took their word for it, and was lax in my duty.
8478. *Q.* You did examine for gas? *A.* At two or three places.
8479. *Q.* Were they different places? *A.* Yes.
8480. *Q.* Who fixed those places? Who proposed it, you or Biggers? *A.* It was my own idea.
8481. *Q.* Did you find any gas? *A.* No.
8482. *Q.* Did Biggers use a safety-lamp? *A.* No.
8483. *Q.* Did you do all the looking for gas yourself? *A.* I think, if there had been gas in any quantity, Biggers would have found it with his safety-lamp.
8484. *Q.* Now, so far as you are concerned—I do not say you did not do your duty—but I want to know what you did do—do you remember being round the 35-acre goaf? *A.* No. I do not remember being there at all; it was never pointed out.
8485. *Q.* Did you go to the extreme places in the mine? *A.* Yes.
8486. *Q.* Do you remember a place at the end of No. 1? *A.* Of course; I was in there.
8487. *Q.* Do you know that these are the highest points in the mine? *A.* I can believe that they are.
8488. *Q.* Could you not see that you were rising? *A.* Yes.

Witness—C. Josland, 22 January, 1903.

8489. *Q.* You actually made a complaint that there was too much water in one of the roads? *A.* Yes.
 8490. *Q.* You asked the management to make it drier? (*No answer.*)
 8491. *Q.* Was Biggers in the employ of the Mount Kembla Mine? *A.* Yes.
 8492. *Q.* Do you know how long he had been there? *A.* A few years, to my knowledge.
 8493. *Q.* Did the management oppose you in any way in doing what you wanted to do? *A.* Certainly not.
 8494. *Q.* You could go where you liked? *A.* Yes.
 8495. *Q.* You did not know the mine yourself? *A.* No.
 8496. *Q.* You had three days in it? *A.* Yes
 8497. *Q.* From 8 to 4 each day? *A.* Yes, as near as I can tell, but the last day I was only in half a day.
 8498. *Q.* Then you had two days and a half in the mine; and I suppose you travelled pretty well all over it? *A.* We did not visit every place, but the whole of the sections were visited. That is what I was told.
 8499. *Q.* The amount of the air was a good deal more than the minimum required by the Act? *A.* The report speaks for itself on that matter.
 8500. *Q.* You state there was 400 cubic feet per man? *A.* That is the rate of supply. I do not say the men got that amount
 8501. *Q.* There were no men there to get it at the time you were in? *A.* No.

Cross-examined by Mr. Bruce Smith:—

8502. *Q.* Have you ever been appointed before as a check-inspector? *A.* No.
 8503. *Q.* Do you know why they appoint check-inspectors? *A.* I could not really say.
 8504. *Q.* Do you know where the definition of the word comes in? *A.* No.
 8505. *Q.* Do you know why they are called check-inspectors; do you know how the word is spelt—it is not c-h-e-q-u-e, but c-h-e-c-k;—do you know the meaning of it? *A.* It is to check the management, I suppose.
 8506. *Q.* And, when you go to check anyone else, you do not generally take their word for the very thing you are sent there to check them upon? *A.* No.
 8507. *Q.* But you did; do you not think you neglected your duty by taking their word? Did you, at the time, think you were fulfilling your duty in taking the opinion of one of the very persons you were sent to check? *A.* I think I was fulfilling my duty, as I was given my own way in the matter.
 8508. *Q.* You know that the management had reported on these things, and you were sent there to see whether they had reported truly? *A.* Yes.
 8509. *Q.* Why were you chosen to do the work? *A.* Because I would be able to fill the position. There was nobody else aspired to the job.
 8510. *Q.* You were ambitious to fill it? *A.* No, I was not.
 8511. *Q.* You were willing to take it? *A.* With a lot of persuasion.
 8512. *Q.* You were not anxious? *A.* No.
 8513. *Q.* Were you the best man they could get? *A.* No.
 8514. *Q.* Were you paid for doing it? *A.* Yes.
 8515. *Q.* How much a day? *A.* Ten shillings.
 8516. *Q.* About what you would earn? *Q.* Somewhere about it.
 8517. *Q.* That money is subscribed by the Lodge? *A.* It comes from the local fund.
 8518. *Q.* You took the report back to the Lodge. Was it read? *A.* Yes.
 8519. *Q.* Was it considered satisfactory? *A.* Yes.
 8520. *Q.* Was there no criticism about your accepting the Manager's statement?— [*Interrupted.*]
 8521. *Mr. Wade.*] That was rather a misleading question.
 8522. *His Honor.*] I am trying to fathom why this document is put in at all.
 8523. *Mr. Bruce Smith.*] The document seems to cut both ways.
 8524. *His Honor.*] Probably the idea is to see which way it cuts least.
 8525. *Mr. Lysaght.*] There is no report of gas in it. I have tried to show that the statement was made that there had been no discovery of gas for twelve months; and that, therefore, it was not looked for.
 8526. *Mr. Bruce Smith.*] *Q.* You say that the management told you that there had been no gas? Who did tell you? Can you give me the name of the person? *A.* Yes, Mr. Rogers.
 8527. *Q.* Then I understand Mr. Rogers told you as you went into the mine? *A.* Yes.
 8528. *Q.* He told you that there had been no gas found for twelve months before? *A.* Yes.
 8529. *Q.* You accepted that? *A.* I did not altogether.
 8530. *Q.* Did you not check it?— [*Interrupted.*]
 8531. *Mr. Wade.*] How could he check it? It took place twelve months before.
 8532. *Mr. Bruce Smith.*] *Q.* You did not go to the different places to check it? *A.* No.
 8533. *Q.* Do you know that a waste is considered a dangerous place, so far as gas is concerned? *Q.* No, I do not.
 8534. *Q.* Had you ever been asked before to become a check-inspector? *A.* Yes
 8535. *Q.* Months before? *A.* Yes.
 8536. *Q.* Did you refuse? Yes, I refused.
 8537. *Q.* On what ground? *A.* Well, in fact I really did not think I had the ability. I thought there were better men than me to be got.
 8538. *Q.* When you say in that report that there is too much water, you do not mean all over the mine—you mean in one place—a concentration of water? *A.* Water standing stagnant.
 8539. *Q.* In a certain place? *A.* About 100 yards of it.
 8540. *Q.* In a great part of the mine you found it dry? *A.* Pretty well.
 8541. *Q.* You would not say of the mine that it was too wet? *A.* Only in a certain part of it.

Re-examined by Mr. Lysaght:—

8542. *Q.* Where did you see Mr. Rogers when you went in to inspect? *A.* He came across to the mine as usual, I suppose.
 8543. *Q.* Did he tell you anything else besides the fact that there was no gas there? *A.* I cannot say that he did; we had a talk for some time.

Witness—C. Josland, 22 January, 1903.

8544. Q. Did you ask him ; or did he volunteer the statement? A. He volunteered the statement.
 8545. Q. Do you know it is difficult to get persons to accept the position of check-inspector? A. Yes.
 8546. Q. What is the difficulty? A. Men are afraid to take the position.
 8547. Q. Why are they afraid? A. I can hardly say.
 8548. Q. You know they are afraid? A. It looks like it. I was the only one that stood for the position.

Examined by Mr. Robertson :—

8549. Q. How long have you been working at Helensburgh? A. Three or four years, more or less, off and on. I suppose I have been working there five or six years, between 1891 and the present time—that is, on three or four different occasions.
 8550. Q. You know all about gas? A. I know a little about it—I can detect it.
 8551. Q. You are quite able to detect gas? A. Yes.
 8552. Q. You were not afraid to take the position of check-inspector? A. No, not at all.
 8553. Q. Do you think there is any reasonable ground for the fear that exists about taking such a position? A. No.
 8554. Q. You never suffered from anything of the kind? A. No.
 8555. Q. You never heard of anybody being victimised for having accepted such a position? A. No.
 8556. Q. You have no fear of complaining to-morrow if you saw anything wrong? A. No.

Examined by Mr. Ritchie :—

8557. Q. Did your companion, Mr. Biggers, suggest looking for gas? A. No ; he never made a suggestion of any description.
 8558. Q. Those places you did not visit—they may have had gas? A. I cannot say what was in the places I did not visit.
 8559. Q. Did your companion suggest the advisability of visiting the waste workings? A. No.
 8560. Q. You depended on him seeing that he was a local man? A. Yes.
 8561. Q. Are you satisfied now that there is a great deal which you ought to have seen and did not see? A. I am satisfied now.
 8562. *Mr. Wade.*] Do I understand from Mr. Lysaght that with the exception of the witnesses from Gunnedah his case is now closed?
 8563. *Mr. Lysaght.*] I have two witnesses from Gunnedah and one from Appin. I have also received information to-day which may lead me to call witnesses who have been at Kembla and who are now at Newcastle.
 8564. *His Honor.*] It will only be by special leave of the Commission that these witnesses will be called, because I take it that it would be impossible for Mr. Lysaght to secure their attendance by Tuesday.
 8565. *Mr. Lysaght.*] I will ask you to allow me to call in Sydney any witnesses whom I may have available, but whom I may not be able to call until then. I may say there are no more witnesses available now.
 8566. *His Honor.*] It may be found more convenient to call certain witnesses in Sydney. It may be that the Commission may desire to call them ; but I am afraid that we cannot keep the case in anything like definite order.
 8567. *Mr. Wade.*] If necessary, I suppose I can call other witnesses in reply.
 8568. *His Honor.*] Yes, I presume that would be so.

[The Commission, at 3 o'clock, adjourned until 11:30 a.m. on the following Tuesday.]

TUESDAY, 27 JANUARY, 1903.

[The Commission met at the Court-house, Wollongong, at 11:30 a.m.]

Present:—

C. E. R. MURRAY, Esq., D.C.J. (PRESIDENT).

D. A. W. ROBERTSON, Esq., COMMISSIONER. | D. RITCHIE, Esq., COMMISSIONER.

Mr. Bruce Smith, Barrister-at-Law, instructed by Mr. Wood, Crown Solicitor's Office, appeared on behalf of the Crown.

Mr. A. A. Atkinson, Chief Inspector of Coal-mines, assisted Mr. Bruce Smith.

Mr. A. A. Lysaght, Solicitor, appeared on behalf of—

- (a) the representatives of deceased miners, wheelers, &c., (victims of the explosion) ;
 (b) the employees of the Mount Kembla Colliery (miners, wheelers, &c.) ; and
 (c) the Illawarra Colliery Employees' Association (the Southern Miners' Union).

Mr. C. G. Wade, Barrister-at-Law, instructed by Mr. F. Curtiss, appeared on behalf of the Mount Kembla Coal and Oil Company (Proprietors of Mount Kembla Mine).

(Mr. J. Garlick, Secretary to the Commission, was present to take shorthand notes of the evidence and proceedings.)

Mr. J. WYNN was sworn, and examined as under :—

(This witness was called at his own request, and the Commission asked Mr. Bruce Smith, as a matter of convenience, to conduct his examination-in-chief.)

Examination by Mr. Bruce Smith :—

8569. Q. What is your name? A. John Wynn.
 8570. Q. What are you? A. I am a contractor in a small way.
 8571. Q. But what kind of contractor? A. Chiefly in building.
 8572. Q. I believe you have had some experience of coal-mining, have you not, at some time in your life? A. Yes ; nearly twenty years.

8573,

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8573. Q. In what capacity? A. From a boy of 10 years —
 8574. Q. Up to —? A. Up till getting coal.
 8575. Q. After that, have you ever acted as deputy or check-inspector? A. I have acted as check-inspector since leaving the mine.
 8576. Q. Did you ever hold any position beyond coal-getting, as deputy, or under-manager, or anything of that sort? A. No; I never sought one.
 8577. Q. You have been asked, since your experience, to act as check-inspector on behalf of the miners in some mine. What mine is that? A. For the whole of the district—Illawarra.
 8578. Q. When was that? A. It was about February, 1900.
 8579. Q. Can you tell me what mines you inspected in that capacity? A. I have inspected all mines in connection with the Miners' Association.
 8580. Q. Along this coast? A. Along this coast: all of them once, and one twice.
 8581. Q. Which one twice? A. Mount Keira.
 8582. Q. Then, within what period was all that done? A. That was done from March, 1900, till December, 1901, twenty-one months.
 8583. Q. Were you continually occupied on that work during that time? A. No; I resigned because I had not enough to do,—mainly that was the reason, at least. It was a tie upon me in my other business.
 8584. Q. You did your other work in the meantime? A. That is it; and, not having much to do, I resigned it.
 8585. Q. Did you make reports of your inspections? A. Yes; every one.
 8586. Q. Have you these reports? A. Not many. I have some with me.
 8587. Q. Have you them here? A. Yes; I have two or three here. I have with me all that I have.
 8588. Q. Are there any facts in connection with those inspections that you wish to put before the Court? A. Yes.
 8589. Q. Perhaps you will tell me what they are generally; and then I may ask you to produce the reports. What are the principal facts that you wish to put before the Court? A. The first thing that I would say would be in connection with the first inspection of Mount Keira. I found, in connection with that inspection, that there were some serious faults in the management of the mine.
 8590. Q. Have you your report of that here? A. No, I have not.
 8591. Q. Did you commit these facts, which you are now about to give me, to paper? Yes.
 8592. Q. And who has that report? A. Well, I wrote three reports; one was left at the mine immediately at the close of the inspection.
 8593. Q. You made three copies of the same report? A. Three copies of the same report
 8594. Q. One was left at the mine: go on? A. And one was sent to the local Miners' Lodge at each colliery; and one was sent to the District Secretary of the Association.
 8595. Q. Did you ever send a copy of it to the Department? A. No.
 8596. Q. Or to the Inspector? A. No.
 8597. Q. Did you ever send a copy of it to the Mine Manager? A. At Keira?
 8598. Q. At Keira? A. He read it before I left the colliery.
 8599. Q. What was the name of the Manager at Mount Keira then? A. I think the Colliery Manager's name is McGeckie, and the under-manager that accompanied me is named Phillips.
 8600. Q. You give me more information than I want at once. Who was the Manager at that time? A. I think Mr. McGeckie.
 8601. Q. Did you show it to him? A. I never saw him at all.
 8602. Q. Your answer is "No." Did you show it to the under-manager? A. I wrote it in a book.
 8603. Q. Did you show it to the under-manager? A. I did not show it. I left it there.
 8604. Q. You left the book then with the under-manager of the Mount Keira Mine? A. Yes.
 8605. Q. And that would be in about the beginning of 1901? I think you said February? A. No; that would be in about April, 1900.
 8606. Q. Then your entry of the report was made in the regular book? A. Yes; that is it.
 8607. Q. There had been other reports in that book? A. Yes.
 8608. Q. That would be in what month of 1900? A. I am not sure—about April.
 8609. Q. You told me you began in February; and that Keira was the first you did? A. I will have to explain still further to make it clear. In February I was asked by the Bulli miners if I would stand nomination for this office. I consented to do so. Then the nominations had to go down to the miners; and the election took place as near as I know in March. I commenced my duties in April—somewhere about April.
 8610. Q. Now, will you tell me what were those facts, which you discovered in connection with Mount Keira, which you entered in the book? A. Well, in one district, where they were working pillars, we found some black-damp.
 8611. Q. What light did you use in going round? A. I always carried a safety-lamp; but the others that accompanied me on that occasion carried flare lights.
 8612. Q. The other check-inspectors? A. Yes; and the under-manager.
 8613. Q. Did you object to that? A. No, sir. They told me there was no gas seen for a long time previously; and no safety-lamps were used; so I could not object to it.
 8614. Q. And you did not think it dangerous? A. I did not.
 8615. Q. Did you try for gas with your lamp? A. Only in old workings. In nearly every colliery I tried in several places — [Interrupted.]
 8616. Q. Just confine yourself to Keira at present;—did you find gas in Keira? A. I did; not explosive gas.
 8617. Q. Black-damp I suppose? A. Yes.
 8618. Q. Did you find it in any quantity? A. Well, not a very large quantity. It was more particularly so in one working-place, one bord, one pillar.
 8619. Q. You say waste workings—what sort of waste workings were they? A. Well, of course, in pillar work it means that they are taking out the supports of the roof—that is, the main body of the coal.
 8620. Q. You reported that? A. Very briefly, because I requested that the men should be removed to another place immediately.
 8621. Q. You did request? A. I did; and the under-manager complied with the request; and consequently I did not make any great trouble about it.

8622. *Q.* But you did report it briefly. Now, did you find anything else in Mount Keira that you thought important? *A.* I found, in another district, two or three working places that, in my opinion, had nothing like the quantity of air that they should have had.
8623. *Q.* Could you name them;—have you named them in your report? *A.* One place would be called Bell's heading. I am speaking from memory; I have not had the privilege of seeing it lately.
8624. *Q.* We may save some trouble—have you mentioned these three places in the report? *A.* Yes.
8625. *Q.* We can get the report; you found three places insufficiently ventilated; did you mention that beyond the report;—did you mention that verbally to the Manager or the under-manager? *A.* Yes; the Manager was with me at the time; and he promised in these other cases too that the men should be removed.
8626. *Q.* I thought you said the under-manager did that? *A.* Yes; the under-manager.
8627. *Q.* I asked you about the Manager? *A.* I never saw the Manager.
8628. *Q.* Then you mentioned it to the under-manager, the same as you had done with the black-damp? *A.* Yes; he was with us at the time to check it himself.
8629. *Q.* What was done in consequence of that;—was any alteration made in the ventilation? *A.* I never went back; I could not say.
8630. *Q.* You recorded those facts in this report. Now, was there anything else in Mount Keira on that first occasion which you think it important to mention here? *A.* The only other complaint, I think, that was made was in connection with the haulage-road. It was in a very bad condition from wet and dirt—mud. I recommended that it should be cleaned.
8631. *Q.* Cleared up? *A.* Yes; cleared up; and kept a bit better.
8632. *Q.* That also you put into your report? I think, your Honor, it would be well for the Commission to require that report to be produced.
8633. *His Honor.*] Yes. There are three copies; but it does not appear which is the most easily accessible.
8634. *Mr. Bruce Smith.*] I should think the Manager's copy at the mine would be most easily obtained.
8635. *His Honor.*] If the Manager is to be called, Mr. Wade, you might ask him to bring this report with him.
8636. *Mr. Wade.*] As a matter of fact, your Honor, I do not appear for anybody outside Mount Kembla. I have got an intimation from Mr. Jones, the present manager of Mount Keira Mine, that he wants the two deputies referred to in Gleeson's evidence last week to be summoned before the Commission; and I would suggest that these men might bring that book down. I have no control over Mr. Jones of Mount Keira in any way; but I have no doubt they will bring the book if the Commission ask them.
8637. *His Honor.*] I suppose the Manager himself keeps these books at the mine?
8638. *Mr. Wade.*] Yes.
8639. *His Honor.*] Then he might or might not care to hand the documents over to the deputies: and if the Manager or the under-manager is coming himself he might be requested to forward this document.
8640. *Mr. Bruce Smith.*] I think Mr. Garlick might write to him and ask him.
8641. *His Honor.*] The only matter is to give him timely notice in order that he may be able to find it.
8642. *Mr. Bruce Smith.*] Mr. Garlick will communicate with him and ask him when he comes to bring that book?
8643. *His Honor.*] Yes.
8644. *Mr. Bruce Smith.*] *Q.* Is that all you wish to say generally about the first visit to Mount Keira? *A.* There is just one other thing: in the same district where the black-damp existed there was a very serious fall of stone in the return airway—so much so that we had great difficulty in getting along over it.
8645. *Q.* Did you mention that in your report? *A.* Yes.
8646. *Q.* You mean there was not sufficient space from the top of the fall to the roof to let the air pass freely? *A.* I mean that the fall ought to have been cleared up.
8647. *Q.* To give a free passage for the air? *A.* A free passage to the air. It was blocking the air—stopping the current.
8648. *Q.* Is that all with regard to your first visit to Mount Keira? We shall have the book here, you see. *A.* I think so.
8649. *Q.* I take it that all you saw there which you thought important you mentioned in this report. Now, will you tell me of any other mine in the district which you wish more particularly to mention to the Commission? *A.* Well, I might say that my principal object in coming in to this Commission was to speak about, or to give some facts in connection with, the question of the position of check-inspector being held by others outside miners.
8650. *Q.* Very well; just say what you wish to say about that. *A.* Well, when I went to Mount Kembla—*[Interrupted.]*
8651. *Q.* When was that? *A.* That I could not remember, really; but somewhere about May.
8652. *Q.* Of which year? *A.* 1900, about a month later on, I should think than Keira. When I went to Mount Kembla my mate was named Wickham, a man who was check-weighman at the time. He introduced me to Mr. Leitch, the under-manager, informing him that I was there to make a check-inspection of the mine. Mr. Leitch asked me where I worked. I told him where I was working at the time, and what I had on generally. "You do not work in the mines, then?" he said. "No," I said, "I do not." He said, "Then I do not see what right you have to be here." "Oh, well," I said, "that is not my business. I am here to make the inspection, if I am allowed to do so; and, of course, if I am not allowed to do so, somebody else will see into the matter, I suppose." "Oh, well, I cannot allow you to go in," he said. And so, with that, he said, "Wait a minute, wait awhile, and I will go and see the Manager." He went across to the Manager's house; and came back saying it was all right: and Mr. Rogers came with him too. They said it was all right, and I could go in and make the inspection. I want to say that, in my opinion, Mr. Leitch was right. The law does not allow others than practical miners to be check-inspectors.
8653. *Q.* That is to say, men who are practical miners at the time they make the inspection? *A.* "Practical working miners," I think is the wording of the law; and, in my own interpretation of it, I had no right to be in the office.
8654. *Q.* You think that Mr. Leitch was right? *A.* Yes; and I think the law should be amended in that respect. That is the one thing that I want to bring before the Commission,

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8655. *Q.* You want to say that if a man has the experience, although he may not be a working miner at the time, he should be included among the men who may be chosen by the men? *A.* Yes; I think it is much more important that he should be included than the working miners.

8656. *Mr. Robertson.*] Do you say the law does not allow it?

8657. *Mr. Bruce Smith.*] He says that he thinks Mr. Leitch's view was right; and that, as he was not a practical working miner at the time he made the inspection, the law did not enable him to do it; but he asks that the law should be altered.

8658. *Q.* Is that what you said? *A.* That is what I said. I think the wording should be so clear that it should be made unmistakably plain that persons outside working miners have the right to be check-inspectors.

8659. *Mr. Robertson.*] That is what I said. He is under the impression that the law does not allow it.

8660. *Mr. Bruce Smith.*] That is what I said: that he is under the impression that Mr. Leitch was right in his view that he (Wynn) had no right in the mine at the time; but he thinks that the law should be altered so that it should not be necessary for a man to be a working miner at the the time he goes in to make a check inspection. As to the state of the law, of course, I am not expressing an opinion. Your Honor will see in Rule 39 "The persons employed in a mine may from time to time appoint two of their number, or any two persons, not being mining engineers, who are practical working miners, to inspect the mine, at their own cost . . ." As to what that means I do not think I am concerned, just now, in examining this witness.

8661. *His Honor.*] The witness says that he has been a practical working miner; but he did not happen to be a practical working miner at this time; and, therefore, he thinks that, as there is a doubt, at any rate, about the construction of this rule, it would be as well that it should be made clear that a man need not be an actual working miner at the time of making the inspection, if he has had the practical experience.

8662. *Mr. Bruce Smith.*] Mr. Atkinson tells me that there was a case at Home in which a check-weighman was chosen as a check-inspector. It was contended that he was not a practical miner; and it was decided that he was not, that he did not come within the category, and therefore could not be chosen.

8663. *His Honor.*] Although he had all the experience, but was not working at the time as a practical miner?

8664. *Mr. Bruce Smith.*] That is it. So that there would seem to be some doubt at least.

8665. *Q.* And you think that if there is any doubt it ought to be removed? *A.* Yes.

8666. *Q.* You think that, if a man has the practical knowledge, the mere fact that he is not engaged in practical mining at the time should not disqualify him from acting as check-inspector? *A.* Yes; that is my view.

8667. *Q.* Now, is there any other point of that kind that you would like to bring before the Court? *A.* Not of that nature.

8668. *Q.* Do you wish to say anything about any of the other inspections that you have made of other mines in this district? *A.* Yes. I would like to say something.

8669. *Q.* I invite you to go on and say it. Which mine is it about? *A.* I would like to say, first of all, in connection with Mount Kembla mine, that I found things on the whole in a very satisfactory condition at Kembla.

8670. *Q.* In 1900, this is? *A.* Yes: that is the only visit that I made to Mount Kembla: and the only recommendation, I think, that we made in our report was an improvement in the travelling road.

8671. *Q.* In Mount Kembla? *A.* Yes.

8672. *Q.* What was the matter with the travelling road? *A.* Along the part of the travelling road that the report referred to there was a stream of water running; and this water, instead of being kept on one side, was allowed to cross the road; and the miners had to walk through water and mud in some places that might easily have been prevented by just a drain on one side. So we just made that recommendation.

8673. *Q.* That was the only fault that you had to find with the general condition of the mine? *A.* That was about all; but I wish to say this also, that the management got some ward of my being likely to visit that colliery: and I was informed by one of the miners that great preparations had been made to have everything put right: brattice was all put up; and everything they could think of that was likely to be wrong was put right. It happened in this way: I arranged to visit Mount Kembla on the Monday morning; and I had only informed the man who was to make the inspection with me of my visit. I left home early in the morning, intending to be at the colliery before working time, 7 o'clock; and it rained heavily; and by the time I got to Wollongong I was wet through. I had no change of clothing, so I turned back home from Wollongong. My partner, being check-weighman, had engaged another man to take his place; and thereby the management got to know that I should have paid a visit that day.

8674. *Q.* You were two or three hours late? *A.* I was not two or three hours late. I was two weeks late. When they know a day or two before, that is generally sufficient time to put things right.

8675. *Q.* You cannot tell, of your own knowledge, what changes had been made in the mine preparatory to your coming? *A.* No; I could not say a word of that.

8676. *Q.* What man told you what had been done? *A.* I would not care to mention names.

8677. *Q.* Now, is there any other general fact that you wish to bring before the Court? *A.* About other mines?

8678. *Q.* Yes; of a general nature? *A.* I would like to refer to Corrimal.

8679. *Q.* Have you the report that you made on Corrimal with you? *A.* Yes.

8680. *Q.* These have been printed, I see? *A.* Yes; printed in the local paper. Of course, I had nothing to do with this printing of them.

8681. (Extract from newspaper handed to Mr. Bruce Smith.)

8682. *Q.* Will you tell me now, about the Corrimal mine, any fact of importance which you wish to bring before the notice of the Court? *A.* One particular fact is in connection with the part of the mine known as Main Dip.

8683. *Q.* You might just show me in your report the gassage you refer to? *A.* [Witness did so.]

8684. *Q.* "The registered quantity of air for Main Dip and Slant Districts was 17,873 cubic feet; out of that 7,200 cubic feet supplies the Slant; and near the working places in Main Dip we only got a register of 5,260 cubic feet of air per minute for sixty-one men, boys, and horses, giving an average of 86½ cubic feet for each. In the Main Dip return airway there were 5,100 cubic feet per minute." That is all you wish to mention, is it not? *A.* That is all.

8685.

8685. *Q.* You might take that back (*newspaper cutting handed back to witness*). Of course, you entered it in the report? That is a copy of it? *A.* Yes.
8686. *Q.* And you do not know whether anything was done afterwards to remedy that? *A.* Yes; I do.
8687. *Q.* You did not go into the mine again? *A.* No.
8688. *Q.* Then you heard. You might tell me what was the cause of that deficiency? *A.* Not sufficient ventilation.
8689. *Q.* Not sufficient going into the mine? *A.* Not sufficient going into that district.
8690. *Q.* It was badly divided in the mine? Yes; not fairly divided.
8691. *Q.* That was remedied. Now, is there anything else you wish to say? *A.* I wish to say this about that matter: that a report was sent to the Government—to the Minister for Mines. The Government Inspector was instructed to immediately go and test the accuracy of this report. He went; and he took round with him the man that was with me (Robert Vardy). He showed the Government Inspector where we measured the air: and the Government Inspector's measurement agreed with ours. The management disputed the accuracy of the measurement, got their own Colliery anemometer, and by their Colliery anemometer found just about sufficient according to law, 100 feet per man and horse. I got this information by letter from Robert Vardy, the man who was with the Government Inspector, Mr. Rowan. Mr. Rowan asked Mr. Vardy to write this letter, and give me the information that he considered that both my instrument and his own were out of order, and that the Colliery instrument was the one to be taken as correct.
8692. *Q.* Who do you say directed this letter to be written to you? *A.* I say that Robert Vardy made that statement in a letter to me—that Mr. Rowan told him to do that.
8693. *Q.* Did you let it stand at that? *A.* Well, I could not do anything at all. I had no power.
8694. *Q.* Did you ascertain from Mr. Rowan whether he ever had said such a thing? *A.* No: I never took any trouble: it was not my duty to do so.
8695. *Mr. Wade.*] *Q.* Who was the Colliery Manager there? *A.* Mr. Sellers.
8696. *Mr. Bruce Smith.*] *Q.* You do not say of your own accord that the Colliery anemometer was wrong; but that this man Vardy told you that Rowan had wished him to inform you that your anemometer and Mr. Rowan's were wrong, and that the Manager's was right? *A.* Yes.
8697. *Q.* Have you expressed an opinion of your own as to whether your anemometer was right, or whether the mine anemometer was right? *A.* Yes; in this report.
8698. *Q.* In that report you have assumed that yours was right: but you have never ascertained whether Mr. Rowan made this statement? *A.* I never did.
8699. *Q.* And you never tested yours in any way to ascertain whether it was a true statement? *A.* No: I sent it in for it to be tested; and it was tested.
8700. *Q.* Where did you send it? *A.* To the District Secretary,
8701. *Q.* Who tested it? *A.* That I could not say.
8702. *Q.* It would be sent to some instrument maker? *A.* I think Fairfax and Roberts, in Sydney.
8703. *Q.* It was sent to somebody to be tested; and you were satisfied that it was right? *A.* I was satisfied in regard to the measurement at the time the measurement was made: but I say in this report "It should be mentioned that the anemometer is not in perfect order; but the part of the instrument in fault is the sand-glass or stop, hence we have no reason to doubt the correctness of this register."
8704. *Q.* You say one is not in order, there: which one? *A.* The one I was using.
8705. *Q.* Then you had some doubt whether your own was in order? *A.* The anemometer has upon it a sand-glass to mark the time, one minute, in running; and, when you start for the measurement, you turn the sand-glass so as to get the time accurately. Well, on several occasions the anemometer had stopped when the glass was being turned. In some way it got some connection or friction inside in connection with the movement, the workings; and the anemometer stopped: and therefore, of course, that was a fault. In every case where that happened we would have a second try; and then it would be right. Almost to a certainty on the second try it would go without any stoppage at all: but in this case there was no stoppage. Therefore we have no reason to suppose that there was any inaccuracy in the measurement.
8706. *Q.* At all events, you never communicated with Mr. Rowan to ascertain whether he had made that statement? *A.* No; I did not.
8707. *Q.* Now, the Manager did do something to increase the ventilation? *A.* Yes.
8708. *Q.* So that, whether it was right or not, it does not matter. Now, is there any other matter that you wish to bring before the Court? I keep asking you this because I do not know how much you desire to say. Is that something you have written out there? *A.* Yes.
8709. *Q.* Let me see it, will you? Is it something you wish to read to the Court? *A.* Nothing very particular; no.
8710. *Q.* Is it a summary of what you desire to say? *A.* Yes.
8711. *Q.* Would not that be the shortest way of bringing the matter before the Court; to read what you have written? *A.* Perhaps it would.
8712. *Mr. Bruce Smith.*] It seems that he has written out what he wishes to say: perhaps it may be the shortest way of getting it, to read it.
8713. *His Honor.*] We might find that we had got into the same sort of trouble as we got into with another witness.
8714. *Mr. Wade.*] I do not think so.
8715. *Mr. Bruce Smith.*] *Q.* Will you let me see it? *A.* It is only abbreviated.
8716. *Q.* Let me try, will you, to read it? *A.* I would like to say this: I think, if you will allow me, I will read what I have in connection with Helensburgh Colliery; and that is about the only important colliery that need be referred to specially, I think. But before I go to that I would like to say that the under-manager, at Corrimal, protested, when I made this report about the shortage of ventilation in the main dip, against its being entered.
8717. *Q.* On what grounds? *A.* That it was not an accurate measurement.
8718. *Q.* Because of your anemometer? *A.* Yes; because it did not agree with his own measurement, which he had made recently.
8719. *Q.* What is the under-manager's name, at Corrimal? *A.* Shepherd.
8720. *Q.* Is he there now? *A.* Yes.

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8721. Q. Now, will you read what you have to say about Helensburgh? A. [Continuing previous answer.] And it is on account of that protest that the qualification is put in the report, that there is some fault with the anemometer.
8722. Q. Well, you are not using that now? A. No.
8723. Q. It was not yours? A. No; it was not mine.
8724. Q. It belonged to the Lodge, I suppose? A. It belongs to the Union.
8725. Q. Now, will you pass on to this matter of Helensburgh? A. Yes. At Helensburgh there was one of the miners, named Frank Morson, with me in the inspection. We spent four days in the examination of that colliery, the workings and roadways of which are very extensive. In the pillars the temperature was rather high, 67 degrees, when we left the pit bottom, and 82 degrees in the pillars; so that there was a considerable rise by the time we got into that part of the mine. We found the ventilation was good all round: a large quantity, between 300,000 and 400,000 feet of air, was going from the main downcast shaft every minute: and this was very well divided, in my judgment, right through the mine. The smallest measurement for a man and horse in any district was 360 feet. We found gas, explosive gas, in several of the working places—three, I think, in number.
8726. Q. In any quantity? A. No; just what we could discover giving off from the coal face. It was a dusty mine, especially along the travelling roads. Some of these roads were in a very bad condition in that respect when the inspection was made; and on that account we made a recommendation that there should be two travelling roads, one for the horses, and one for the men.
8727. Q. Do you mean a rope road and a travelling road, or two travelling roads apart from the rope road? A. Two travelling roads apart from, separate from, all the engine roads. Whether that recommendation has been carried out I do not know. Also, that there should be an alteration in the method of entering the Deputies reports in their Daily Report Books.
8728. Q. What did you find to be the practice? A. I do not see any report of gas being found for a long time previous to my inspection.
8729. Q. Had you reason to believe that it had been found? A. I had reason to believe it could, at that time, be found any day.
8730. Q. In the Helensburgh Mine? A. Yes. The reports were too much of a general nature; and nearly all were alike for every district and every part of the mine.
8731. Q. Too stereotyped? A. And, concerning gas, they always ended with the words "no accumulation of gas."
8732. Q. Let me stop you there a moment. Apart from your inspection, in which you found gas three times, what reason had you for believing that those reports were not correct? A. From being in conversation with men from time to time for years past.
8733. Q. You had been told by men from time to time that there was gas there? A. Yes.
8734. Q. And, if that was true, the reports were not correct? A. In my judgment they were not.
8735. Q. Is that all you have to say about Helensburgh? ———
8736. Mr. Robertson.] Q. Have you got that report here? ———
8737. Mr. Bruce Smith.] Q. Have you a copy of the Helensburgh report? A. Yes.
8738. Q. Let me see that. [The report was handed to Mr. Bruce Smith.]
8739. Q. That was duly entered in the book at the time, I suppose, as in the other case? A. Yes. It might be a little more clearly specified in the other reports than it is in the colliery reports; but there is no alteration in the main facts.
8740. Mr. Robertson.] Q. That is what I am asking. There is one official report, and another colliery report ———
8741. His Honor.] Q. Is there any difference between those two copies, Mr. Wynn? A. I am not sure it is; but possibly it would be made a little clearer in detail to the miners than in the colliery book; but no fact of importance would be altered in any way.
8742. Mr. Bruce Smith.] Q. It would be a little more in detail perhaps? A. A little more in detail as to the quantities of air.
8743. Mr. Robertson.] Q. Is that a true copy of the official report;—is that a true copy of what you wrote in the Mine Report? A. I am not able to say that; but I am quite prepared to say that I wrote in the colliery report the opinion that I am now expressing.
8744. Mr. Bruce Smith.] Q. Did you put into your colliery report anything about the Deputies' Report Book always saying that there was no gas? A. Yes.
8745. Q. And did you express your opinion that gas was repeatedly being found there? A. No; I did not do that. I simply have to report what I find. I could not say what was being found at other times.
8746. Q. But, if you did not report the fact that it had come to your knowledge that there was gas there from time to time, how could you say in your report that the Report Book was wrong in saying there was no gas? A. I said "In our opinion"—[Interrupted.]
8747. Q. Let me have that written statement; and then perhaps I can pick out what I want. [The statement was handed to Mr. Bruce Smith.] What the book said was "No accumulation of gas"? A. No accumulation of gas.
8748. Q. What you say about the temperature is this: "The temperature in this split is high, reaching 82 deg.; and the lowest reading of the thermometer was 67 deg. That is what you referred to just now? A. Yes.
8749. You say "We visited some of the old workings, and found them being ventilated to prevent the accumulation of noxious gases." "We found in several working places a little explosive gas giving off; but, in every instance, there was a sufficiently strong current of air passing near the face to render it harmless, or, at least, not a dangerous discharge".
8750. His Honor.] Then there would be "no accumulation," of course.
- 8750½. [Mr. Bruce Smith.] Yes: that would be right in that sense.
8751. Q. You recommended "That the men be assigned one travelling road, and the horses a separate one, to travel to and from the workings"; that is what you mentioned just now; "All the machinery that we saw was well and securely fenced; but in our opinion the Deputies' Daily Reports in some cases should be worded to show when and where they find any gas, however small the quantity"; that is all? A. That is it, sir.
8752. Q. Well, that is so much for the Helensburgh Mine;—is there anything more you would like to say about it? A. No. In that case, also, the under-manager protested against our putting in the report the finding of gas.
8753. Q. What was his name? A. I do not remember.

8754. Q. Did he object to your putting this in, or object to your saying that the Deputies ought to put it in? A. He objected to the report that I had written. He objected to the statement, that we had found gas, being in the report.
8755. Q. Did he say why? A. It was of so trivial, so trifling a nature, and not worth recording; and I said, in reply, that whatever I found, especially of that nature, I was bound to report; but I had made it as fair for him as it was possible, by the way I had worded it.
8756. Q. Now, is there any other mine that you would like to mention? A. No other; not of any —
8757. Q. Importance? A. That was the only place along the whole of the mines that I found any explosive gas.
8758. Q. And you tried in all the others? A. Well, I tried in perhaps some old workings that would be standing, or working places which the men would not be in for the day; but I never tried for gas where they used flare lamps. I always carried the safety-lamp with me, though, because some of the return airways went along the old workings, or passed through them; and, in that case, I sometimes turned aside in the bords, and tested for gas just near at hand.
8759. Q. Did your fellow inspectors go into the Helensburgh Mine with naked lights, as they had done in other mines? A. No; no naked lights at Helensburgh.
8760. Is that about all you wish to say to the Court? A. Yes. I wish to make some recommendations.
8761. Q. What recommendations would you like to make? Perhaps you have put them in writing; and you might read them? A. Yes. [*Witness handed a paper to Mr. Bruce Smith.*]
8762. Q. "Summary of amendments: in the eligibility of check-inspectors, not miners —" [*Interrupted.*]
8763. *His Honor.*] That is the one he spoke of.
8764. *Mr. Bruce Smith.*] Q. "Also in not compelling check-inspector to be a member of the Union." That is included in the one you have made? A. No; that is simply a note of mine. I may say, in connection with that, that it is my opinion—let it be worth what it may—that the officers of the Union do not want check officers outside their own members; otherwise they would not have the provision in the Rules for every check-inspector to be a member of the Union: and that is the reason of that note.
8765. Q. That is a rule of the Union itself? A. Yes.
8766. Q. But you think that a check-inspector ought not to be necessarily a member of the Union. A. I do.
8767. Q. But, if the Union have the choosing of the check-inspectors, and if they do not care for anybody to be appointed who is not a member of their Union, do you think they would ever choose anybody outside? A. Well, there is the fact that they have chosen me, and I am not a member of the Union.
8768. Q. Well then, they have broken the rule in your case? A. So far as I can see the rule has been made since I took the office; and when I was re-elected, after holding it twelve months, and I received intimation that I was reappointed by the miners, I also received a copy of the rules of the association; and in these rules I found out that I was not eligible for the position, according to their rules, because I was not a member of the association.
8769. Q. Having elected you, did they call upon you to act? A. They never said anything to me about it.
8770. Q. Not afterwards? A. Not afterwards.
8771. Q. So that you have never acted since that rule appeared? A. Oh, yes; I have made two inspections. In the last nine months I made two inspections.
8772. Q. Well, then, the existence of the rule has not prevented them from electing men outside the Union? A. No.
8773. Q. Your second proposed amendment is this: "In giving check-inspectors power to prosecute the management for any breach of the law, unless rectified without delay." You propose that? A. I do.
8774. Q. That the check-inspector should have the power to prosecute? A. Yes.
8775. Q. About that I would like to ask you this question: you have heard it said that members of the Union hesitate to act as check-inspectors for fear they should incur the displeasure of the management? A. Yes; I have heard that.
8776. Q. Do you believe that to be the case? A. I do.
8777. Q. Do you not think that they would equally, or to a greater extent, object to be called upon to prosecute the management? A. Object to it?
8778. Q. Yes. A. Certainly not; where there is good reason for them to prosecute.
8779. Q. Well, have not they good reason for reporting what they see in their check inspection? A. Certainly; that is why they should have the power.
8780. Q. Apply yourself to the question which I want to put before you. You say they hesitate at present to report what they find because they do not wish to incur the displeasure of the management? A. Yes.
8781. Q. Would not they be equally likely to incur the displeasure of the management by prosecuting? A. Most certainly they would.
8782. Q. How do you propose to get over it? A. But if they had a man outside in that position — [*Interrupted.*]
8783. Q. You are supposing a case in which they choose a man outside to make the inspection, and give him power to prosecute? A. Yes.
8784. Q. What is to prevent them at the present time from bringing any faults they find under the notice of the Department, or the Inspector? A. There is nothing that I know of.
8785. Q. Why do you think they do not? A. What is the use of doing it?
8786. Q. Why? A. Have not you had the case I have given you of Corrizal, the Government Inspector there?
8787. Q. But that is only a statement made by another man to you of what the Inspector said; and you have never tested it by going to the Inspector or writing to him? A. No, certainly. I take it for granted all the same.
8788. Q. How do you know that what that man told you about the Inspector is true? A. I have no reason to believe that he would write me that letter unless it was true. You have to take this fact into consideration, that the man went with the Inspector.
8789. Q. Do you not think it an extraordinary thing for the Inspector to admit that his anemometer was wrong? A. No; not when he wants to get out of performing a duty that is obnoxious to him.
8790. Q. Do you not think it would have been a fair thing to have given this Inspector a chance to say whether he said this? A. If that had been a part of my duty I should have known more about it.

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8791. *Q.* Would it not have been a fair thing—it would only have cost a twopenny stamp—to give him a chance of admitting or denying this statement concerning him, which was made by somebody else? *A.* It might have been done.
8792. *Q.* It was not done by you? *A.* It was not done by me.
8793. *Q.* And yours was the mind that was affected by this statement? *A.* Yes.
8794. *Q.* You come into Court here to tell us that, according to information received by you, the Inspector admitted his anemometer to be wrong? *A.* That is correct.
8795. *Q.* Your third suggestion is to give check-inspectors power to inspect the plans, in order that they may see the method of ventilation, and the position of doors, or crossings, return airways, &c.? *A.* Yes.
8796. *Q.* You might explain to the Court why you made that suggestion? *A.* I make the suggestion because, if a man is competent to do the work of a check-inspector, he will, from his first visit, be entirely unaccustomed to the workings of the Colliery; and will not know what system of ventilation is in existence until he has made his inspection: but if he had the chance, and understood the examination of the Colliery plan, he would be able to find out, by that Colliery plan, the system of ventilation in the mine.
8797. *Q.* In your opinion, it would enable the check-inspectors to do their work more completely? *A.* Yes.
8798. *Q.* Especially where they have not been acquainted with the work before? *A.* Yes; that is the object of it.
8799. *Q.* Your fourth suggestion is to compel the Government Inspector to leave a copy of his report at each colliery on completion of examination—the same to be seen on the land by the check-inspector? *A.* Yes.
8800. *Q.* You want the check-inspectors to have an opportunity of seeing the Government Inspectors' reports whenever they visit a mine? *A.* Yes; that is on a par with the prosecution of the Manager. On the one side, if there is a breach of rule, the managers have the power to prosecute the men for breaking them; whereas the rules are for the safety of the men generally; and, therefore, if they are broken by the managers, then the other side should have the right of punishing heavily those who break them. Then, in this case that you are now referring to, what was that?
8801. *Q.* Compelling the Government Inspector to leave a copy of his report at each colliery on completion of his examination—the same to be seen on demand by the check-inspectors? *A.* My reason for that is that at present the check-inspectors are compelled to leave a report of their inspection. The Government Inspector is supposed to look after the safety of the men as well as the check-inspectors; and there is no reason that I can see why he should be exempt from leaving a copy of what he finds there for the check-inspectors to see. You see, I am not providing that this shall be open to any of the miners, nor for the prosecution to be put in the hands of the miners; but simply to some person who would not take advantage of his position, but would see that right was done to all parties, and I think it is only right that the Government Inspector should leave a report. We should be able to see then how far he omitted doing his duty.
8802. *Q.* You said just now that, whilst seeking to give the Inspectors power to prosecute the management, you also sought to give the management power to prosecute the men? *A.* They have it. It is a one-sided and unjust law.
8803. *Q.* Your fifth suggestion is this: that the return airways should be, as far as possible, through solid coal; and that back headings should be utilised? *A.* As far as possible.
8804. *Q.* Yes, as far as possible. And you have here an abbreviation "F.V., sealing off";—what do you mean by that? *A.* The advantage of return airways through solid coal instead of through the old workings is that it will keep the current in one place.
8805. *Q.* Yes, I understand that? *A.* And increase the velocity. The "V" is the velocity, you see.
8806. *Q.* "F.V."? *A.* You would have a better chance of sealing off the old workings.
8807. *Q.* Now, is that a proposal of yours, that all the old workings should be sealed off on all sides? *A.* That would depend; I would not say all of them.
8808. *Q.* I want to know your opinion. Would you seal them off all round or only on the intake side? *A.* It would depend upon the plan. You see you could not decide a question like that right away like that. There would be some places, I daresay, where it would be a much better system to keep them open; and allow all the foul air and gases to have a chance of coming out.
8809. *Q.* You are not in favour of sealing them off altogether? *A.* Not altogether.
8810. *Q.* You know that some people have suggested that, do you not? *A.* Yes.
8811. *Q.* Your sixth suggestion is "Increasing the minimum quantity of air by 50 feet"; that is to say, you would increase it from 100 to 150 feet per man, horse, and boy? *A.* That is it.
8812. *Q.* And "Allowing the measurements in any part of the area measured." Does that require that the measurements should be shown in any part of the mine? *A.* No.
8813. *Q.* What do you mean then? *A.* The system of measurements adopted now is to measure in the main road intake air; and then divide by the number of men and horses that this aggregate supply goes to. The rule is to measure as near the centre of the roadway as you can get it. Say you have a 6-foot square; it would be 36 square feet area; and the anemometer would be in the centre of that 6-foot square; and my experience is that you get a stronger current there than you do at some other parts of the same area.
8814. *Q.* Then you require the measurements to be made in any part of the air? *A.* And I assume that, in a good many cases, there would be 20 per cent. less air going to the miners than is registered by the machine.
8815. *Q.* Where would the 20 per cent. go, in your opinion? *A.* It would be by having the strongest part in the centre. If you held up the anemometer near the top on one side you would find that it would not register such a large amount as it would in the centre. That is what I mean.
8816. *Q.* You mean that, if there were three offtakes from the main intake, one straight ahead and one on each side of the middle one, the middle one would get more than the side ones? *A.* Yes; but I did not mean that.
8817. *Q.* That would be the effect of what you say? *A.* No; I mean that if you take a measurement you should have the right to make it in any place—bottom, top, or middle.
8818. *Q.* And you require the minimum amount of air at all places? *A.* The minimum of all these places to be 150 feet wherever gas is known to be.

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8819. *Q.* So that the centre would require to be more than 150 feet? *A.* Yes.
8820. *Q.* Something like 180? *A.* Yes.
8821. *Mr. Wade.] Q.* Do you not mean the average? *A.* I mean the minimum average to be 150.
8822. *Mr. Bruce Smith.] Q.* Is there anything at the present time to prevent a check-inspector from testing the measurement at the side instead of the centre of an airway? *A.* Not that I know of.
8823. *Q.* And suppose he went to the side and found less than the minimum, and reported it, do you think anybody could say, "Oh, well, you went to the side instead of the middle"? *A.* They would say so.
8824. *Q.* Under what clause, or rule, or regulation? *A.* Oh, I do not know that there is anything to hinder that now.
8825. *Q.* You say the minimum should be averaged all over the opening through which the air passes. Why do you ask for 150 minimum instead of 100, as at the present time? *A.* Because I consider 100 cubic feet is not sufficient where gas is known.
8826. *Q.* I suppose you will admit that that depends upon how much a man or a horse uses, does it not? *A.* I would not admit that whatever the man or the horse absorbed would make any difference to the quantity.
8827. *Q.* Have you any idea how much a man does absorb? *A.* The question is that of removing the danger caused by the gas.
8828. *Q.* You would not regulate it by what a man or a horse requires for respiration; but by the necessity for a greater force to carry off gas? *A.* That is the idea.
8829. *Q.* And would you apply that indiscriminately to all mines, whether they have gas or not? *A.* No; you see I have put that in.
8830. *Q.* Then you are of the opinion that where gas has not been found there is no necessity for any increase on the present minimum average of 100 cubic feet? *A.* I think it is quite sufficient.
8831. And from your check-inspecting you say there is only one mine in the district in which you would require 150 cubic feet—I mean, if you judge from your own inspections? *A.* Yes; from my own inspections.
8832. *Q.* Would you go on one inspection? Do you think that a sufficient test? *A.* I do not; a man is always at a disadvantage on his first visit.
8833. *Q.* Then you require to form a judgment in testing whether a mine is gassy or not from more than one visit? *A.* Yes; but in every place besides Helensburgh the flare light was used; so that I would not think of testing for gas in a place where they were using the flare light.

[The Commission then adjourned for luncheon.]

AFTERNOON.

(On resuming at 2 o'clock Mr. W. R. Pratt attended to take shorthand notes of the evidence and proceedings.)

JOHN WYNN, previously sworn, was further examined as under:—

8835. *Mr. Bruce Smith.] Q.* You say that there should be an amendment of the law with a view of preventing shot-firers from making an examination of a mine with the same safety-lamp which they use in firing the shot; and you have on your memorandum, in parentheses, the words "A hole in the glass." What do you mean by that? *A.* The most common way of firing a shot in a mine where gas is known to exist is by a wire heated by a safety-lamp. You can either put the wire through the gauze of the lamp, or through a little hole which is cut in the glass.
8836. *Q.* Do you say that the hole is cut through the glass? *A.* Yes; and I think that the examination ought not to be made with that lamp, because it might be that the shot-firer would not cover up the hole, and there is a danger in that case of the flame of the lamp igniting the gas.
8837. *Q.* Is that hole made artificially, or is it provided in the lamps? *A.* It is provided in the lamps, for the purpose I have mentioned.
8838. *Q.* It is provided in some of the lamps? *A.* Yes.
8839. *Q.* And you say that lamps of that description are not safe for the purpose of making an inspection? *A.* No; because they may be the means of igniting gas.
8840. *Q.* You say that there should be "Cut-throughs every 30 yards, or as it was before 35 yards. A mistake in removing it from the law." What do you mean by that? *A.* Before the last amendment of the law there was a provision that cut-throughs should be 35 yards apart. When I went to make my first inspection of the Keira Colliery, I thought that that provision still existed, but found out that it had been removed from the Act of Parliament, and that the Manager of a mine could carry the air by means of brattice for any distance he liked. I consider that it is dangerous to carry the air too far by means of brattice.
8841. *Q.* Up to what length do they carry the air now without cut-throughs? *A.* I found, on my first inspection of the Mount Keira Mine, places between 40 and 50 yards in extent being ventilated by means of brattice.
8842. *Q.* What is the longest length you have known in the Helensburgh mine? *A.* I do not think there is anything like that distance without cut-throughs.
8843. *Q.* Are you aware that in some cases there are distances of several hundred yards without cut-throughs? *A.* I am not aware of it. I have seen in other collieries places where the cut-throughs have been 40 or 50 yards apart.
8844. *Q.* Do you know anything of the English practice with regard to the size of the pillars? *A.* The pillars would be about 70 yards square—that is, unless they are near a shaft.
8845. *Q.* You have a note here of "£100"—what does that mean? *A.* It refers to a suggestion I was going to make. I thought that the Government might offer a reward of £100 to anybody who could improve on the present way of testing air in mines. At present it is almost impossible to register 100 feet of air per minute; and, therefore, it is impossible to carry out the Act by measuring the air in the working-places, and you have to take the aggregate quantity of air there.
8846. *Q.* You say that you would also suggest, as being important, that there should be more "self-help." What do you mean by that? *A.* By "self-help" I mean help from the Miners' Union. I mean that the miners should help themselves.
8847. *Q.* You do not believe in their looking to Government and Parliament for everything? *A.* I do not think they should look to the Government to do everything for them.
8848. *Q.* You say that "Competent check-inspectors should be selected as far as possible"? *A.* I mean that the miners ought to select competent check-inspectors.

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8849. *Q.* You also suggest that "More frequent check inspections should be made"—you say "once in every three months." Do you know how often check inspections are made now? *A.* I held the office of check-inspector for twenty-one months, and during that time I made ten inspections. There are nine collieries in this district belonging to the Association.
8850. *Q.* Which means that any inspection was only made once in every ten months? *A.* Once in every twenty-one months. It takes a lot off the value of an inspection when you only have so few of them.
8851. *Q.* Were you not asked to make more inspections? *A.* I made all the inspections that I could make.
8852. *Q.* You suggest that "A permanent check-inspector ought to be appointed for the Illawarra and the Western District"? *A.* That is a suggestion which I make. I propose the appointment of a check-inspector by the Union. If it is not practicable to have one appointed for Illawarra alone, the appointment might be made in combination with the district.
8853. *Q.* You say that the probable cost would be £170, which would be 1s. 3d. per man. That would make up the salary of a permanent check-inspector for twelve months? *A.* Yes; for twelve months.
8854. *Q.* You say that "The cost of check inspection during your term of office was £23—23s. per month, or 5d. each member? *A.* Yes.
8855. That is merely the cost in wages? *A.* Yes.
8856. You say that you think that a regular check inspection would make the management keep things near the law? *A.* Yes.
8857. *Q.* I think there is something which you said you wanted to say about Inspectors? *A.* I simply wanted to say what I have just said—that check-inspectors are of great importance, because the Government inspections do not appear to be very satisfactory.
8858. *Q.* You have formed some opinion as to the way in which Government Inspectors do their work? *A.* I know of the way, because when I was working at the Bulli mine a Government Inspector came there and took the measurement of the air at the intake, the ventilation of the furnace, and the measurement of the return air, and left the Colliery without going into the workings at all.
8859. *Q.* Have you any suggestion to make with regard to the work of the Government Inspectors—do you think they do their work properly? *A.* I have no suggestions to make as to that; but I think that you should give power to the check-inspectors to see that the Government Inspectors do their work properly.
8860. *Q.* You wanted to say something about the Helensburgh mine? *A.* No.
8861. *Q.* Is that all you wish to say? *A.* Yes, that is all I wish to say.

MR. JOHN MORRISON was sworn and examined as under:—

Examination-in-chief by Mr. Wade.

8862. *Q.* What is your name? *A.* John Morrison.
8863. *Q.* What are you? *A.* At present I am a deputy at the Mount Kembla Colliery.
8864. *Q.* You were called as a witness at the Coroner's Inquiry relating to that disaster? *A.* Yes.
8865. *Q.* I want to ask you one or two things which you may have observed after the disaster. Now, as a matter of fact, you lost two sons in this disaster? *A.* Yes.
8866. *Q.* And you were not asked any questions about them in your examination at the inquest? *A.* No.
8867. *Q.* I want to ask you about the elder boy. Do you know where he was found? *A.* He was found in the 4th Left travelling road, near the main tunnel.
8868. *Mr. Ritchie.] Q.* What was his name? *A.* Henry.
8869. *Mr. Wade.] Q.* He was a wheeler, was he not? *A.* No, a clipper.
8870. *Q.* Was he a small boy? *A.* He was 17 years of age.
8871. *Q.* I suppose you saw his body when he was taken home? *A.* Yes.
8872. *Q.* Did you see the body before it was washed? *A.* No, I did not see the body until after it was washed.
8873. *Q.* Did you notice the face and the arms? *A.* Yes.
8874. *Q.* Were there any marks on the body? *A.* On the back of the hands the skin was raised, but it was not broken.
8875. *Q.* Was it the same on both hands? *A.* Yes.
8876. *Q.* On the back or on the front of the hands? *A.* On the back of the hands.
8877. *Q.* To what extent was the skin raised—2 or 3 inches? *A.* It was just slightly raised—you could see that the skin had been slightly burned and raised up.
8878. *Q.* What was the extent of the burning? *A.* From the knuckles down to the wrist.
8879. *Q.* Was the place as big as half-a-crown? *A.* It was the width of the wrist.
8880. *Q.* Would it be about 2 inches long? *A.* It would be about 2½ inches long.
8881. *Q.* Was it the same on both wrists? *A.* Yes.
8882. *Q.* Are these the only marks which you saw on the hands and the arms? *A.* Yes.
8883. *Q.* What about the face? *A.* The skin was off the brow.
8884. *Q.* How much? *A.* Just a little.
8885. *Q.* Can you describe it? Was the place as large as a sixpence, a shilling, or half-a-crown? *A.* It was a long strip about half an inch broad; I should think it would be from 1½ inch to 2 inches long.
8886. *Q.* Was the skin hanging, or was the skin gone? *A.* The skin was gone.
8887. *Q.* Did you see any marks anywhere else? *A.* I saw marks on the side of each cheek; the skin was raised the same as it was on the back of the hand.
8888. *Q.* What did you notice about the face? *A.* All round about the face there were little pieces picked out—the places were about the size of a threepenny-piece.
8889. *Q.* What was picked out? *A.* Pieces of skin.
8890. *Q.* Were these marks on the face or on the hands when the boy went to work in the morning? *A.* No.
8891. *Q.* With regard to the boy's hair. Did you notice anything about that? *A.* He had had his hair cut short the day before; I did not notice anything wrong about it.
8892. *Q.* Did you notice if the ends were singed? *A.* No.
8893. *Q.* Would his work be in No. 1 main tunnel rope road? *A.* Just on the opening of the 4th Left.

8894.

8894. *Q.* How far was his body from where Dungey's body was found? *A.* It would be about 80 yards or so—I cannot exactly say.
8895. *Q.* On the outbye side? *A.* Dungey was found on the 5th Left. I forgot to say that there was a mark on my son's chest, as though something had struck him, or as though he had been thrown against something.
8896. *Q.* Was the mark on the chest-bone? *A.* Yes, I think so.
8897. *Q.* Was there any other injury by way of broken bones? *A.* Nothing that I noticed.
8898. *Q.* When going up towards Aitken's body did you come across a man named Jones? *A.* Yes.
8899. *Q.* Was he dead? *A.* Yes, he was lying on the back of a skip 7 or 8 yards from the face.
8900. *Q.* What was the number of his bord? *A.* No. 87.
8901. *Q.* Would he be near Aitken's place? *A.* Nearer to the main tunnel.
8902. *Q.* Between the main heading and Aitken's place? *A.* Yes.
8903. *Q.* What was Aitken's number? *A.* No. 86.
8904. *Q.* He was next to him? *A.* Yes. He was in a bord next to Aitken's place, but that bord had not been holed through with a cut-through.
8905. *Q.* Did you examine Jones? *A.* There seemed to be nothing wrong with him. He looked as if he had only lain down.
8906. *Q.* Did you examine his neck afterwards? *A.* No.
8907. *Q.* Do you remember finding a shirt near Aitken's place? *A.* Yes.
8908. *Q.* On what day? *A.* On the day that Mr. Ritchie was there—the 9th of August.
8909. *Q.* Where did you find it? *A.* Twelve or 15 yards inside of Tost's bord.
8910. *Q.* What do you mean by inside? *A.* Between Aitken's place and Tost's bord.
8911. *Q.* What is the number of Tost's bord? *A.* No. 88.
8912. *Q.* Do you know whom the shirt belonged to? *A.* It belonged to Tost.
8913. *Q.* Was it an outer shirt? *A.* Yes.
8914. *Q.* Do you know where he usually kept it? *A.* It usually lay at the turn.
8915. *Q.* At the turn of his bord? *A.* Yes. Tost was found between his bord and Aitken's place—about 15 yards from Tost's bord.
8916. *Q.* Had the shirt apparently been moved in a direction from the main tunnel towards Aitken's place? *A.* Yes.
8917. *Q.* Did you notice any other things in Aitken's place? *A.* We saw a penknife sticking in the prop in James' place.
8918. *Q.* In what position was it? *A.* It was stuck in the prop about an inch deep.
8919. *Q.* On which side of the prop would that be? *A.* On the side next to Aitken's place.
8920. *Q.* Would it be between Aitken's and No. 1 main rope road, or near the side of Aitken's place? *A.* On the other side.
8921. *Q.* Do you know anything about the ownership of it? *A.* No, I know nothing about the ownership of it. The knife was half closed when we found it; and the blade was bent.
8922. *Mr. Bruce Smith.] Q.* Was the blade bent sideways? *A.* Yes.
8923. *Mr. Wade.] Q.* Suppose the knife had been flung there by force? *A.* It was the same as if it had been flung from Aitken's place towards the next place.
8924. *Q.* You saw a "C" marked on the main rope road close to Morris' cut-through. Was a door there in position before the disaster? *A.* Yes.
8925. *Q.* Did that door have the effect of turning the air from the main rope road, through a cut-through, out by Morris' place, and up the back heading? *A.* Yes.
8926. *Q.* Did you find that door afterwards? *A.* Yes.
8927. *His Honor.] Q.* Was that a wooden door? *A.* No; a canvas door.
8928. *Mr. Wade.] Q.* Where was it lying? *A.* The door was lying at the turn—inbye.
8929. *Q.* Can you describe the place? *A.* I will describe it. [*Referring to the plan.*] The door was found on the outbye side of the cut-through leading to Purcell's and Tost's bord. It was exactly opposite the bord.
8930. *Q.* Then it had evidently been forced inbye? *A.* Yes.
8931. *His Honor.] Q.* It had been blown for a distance of 4 or 5 yards? *A.* Some 4 or 5 yards inbye.
8932. *Mr. Wade.] Q.* Is not the cut-through actually opposite Morris' working-place, between the front and back heading—No. 1? *A.* Yes.
8933. *Q.* Before the disaster, was there any screen there? *A.* Yes.
8934. *Q.* On Morris' side? *A.* On the cut-through between the two headings on the side near Morris'.
8935. *Q.* Was the canvas led from that particular screen across the cut-through to Morris' place? *A.* Yes.
8936. *Q.* Was the canvas there? *A.* Yes; on the side of the cut-through nearest to Morris' working-place.
8937. *Q.* That is on the side running up to the back heading? *A.* It was a canvas door, and it was across the mouth of the cut-through.
8938. *Q.* On the back heading, not on the front heading? *Q.* Yes.
8939. *Q.* From that particular canvas, across that cut-through, the canvas was carried into Morris' working-place? *A.* Yes.
8940. *Mr. Bruce Smith.] Q.* The same canvas? *A.* Yes.
8941. *Mr. Wade.] Q.* The effect of that would be that you had the air going up main No. 1, to the cut-through, and out by Morris' place? *A.* Yes.
8942. *Q.* What I mean is this. Did the air come from that cut-through, up to the back heading, and did the canvas at Morris' place take the air round it, out again, and up to the face of the back heading? *A.* Yes.
8943. *Q.* Now, this canvas which was across this cut-through, opposite Morris' place—did you find that after the disaster? *A.* Yes; it was lying up against the corner.
8944. *Q.* What corner? *A.* Corner between Morris' place and the back heading.
8945. *Q.* Do you mean the corner of Morris' place? *A.* Yes.
8946. *Q.* How had it moved? *A.* It had moved in the direction of the main tunnel.
8947. *His Honor.] Q.* You mean at the north-east corner of the intersection of the heading that Morris was driving and the back heading? *A.* Yes.

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8948. *Mr. Wade.*] *Q.* You say that you found some of the canvas blown against a corner? *A.* Yes; and some canvas was lying on the ground.
8949. *Q.* A little further away did you see some more canvas, inbye from Morris' working-place? *A.* Yes.
8950. *Q.* In the back heading? *A.* Yes.
8951. *Q.* I mean that there was some canvas inbye of Morris' working-place? *A.* Yes.
8952. *Q.* How much was there? *A.* When we took Morris' body away we took some of the canvas and put it over the top of the body. There was a long piece of canvas lying there; it was against the rib on the inbye side of Morris' place.
8953. *Q.* Where? *A.* On the left-hand rib going into Morris' place.
8954. *Q.* In what direction had it gone? *A.* Inbye.
8955. *Q.* How far was it from where it had been placed before? *A.* About 5 yards, I think.
8956. *Q.* You know the canvas that went up to Morris' place to take the air in there? *A.* The canvas was all down in Morris' place.
8957. *Mr. Robertson.*] *Q.* Is not that the same canvas? *A.* Yes, the same canvas.
8958. *His Honor.*] *Q.* Do you mean the same canvas that you were talking of last? *A.* Yes, just the same piece.
8959. *Mr. Wade.*] *Q.* Then you mean that the canvas which took the air up to Morris' place had been blown inbye and had also been moved sideways for several feet? *A.* Yes. The canvas opposite the back heading was blown into the back heading.
8960. *Q.* The force was the same in each case—inbye? *A.* Yes.
8961. *Q.* Do you remember a fire which was found three bords away from No. 1 rope road? *A.* Yes.
8962. *Q.* Did you find a pipe in the remains of the fire? *A.* Hotchkis did.
8963. *Q.* What did you find—you know where the ashes were? *A.* We kicked against some canvas there.
8964. *Q.* Were there some pieces of canvas which had not been burnt? *A.* Yes; and a pipe was found there.
8965. *Q.* Who has that pipe now? *A.* Hotchkis has it.
8966. *Q.* Do you know whether that place was used by the men for their meals, or for sitting down in? *A.* Not to my knowledge.
8967. *Q.* The place was just off the road, was it not? *A.* Yes, just off the road.
8968. *Q.* Was there anything else lying about there? *A.* Some bits of newspaper.
8969. *Q.* Were they burnt? *A.* No, the paper was not burnt.
8970. *Q.* With regard to this 4th Left road, were there any doors on that road before the disaster? *A.* Yes, there were five canvas doors on it.
8971. *Q.* Between what points? *A.* Between Stafford's going bord and the entrance to No. 1 rope road.
8972. *Q.* Were there any canvas doors in No. 1 rope road? *A.* Yes, two. There was a canvas door, and the first cut-through was canvassed over, and there was another canvas door after that.
8973. *Q.* How far was this from the main No. 1 level, and the first bord on the 4th Left? *A.* About 10 yards.
8974. *Q.* How far was it to the travelling road? *A.* About 10 yards.
8975. *Q.* I am speaking of the 4th Left road? *A.* There were five on each road.
8976. *Q.* Between No. 1 level and Stafford's going bord? *A.* Yes.
8977. *Q.* Are the remains of those doors lying about there now? *A.* Some of them have been put up and some of them are down.
8978. *Q.* There was some timber lying about, inbye of the 4th Left rope road? *A.* Yes.
8979. *Q.* It was scattered about? *A.* Yes, as far as the 5th Right.
8980. *Q.* Had that timber been stacked? *A.* Yes, the timber had been stacked.
8981. *Q.* In what position? *A.* In big stacks.
8982. *Q.* Where? *A.* Just past the 5th Right on the main level.
8983. *Q.* Where was it found? *A.* It was strewed all about.
8984. *Q.* In what direction? *A.* Inbye of where it had been stacked.
8985. *Mr. Bruce Smith.*] *Q.* Where did you say that was before? *A.* On the road as you go by the 5th Right.
8986. *Mr. Wade.*] *Q.* On the main rope road? *A.* By the side of the rope road. The rope road finishes on the 5th Right.
8987. *Q.* Had there been any timber lying near the 5th Left before the disaster? *A.* None that I know of. You might get a couple of props there. There might be timber on the 4th Left, but no quantity; but inbye of the 5th Right a large quantity could be stacked.
8988. *Q.* Do you remember the building round the door in the travelling road inbye of the 4th Right? *A.* Yes.
8989. *Q.* Did you notice how that door had been blown? *A.* Yes, the door was knocked off the stonework.
8990. *Q.* In what direction? *A.* Inbye.
8991. *Q.* Did you notice the stonework of that same doorway—on the side next to the 4th Right? *A.* There was a very little knocked off.
8992. *Q.* Which side had the most stone knocked off? *A.* The one on the left-hand side going in.
8993. *Q.* How far was this stonework from the 4th Right? *A.* Three or 4 yards.
8994. *Q.* Did the force seem to have struck the rib next the rope road? *A.* Yes.
8995. *Q.* Can you say whether, if the force had come out of the 4th Right, and turned the corner, it would strike the left side? *A.* Yes, I think it did so.
8996. *His Honor.*] If you fired out of the 4th Right outbye, from the goaf, the westernmost corner would catch it most.
8997. *Mr. Wade.*] *Q.* You told us about a place where a fire was, near one of the bords of No. 1 main level. Did you notice whether there was any fall near these bords? *A.* Yes.
8998. *Q.* On which side would the fire be, between the fall and No. 1 main level? *A.* The fall was between the 4th Left travelling road and where the fire was.
8999. *Q.* Suppose you were going from No. 1 main level to the fire, would you find the fall after you passed the fire, or before you got to it? *A.* After you passed the fire.
9000. *Q.* Had that fall taken place before the disaster? *A.* Yes.

9001. *Q.* If you wanted to walk from the place where the fire was to the 4th Left travelling road, you would be blocked by this fall? *A.* Yes.
9002. *Q.* If you wanted to walk to Gill's going bord, you would be blocked by the fall on that side? *A.* Yes.
9003. *Q.* Between the 5th Right and the place where Morris' body was found—what was the floor there? Was it ordinary dust or coal-dust—that is to say, stone-dust or coal-dust? *A.* There was a little stone-dust, and coal-dust too.
9004. *Q.* At present there is a good deal of stone there. Has it been put there since the explosion? *A.* Yes, there is some stuff which has been thrown about there.
9005. *His Honor.*] *Q.* Do you mean thrown there since the explosion? *A.* Thrown there at the time.
9006. *Mr. Wade.*] *Q.* What do you mean by "at the time"? Do you mean by the force? *A.* Yes; I think it was stuff thrown out of the sides. The stuff on the sides is thrown up and down—all over the place.
9007. *Q.* Have you had experience of small falls of the roof—I mean ordinary falls? *A.* Yes.
9008. *Q.* What is the roof at Kembla? *A.* Oh, it varies.
9009. *Q.* What is it, as a rule? *A.* In some places it is stone and shale, and in other places it is in layers.
9010. *Q.* How do you know the time at which there is a fall from the roof—I mean when it takes place? *A.* If there was a fall in one of the roads, I would know before I went there that the fall had taken place, because the white dust gets on the rails and shows itself.
9011. *Q.* The dust settles after the fall? *A.* Yes.

MR. JOHN WYNN was recalled, and examined as under:—

Cross-examined by Mr. Lysaght:—

9012. *Q.* Did you notice whether the anemometer used at the Corrimal Colliery was a new one? *A.* Do you mean the one I was using?
9013. *Q.* No, the one the Manager was using? *A.* I never saw it. He brought it up to check mine.
9014. *Q.* When the under-manager protested against the measurement of the air being entered, did he give any reason? *A.* Yes; on account of the instrument having stopped when he started the measurement.
9015. *Q.* Had you not taken the measurement? *A.* Yes.
9016. *Q.* Was he not satisfied with it then? *A.* He never made any complaint until he read the report.
9017. *A.* And how long after the report had been written was it that he read it? *A.* Immediately after I had done it.
9018. *A.* Did you alter it? *A.* No.
9019. *Q.* Did you strike any of it out? *A.* No.
9020. *Q.* Did you ask, when you were at Helensburgh, how it was that there was no entry in the book, of gas having been found? *A.* Yes.
9021. *Q.* Who answered you? *A.* The under-manager.
9022. *Q.* What did he say? *A.* Oh, he said the firemen made their reports as they found the mine.
9023. *Q.* Did you point out to him that you had reason to believe that gas could be found there any day? *A.* I did not.
9024. *Q.* And, in addition to the under-manager protesting against your report of gas, did he give any reason for that protest? *A.* Only on account of the smallness of the quantity found. He said it was of a trifling nature.
9025. *Q.* Did he say why he did not want a trifling amount of gas reported? *A.* He did not.
9026. *Q.* You told us that the officers of the Union did not want check-inspectors appointed from outside the Union? *A.* I only gave an opinion on that.
9027. *Q.* Have you anything to base that assertion on? *A.* I have the sterling fact that they had only ten inspections in twenty-one months.
9028. *Q.* You were the Inspector, and were not in the Union;—is there any fact which will warrant you in saying that the officers do not want to employ persons outside the Union? *A.* I mean only the officers have that rule.
9029. *Q.* Do you not see yourself that the Union could more safely trust a man who was a member of their own body than an outsider, to make a check inspection? *A.* I do not see it. There have been opponents to me in election for that post.
9030. *Q.* Have the members of the Union any reason for not making a true report? *A.* I do not hint at that at all.
9031. *Q.* Would they have any reason? *A.* They might have.
9032. *Q.* What would be their reason? *A.* It might be the danger of being punished.
9033. *Q.* Do you know that it is a positive danger? *A.* I know it is. The fact of my making an entry about gas is quite enough to show me what would happen if others did it.
9034. *Q.* Do you know that one of the reasons given for choosing you, as being outside the Union, would be that you would not be afraid to report if you discovered things? *A.* I believe that was the chief reason for my appointment.
9035. *Q.* You told us that on one occasion Mr. Rowan did certain things. Is that the same Inspector who, at Old Bulli, only came in and took the air measurements, and went out again? *A.* No.
9036. *Q.* Who was it? *A.* That was a long time ago. It was when I was check-weighman outside.
9037. *Q.* Who was it? *A.* His name was Lewis.
9038. *Q.* Is he in the district now? *A.* He is dead I believe.
9039. *Q.* After Mr. Rowan had made this statement, had you any reason to doubt his integrity? *A.* What statement.
9040. *Q.* About the anemometer being wrong? *A.* Most decidedly.
9041. *Q.* Have you any reason besides those you mentioned? *A.* The only other reason is because of the faulty places I found in the other inspections, which ought not to exist if the Inspector had done his work satisfactorily.
9042. *Q.* What do you mean? *A.* The case where I pointed out that there was a breach in the law and in other respects.

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9043. *Q.* Can you tell me of any case where a breach of the law came to his notice, and he did not act?
A. A breach of the law — [Interrupted.]
9044. *Q.* I mean a case where a breach of the law was brought under his notice, and he did not take proceedings? *A.* The only breach of the law is the Corrimal case—a case of short ventilation.
9045. *Q.* With the exception of the Corrimal case, have you any reason for doubting Mr. Rowan's integrity? *A.* Yes, because of the case at Keira—a partial stoppage of the air-course, and he was very long in putting it right. There was also the existence of black-damp there.
9046. *Q.* Do you know whether Mr. Rowan saw these faults? *A.* I do not know; but I think he ought to have seen them.
9047. *Q.* Do you know officially when he had been at Keira previously? *A.* I do not know.
9048. *Q.* Have you any other reason for saying he was not a man of integrity? *A.* There is the Helensburgh case. If proper reports had been written, there would have been statements made of the finding of gas there.
9049. *Q.* Is there anything else besides that? *A.* No.
9050. *Q.* Coming to the Mount Kembla Mine;—is there anything there to show that the Government Inspectors neglected their duty? *A.* I cannot think of anything.
9051. *Q.* With regard to the measurement of the air in a mine—is it a fact that the only reliable guide as to the amount of air in the working places is to take the measurement of the air in those places?
A. That is the only reliable guide.
9052. *Q.* Would you be in favour of recommending that the air should be regularly taken in the men's working places? *A.* I do not know.
9053. *Q.* Why? *A.* Because it is impossible.
9054. *Q.* Why? *A.* The anemometer will not give any registration.
9055. *Q.* Can you give me the least registration it will take? *A.* I never made any test, but in a narrow area you can scarcely get less than 300 feet per minute. I should say that it would be impossible to get a registration of 100 feet in the working places.
9056. *Q.* Where would you suggest that such measurements of air should be taken? *A.* I do not know that anything better can be arranged than what you have at present, with the instruments you have. My own rule was to measure the air as near the working face as I could get, but I found that that was not the rule with the Government Inspector. I often went to 100 yards nearer the face to take my measurements than the Inspector did.
9057. *Q.* Has the management at a mine ever objected to your taking measurements at the side? *A.* No.
9058. *Q.* You would not think of testing for gas where flare lights are used? *A.* Yes, I said that.
9059. *Q.* In Kembla flare lights were used? *A.* Yes.
9060. *Q.* You did not test for gas? *A.* I did not in the working places.
9061. *Q.* So that this inspection of yours of Kembla, as far as the working places were concerned, was not valuable in relation to gas? *A.* If there had been gas, the flare light would have found it before I went there.
9062. *Q.* With regard to the inspection of the wastes—you only went a few yards into them? *A.* Yes.
9063. *Q.* Now, did you go into all the working places, or did you pass some of them over? *A.* I went into every one.
9064. *Q.* You saw all the workings whilst you were there? *A.* Yes.
9065. *Q.* What were the preparations which had been made to put things in good order? *A.* I heard of that.
9066. *Q.* Now, with regard to your suggestion as to firing a shot, would you say that the practice of opening safety-lamps to light a fuse with was a dangerous practice? *A.* Certainly it would be, in the presence of gas.
9067. *Q.* If a shot-firer in the Kembla Mine had, since the disaster, made it a practice to open a safety-lamp to light a fuse, would you say that he was a competent man? *A.* I would say that it was a dangerous practice.
9068. *Q.* Would he be competent? *A.* He might have no other method of lighting a fuse.
9069. *Q.* Would he be a competent man to entrust with the work? *A.* He should not be entrusted with it, and he should refuse to do it.
9070. *Q.* With regard to this recommendation, "That cut-throughs should be 30 or 35 yards apart," do you think that these cut-throughs would weaken the roof? *A.* No.
9071. *Q.* Now, in what way is it that the miners should give more self help? *A.* I think there ought to be more frequent inspections. The inspections do not seem of much value as they are made now.
9072. *Q.* You said that the Government ought not to do a lot of things for them? *A.* I mean in relation to carrying on the check inspections. The miners should appoint competent men, and have more inspections made, and these inspections should be by independent men who can make reports without fear of the consequences.
9073. *Q.* Now, I will take you through some of the general recommendations. No. 1 is—"Managers, under-managers, deputies, and shot-firers to hold certificates of competency by examination, and to have had five years' practical mining experience before being eligible for respective positions." Do you approve of that? *A.* I do not see that there is any need of the shot-firer's being a certificated man. If he has any knowledge of the work at all that ought to be sufficient without knowing theory.
9074. *Q.* Who is going to decide whether he has that knowledge? *A.* The men who put him there ought to know that.
9075. *Q.* Does that not mean that the Manager may appoint a man who may be wholly incompetent. Take the case of Kembla, for instance, where, since the disaster, a man has been firing shots with a naked light? *A.* Of course, there is a possibility of the management's appointing an incompetent man.
9076. *Q.* And would not the effect be to endanger the safety of the whole mine? *A.* Yes.
9077. *Q.* What objection can you have to the men owning a certificate? *A.* I have no objection.
9078. *Q.* Should they be certificated? *A.* Well, I think it might be better.
9079. *Q.* Recommendation No. 2 is—"Inspectors to be invested with absolute power to order the use of safety-lamps." In your opinion should the Government Inspectors have the absolute power of ordering these lamps to be used in a mine if they think it advisable? *A.* Yes, I think so.

9080. Q. Recommendation No. 3 is—"Ventilation by furnace prohibited and fans substituted." Have you had any experience of where a mine has been ventilated by furnace and the air has been defective? A. No; I cannot speak as to that. All I can say is as to a fan being the better means of ventilation, because it is not subject to atmospheric influences like a furnace.
9081. Q. I will pass on to No. 7—"Monthly examination and report by deputies and District Inspector with the hydrogen flame." In your opinion would that be a wise precaution to take? A. Yes, I think it would; and I also think that the check-inspectors should make inspection at frequent intervals with the same lamp.
9082. Q. I will pass on to No. 12—"Extra supply of safety-lamps and their requisites, equal to one-third of the number of persons employed below ground, to be kept constantly in good order and ready for use." Do you approve of that? A. Yes; it would be a serious thing if an explosion happened where there were a large number of men employed, and there was not one-third extra lamps on hand.
9083. Q. Recommendation No. 13—"Travelling and haulage roads, and other places necessary, to be properly watered." Do you know anything of the watering of coal-mines? A. Not much.
9084. Q. Do you know anything of the danger of dust in coal-mines? A. No.
9085. Q. When you examined Mount Kembla, did it appear in parts to be a very dusty mine? A. No, it did not.
9086. Q. I pass on to Recommendation No. 18—"Instructions to employees regularly on the means of escape." Do you know the means of escape from the collieries you have worked in? A. Usually there is only one means of escape in England, on account of there being a shaft; but then there is the upcast and the downcast.
9087. Q. I mean in this State? A. I have only worked at Bulli.
9088. Q. How many outlets are there? A. One only. Two for two different districts.
9089. Q. Did you know the outlet for the district you were not working in? A. No.
9090. Q. Would you approve of the recommendation that the miners should be instructed regularly on the different ways of escape from a mine? A. Yes.
9091. Q. Who should give them instruction? A. The Manager, or the under-manager.
9092. Q. Recommendation No. 19 is—"Coal-mines Act to forbid a black-list of employees being kept, and penalising improper prevention of discharged persons obtaining employment." Do you know anything of a black-list in this district? A. No.
9093. Q. Do you know of any instance where men have been discharged, and afterwards prevented from obtaining employment? A. No; not directly. I have heard more than I have known about it personally.
9094. Q. Have you heard about it frequently? A. I have heard it talked about. I know a man was discharged from South Bulli for not spragging his coal, but the general talk was that he had made a check inspection and given in an adverse report, and this was a point taken on him.
9095. Q. Who was he? A. I cannot remember his name.
9096. Q. Was he prevented from obtaining employment elsewhere? A. Yes; he had to leave the district.
9097. Q. Do you think that the provision forbidding the keeping a black-list would conduce to the better management of the collieries? A. Yes; if you can get it done. I do not think you will be able to deal with the question at all.

Examined by Mr. Robertson:—

9098. Q. About this fall in the return airway in Keira. Do you know when the fall occurred? A. No; I do not.
9099. Q. It may have been quite recent, at your visit? A. I think not, for the reason that there were chalk marks on it, or round about it, of the firemen having travelled that way for some time.
9100. Q. It is sometimes very difficult to remove a fall in a return airway? A. I admit that, but this place might have been made better by the stuff being packed at the side.
9101. Q. What space was there over the top of the fall? A. Just space enough for us to crawl over.
9102. Q. Was it very much less than the usual state of the airway? A. Yes. It was a heavy fall; and we had to climb up one side and down the other side.
9103. Q. As to your inspection of Mount Kembla, when I think you said the management had been made aware of your intended visit? A. Yes.
9104. Q. You think that great preparations were made in anticipation of your visit—tell us what preparations could be made? A. Preparations could be made in the way of putting in extra stoppings, if needed, making the stoppings up better than they were before in order to prevent leakages, and putting the brattice up nearer to the face. I know in one case as regards Keira— [Interrupted.]
9105. Q. I am talking about Kembla? A. At Kembla that was the way in which they could improve matters; and they could also clear the return airway.
9106. Q. Do you say that the management at Kembla was aware that your visit was postponed for a fortnight? A. I did not say that.
9107. Q. You might have gone the next day? A. That is so; I might have gone the next day.
9108. Q. So that in that case no preparations could have been made? A. But because of the delay they had time to make them.
9109. Q. Do you think they would keep on making preparations for six months if you had stayed away that time? A. Well, I believe that the expectation of visits keeps the management up to the law as nearly as possible.
9110. Q. At the time of your visit to Corrimal, was the ventilation by means of a furnace? A. Yes.
9111. Q. And the mine had been rapidly developed during that time? A. Yes; they were just driving out the work in the dip.
9112. Q. Possibly the mine had outstripped the capacity of the furnace? A. Yes.
9113. Q. Since then they have had a fan erected? A. Yes.
9114. Q. Was not that decided upon as soon as the necessity was recognised? A. Yes.
9115. Q. At any rate, the fan was erected? A. I always like to be fair; if there is an explanation to justify a breach of the law I make it known. In that report I put in a paragraph that the management was pushing on with a new fan.
9116. Q. You mean that they were showing every disposition to improve matters? A. Yes; I believe they did. The question is whether they should not have taken this action sooner, or have taken out some of the men working in that district until they had the fan erected, or had more air there. 9117.

Witness—J. Wynn, 27 January, 1903.

9117. *Q.* As to the matter of the anemometer, there is no virtue in Government anemometers? *A.* They should be the same as the check-inspectors, and there should not be any difference between those of the managers and the Government Inspector.
9118. *Q.* Do they not all buy them in the same market? *A.* Yes.
9119. *Q.* And they are all liable to get out of order? *A.* Where there are two instruments against one, it is not justifiable to say that the two are wrong and that the one is right.
9120. *Q.* You say that the Government Inspector admitted that his reading was wrong? *A.* He believed that his instrument was out of order, and did not give a true record.
9121. *Q.* Have you any reason to doubt that? *A.* Yes; because the Government Inspector has power to get his instrument tested at any time.
9122. *Q.* But he might find that his instrument is not working well? *A.* But he can test it with the Manager's instrument at any Colliery.
9123. *Q.* When you say "two against one," you mean your own anemometer? *A.* Yes.
9124. *Q.* That did not seem to be as satisfactory as was desired? *A.* No; not in that one particular case.
9125. *Q.* Who was Robert Vardy, whom you spoke of as having been the confidant of Mr. Rowan? *A.* He was the check-inspector appointed at that Colliery to accompany me round.
9126. *Q.* Is he there now? *A.* Yes.
9127. *Q.* Coming to this matter of the temperature in the Helensburgh Colliery. I think you said it was rather high in the pillars—81°? *A.* That is what I think myself. It seemed to me to be rather warm.
9128. *Q.* Do you know what the temperature of the strata is there? *A.* No; but probably it is pretty high, there being a deep shaft. It is 70° probably.
9129. *Q.* It is 83°, so that there is nothing at all surprising in finding the air 82° where the natural temperature of the strata is 83°? *A.* Of course, I simply recorded that as being the highest I found.
9130. *Q.* Do you know that the temperature has since been taken by the check-inspectors, and found to be lower? *A.* No, sir.
9131. *Q.* You complain about the dusty roads in the Helensburgh Colliery? *A.* Yes; the travelling road is, what I call, very dusty.
9132. *Q.* Do you know the length of the travelling road and the return airways in that Colliery? *A.* No; I could form no idea. I know they are very long, because it took four days to travel round them.
9133. *Q.* And you did not see all the mine by a long way? *A.* I asked them to show me all over the place—the abandoned workings, and some of the old workings. I inspected most of them.
9134. *Q.* You admit that the contract for watering 30 or 40 miles of roadway would be a pretty big one? *A.* Yes; no doubt it would be.
9135. *Q.* Especially when no water is available? *A.* Yes. I think I would make a suggestion which would help to alleviate that trouble. If you could make the horses travel the roads in the return airways, it would help to keep down the dust they make, and it would go out by the upcast shaft, and would not be so bad.
9136. *Q.* Did you observe that in the Helensburgh Mine there are an unusual number of travelling ways provided? *A.* There are a large number of travelling ways in the different districts.
9137. *Q.* And in the intake airways? *A.* Yes.
9138. *Q.* Do you not think that if your suggestion were carried out it would be going a step backwards? *A.* I think it would be all right.
9139. *Q.* Do you know that the miners actually petitioned the Minister to have a provision made that all travelling roads should be made in the intakes? *A.* I do not know.
9140. *Q.* You were four or five days making your inspection and examination? *Yes.*
9141. *Q.* It is an extensive mine, is it not? *A.* Yes.
9142. *Q.* And a very gassy mine? *A.* Yes.
9143. *Q.* And in that inspection you only detected gas in two or three cases? *A.* Yes.
9144. *Q.* And that not in any quantity? *A.* We just detected it; and that is all.
9145. *Q.* Does that not speak volumes for the vigilance of the officials? *A.* Yes.
9146. *Q.* Where you found three or four indications of fire-damp, was it near the face? *A.* Yes; in the working face. In some places in the cut.
9147. *Q.* Do you not think it possible, in a gassy mine, that you can go into every place throughout the whole of the mine and adjust your lamp at the face so as to detect gas in every one of them? *A.* No.
9148. *Q.* You do not think so? *A.* It would be very gassy, if you could do so.
9149. *Q.* I think I can demonstrate to you that you could so adjust your lamp as to find an indication of gas in any place. Now, do you think it is fair? *A.* Think what is fair?
9150. *Q.* Because you find gas issuing from the face, in the cut, to pass a reflection on the management? *A.* I have not said it was a reflection on the management.
9151. *Q.* You imply so in saying that you found three or four small indications of gas at the face, and pointing out the fact that gas was not reported in the Deputy's book? *A.* That is what I say is a reflection.
9152. *Q.* Do you think that if you examine an extensive mine and can only find three or four indications in a cut where gas is issuing, do you think that is a reflection on the Deputies? *A.* Not because the gas is issuing. No. It is a reflection on the management that they do not report it.
9153. *Q.* They did not report gas issuing from the face? *A.* Not as far as I know.
9154. *Q.* Then you demand that in every colliery gas issuing from the face, if it can be detected with a lamp, should be reported? *A.* Decidedly so.
9155. *Q.* It seems contrary to the experiences of most mining men. If your idea was carried into effect, you might as well close up every gassy mine in any country in the world. *A.* Not at all, sir.
9156. *Q.* Is not the only thing to have, what you got there, a plentiful supply of pure air to dilute the gas and carry it away? *A.* Yes; but if you do not make a report on the gas—and I was looking over the records for ten minutes to see if I could find such reports, and I have failed to find them—and if you have a gassy mine, and there is no report of gas in the book, if a calamity occurs what conclusion can you arrive at then?
9157. *Q.* Did you examine all the waste workings? *A.* No; how could I in that time.
9158. *Q.* You said that you examined all parts of the mine? *A.* I said that we went into a few places in the old workings. We went into every working-place.

9159. *Q.* Did you find any gas in the waste workings—places where gas would be most likely to accumulate? *A.* Gas would accumulate there if the place was not well ventilated.
9160. *Q.* You admit that the mine is well ventilated? *A.* Yes, it is.
9161. *Q.* And you think that, if gas is found issuing from the cut, it should be recorded? *A.* I think that it should be recorded.
9162. *Q.* I think you said that the ventilation was good throughout Helensburgh? *A.* Yes.
9163. *Q.* Now, will you be surprised to know that bords have been taken 200 yards and more without cut-throughs? *A.* I did not know that; and I should be surprised at it.
9164. *Q.* Do you know that the ordinary size of the pillars is from 100 yards to 50 yards? *A.* No, I do not.
9165. *Q.* That is so? *A.* That surely cannot be the ordinary size of the pillars.
9166. *Q.* Yes it is? *A.* Then no wonder that you have 40 miles of roadway.
9167. *Q.* There is no reason why cut-throughs should be made every 30 yards? *A.* You increase the danger the further you go without them.
9168. *Q.* But, in view of the necessity of having large pillars to support the roof in a deep mine, how can you have these cut-throughs? *A.* Do you mean pillars for the protection of the main road?
9169. *Q.* And also for the protection of the bords. The greater the depth, the greater the necessity for large pillars? *A.* That would be so.
9170. *Q.* If you cut the pillars up by making cut-throughs, you would weaken the pillars? *A.* A cut through 6 feet square would be nothing in regard to weakening the roof.
9171. You think not? *A.* I do, especially in that sized pillar. I think there is no reason why it should not be carried out.
9172. *Q.* How long is it since Inspector Lewis recorded the air at Bulli, and went home without doing anything else? *A.* It is twenty-two or twenty-three years ago.
9173. *Q.* Is it not more than that? *A.* Perhaps it is. I would not say. It may be more than that.
9174. *Q.* Inspector Lewis was then the only Inspector for the whole of the Colony? *A.* Yes.
9175. *Q.* You said that the practice of opening safety-lamps for shot-firing was dangerous in the presence of gas? *A.* Yes, in the presence of gas.
9176. *Q.* Who thinks that any one would fire a shot under any circumstances with gas in the place? *A.* I mean with the liability of there being gas in the place.
9177. *Q.* Do you think it conceivable that any official would fire a shot with gas in the place? *A.* He would, of course, be very simple to do such a thing.
9178. Is there any great difference between firing a shot with a wire and the firing of it with a naked light? *A.* A heated wire does not cause an explosion, as a rule.
9179. *Q.* Would you like to put a heated wire in fire-damp? *A.* It is considered to be a more safe practice to fire a shot with a heated wire.
9180. *Q.* If there was a proposal for igniting a fuse without exposure to the air at all, would it not be preferable? *A.* I think it would.
9181. *Q.* Would not electricity be preferable? *A.* I am not competent to answer that question; I do not understand the composition.
9182. *Q.* Is not firing by wire out of date? *A.* It has been in practice for a long time.
9183. *Q.* Is it not out of date? *A.* I know of no other method which has superseded it.
9184. *Q.* Have you not seen other methods in use at Helensburgh colliery? *A.* I have not seen any shots fired there.
9185. *Q.* Now, about shot-firers. In answer to Mr. Lysaght, you said that managers might appoint incompetent men; but previous to that you thought that Managers were the best persons to select shot-firers? *A.* Yes. Certainly, in a general way, I would empower the Manager to select the shot-firers. They ought to know best who are the most capable of their workmen.
9186. *Q.* The fact that a deputy fires a shot with a naked light need not necessarily imply incompetence on his part? *A.* No. If he thinks there is no danger he might fire it.
9187. *Q.* He might be carrying out the system ordered by his manager. *A.* Yes, he might be doing that.
9188. *Q.* And the shot-firer might be perfectly competent? *A.* Yes; but in the presence of gas it would still be a dangerous practice.
9189. *Q.* You mentioned the case of a man who had been dismissed for not spragging the coal, and you said it was believed that the real reason was that he had given in an adverse report when acting as a check-inspector. Can you give me the name of the man? *A.* I could not.
9190. *Q.* Can you tell me the colliery? *A.* Yes; it was South Bulli.
9191. *Q.* About what date? *A.* I never thought about the matter until it was suggested to me here. I should say it was 10 years ago, or more than that.

Examined by Mr. Ritchie:—

9192. *Q.* I understand you to advocate that managers, shot-firers, and under-managers, should have a certificate to be obtained by examination before they are capable of holding their positions. *A.* Yes, I would certainly be in favour of the under-managers, deputies, and shot-firers, holding such certificates.
9193. *Q.* You said under-managers. Do you believe that managers should also hold such certificate? *A.* A manager ought not to hold such a position, in my opinion, without such certificate.
9194. *Q.* And unless he was qualified by examination. And do you think that those managers who hold service certificates should have them cancelled, and should qualify themselves by examination? *A.* Yes.
9195. *Q.* Do you think that a manager who says that he has no knowledge of gas himself, and who does not understand its composition, would be a qualified person to appoint shot-firers? *A.* No, I should think not. I should think such a manager could not exist in this State.
9196. *Q.* Do you think that such a person should be a manager? *A.* I do not think so.
9197. *Q.* Now, I think that you told us that check-inspectors should be competent men. What standard of proficiency do you think a check-inspector should attain before he is appointed? *A.* Of course, the law does not touch them as it is at present. I think it is desirable that they should be as competent as the firemen and the deputies who examine the working places.
9198. *Q.* Then you think that persons, before being appointed check-inspectors, should hold a certificate, by examination, to show that they are equally competent to a deputy? *A.* Yes. 9199.

Witness—J. Wynn, 27 January, 1903.

9199. *Q.* Would you require a deputy to know the nature of gases, something about the danger of coal-dust, and so on? *A.* He should know the composition of the various gases likely to be found in a mine; he should know about fire-damp, black-damp, choke-damp, and the effect of atmospheric changes. He should know the relation of one gas to another; and he should know at what stages those gases would explode, and all technical knowledge of that kind.

9200. *Q.* Do you think he should also have a knowledge of the danger arising from the accumulation of coal-dust? *A.* Yes, I think he should study that also, and make himself acquainted with all that kind of information.

9201. *Q.* Should he also understand the different systems of ventilation? *A.* I consider that very important.

9202. *Q.* Then those are some of the qualifications which you think every person should possess before being appointed a check-inspector? *A.* Yes.

9203. *Q.* I think you said something in one of your recommendations that, in your opinion, the Government Inspector's report should be open to the inspection of the check-inspectors? *A.* Yes.

9204. *Q.* Should it not also be open to the miners? *A.* Yes, if you like.

9205. *Q.* Do you know any reason why the Government Inspectors' reports should not be available for inspection by every man in the colliery? *A.* I do not know of any particular reason why they should not; but, if you have good check-inspectors, you put the responsibility on them more than on the general body of the miners.

9206. *Q.* But there might be men in the mine who are thoroughly qualified persons; and who, although they are not check-inspectors, could understand such reports? *A.* Quite so.

9207. *Q.* Do you not think that the miners ought to have a right to see the report of the Government Inspector? *A.* I have no objection to it.

9208. *Q.* Do I understand that you agree that, when a Government Inspector has made an examination, he should leave behind him a written report, to be open to the inspection of every employee in the colliery? *A.* Yes, I think it should be open to them.

9209. *Q.* Now what rule of the Union is it which prevents the election of a person as check-inspector, who is not a member of the Union? *A.* I do not know.

9210. *A.* Have you seen a rule to that effect? *A.* Oh, yes, I received a copy from yourself.

9211. *Q.* Can you point it out from this copy of the rules [*handing a copy of the rules to witness*]? *A.* I cannot see it.

9212. *Q.* I will tell you, to save time, that there is no such rule there? *A.* What is the year of these rules?

9213. *Q.* 1902? *A.* It may have been taken out. The copy I had was for the year 1901.

9214. *Q.* Now take the Coal Mines Regulation Act. There is a rule which reads as follows:—

The persons employed in the mine may from time to time appoint two of their number, or any two persons, not being mining engineers, who are practical working miners, to inspect the mine, at their own cost.

Would this alteration meet your views—say “Two of their number,” and strike out the words, “Not being mining engineers.” This would make the section read, “Two persons to inspect the mine, at their own cost.” Would that suit you? *A.* I think so.

9215. *Q.* I propose to strike out the words in the section, “Not being mining engineers, who are practical working miners”? *A.* I think that the persons who are appointed should be competent by examination, and you might have those words in the Act.

9216. *Q.* If we put in the words “Competent by examination,” would that meet your views? *A.* Yes, if you can get the men to do it.

9217. *Q.* Are those your opinions? *A.* If you can get competent men who have passed an examination, they would be the best we could get to do the work; but I can see the doubtfulness of getting such men.

9218. *Q.* You mean, in other words, that men who hold certificates of competency are looking for positions from the Manager? *A.* Yes, certainly that is what I mean.

9219. *Q.* Will this meet your views—you have no desire that they should hold certificates by examination? *A.* I do not desire to make it compulsory.

9220. *Q.* You would make it necessary to have examinations if you thought the men could be got? *A.* Yes.

9221. *Q.* Do you think that the exemption contained in the words “Not being mining engineers” should be struck out of the law? *A.* I think it might be taken out.

9222. *Q.* Further, do you also advocate the striking out of the words “Who are practical working miners”? *A.* I think it would meet the case if you made an alteration by adding after the words “Who are” the words “or have been.” My reading of the Act is that it is in the present tense. If you put the wording in the past tense you would make provision for the selection of any person who is not a miner now, but who has been a miner.

9223. *Q.* You think that he ought to have been connected with a mine at some time or other? *A.* May I read to you what William Hopton said in a prize essay, for the prevention of accidents in coal mines, which was read in England thirty years ago. He said:—

In addition to the Government Inspector, the workmen at every colliery should have power to appoint a competent person, that is, a person well informed in mining, to inspect the workings in which they are employed; such person to inspect every part of the workings in a friendly manner, and give advice, if required, for the safe working of the mine.

9224. *Q.* You endorse that? *A.* I endorse that.

9225. *Q.* As to Mount Kembla. Did you observe any indications of recent alterations having been made? *A.* I noticed new bratticing in several places—that was the only change that I could observe.

9226. *Q.* You said that if your visit had been longer delayed the mine might have been in a better state of perfection. You do not mean that they might have gone on improving from then until now? *A.* No.

Re-examined by Mr. Robertson:—

9227. *Q.* Is it anything uncommon to see new brattice in a mine? *A.* No, as the work extends they must bring in new brattice-cloth.

9228. *Q.* Then that circumstance is not suspicious? *A.* No—that was the only thing that indicated that they had attended to the mine of late.

9229.

9229. *Q.* When you made your check inspections, were you offered every facility at the various collieries? *A.* No Manager or other person ever put the slightest hindrance in my way when making an examination.

9230. *Q.* Were you not received with every civility and courtesy? *A.* Yes.

9231. *Q.* No ill-feeling whatever was shown? *A.* No; I have not a single complaint in that respect.

(The Commission at 4:20 p.m. adjourned until 10 a.m. the following morning.)

WEDNESDAY, 28 JANUARY, 1903.

[The Commission met at the Court House, Wollongong.]

Present:—

C. E. R. MURRAY, Esq., D.C.J. (PRESIDENT).

D. A. W. ROBERTSON, Esq., COMMISSIONER. | D. RITCHIE, Esq., COMMISSIONER.

Mr. Bruce Smith, Barrister-at-Law, instructed by Mr. Wood, Crown Solicitor's Office, appeared on behalf of the Crown.

Mr. A. A. Atkinson, Chief Inspector of Coal-mines, assisted Mr. Bruce Smith.

Mr. A. A. Lysaght, Solicitor, appeared on behalf of—

(a) the representatives of deceased miners, wheelers, &c., (victims of the explosion);

(b) the employees of the Mount Kembla Colliery (miners, wheelers, &c.); and

(c) the Illawarra Colliery Employees' Association (the Southern Miners' Union).

Mr. F. Curtiss appeared on behalf of the Mount Kembla Coal and Oil Company (Proprietors of Mount Kembla Mine).

(Mr. J. Garlick, Secretary to the Commission, was present to take shorthand notes of the evidence and proceedings.)

MR. WILLIAM LIVINGSTONE was sworn, and stated as under:—

Examination-in-chief by Mr. Curtiss.

9232. *Q.* What is your name? *A.* William Livingstone.

9233. *Q.* What are you? *A.* A miner.

9234. *Q.* Where? *A.* At Mount Kembla.

9235. *Q.* How long have you been there? *A.* Fourteen years.

9236. *Q.* Working as a miner? *A.* Yes; well, lately, I have been deputy and shot-firer—these last two months.

9237. *Q.* But you have been working as a miner at Mount Kembla for the last fourteen years? *A.* Yes.

9238. *Q.* What parts of the mine have you worked in? *A.* I have been in all the parts, all the sections, in it.

9239. *Q.* Have you ever worked in the 4th Right? *A.* Yes.

9240. *Q.* When was that? *A.* It would be in 1901.

9241. *Q.* How long did you work there? *A.* Nine months.

9242. *Q.* While working there did you ever see any signs of gas? *A.* No.

9243. *Q.* Have you ever seen gas in any other portion of the mine? *A.* No.

9244. *Q.* None at all? *A.* None at all.

9245. *Q.* You say you are a shot-firer now? *A.* Deputy and shot-firer.

9246. *Q.* How do you fire the shots there? *A.* With the wire.

9247. *Q.* Have you ever fired them with an open lamp? *A.* Yes.

9248. *Q.* And you have never seen gas then? *A.* No.

9249. *Q.* What is your procedure when you are firing with open lamps? What precautions do you take? *A.* About 20 or 30 yards from the face I examine first to see if it is wet, about that distance from the coal-face; and then, if I am satisfied that it is wet enough, I go into the working place and examine to see if there is any gas. I go to the side furthest away from the brattice. That is the first place I go to, to see if there is any there; and, if I am satisfied that there is none there, I go then to the centre of the bord and examine there; and then go to where the shot is to be fired, and examine there, and satisfy myself that all is clear before I do fire.

9250. *Q.* Is the mine a dry mine; or is it a wet, or damp, mine? *A.* Well, there is a part of it wet, and other parts of it dry.

9251. *Q.* Were you there on the day of the disaster? *A.* No; I was not working that day. I was working the night before.

9252. *Q.* You were not in the mine after the accident? *A.* Yes; I was in it after the accident, rescuing.

9253. *Q.* Did you see any of the men that were rescued or any that were brought out dead? *A.* I saw some of them.

9254. *Q.* Did you see any sign of burning or scorching on any of their bodies? *A.* Yes; I saw one of the wheelers there, who was a bit scorched about the arms—Kembla Stafford.

9255. *Mr. Bruce Smith.* *Q.* How do you describe what you saw on him? *A.* I saw him singed about the arms—burnt about the arms.

9256. *Mr. Curtiss.* *Q.* In what way? Was the skin off; or was it blistered? *A.* The skin was hanging off.

9257. *Q.* Both hands? *A.* Both arms. It might have been with lifting him. It was just when we had him lifted and put into the skip that I noticed this skin off his arms.

9258. *Q.* You say you knew nothing about this explosion? You were not there until after it occurred? *A.* No.

9259. *Q.* With reference to the mine, what is the state of ventilation there? *A.* At the present time?

Witness—W. Livingstone, 28 January, 1903.

9260. *Q.* Take the average for the time that you were working there. Did you find it a well-ventilated mine? *A.* Well, I found it fair, you know, as far as my experience is concerned. I have felt it pretty good at times; and at other times a bit close, where I, personally, have been working. I have felt it a bit warm.
9261. *Q.* Does the outside atmosphere affect the ventilation? *A.* It does at times. It depends on which way the wind is blowing.
9262. *Q.* How do you account for the mine being sometimes hot and sometimes not? *A.* The mine is sometimes warm for want of putting the brattice close enough up to the working face.
9263. *Q.* I suppose that is easily rectified? *A.* Yes; if the brattice is not close to the working face it must get warm.
9264. *Q.* Do the miners themselves alter these bratticings? *A.* No.
9265. *Q.* You have got to get the deputy? *A.* Yes.
9266. *Q.* And does he actually do it, or see that it is done? *A.* Well, there are two of them there; and if the one has not time to do it the other one has to do it.
9267. *Q.* But the miner, generally, is not allowed to interfere with it? *A.* No; he is not allowed.
9268. *Q.* If you make a complaint about it is the matter attended to at once: is it rectified? If you make a complaint to the deputies, or the Manager, or anybody else, do they rectify any trouble that you complain about? *A.* They have done it for me. I have made a complaint to the deputies as they came round, and have told them I wanted some more brattice, and that I found the powder smoke lying too long; and I always got it put right for me.
9269. *Q.* And do you know that that is the general practice, of your own knowledge? *A.* As far as I know, it is.
9270. *Q.* I suppose you know this mine well? *A.* Yes.
9271. *Q.* Do you know the exits from the mine? *A.* No; I only know the one road; that is, like, forbye the haulage road, I know this daylight heading.
9272. *Mr. Bruce Smith.*] *Q.* That is the one which you know in addition to the ordinary one? *A.* Yes; that is the one I know of. I knew the other one years ago; but I do not suppose I could go out by it now.
9273. *Mr. Curtiss.*] *Q.* You do not think you could find your way out? *A.* No.
9274. *Q.* And you were never instructed in the ways out? *A.* No.
9275. *Q.* Is it a custom in the mines to do that—to teach the men how they can get out of the mines? *A.* I do not think it is. It has never been told to me at all events.
9276. *Q.* You have been deputy and shot-firer in the last two months? *A.* Yes.
9277. *Q.* That is since the disaster? *A.* Yes.
9278. *Q.* Is there any vast improvement in your income now as compared with what you were earning as a miner? *A.* No.
9279. *Q.* What are you getting? *A.* 9s. 6d. a shift.
9280. *Q.* And as a miner what were your earnings? *A.* I could not tell you just exactly. My wages as a miner varied a terrible lot; because I have had good luck and bad luck: but I think, putting the two of them together for the twelve months, there would not be very much difference. They would run very close.
9281. *Mr. Bruce Smith.*] *Q.* It would be about equal to what you get as a deputy? *A.* Yes.
9282. *Mr. Curtiss.*] *Q.* You are a night deputy? *A.* Yes.
9283. *Q.* What are your duties? *A.* I have to go round the working places and examine them to see if they are free from gas, to see that the ventilation is good, and that the roof and sides are secure.
9284. *Q.* And you do that ever day? *A.* Every night.

Cross examination by Mr. Lysaght:—

9285. *Q.* I think you gave evidence in the Brownlee case? *A.* Yes.
9286. *Q.* And, shortly after you gave that evidence, you were made shot-firer? *A.* No; it was before I gave that evidence.
9287. *Q.* Had you given a proof of your evidence in Brownlee's case before you were made shot-firer? *A.* No; I did not.
9288. *Q.* And you know that your evidence was contradicted by several witnesses? *A.* Yes.
9289. *Q.* Now, have you had any conversation with Mr. Rogers —[*Interrupted.*] *A.* I have not.
9290. *Q.* One minute—do you mean to tell me you have had no conversation with your Manager? *A.* Yes; I do that.
9291. *Q.* When did you last see your Manager? *A.* I see him every other night. I have got to see him every other night.
9292. *Q.* Did your Manager know you were coming here to give evidence? *A.* Yes.
9293. *Q.* Did you tell him? *A.* No.
9294. *Q.* Did he tell you? *A.* No.
9295. *Q.* Well, how did he know?
9296. *Mr. Curtiss.*] I think I might shorten that, your Honor.
9297. *Mr. Lysaght.*] I have a reason for asking these questions.
9298. *His Honor.*] Mr. Curtiss, if you have some knowledge of a certain fact you might inform Mr. Lysaght privately if it would result in his not taking up more time.
9299. *Mr. Curtiss.*] Very well, your Honor.
- (Mr. Curtiss then spoke to Mr. Lysaght privately.)
9300. *Mr. Lysaght.*] *Q.* Can you tell me how your Manager knew you were going to give evidence? *A.* No.
9301. *Q.* Did he speak to you about your giving evidence? *A.* No.
9302. *Q.* Did you speak to him? *A.* No.
9303. *Q.* Have you given any personal statement of your evidence here? *A.* Yes.
9304. *Q.* When did you first give that statement? *A.* I think it was last Wednesday night, or Thursday night; I am not sure.
9305. *Q.* Was not Mr. Rogers present then? *A.* Yes.
9306. *Q.* Did not he hear the statement you were giving? *A.* Yes.

9307. *Q.* And do you mean now to tell me you had no conversation with Mr. Rogers about your evidence?
A. I do that.
9308. *Q.* How long did it take to prepare this statement of yours? That I am giving you now?
 9309. *Q.* The statement that you gave in the presence of Mr. Rogers last Wednesday? *A.* It took me no time at all.
9310. *Q.* How long did it take to take the statement down? *A.* I was speaking to them the same as I am speaking to you.
9311. *Q.* Was not it taken down in writing? *A.* No.
9312. Who else was present besides Mr. Rogers? *A.* Mr. Wade and some other gentleman: I do not know who he was.
9313. *Q.* What other officers of the colliery were present besides Mr. Rogers? *A.* None.
9314. *Q.* Now, you say that, with the exception of this conversation last Wednesday, you had no conversation with Mr. Rogers about your statement? *A.* Yes.
9315. *Q.* You might tell me how often you opened the safety-lamp to fire shots? *A.* It depended upon how many shots there were that wanted firing.
9316. *Q.* How often have you opened the safety-lamp to fire the fuse? *A.* I could not tell you just exactly how many times I have opened the lamp. I have opened it as many times as it wanted opening.
9317. *Q.* Then do I understand that you have not fired with the wire at all? *A.* Yes.
9318. *Q.* Your practice has been to open the lamp and fire the shot with the naked light? *A.* Yes.
9319. *Q.* Did not you say before that your practice was to fire with the wire? *A.* I say that it is my practice now. I am working on the night shift now; and there is no shot-firer. This was when I was working in the daytime.
9320. *Q.* How long have you been on the night shift? *A.* I have been on the night shift five weeks now.
9321. *Q.* Since you have been on the night shift have you fired any shots? *A.* No.
9322. *Q.* Before you went on the night shift how long were you shot-firer? *A.* A month.
9323. *Q.* And during the whole of that month you always fired shots with the naked light? *A.* Yes.
9324. *Q.* On how many occasions in a day would you fire shots that way? *A.* Well, I could just about tell you that easily enough if I had time to consider; it might be about five or six times, but no more.
9325. *Q.* Can you give me any one occasion when any special watering was done before the shot was fired? *A.* None; during the time that I was on the day shift.
9326. *Q.* Now, your answer is clear that for a whole month no watering was done in the vicinity of where any shot was fired by you? *A.* No; I can assure you of that.
9327. *Q.* And were you not firing shots in an admittedly dusty part of the mine? *A.* I was not.
9328. *Q.* Well, where were you firing shots? *A.* In the 2nd Right.
9329. *Q.* Is that the only place? *A.* That is the only place.
9330. *Q.* Did not you fire any shots in the 5th Right? *A.* No.
9331. *Q.* Were you not shot-firer for the whole No. 1 Right district? *A.* Yes.
9332. *Q.* Who fired the shots, if you did not? *A.* There were none fired there.
9333. *Q.* Then do I understand that for a whole month the only shots fired in the whole of that No. 1 Right district were in the 2nd Right? *A.* Yes.
9334. *Q.* Was that a damp place, the whole of it? *A.* Yes; the lot of it.
9335. *Q.* That being so, I may take it there was no need for you to make an inspection to see whether it was damp or not? *A.* I was keeping on the safe side.
9336. *Q.* You said you always went back about 30 yards from the face, and examined to see if it were wet? *A.* Yes.
9337. *Q.* If it was in a damp place, what did you want to go back every time 30 yards to examine whether it was wet for? *A.* I was doing my duty. It was caution, carefulness.
9338. But would not you see whether the whole place was wet when you went into it? *A.* Yes.
9339. *Q.* Then what would you want to go back 30 yards every time for? *A.* Well, I was making so sure that it was wet.
9340. *Q.* Now, how long did it take you to examine for gas? *A.* About a few seconds: not over long.
9341. *Q.* And what would you do in examining for gas before you fired the shot; tell me what you would do;—I want to know whether you know how to examine for gas? *A.* I would screw down my lamp till there was just a little flame; put it up cautiously to the roof; and see then if there were any gas there. If there were any gas there I would soon know by its drawing up the flame, and causing a little blue cap. I would know that well.
9342. *Q.* That was your examination for gas? *A.* Yes.
9343. *Q.* Do you want to change that answer, or add anything to it? *A.* That is just about as plain as I can tell you.
9344. *Q.* Then you did not put your lamp near the face of the coal at all? *A.* Yes; that is where my lamp was.
9345. *Q.* You did not say so;—I ask you again, do you want to add anything to that answer as to your examination for gas? *A.* You can add that to it. I was expecting you knew what I meant.
9346. *Q.* You said you put your lamp up to the roof? *A.* Yes.
9347. *Q.* Well, now, how far would it be off the face? *A.* Just as close as I could get it to the coal face.
9348. *Q.* And during the whole of that time, you say, you never got any indication of gas? *A.* No.
9349. *Q.* Did you ever examine with the hydrogen lamp? *A.* No.
9350. *Q.* Do you know how to use the hydrogen lamp? *A.* No; I have never seen it.
9351. *Q.* Do you know that the ordinary safety-lamp will only show from about 2 to 2½ per cent. of gas? *A.* Yes, I know that well.
9352. *Q.* Do you know that 1½ per cent. is dangerous under certain conditions of dust? *A.* I believe it is.
9353. *Q.* So that there may have been at least 2 per cent. of gas in any of the places you examined and you could not discover it? *A.* Yes; the lamp that I use only shows about 2½ per cent.
9354. *Q.* And, having done that—having examined as to the dampness and as to the gas—did you then open your lamp and light the fuse? *A.* Yes.
9355. *Q.* Did you know how deeply the hole had been drilled? *A.* No; I had to take the miner's word for it.
9356. *Q.* In each case you took the miner's word? *A.* Yes; and that is one point that I reckon is not right.

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9357. *Q.* What do you mean by that? *A.* The shot-firer should know exactly the depth of the hole himself.
9358. *Q.* Why did not you know? *A.* It was tamped up before I got there.
9359. *Q.* Could not you order them to take the tamping away? *A.* Well, it appears that it is the rule (meaning that the present practice is the rule).
9360. *Q.* Then, in your opinion, was this practice of opening the safety-lamp and lighting the fuse with the naked light a dangerous one? *A.* It would be a hard question to answer whether it was or not.
9361. *Q.* But you appear to have some doubt as to whether it was a safe practice? *A.* Well, there is no mistake that if there was gas there it was a dangerous practice.
9362. *Q.* And I suppose if there was any accumulation of dust there it was a dangerous practice? *A.* Yes.
9363. *Q.* Then will you not admit that it is a dangerous practice? *A.* Yes; I admit that it is.
9364. *Q.* And did your Manager know that you were lighting this fuse in this way? *A.* Yes.
9365. *Q.* And I think that practice has been stopped for about two weeks, since some evidence was given here? *A.* I do not know. I am working at night time.
9366. *Q.* Do I understand that, even when you were firing these shots with the naked light, you knew you were incurring a considerable danger? *A.* No; I did not think there was any danger, or I would not have done it.
9367. *Q.* Do you think now that there was a danger? *A.* In that particular part?
9368. *Q.* Well, we are only talking about the shots you fired? *A.* Oh, well, there was no danger where I was firing shots.
9369. *Q.* But there may have been danger there if there was gas, which your lamp would not detect? *A.* Yes.
9370. *Q.* Well now, might there not have been danger from gas of which you did not know? *A.* I cannot tell.
9371. *Q.* Now, as a matter of fact, was not there danger? *A.* No; I do not think there was. As a matter of fact, I would not open my lamp if I thought there was danger.
9372. *Q.* Who chose you as a deputy? *A.* I cannot tell you that. I can tell you how it was that I was appointed. I can tell you who it was that came to me in my working place and asked me if I would take it.
9373. *Q.* Who was that? *A.* Mr. Hotchkis; and I told him distinctly that I would as soon get a bit of coal; and I would say that yet.
9374. *Q.* You felt, I suppose, that the responsibility was a bit too much for you? *A.* I suppose I am just as capable of bearing it as anyone who is there.
9375. *Q.* And you do think you are competent to be a deputy? *A.* Until it is proved that I am not.
9376. *Q.* Have you studied any works upon gases? *A.* No; I have not.
9377. *Q.* Have you read any mining works at all? *A.* No.
9378. *Q.* Do you know what the constituents of light carburetted hydrogen are? *A.* No; I do not.
9379. *Q.* Do you know what proportion of light carburetted hydrogen is dangerous? *A.* No; that is out of my latitude.
9380. *Mr. Robertson.] Q.* Why ask that, when he says he does not know the constituents of light carburetted hydrogen?
9381. *Mr. Lysaght.]* With every respect to the Court, what I wanted to show was that a deputy was appointed who had no knowledge of gases.
9382. *His Honor.]* He says that all the knowledge he has is a practical knowledge of coal-getting, and a practical knowledge of looking for gas, which does not involve a knowledge of chemistry.
9383. *Mr. Lysaght.]* What I submit to the Commission is this: that the Commission may find, as a fact, that a person who is appointed to the position of deputy should have a scientific knowledge of gas.
9384. *His Honor.]* That may be so; but it is of no use going on asking this witness these questions after he has begun by repudiating any knowledge of chemistry.
9385. *Mr. Robertson.]* I take it that you claim, Mr. Lysaght, that men in the position of deputy should have a scientific knowledge of mine gases?
9386. *Mr. Lysaght.]* To a certain degree—that they should know something as to the constituents of gases.
9387. *Mr. Robertson.]* It will save us a lot of trouble if you assume that they do not know it.
9388. *Mr. Lysaght.]* May I take it that the Commission assume that they do not?
9389. *Mr. Robertson.]* You may take it that they do not.
9390. *His Honor.]* A few questions to the witnesses will settle that. The only reason why Mr. Robertson made that remark, and I followed, was because it is really only waste of time to analyse a man's admitted ignorance.
9391. *Mr. Lysaght.]* Very well, your Honor.
9392. *Q.* I take it, Mr. Livingstone, that you have never passed any examination for any certificate? *A.* No.
9393. *Q.* Did you ever discover black-damp in Kembla? *A.* No; I never discovered black-damp either.
9394. *Q.* Would you know the indications of black-damp? *A.* Yes; I know it well when I see it. I have wrought too long amongst it.
9395. *Q.* I may take it that you have never acted as a deputy in any other mine? *A.* No.
9396. *Q.* And, I suppose, until you were appointed as deputy in Kembla, you had not become used to the safety-lamp? You had used a flare light all the time? *A.* Yes; used a flare light all the time.
9397. *Q.* Is it a fact that you only used the safety-lamp when you were appointed deputy? *A.* Yes.
9398. *Q.* Who instructed you in the use of the safety-lamp two months ago? *A.* Looking for gas?
9399. *Q.* Yes. *A.* I had four year's experience, following up a deputy at Home.
9400. *Q.* I asked you who instructed you in the use of the safety-lamp? *A.* Nobody.
9401. *Q.* Did you tell me that Mr. Rogers knew you were firing the shots with this open lamp? *A.* Well, I expect he did. Mr. Hotchkis knew, anyway, if Mr. Rogers did not.
9402. *Q.* You spoke of having complained of the smoke lying too long in your working-place? *A.* Yes.
9403. *Q.* To whom did you complain? *A.* The deputies.
9404. *Q.* Give their names? *A.* I have been amongst the lot of them.
9405. *Mr. Robertson.] Q.* Did Mr. Livingstone say anything about smoke? —

9406. *Mr. Lysaght.*] Q. Yes; who was the deputy to whom you complained? A. The whole lot of them.
9407. Q. That gives us no information? A. Well, you know — [Interrupted.]
9408. Q. I do not know anything about it? A. Well, there were Evans, and Nelson, and Dungey.
9409. Q. I want to know when it was that you complained to Evans, and where? A. I could not tell you when; but I could tell you the section.
9410. Q. What was it? A. The shaft section.
9411. Q. What part? A. I could not just tell you exactly the part. I was working most in the headings. I know one of the places was the main heading in the shaft district.
9412. And how long had the smoke been lying there that you complained of? A. It would lie about a couple of hours after we fired the shot.
9413. Q. What was the fault? A. The brattice was not close enough up.
9414. Q. How far was it away from the face? A. I have seen it 14 or 15 yards; or, it may be, 20 yards back.
9415. Q. And how far was the nearest cut-through? A. Well, we generally put the cut-throughs about 30 or 35 yards.
9416. Q. But where was it then? A. As we went on ahead that is the distance we would expect to put the line (meaning the line of cut-throughs).
9417. Q. In that particular case do you know how far the cut-through was away? A. I could not say.
9418. Q. Had the place been driven 40 or 50 yards without a cut-through? A. Not in that place.
9419. Q. What is the longest drive in Kembla without a cut-through that you know of? A. I think the bords in the 5th Right are the longest.
9420. A. What distance are they driven? A. There are some of them up about 30 or 40 yards, I am sure.
9421. Q. Those are the longest? A. Yes.
9422. Q. And, in your opinion, is that quite sufficient to drive a bord without a cut-through? A. I do not say that. I do not believe in that at all.
9423. Q. What do you believe in? A. About 25 or 30 yards.
9424. Q. And anything beyond 25 or 30 yards, I suppose, would considerably weaken the ventilation? A. There is a chance of deranging the bratticing. It is a long way to carry the bratticing.
9425. Q. And you speak about the westerly winds affecting the ventilation—have you known the air in Kembla to be affected by the westerlies? A. I could not tell you whether it was westerlies or southerlies: but I have seen it changed about.
9426. Q. About how often? A. I could not tell you from memory how often it was.
9427. Q. About how often? A. I could not tell you. I would be committing myself if I said anything at all; because I could not tell you.
9428. Q. I want an approximation, say, for twelve months,—once, twice, thrice, ten, twelve, or twenty, times? A. I could not tell you that. I do not want to say anything I know nothing about. It turned at times.
9429. Q. Was it a common occurrence? A. No.
9430. Q. When it turned at times, do you know how long it remained turned? A. I could not tell you.
9431. Q. Roughly speaking? A. I could not tell you.
9432. Q. How long ago is it since you last remember its being reversed? A. It is of no use asking me that, because I could not give you any satisfaction as to how long it was. I would be telling lies if I were to say anything else.
9433. Q. But I credit you that, if you think a little, your memory is good enough to take you back to an occurrence which you have remembered? A. It could not take me back to that.
9434. Q. Was it within the last twelve months? A. I am sure I could not say.
9435. Q. But you do remember the occurrence? A. I do remember it; but the time I cannot tell.
9436. Q. Where were you working at that time? A. That is another thing it is hard to tell, because I was shifting from one place to another pretty often.
9437. Q. Have you any reason for not telling me? A. No; if I knew I would tell you straight out. I am not afraid to tell, if I know.
9438. Q. When the air was reversed, what was the effect on the men in their working places? A. It did not take much effect on the men, for the time being. It did not last that long before it changed again to its proper course. I have seen it changing with the furnace not drawing properly.
9439. Q. How often have you seen it changing through the furnace not drawing properly? A. I cannot tell you.
9440. Q. Roughly? A. I cannot tell you.
9441. Q. You remember two changes,—one caused through the furnace not drawing properly, and the other caused by the westerlies? A. No; I could not tell you whether it was a westerly or a southerly. I have told you it was a change in the weather.
9442. Q. Cannot you remember when it was that the furnace did not draw properly? A. No.
9443. Q. Have you no idea at all? A. Not the slightest.
9444. Q. Cannot you think back? A. No; I have a bad memory; too bad to think back to that time, anyway.
9445. Q. In addition to the air being reversed have you known the air to be stationary? A. I could not exactly tell you whether it would stand still or not.
9446. Q. Well, say ominously near to standing still? A. It must be, when it is reversing.
9447. Q. How long would it be in this standstill condition? A. It is of no use to ask me that, because I cannot give you an answer.
9448. Q. Do you know anything about the dangers of coal-dust? A. No.
9449. Q. Now, I would like to ask you about these recommendations:—No. 1. "Managers, under-managers, deputies, and shot-firers, to hold certificates of competency by examination, and to have five years' practical mining experience, before being eligible for respective positions." Do you approve of that as a general rule? A. I do.
9450. Q. Recommendation No. 2,—do you think the Inspector should have the power, if he deem it necessary, to order the use of safety-lamps? A. I do.
9451. Q. Recommendation No. 3,—"Ventilation by furnace prohibited; and fans substituted." Do you approve of that? I take it that, with your knowledge, you do know the advantage of the fan over the furnace? A. I know the advantage all right.

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9452. *Q.* Do you approve of that recommendation? *A.* Well, I have seen fans that were not much better than the furnace which we have at Kembla.
9453. *Q.* But I take it from that remark that the furnace at Kembla is not too good? *A.* It is right enough.
9454. *Q.* But the working of it has not been too good in your own experience? *A.* It has not been too good.
9455. *Q.* Then I take it, from your own experience, you approve of this recommendation—"Ventilation by furnace prohibited; and fans substituted"; and your approval is based on your general practical knowledge? *A.* I think that is a part that I would just as soon not touch on at all.
9456. *Q.* Why;—do you not think you are competent to express an opinion? *A.* Well, I believe in the fans; I do that.
9457. *Q.* But do you not think you are competent to express an opinion? *A.* As to which is the best?
9458. *His Honor.*] The opinion is not as to whether fans are, or are not, better than furnaces. Everything points to that here. The opinion of the witness is asked as to whether it is expedient that there should be legislation to compel all mines in future to adopt fans instead of furnaces.
9459. *Mr. Lysaght.*] Yes, your Honor.
9460. *Q.* You listen to the words of this recommendation—"Ventilation by furnace prohibited; and fans substituted"? *A.* I understand perfectly well.
9461. *Q.* You have read all this, I suppose, before? *A.* I understand quite well what you mean.
9462. *Q.* What I want to know is, do you consider yourself not competent to express an opinion on that third recommendation? *A.* No; I do not.
9463. *Q.* You consider you are competent? *A.* Yes.
9464. *Q.* Well, will you give me an opinion? *A.* I have given it to you.
9465. *Q.* What is it? *A.* I tell you I believe in fans.
9466. *Q.* I want to carry you a little further:—do you approve of this part of the recommendation, that the ventilation by furnace be prohibited?
9467. *His Honor.*] Perhaps he hardly understands what that long word means.
9468. *Mr. Lysaght.*] *Q.* I understand you have seen all these recommendations already? *A.* Yes.
9469. *Q.* And have you considered them? *A.* I did not consider that much.
9470. *Q.* But you did consider it some? *A.* Well, I have told you the consideration I gave it. I told you I believed in fans.
9471. *Q.* Now, do you approve of all the furnaces being done away with, and fans substituted for them? *A.* I understand quite well what you mean.
9472. *Q.* Would you approve of all the furnaces being done away with and the fans substituted? *A.* Yes; if we can get it.
9473. *Q.* Do you know of any reason why you should not get it? *A.* No.
9474. *Q.* Would not the additional advantages more than compensate for the outlay?
9475. *Mr. Bruce Smith.*] How does he know what the outlay is? I object to our time being occupied over expert opinion on matters on which the witness is not an expert.
9476. *His Honor.*] The witness has said, practically, that he prefers a fan to a furnace, and believes a fan to be very much better than a furnace. He cannot pretend to say what he would advise on the larger question.
9477. *Mr. Lysaght.*] Very well. Perhaps your Honor thinks I have followed that sufficiently.
9478. *Q.* Recommendation No. 4—"Waste workings to be absolutely sealed off, and surrounded by return airways (for fear of emissions); such return airways not to come in contact with intake";—do you understand that? *A.* Yes.
9479. *Q.* Do you approve of that? *A.* Yes.
9480. *Q.* Recommendation No. 5—"All places, except prospecting drives, to have cut-throughs not more than 30 yards apart"? *A.* Yes; I believe in that.
9481. *Q.* Recommendation No. 6—"Inspection with locked safety-lamp in all cases"? *A.* Yes; a very good recommendation.
9482. *Q.* A good recommendation? *A.* Yes.
9483. *Q.* Recommendation No. 8—"Minimum of 500 cubic feet of air per minute to be provided for every horse, instead of 100, as at present"? *A.* That is above me: that is beyond me.
9484. *Q.* Recommendations Nos. 9 and 10. I think the Commission have already expressed an opinion on those.
9485. *Mr. Bruce Smith.*] You abandon those?
9486. *Mr. Lysaght.*] I do not abandon them. The Commission have already indicated that they approve of those.
9487. *His Honor.*] Of what?
9488. *Mr. Lysaght.*] Of Recommendations 9 and 10.
9489. *Mr. Robertson.*] The Commission have not said that.
9490. *His Honor.*] Only regarding the double doors.
9491. *Mr. Lysaght.*] I understood that it was as regards both—the doors to close and remain closed of their own motion; and the double doors.
9492. *Mr. Bruce Smith.*] No. 9 is already provided for.
9493. *Mr. Lysaght.*] Well, I will pass on.
9494. *Q.* Recommendation No. 11—"Weekly measurement of air in each section, and report thereof sent to Inspector"? *A.* Yes; a very good provision.
9495. *Q.* Have you ever taken the air in Mount Kembla? *A.* No.
9496. *Q.* Do you know how to take the air? *A.* No.
9497. *Q.* Have you any idea? *A.* No; not the slightest.
9498. *Q.* Do you know what an anemometer is? *A.* No.
9499. *Q.* Where, in your opinion, should the air be taken—the measurement of the air? *A.* I should think you would take it in the intake. That is where the strength is.
9500. *Q.* And where else? *A.* I could hardly tell you. I never tried. I do not know anything about that. That is only my opinion of where it should be taken.
9501. *Q.* Do you not know that the taking of the air in the intake is no indication of what air is circulating in the working places? *A.* No.

9502. *Q.* Then, when you are examining for gas as a deputy, have you any idea at all of what current of air is passing? *A.* I have no idea what current is passing; but I have an idea whether it is strong enough to wipe out the gas, if it is there.

9503. *Q.* Supposing you discovered with your safety-lamp a considerable percentage of fire-damp? *A.* Yes.

9504. *Q.* You would only know it was fire-damp, I suppose, from the blue cap on your safety-lamp? *A.* Yes.

9505. *Q.* Now, what would you do to get rid of that gas? *A.* I would brattice close up to the face.

9506. *Q.* Would you do anything else? *A.* No. I would put it up close to the face; and see if that would take it away.

9507. *Q.* When would you find out whether it had taken it away or not? *A.* I suppose I would be back a bit later. I might go into some of the other working places, and then go back again, before I would let any man in, to see if it were out; and if it were not out I would put up a danger board there.

9508. *Q.* Is that all you would do? *A.* Yes.

9509. *Q.* After you put up the danger board, what would you do? *A.* Report it to the Manager and the boss.

9510. *Q.* Then, do I understand you to say you do not know how to shift that gas? *A.* I have told you how I would shift that gas.

9511. *Q.* Beyond that, would you have any other idea as to how to shift that gas? *A.* No.

9512. *Q.* I suppose you would not attempt to light it to get rid of it? *A.* It is likely I would if I wanted to get rid of myself.

9513. *Q.* You know that one witness said that he lit the gas to get rid of it? *A.* I do not know. I heard you say that.

9514. *Q.* Would not you think the weekly measurement of the air would be a better indication of what air was travelling if it were taken in each split? *A.* It would give you a better idea of how it was travelling.

9515. *Q.* Recommendation No. 12—"Extra supply of safety-lamps and their requisites, equal to one-third of number of persons employed below ground, to be kept constantly in good order and ready for use." Do you approve of that? *A.* Yes.

9516. *Q.* Do you know anything about the supply of safety-lamps at the time of the disaster at Kembla? *A.* No; I do not.

9517. *Q.* Did you try to get a lamp, to go in? *A.* No.

9518. *Q.* Were not you there the night of the disaster? *A.* Yes.

9519. *Q.* Did you go into the mine? *A.* Not that night.

9520. *Q.* Why not? *A.* Because I had a lot of trouble at home with some of those who were in it.

9521. *Q.* You do not know anything as to the supply of safety-lamps that was there? *A.* No.

9522. *Q.* Recommendation No. 13—"Travelling and haulage roads, and other places necessary, to be properly watered"? *A.* Yes; a very good idea, that.

9523. *Q.* Can you tell me the dustiest part of the Kembla Mine? *A.* At the present time?

9524. *Q.* Yes. *A.* Well, on my travels, it is the 5th Right.

9525. *Q.* And you might tell me about how much dust is lying on the floor there, in inches? *A.* I could not tell you that very well.

9526. *Q.* Well, is it in feet; or what is it in? *A.* In feet?

9527. *Q.* How much is there, roughly? *A.* I could not tell you. It might be an inch or two, but not more than that, kicked up by the horses' feet.

9528. *Q.* That is the dustiest part? *A.* Yes.

9529. *Q.* Have you had that watered? *A.* Yes.

9530. *Q.* How often? *A.* Every night.

9531. *Q.* And, although it is watered every night, there is still an inch of dust next morning? *A.* Not where we water it.

9532. *Q.* Then, although you water it, it still keeps up these dusty conditions? *A.* No; it does not. It keeps close to the floor.

9533. *Q.* Where does this $1\frac{1}{2}$ inch of dust get? *A.* Further down the road. Where it is watered is the 30 yards from the face; and below that is dusty.

9534. *Q.* Then, except within 30 yards of the coal face, the 5th Right is not watered at all? *A.* That is right. Of course the haulage road is watered.

9535. *Q.* And, in your opinion, should that particular road that is not watered be watered? *A.* No.

9536. *Q.* Why not? *A.* It is not necessary that it should.

9537. *Q.* Do you not know of any danger arising from the dust there? *A.* No; I do not know of any danger in that part.

9538. *Q.* Recommendation No. 14—"Managers compelled to give more personal time and attention to management of colliery." What has been your experience of Mr. Rogers in Kembla, underground? How often have you seen him? *A.* It varied. Sometimes I have seen him in my place, personally you know, twice a week; and the next week he might not be in at all.

9539. *Q.* Recommendation No. 16—"Size of manholes enlarged." What do you say about that? *A.* Well, they are not a bad size at Mount Kembla.

9540. *Q.* What size are they? *A.* 4 x 6.

9541. *Q.* Oh, well, that is a good size? *A.* Yes; it is a fair size.

9542. *Q.* How wide are they? *A.* Four feet.

9543. *Q.* How deep? *A.* About 6 feet; and 6 feet high.

9544. *Q.* Recommendation No. 18—"Instruction to employees regularly on means of escape"? *A.* Yes; I approve of that.

9545. *Q.* And whom would you have to give the instruction? *A.* The best man would be the deputy. That is the man that should give the instruction, I should think.

9546. *Q.* And when do you think he should give them the instruction—every month, or every quarter, every cavil, or how? *A.* I suppose, if you gave it to them once, you would not require to give it to them again.

9547. *Q.* I am supposing that the men would change every now and then? *A.* Then you should give it every quarter.

Witness—W. Livingstone, 23 January, 1903.

9548. Q. Would that occupy much time? A. No.
 9549. Q. Recommendation No. 19—"Coal Mines Act to forbid a black-list of employees being kept, and penalising improper prevention of discharged persons obtaining employment." Have you ever read of a black-list in this district? A. I have read in the papers about that black-list. Will you just explain what that means about the black-list?
 9550. Q. I ask you to explain? A. But I do not know what you mean.
 9551. Q. Then I will not ask you at all? A. Does that mean giving a man the sack?
 9552. Q. You say you do not know what a black-list is? A. No.
 9553. Q. Well, now, that will do me. Now, I want to know, do you know of any cases where men have been discharged for reporting anything? A. No; I do not.
 9554. Q. Now, Recommendation No. 20—"Safety-lamps not to be unlocked for shot-firing"? A. Yes; I approve of that.

Examination by Mr. Bruce Smith:—

9555. Q. You were asked a number of questions by Mr. Lysaght as to whether you had had interviews and conversations with Mr. Rogers? A. Yes.
 9556. Q. Did you ever have any interviews with Mr. Lysaght before you gave evidence? A. No.
 9557. Q. Will you tell me what experience you had before you went into Mount Kembla? A. Twelve years in Scotland; fourteen years in Kombla; twenty-six years all told.
 9558. Q. You said something about New Zealand too? A. No.
 9559. Q. Then you were nearly as long at work in Scotland as you have been here? A. Yes.
 9560. Q. What were you in Scotland? A. A miner, after the first four years of which, I told Mr. Lysaght, I was following up the deputy as water-baler.
 9561. Q. What was your business when you followed up the deputy? A. Water-baler.
 9562. Q. Were you always, or nearly always, with the deputy? A. I was with him when he examined the places in the mine in the morning. We had to go down at half-past 5 in the morning.
 9563. Q. Was that with a safety-lamp? Q. Yes; he had a safety-lamp, and I had a flare lamp. My lamp was left back in the road about 30 or 40 yards. I did not take it up to the face.
 9564. Q. I understand you have had those four years' experience in following him up and seeing how he ascertained whether there was any gas? A. Yes.
 9565. Q. Is that the course you adopt now, the same as adopted by him;—do you put the lamp in the same place and treat it in the same way? A. Yes.
 9566. Q. When you were appointed to this position did you make that known, that you had had that experience? A. Yes.
 9567. Q. To whom? A. To Mr. Hotchkis.
 9568. Q. Then, do I understand that, before you were appointed to this position, you had a conversation with Mr. Hotchkis, and he ascertained what your experience had been? A. No; he asked me this when he came in to ask me if I would take the job.
 9569. Q. He asked you what? A. He asked me if I had had any experience in regard to gas; and that is what I told him.
 9570. Q. And that was before you were appointed? A. Yes.
 9571. Q. Now, do you know the special rules;—have you a copy of them? A. Yes.
 9572. Q. Have you read them? A. Yes.
 9573. Q. Had you read them before you were made deputy? A. Not much.
 9574. Q. Have you studied them closely since? A. Yes.
 9575. Q. Have you been through the list of duties of the deputy? A. Yes: that is Special Rule No. 9.
 9576. Q. Are there any of these duties which you feel you are not competent to perform? A. No; I do not think there are. There might be, you know; but I do not think there are. I have been carrying out these duties as far as these rules are concerned, as far as I have gone yet.
 9577. Q. And I understand that you do not claim to understand the chemistry of gas? A. No; I have only a practical knowledge.
 9578. Q. You say you have never, in the fourteen years that you have been in the Mount Kembla Mine, met with gas? A. No; I have never seen it.
 9579. Q. Have you heard it singing? You know the expression "singing"? A. Yes; I know it; but I have never heard it, or seen it.
 9580. Q. Have you heard men say that they met with it in the mine? A. Yes; I have heard different ones saying that.
 9581. Q. And have you had it described to you, as to what happened? A. No.
 9582. Q. For how many years have you heard them say that they have been meeting with gas? A. Oh, at different times I have heard them saying that.
 9583. Q. Over the period of fourteen years? A. Yes.
 9584. Q. Have you disputed that;—have you believed it, or disbelieved it? A. I did not know exactly whether to believe them or not. I have listened to them talking; that is all.
 9585. Q. But you have never met with it yourself? A. No.
 9586. Q. Now, hearing of this from time to time over a period of years, did not that make you hesitate to go in to fire shots with a naked light? A. No.
 9587. Q. Why was that;—did you discredit the reports? A. I did not altogether believe what they had said.
 9588. Q. Was it that, until this accident, you did not quite realise the danger? A. Yes.
 9589. Q. This accident has altered your attitude of mind? A. Yes; it has.
 9590. Q. Where did you learn the effect that the presence of gas would have upon a safety-lamp? Was it in going through with this deputy in Scotland? A. Yes.
 9591. Q. Did you ever find gas during those four years? A. I did not find it myself.
 9592. Q. Did you ever see him find it? A. Yes.
 9593. Q. Frequently? A. Yes; very often; different times—a small quantity.
 9594. Q. Had you an opportunity of seeing, during those four years, what effect the presence of gas had upon the flame? A. Yes.
 9595. Q. So it was not mere theoretical knowledge that you had? A. No; just seeing it in his lamp, and his explaining it to me.

9596. Q. Now, is not there a very great difference between the condition of the Mount Kembla Mine, say, within the last month, as compared with its condition before the accident? Is it not much moister now than it was four months ago? A. Yes; and I think, personally, that it is much safer too.
9597. Q. Quite apart from the watering, did not the rains that took place a few months ago make a complete change in the condition of that mine? A. Yes; especially the travelling road.
9598. Q. Was not it very dusty four months ago as compared with the present day? A. Yes. Well, the travelling road never was very dusty, at its worst.
9599. Q. Which do you consider the most dusty part of that mine? A. At the present time?
9600. Q. No; say four months ago? A. That 5th Right: I will hold to that. I reckon it was the dustiest place that was in the mine.
9601. Q. What do you call that one oposite to it—the 4th Left? A. Yes; it was a bit dusty, too; but nothing compared with the 5th Right.
9602. Q. Just show me what you call the 5th Right on this plan? A. (Witness pointed out correctly on the plan the 5th Right and the 4th Left, in the No. 1 Main Level District.)
9603. Q. And I understand you to say that, from all your experience of the mine, this road, the 5th Right, is the dustiest part of the mine? A. Yes.
9604. Q. Would you say that this 4th Left is the next dustiest part? A. Yes; I believe it is.
9605. Q. And always has been, as far as you know? A. Yes.
9606. Q. What would you say about the depth of dust on the floor four months ago, that is, prior to the accident? Of course, it is very difficult to give an average? A. Yes; it is very difficult, because, with the horses travelling to and fro, you could not quite tell. There are some places quite bare with the horses kicking and slipping.
9607. Q. Anybody seeing it now would hardly have an idea of its dusty character four months ago? A. No; they would not.
9608. Q. You say that you fired with an open lamp? A. Yes.
9609. Q. When did you do that? I understand that you have been deputy only five weeks? A. No. I have been nine weeks deputy altogether: I have been on the night shift five weeks.
9610. Q. You were four weeks on the day shift? A. Yes.
9611. Q. And was it during the day shifts that you fired with an open lamp? A. Yes.
9612. Q. After the disaster? A. Yes.
9613. Q. Did not that strike you as rather dangerous? Q. I did not think it was, where I was firing—in the 2nd Right.
9614. Q. Because of the watering and the precautions? A. Yes.
9615. Q. Those watering precautions were never taken before the disaster? A. No.
9616. Q. What caused you to suddenly change from firing with the open lamp to firing with the wire, when you became night deputy? A. I do not know. We have just to go by instructions. There was a lamp there for me with the wire there. I do not know why they changed.
9617. Q. Were you told that in future you were to fire by the wire? A. Yes.
9618. Q. And was there no explanation? A. No.
9619. Q. No reason given to you? A. No.
9620. Q. I understand you did not go in immediately after the disaster? A. No.
9621. Q. You say you had enough trouble at home. Had you anybody injured? A. Yes; there were two of the young fellows who were staying at my place in the disaster; but they were not killed.
9622. Q. And they were living in your house with you? A. Yes.
9623. Q. And they were brought home? A. Yes.
9624. Q. What were their names? A. One of them was Maunders, and the other one was Drysdale.
9625. Q. Now, you say that you saw one of the wheelers singed and burnt about the arms? A. Yes.
9626. Q. How many of the people who were in the explosion did you see when they were brought out? A. I have seen a good many of them.
9627. Q. Half-a-dozen; or twenty? A. About eight or ten, I think.
9628. Q. Including the two who came to your house? A. Yes.
9629. Q. Were they burnt at all? A. No; the wheeler was the only one that I can think of (who was burnt).
9630. Q. Where had they been working? A. In the 4th Left.
9631. Q. How many did you see who presented this appearance of being singed or burnt? A. Only the one.
9632. Q. What was his name? A. Kembla Stafford.
9633. Q. Had you any doubt at the time you saw him that he had been burnt? A. Yes. Well, I should say — [Interrupted.]
9634. Q. I mean as far as your practical experience went in seeing things? A. I have said that he had been burnt.
9635. Q. You had no doubt? A. I had no doubt he was burnt.
9636. Q. Did it give you the idea that he had been exposed to a flame? A. Well, he looked like it.
9637. Q. What colour was his skin? A. As black as a nigger; as black as could be with the dust, you know.
9638. Q. Over the skin? A. Yes.
9639. Q. And was there any dust over the flesh? A. Over the pieces of skin that came off?
9640. Q. I mean over the whole of it? A. Oh yes; he was covered with dust.
9641. Q. Did it give you the idea of dust that had been subject to fire: dust that had been burnt? A. I could not say that.
9642. Q. Did you say anything about the hair? Did you look at the hair of this wheeler? A. Yes; it was singed.
9643. Q. And the skin was hanging off both arms; but I think you said you did not know whether that was the immediate effect of the burning, or whether it had been torn in taking him up? A. I could not tell that.
9644. Q. You said that the ventilation in this mine, which was sometimes close, depended on the direction of the wind. How did you know that? Did you ever ascertain, after it had been close, that the wind had been in any particular direction? A. No.
9645. Q. Did you mean the wind outside? A. Yes.

Witness—W. Livingstone, 28 January, 1903.

9646. Q. What brought you to that conclusion? A. That might be a saying, you know. They would say, "Oh, the wind must have changed."
9647. Q. You have been in mines with a fan? A. Yes.
9648. Q. You have only been in two mines in your life? A. No; I have been in lots of them at Home: I have only been in one here.
9649. Q. In the twelve years at Home you were in a number. Were they all worked with fans? A. No; there was one with a furnace.
9650. Q. How long were you in the one with a furnace? A. Three years.
9651. Q. Now, with regard to the mines which you were in with the fans, in Scotland, did you ever have any variation of the air in them? A. No; not to my knowledge.
9652. Q. Did you in that which was worked by the furnace, in Scotland? A. No; it was only a little mine.
9653. Q. Did that work as well as the others? A. Yes; just every bit. There were only about twenty men working in that mine.
9654. Q. Well now, comparing your experience here in Mount Kembla with the mines you were in at Home, what do you say of Mount Kembla, as far as the air is concerned? A. I think it is as well ventilated as any one I was in at Home.
9655. Q. You do not pretend to know anything, I understand, about the cost of substituting a fan for a furnace? A. No; I do not.
9656. Q. It is merely, then, that, all things being equal, you would prefer a fan? A. Yes; I would.
9657. Q. You think it is more regular, I suppose? A. Yes.
9658. Q. But, as to whether you would suggest an alteration involving a change being made indiscriminately in all mines from furnaces to fans, you are not prepared to say? A. I am not prepared to answer that.
9659. Q. Do I understand that, whenever the closeness has occurred in the Mount Kembla Mine, the increasing of the length of the brattice up to the face of the coal has always cured it? A. Yes.
9660. Q. Have you ever had any difficulty with the deputies? A. Never.
9661. Q. When you wanted brattice? A. No. Whenever I wanted it I always got it.
9662. Q. How did you learn the outlet of that daylight tunnel? Were you shown it? A. Yes, I was shown it first of all.
9663. Q. By whom? A. I was working close to it.
9664. Q. Used you to go out that way sometimes? A. Yes.
9665. Q. Do I understand clearly from you that you were never consulted in any way as to what evidence you were to give here, until Mr. Curtiss and Mr. Wade saw you and asked you to make a statement? A. Yes.
9666. Q. You were never consulted in any way? A. Never consulted by anyone.
9667. Q. Did anyone know what evidence you could give, or would give? A. No.
9668. Q. Can you remember at all when you have seen the air changed in the Mount Kembla Mine? A. No; I could not tell you.
9669. Q. Could you tell me, for instance, whether it was a year ago or five years ago? A. No; I could not give a specified time at all.
9670. Q. Have you any reason for connecting a change in the air or a cessation in the air with the westerly wind? A. No.
9671. Q. No reason whatever? A. No.
9672. Q. What do you mean when you say that you have seen it change when the furnace was not drawing? Do you mean that the furnace was not drawing on account of the wind at the upcast? A. Yes.
9673. Q. It was said that it did not draw because the wind had changed. When the furnace was not drawing, you attributed the change to some disturbance of the wind at the upcast; and you attributed the closeness of the atmosphere to the furnace not drawing? A. Yes.
9674. Q. Could you tell me how long that lasted—two hours or three hours? A. I could not say; but it would not be as long as that.
9675. Q. Now, where did you see these twenty suggestions? A. I have seen them in the papers.
9676. Q. Now, with regard to No. 4—I do not know whether you noticed what was read to you—that the waste workings should be absolutely sealed off? A. Yes; I believe in that.
9677. Q. You would make a closed book of the whole thing? A. Yes.
9678. Q. You, as a working miner, think it advisable to absolutely close up a place in which there is likely to be an accumulation of gas? A. Yes; I approve of that.
9679. Q. Not to let it open on the return, and be closed to the intake; but to absolutely seal it off? I want you to see what it means. You see it might be sealed off at the part where it is contiguous to the intake, and might be left open at the part which is next to the return airway. That is one scheme. Another scheme is to seal it off, so that anything that is inside, anything that is given off inside, simply accumulates. Now, which of those two schemes do you recommend? A. I recommend sealing it off.
9680. Q. And you do not regard that as a possible danger? A. No.
9681. Q. You would rather seal it off than let it escape by the return airway from time to time as it accumulates? A. I think it should be sealed off.
9682. Q. What do you think would become of the gas that is inside, if there is any in it? A. Well, I suppose, if there was any it when it was sealed off, it would be kept in.
9683. Q. Suppose it increased in quantity inside after it was sealed off, have you thought out what might be the effect of it? A. (Witness did not answer.)
9684. Q. Have you thought much about it, now? A. No; I have not.
9685. Q. Is the measurement of air any part of the duty of a deputy, so far as you understand it? A. No.
9686. Q. And you do not profess to understand that at all? A. No.
9687. Q. You have never been chosen as check-inspector for a Lodge? A. No.
9688. Q. I will ask you this question: suppose a mine had 200 men in it, 100 in each shift; and suppose they were using safety-lamps, so that they had 200 lamps in use; how many lamps would there be generally in the lamp-room not in use? A. There would be 100 in use, and 100 left in the lamp-room.
9689. Q. Would there be any part of the day in which they would all be in use, the whole 200? Take Mount Kembla, for instance, supposing Mount Kembla had 200 men and 200 lamps. Is there any part of the day at Mount Kembla in which the whole 200 lamps would be in use, so that there would be none left in the lamp-room? A. No.

9690. *Q.* Is there any part of the day in which both shifts would be in the mine with their lamps in Mount Kembla? *A.* No.
9691. *Q.* Do not the two shifts overlap at all? *A.* Do you mean the front shift and the back shift?
9692. *Q.* Yes. *A.* Oh, yes.
9693. *Q.* I thought I had made my question so simple. I will repeat it. Supposing Mount Kembla had 200 men and 200 lamps. Is there any part of the day in which the whole 200 lamps would be in the mine? *A.* Yes; from the time the back shift goes in till the time the front shift comes out: all the lamps would be in use then.
9694. *Q.* I want to know what period that covers? *A.* From half-past 8 till 2 o'clock.
9695. *Q.* Then I understand that, even admitting the state of things I have put to you, from half-past 8 in the morning till 2 o'clock, that is, five and a half hours, all the lamps would be in the mine. You are quite sure of that? *A.* Yes.
9696. *Q.* Do you know anything about the lamp supply at Mount Kembla at the present time? *A.* I could not tell you the quantity there are there.
9697. *Q.* But all the men are using safety-lamps at Mount Kembla now? *A.* Yes.
9698. *Q.* And during that period of five and a half hours that you have mentioned is there any surplus supply of lamps there? *A.* Yes; there are a lot of lamps there.
9699. *Q.* What do you call a lot? *A.* Well, a good many.
9700. *Q.* What do you mean by a good many? *A.* I could not tell you the number.
9701. *Q.* Are there ten or fifty? *A.* There are about that, any way.
9702. *Q.* Between the two? *A.* Yes.
9703. *Q.* Then I understand the watering at present is confined to the 20 yards back from the face, is it not, when shots are fired? *A.* Yes.
9704. *Q.* And to the main haulage-road? *A.* Yes.
9705. *Q.* Down to a certain point? How far from the mouth? *A.* Right to the mouth.
9706. *Q.* Your experience of your Manager is that he has come in sometimes twice a week? *A.* Yes.
9707. *Q.* And sometimes not at all? *A.* Yes.
9708. *Q.* For how long? *A.* I could not say.
9709. *Q.* Has this extended over some years? *A.* Yes; it is not very regular.
9710. *Q.* Which is more often—that you do not see him in for a week, or that you see him twice a week? *A.* That you do not see him in for a week.
9711. *Q.* About three to one? *A.* No.
9712. *Q.* About two to one? *A.* About that.
9713. *Q.* There are about twice as many weeks in the year in which you do not see him as there are weeks in which you see him twice? *A.* Yes.
9714. *Q.* Then, in regard to this black list, I understand you to say that you do not know what a black list is? *A.* I have a sort of idea, but I do not exactly understand.
9715. *Q.* I suppose you have heard talk of a practice by which the names of men who are not in favour with the Managers are handed round amongst the mine proprietors, with a sort of understanding that the men shall not be employed? *A.* Yes; I have heard talk of that.
9716. *Q.* Now, have you ever known of a case, in your experience of fourteen years, in which a man whom you knew to be fit for his work had failed to get work in any of the mines in this district? I am not asking you about loafers, or about people who really do not do their work; but I am talking of competent men—men whom you thought competent. Have you ever known cases in this district in which that class of men failed to get work in any of the mines here, so that you would think that there must be something going on? *A.* I suppose that is what we would call victimized?
9717. *Q.* Yes. *A.* Well, I know of one.
9718. *Q.* One that you think a competent man? *A.* Yes.
9719. *Q.* And he failed to get work in any mine in the district? *A.* Whether he failed to get it in the district or not I could not say. That is going too far.
9720. *Q.* I am not asking of a case where he failed to get into any one colliery; but where there seemed to be some sort of system by which he failed to get work in any colliery in the district? *A.* Well, my best plan would be not to have anything to say on that, because I might be wrong.
9721. *Q.* You would not commit yourself to any case? *A.* No, I would not.
9722. *Q.* No case has ever come under your notice of which you could speak definitely? *A.* No; I would not like to say that I know of any.
9723. *Q.* I mean in such a way that you would draw some inference, and say, "There is evidently some influence at work here." You cannot tell me of a case? *A.* No.
9724. *Q.* And no case has come under your notice that you would commit yourself to as suggesting anything of that kind;—I suppose you talk with your fellow-miners as much as other miners? *A.* Yes.
9725. *Q.* And you listen, too, I suppose? *A.* Yes.
9726. *Q.* So you have had just as good opportunities as any other miner of hearing? *A.* Yes; just the same.

Further cross-examination by Mr. Lysaght:—

9727. *Q.* What is the name of this man you were speaking of, who was victimised? *A.* Well, I drew back what I said. I was not exactly sure.
9728. *Q.* What was his name? *A.* Leave it at that.
9729. *Q.* I am asking you what was his name? *A.* I might have been wrong.
9730. *Q.* Perhaps you are;—what was his name?
9731. *His Honor.*] He says he is not sure.
9732. *Mr. Lysaght.*] I want to see whether the name has been given here before.
9733. *His Honor.*] He is not sure the man was victimised.
9734. *Mr. Robertson.*] He thinks he was victimised at some colliery.
9735. *Mr. Lysaght.*] *Q.* What colliery was he victimised at? *A.* Kembla.
9736. *Q.* Was it recently? *A.* No; a long time ago.
9737. *Q.* What was his name? *A.* I do not think it would be right for me to say anything about it.
9738. *His Honor.*] *Q.* What has become of him;—where is he now, do you know? *A.* He is sitting on the Bench, there—Mr. Ritchie.

Witness—W. Livingstone, 28 January, 1903.

9739. *Mr. Lysaght.*] *Q.* Who is the person who examines the safety-lamps at Kembla? *A.* I am one of them.
9740. *Q.* How often do you examine them? *A.* I examine them in the morning when I put the first shift in.
9741. *Q.* You might tell us what is your opinion of the cause of the disaster? *A.* I cannot tell you that.
9742. *Q.* Now, just watch this question: do I understand that you have no opinion as to the cause of the disaster? *A.* I have no opinion whatever; because I do not know anything about it.
9743. *Q.* Do I also understand you to say that you have no theory as to what part of the mine the disaster originated in? *A.* No.
9744. *Q.* Have you found gas since the disaster? *A.* No.
9745. *Q.* Then I take it that you have never had occasion to carry the brattice close up to the face? *A.* No; I never had need to do it yet.
9746. *Q.* Then may I take it that, as far as your knowledge goes, no part of Kembla Mine is at present giving off any gas? *A.* I cannot say.
9747. *Q.* I say "as far as your knowledge goes" no part of Kembla Mine is at present giving off any gas? *A.* Yes.
9748. *Q.* You said the deputies sometimes told the other deputy to do work if they had not time;—have you had time to do all the work appointed to you? *A.* Yes; I have had time since I have been on it.
9749. *Q.* Then what deputies did you refer to who used to tell the other to do the work when they had not time? *A.* Mr. Dungey and Mr. Nelson.
9750. *Q.* Did you ever hear Dungey tell Mr. Nelson to do the work? *A.* No; I have heard Mr. Nelson say he would tell the night-shift deputy to put up the brattice, if he had not time to do it.
9751. *Q.* How often was that? *A.* I could not say. It was not very often.
9752. *Q.* Did you ever hear complaints from one deputy as to having the work of the other deputy put on to him? *A.* No; I have not.
9753. *Q.* Do you give the waste workings any examination at all? *A.* No; I do not give any examination to the waste workings: only to the working places.
9754. *Q.* Since your appointment as a deputy you have not examined any waste workings in Kembla? *A.* No.
9755. *Q.* Do you know whether anybody else has? *A.* Yes.
9756. *Q.* Who? *A.* Mr. Biggers and Mr. Morrison.
9757. *Q.* Do you know how often they have examined the waste workings? *A.* No.
9758. *Q.* But you have never touched them? *A.* No.

Examination by Mr. Robertson:—

9759. *Q.* What is your district? *A.* No. 1 Right, at the present time.
9760. *Q.* Will you tell me where you go to; just describe your journey when you start in the morning;—do you understand that plan? *A.* No; I do not understand much about the plan.
9761. [The witness then, in answer to Mr. Robertson's question, pointed out on the plan that his district embraces all of the workings to the east of the No. 1 main level rope road and north of the 2nd Right rope road, including the 2nd Right. He stated that, in making his inspection, he went in the mouth of the main travelling road, then down the No. 1 Right Main level travelling road as far as the 2nd Right rope road, then by the 2nd Right travelling road to the cross-cut heading rope road; from there up to the tommy-dodds at the 3rd Right rope road, and that he then inspected a number of new working places, to the east of the cross-cut off a continuation of the 3rd Right rope road, not shown on the mine plan before the Commission. From these places he returns to the tommy-dodds, continues northward along the cross-cut heading rope road as far as the 5th Right rope road, and then inspects each of the bords to the north of the 5th Right rope road, walking right up and down each of these bords. After inspecting the westernmost of these bords (No. 90), he goes back to the eastern end of the 5th Right rope road, and then walks through the 5th Right rope road—inspecting it—to Adam's Wheel; and then back by the travelling road to where he starts from.]
9762. *Q.* What time do you start to make your examination for the morning shift? *A.* 2.45.
9763. *Q.* When you said you had the No. 1 District, I understood you had the whole of the district? *A.* No.
9764. *His Honor.*] *Q.* What about the western side of the No. 1 District? *A.* It is not working.
9765. *Mr. Robertson.*] *Q.* In making your inspection, if you had one place standing, not being worked, in the middle of your district, would you examine that place? *A.* Yes.
9766. *Q.* Is there any rule to that effect? *A.* No; I was just told that I was to examine it—to go into it—because they did not know but what there might be men working in it the next morning.
9767. *Q.* Supposing you found a place fenced off, where you knew there were no men working, would you pass that place? *A.* No; I go into it.
9768. *Q.* If there are two or three places in your district? *A.* I go into them all, and do the lot of them.
9769. *Q.* Were you ordered to do that? *A.* Well, I never got any authority to do so; but I expected that it was part of my duty, although they never told me so.
9770. *Q.* You thought so yourself? *A.* Yes.
9771. *Q.* But you were never instructed to do it? *A.* No.
9772. *Q.* And there is no special rule requiring you to do so? *A.* No; I do not think so; not that I know of.
9773. *Q.* What description of lamp do you use for making an inspection? *A.* Just the ordinary lamp that they use there at the mine.
9774. *Q.* But what is used at the mine;—is it one of those Bifolds? *A.* I do not know it by name.
9775. *Q.* Have the deputies any special lamps? *A.* Yes; there are the shot-firing lamps. I think it is a Davy lamp that I have got there.
9776. *Q.* You know what a Davy lamp is? *A.* It is one of them I have got.
9777. *Q.* With a gauze and no glass? *A.* Yes; the glass is on it too.
9778. *Q.* It has a gauze all the way? *A.* Yes.
9779. *Q.* And it is surrounded with a glass that you slip up when you want to fire a shot? *A.* Yes.
9780. *Q.* Well, of course, with that lamp you cannot find any indication of gas below 2½ per cent.? *A.* No.

9781. *Q.* But there are other lamps with which you might easily detect less than 2½ per cent. You do not know anything about the hydrogen lamp? *A.* No.
9782. *Q.* You recommend that a test be made with the hydrogen lamp regularly? *A.* I do not know anything about that. I have never seen one that I know of.
9783. *Q.* You have no idea of the time it takes to make a test with the hydrogen lamp? *A.* No.
9784. *Q.* Nor the cost of making it? *A.* No.
9785. *Q.* Then, may I ask why, knowing nothing about the hydrogen lamp, you so confidently recommend this inspection? *A.* With the hydrogen lamp?
9786. *Q.* Yes? *A.* Well, it is just through hearing them talk about it, you know.
9787. *Q.* You also recommend weekly measurements of the air in each split. *A.* Yes.
9788. *Q.* Do you know that the measurements, although they may not be made weekly, are made in each split at present? *A.* Yes, they might; I do not know.
9789. *Q.* Now, you know that the Act provides for adequate ventilation being supplied. I suppose you have read the Coal Mines Act? *A.* Yes; I have read part of it.
9790. *Q.* What have you read? Have you read the general rules? *A.* Yes; I have read part of the general rules. I have never read much of it.
9791. *Q.* It says, "An adequate amount of ventilation shall be constantly produced in every mine, to dilute and render harmless noxious gases to such an extent that the working place of the shafts, levels, stables, and workings of the mine, and the travelling roads to and from those working places, shall be in a fit state for working and passing therein." Now, is it not your duty to see that the working places, and roads, and levels are adequately ventilated? *A.* Yes.
9792. *Q.* And if you find them adequately ventilated, in what way would a measurement of the air assist you in your duties? *A.* I do not know.
9793. *Q.* Would it be of any assistance at all to you? *A.* I do not think it would be of much assistance to me.
9794. *Q.* Then, so far as you are concerned, and so far as the miners are concerned, it is absolutely unnecessary? Is not the main thing to adequately ventilate the working places and other parts of the mine? *A.* Yes.
9795. *Q.* Now, you recommended that the travelling roads and haulage ways should be watered;—what is your reason for making this recommendation? *A.* Just for keeping down dust, or anything like that.
9796. *Q.* Is it a matter of comfort and convenience in working? *A.* There is not much comfort in it; but just for safety and that kind of thing.
9797. *Q.* For safety? *A.* Yes.
9798. *Q.* But then you said, further on in your evidence, that there was no occasion to water the working places more than 20 yards from where a shot was to be fired? *A.* Yes; I said that.
9799. *Q.* Well, what danger do you apprehend from dust apart from shots? *A.* I do not know how much at all. It is only for a safeguard.
9800. *Q.* But, if the places in the vicinity of where a shot is to be fired are sufficiently saturated with water, it is, humanly speaking, impossible for an explosion to extend beyond? Do not you think so? *A.* Yes; I think so myself.
9801. *Q.* Now, about this matter of detecting gas—I suppose it is not a very difficult operation to detect gas: any intelligent man could do it? *A.* Well, as far as I have seen it, there was not much trouble in detecting it if it were there.
9802. *Q.* Do you not think any intelligent miner could learn to detect gas, in his experience as a miner? *A.* I should think he could.
9803. *Q.* Then a knowledge of the chemistry of the gas you are detecting would not be of very much assistance to you in your practical duties? Do you think it would help you at all in your duties as deputy if you knew the chemistry of gases? *A.* Well, I do not know what "chemistry" means at all.
9804. *Q.* Do you think it would help you to detect gas? *A.* I do not think it would help me to detect it.
9805. *Q.* Or would it assist you in any way to get rid of it when you did find it? *A.* I do not think so.
9806. *Q.* How many bodies did you see? *A.* About eight or ten; I could not give you the total number; but it would be about that.
9807. *Q.* As a matter of fact you do not know anything about the condition of nine-tenths of the bodies that were found? *A.* No.
9808. *Q.* Now, this Stafford, who was black with dust—would not he be black under ordinary circumstances? *A.* Yes.
9809. *Q.* Was he any blacker on this occasion? *A.* Yes.
9810. *Q.* Now, for anything you know, this slackening in the ventilation may have been caused by something else than atmospheric conditions? *A.* It might. It was just as I said—that was what was said.
9811. *Q.* The furnace-man might have gone to sleep; or he might be lazy? *A.* Yes; there could be a lot of it on his part.
9812. *Q.* You recommend that waste workings be sealed off absolutely: do you not think that it would be a preferable plan to ventilate waste workings? *A.* Well, it would drive the gas out if there were any there—there is no mistake about that.
9813. *Q.* I mean, if you cannot get the air into the centre of a waste, you can ventilate along the edge; and that is surely preferable to bottling it up? Can you tell me how you would seal off waste workings? *A.* It would be a very difficult job to seal them all off.
9814. *Q.* But how could you do it where you are in the act of taking out the pillars: and that is constantly being done? *A.* You would have to take the heading and seal it off.
9815. *Q.* Well then, your working places would actually be in the waste workings? *A.* Yes.
9816. *Q.* You could not seal it off unless it was an abandoned district; because, in the act of taking out the pillars, you must necessarily be in contact with the waste? *A.* Yes.
9817. *Q.* So it could only be in the case of an abandoned working that you could possibly seal off the waste. Now, with reference to the Manager's visits—for anything you know the Manager may have been visiting other districts and other men two or three times when he did not visit you at all? *A.* Yes; that is quite true.
9818. *Q.* The Manager, in point of fact, will go where he is most wanted? *A.* Yes; that is quite true.
9819. *Q.* Probably, if there is nothing very exciting or important in your place, he might leave it, and go to places of more importance? *A.* Yes; I only speak personally of that. I do not know how often he might be going to other places.

Witness—W. Livingstone, 23 January, 1903.

Examination by Mr. Ritchie:—

9820. *Q.* Who examines this left-hand side of the Main No. 1 Right? *A.* Biggers.
 9821. *Q.* The part that is not working at present? *A.* Yes.
 9822. *Q.* Is that examined daily, do you know? *A.* Not every day.
 9823. *Q.* How often is it examined? *A.* I think it is twice or three times a week.
 9824. *Q.* And, if you make the examination which you have described, do you enter that in a book in the morning? *A.* Yes.
 9825. *Q.* Is this entering done before the men go in? *A.* Yes.
 9826. *Q.* And you have a system of tokens which you give? *A.* Yes.
 9827. *Q.* You do not use the words "all right" before the report is written, and allow them to pass in? *A.* No.
 9828. *His Honor.*] Mr. Bruce Smith, there is a question I would suggest to you, as to the relative dustiness of the 5th Right before and after the explosion, and of the 4th Left. I would suggest that you might ask something as to the relative dustiness of these two roads.

Further examination by Mr. Bruce Smith:—

9829. *Q.* Take just before the explosion, say in June—the explosion was at the end of July. How did the dustiness of the 5th Right compare with the dustiness of the 4th Left, which, after all, is a continuation of the same road? A month before the disaster which was the more dusty, the 4th Left or the 5th Right? *A.* I think the 5th Right would be the dustier.
 9830. *Q.* Were they more dusty before the disaster than they are now? *A.* I could not exactly say about before the disaster, because I was not working in the 4th Left before the disaster, I was in the 5th Right before the disaster.
 9831. *Q.* But you have told me generally? *A.* That it was a dusty district.
 9832. *Q.* But I have understood you to say generally that, before these late heavy rains, the mine generally was much drier than afterwards? *A.* Yes; it was.
 9833. *Q.* I think it is necessary for the Commission to know that: that the effect of those late heavy rains was very noticeable upon the whole mine. I mean that water came in almost everywhere and moistened everything? *A.* Yes; the part of my section where I was walking about—it took effect on that.
 9834. *Q.* What district was that? *A.* 5th Right and 2nd Right.
 9835. *Q.* It made a complete difference in the appearance of the mine? *A.* Yes.
 9836. *Q.* Well, that dry weather, which existed before these late rains, extended back to before the disaster—did it not? *A.* Yes.
 9837. *Q.* So I may take it from you that there is a very noticeable difference in the dryness of the mine before the disaster as compared with the present time? *A.* Oh yes; there is that.
 9838. *Q.* I want to ask a question with reference to one asked by Mr. Robertson. Mr. Robertson asked you did you go up behind the fences; and you said you had never been told to do it? *A.* Yes.
 9839. *Q.* Now, did not you know that, by this special rule No. 9, it was your duty to "Make a true report of, and enter and sign daily, in a book kept at the appointed office for the purpose, the state of the mine roads, doors, stoppings, brattice, faces"—not "working faces," but "faces and brattice"? Now, could you examine the brattice up at the end of, say, No. 1 Main Heading, without going behind the fence? *A.* Not without going behind the fence.
 9840. *Q.* To examine all those brattices you must go behind the fence? *A.* Yes.
 9841. *Mr. Robertson.*] But further on in that rule it says "and shall continually, during his shift, inspect the working faces, roads, doors, brattice, and ventilating appliances."
 9842. *Mr. Bruce Smith.*] I know that: but before that it says "faces" not "working faces." I also want to point out that it says "he"; and you will notice that the "he" follows upon rule No. 8, which is the rule for the fireman—well, the "he" cannot mean the fireman, of course.
 9843. *Mr. Robertson.*] Well, in the same way, there is an obligation upon him to examine the workings, the state of the mine roads, and so on.
 9844. *Mr. Bruce Smith.*] *Q.* "The mine roads"—that you did. "The doors"—that you did? *A.* Yes.
 9845. *Q.* "The stoppings and the brattices"? *A.* Yes.
 9846. *Q.* And you admitted to me that you could not examine the brattice behind the fence without going up to the brattice through the fence? *A.* No.
 9847. *Q.* And the faces—I am not talking of the working faces, but the faces—you could not examine the faces behind the fences without going through the fences? *A.* That is true.
 9848. *Q.* And it says "He shall also make a true report of the state of the mine roads, doors, stoppings, brattice, faces, and ventilating appliances." You could not do that without going behind the fences? *A.* No.
 9849. *Q.* And, therefore, without any verbal directions from the management, your special rules required you to go behind the fences? *A.* Yes; those are my duties.
 9850. *Q.* Besides that, I want to ask you this: even though work is stopped in these places, is it not necessary to examine them? *A.* We do it, at any rate.
 9851. *Mr. Bruce Smith.*] I only ask that because he seemed to be under the impression that he had no instructions to do this.
 9852. *Mr. Robertson.*] You see you must also read No. 10; and, according to that interpretation of No. 9, there is an obligation on him to examine every part of the mine every day.
 9853. *Mr. Bruce Smith.*] Yes.
 9854. *Mr. Robertson.*] Then, what is No. 10 for?
 9855. *Mr. Bruce Smith.*] I do not undertake to harmonize all these. It is additional: it is cumulative really; and, if it repeats this, it is really redundant, I suppose. He had said that he had examined behind those fences, although he had never been instructed to do so. I only wanted to point out to him that, from the departmental point of view, he was expected to do that; and that he is impliedly instructed by these special rules, which he ought to have at his fingers' ends.
 9856. *His Honor.*] It looks very much as if this special rule applied to the reporting on the examination which he is expected to make afterwards—"He shall make a true report of . . . the state of the mine roads"—it is a question whether that means the state of the mine roads, or the state of the mine; but I suppose it means the state of the mine roads—"doors, stoppings, brattice, faces, and ventilating appliances;"

appliances"; and then, afterwards, "He . . . shall continually, during his shift, inspect the working faces, roads, doors, brattice, and ventilating appliances." Well, it looks here very much as if the "faces" mentioned in the second line of the rule were intended to be the same faces, the working faces; because in the next rule it says that he shall, at least once in every week, examine the waste workings.

9857. *Mr. Bruce Smith.*] Your Honor sees that he must enter in a book daily a report of, among other things, the brattice and the faces. He cannot enter them daily unless he sees them daily. Therefore he must see daily the faces and the brattice; and, if the faces and the brattice lie behind a fence, he must go behind the fence daily in order to see them daily and report daily. Then, in addition to reporting daily, the rule goes on to say that he must be continually moving about.

If the Commission come to the conclusion that it is desirable that these faces should be examined, it might be advisable to remove the doubt by adding some other words.

9858. *Mr. Robertson.*] I might say that I know of one place where, to remove that doubt, there is a special rule that the deputies shall examine such places.

9859. *Mr. Bruce Smith.*] You know it did come out at the inquest, in Mr. Rogers' evidence, that that very extreme end—the end of No. 1 Main Level—had not been examined for some days. I do not know whether the Commission know that, but, as it is before the Court, I will refer you for a moment to the page. On page 40 (Inquest depositions), about two-thirds of the way down, Mr. Rogers says:—

Morrison inspected up to the fence at the very end of No. 1 Right. No one would examine the two faces right up to the end of No. 1 Right on the morning of the 31st July. The fence is about 30 or 40 yards from the extreme face: that 30 or 40 yards would not be inspected on the morning of the 31st July by anyone. I do not say that that part of the mine is the highest in the mine; from No. 5 Right up to the second cut-through there would be a rise of about 1 in 25: the very end of No. 1 Right would be 30 or 35 feet higher than the point at No. 5 Right; . . . there was no reason for not inspecting the 30 or 40 yards beyond the fence at the top of No. 1 Right except that there were no men working there.

9860. *Mr. Robertson.*] Yes, that is it. That is the ordinary practice in most mines.

9861. *Mr. Bruce Smith.*] Then, on page 41, while your mind is on that, four or five lines from the end of the first paragraph:—

The fence at the top of No. 1 Right was put there because there was no one working up there. The bratticing was up to the face of that place; I saw it there myself some weeks before the disaster. The air would go from where Morris was working up into the cut-through, and to the place where Purcell was working.

Then, compare that with the fact given by Mr. Atkinson in his evidence, that he found a quantity of gas up in that very cul-de-sac.

9862. *Mr. Robertson.*] But I understand that he found it with a hydrogen lamp.

9863. *Mr. Bruce Smith.*] But he found a large quantity. He gave the measurement. He found a large quantity with the ordinary safety-lamp.

9864. *Mr. Robertson.*] But that was after the brattice was deranged.

9865. *Mr. Bruce Smith.*] Yes, but it was a cul-de-sac; and it points to the necessity, I think, for testing those places, even though men are withdrawn.

9866. *Mr. Robertson.*] I quite agree.

9867. *Mr. Bruce Smith.*] So that it may be necessary to make that clear, if it is not clear now.

9868. *Mr. Robertson.*] That is the reason I asked the question.

[*Witness retired.*]

HENRY JUBB was sworn, and examined as under:—

(This witness was called by the Commission, who asked Mr. Bruce Smith, as a matter of convenience, to conduct his examination-in-chief.)

Examination-in-chief by Mr. Bruce Smith:—

9869. *Q.* What is your name? *A.* Henry Jubb.

9870. *Q.* What are you? *A.* I am assistant under-manager now at Keira.

9871. *Q.* And how long have you occupied that position? *A.* About five months.

9872. *Q.* What were you before you occupied that position? *A.* I was deputy overman.

9873. *Q.* How long have you been in the Mount Keira Mine? *A.* About nearly sixteen years.

9874. *Q.* You know Gleeson? *A.* Yes.

9875. *Q.* There are two Gleesons, are not there? *A.* There are several.

9876. *Q.* You know P. Gleeson? *A.* Yes, Pat.

9877. *Q.* Have you heard of some evidence that was given by Patrick Gleeson? *A.* Yes; I saw it.

9878. *Q.* Where did you see it? *A.* In the newspaper.

9879. *Q.* What did you see in the newspaper? *A.* It said about lighting some gas.

9880. *Q.* Did you see that your name was brought into it? *A.* Yes; I saw that much.

9881. *Q.* I will just read you the part; and then I will hear what you like to say about it:—

"*Q.* Now, have you any recollection of discovering gas at any time in Mount Keira? *A.* Yes.

"*Q.* Give us particulars of each occasion? *A.* The first time I found it was after firing a shot.

"*Q.* When? *A.* Oh, it would be about six or seven weeks ago."

This was said on the 21st of January. Then he goes on to say:—

"*Q.* What part of the mine? *A.* In the place we called the Old Straight.

"*Q.* What number? *A.* The number of the place we worked in was No. 29; but this was in another place. We had turned away over like to where we working a cut-through, driving into the heading where I was working.

"*Q.* Who was your mate? *A.* My brother, Alfred Gleeson.

"*Q.* What happened? *A.* I had had a missed shot the day before; and, of course, I had to come out. The next morning I went in; and I bored another hole about a foot or a little more away; and after the shot went off there was a terrible rumble and noise, and, of course, this flash came out.

"*Q.* How far did the flash come out? *A.* Well, I daresay the cut-through was in about 7 or 8 yards. I was away up the bore.

"*Q.* Where did the flash come out? *A.* Into the bord where I broke away from." (730-731.)

Witness—H. Jubb, 28 January, 1903.

“Q. What did you say to Jubb? A. I told him there was gas there. McDonald was there too.”

“Jubb examined it, and I had another shot ready to fire; and he asked me would I be long before I bored the hole. I said, ‘No; I can bore it now.’ I thought he was going to wait until I fired the shot. He waited until I bored the hole, and he put his lamp to the hole, and then he said it was not worth speaking of. . . . He said it was smoke from the shot, but there was no smoke there. The smoke had gone when it lit.

“Q. When Jubb told you it was smoke from the shot, you knew there was no smoke there when it lit? A. Oh, I am certain.

“Q. Was anything else said by Jubb? A. No. He just let us go on working just the same as usual.” (733-734.)

You see what that all amounts to—that he had reported to you that they had had a flash of gas; and that you came in, and he reported to you what he had seen; and there was a small thing in the same way; and you said that there was nothing in it, and it was all powder smoke. What have you to say about that? A. The wheeler told me — [Interrupted.]

9882. Q. What was his name? A. Dibden. He told me the Gleesons wanted to see me. I went into the place. I asked the wheeler what it was; and he said he did not know for certain, but he thought they had seen something. I went into the place, and he said “We have lit something, but I do not know what.” They were working in the place, and had the coal filled up then into the skips. I said, “What was it you saw? Let me know all about it?”; and he told me.

9883. Q. Who told you? Patrick Gleeson? A. Patrick Gleeson. He told me that after firing the shot he went into his place, and held his light up to look; and he said something flashed, but he did not know what it was. I examined minutely all over the place.

9884. Q. With what? A. A Hepplewhite-Gray safety-lamp. That is the one we use for examinations. And there was not the slightest show of anything.

9885. Q. Not when you tried it? A. When I examined it. And, after that, I said “How long will you be before you fire the next shot?”: and they had some coal holed ready; but they were not ready for getting the next shot ready. But I said, “You had better bore the hole, and I will see if anything shows off it”; and they bored the hole; and when the hole was bored I stood watching them; and as they took each drill out I examined the hole; and there was not the slightest show of anything; and I never made the remark at all that there was nothing worth speaking of.

9886. Q. You deny that? A. I deny that. I said there was nothing.

9887. Q. You distinguish between saying there was nothing worth speaking about, and saying there was nothing? A. I did not use those words, that there was nothing worth speaking about. I said there was nothing, and called their attention to the light, and explained it to them; in fact, I gave them a lesson on the detection of gas; that is the meaning of it.

9888. Q. You deny having said that it was not worth speaking of? A. Yes; I deny that.

9889. Q. Well, did you come to any conclusion as to what they had seen? A. Well, on several occasions when I was working on the coal, after a shot had been fired and had not thrown the coal, I have lit powder gases.

9890. Q. You have lit what? A. I have lit gases given off from the powder when there has not been any gas seen.

9891. Q. How do you distinguish between the gases given off from the powder and the gases given off from the coal? A. Well, if you have a place, and there is never anything seen when the coal is worked with the pick, you can take it pretty well for certain that there is no gas given off.

9892. Q. But where do you get your information about the gas given off from the powder? A. One of my authorities is Pameley, in the “Mine Manager’s Handbook.”

9893. Q. Have you often had that take place in the Mount Keira Mine? A. Well, I suppose I had it half-a-dozen times.

9894. Q. And how do you distinguish them, if you see a flash after a shot, between the gas which you mentioned as resulting from the powder, and the gas which comes out of the coal? A. The gas which comes out of the coal you will get near the roof usually; and you will also get it when there is a hole bored into the coal first.

9895. Q. That is not what I asked. That is where you got it. Is that how you distinguish it, by the position? A. The other gas you get after the shot is fired, but never before.

9896. Q. Then, if you find anything after a shot is fired, you conclude that it is gas from the powder? A. Yes; unless it continues to give off.

9897. Q. Is it not a very likely time for gas to come out of the face when you have fired a shot and loosened a new quantity of coal? Is not that the most likely time for gas to be opened up, so to speak, from the body of the coal? A. Yes; I suppose it is a likely time.

9898. Q. Well, if it is a likely time for gas to be revealed, and a likely time also for the gunpowder gas to be present, what I want to know is how you distinguished between them; or have you any means of distinguishing between them? A. It is rather hard to distinguish between them.

9899. Q. Is not it a mere conclusion that you arrived at by the fact of its coming after the shot? A. That is my conclusion.

9900. Q. And that is your only reason for concluding that it was gas from the gunpowder, because it was after the shot? A. Yes; and the gas did not show when the hole was bored in the coal.

9901. Q. And the gas did not show before the shot was fired? A. Neither before the shot was fired nor when a hole was bored in the coal.

9902. Q. You admit that something of the sort did occur; but that, instead of saying “It is nothing to speak of” you said “It is nothing.” Now, did you do anything in consequence of what had been told you? A. Well, I kept the air current close up; in fact, we do that on all occasions.

9903. Q. How was the Keira Mine working then as regards lights? A. All open lights, except — [Interrupted.]

9904. Q. Did you report this to the Manager? A. Yes; I put it down in my report-book.

9905. Q. And the open lights were continued? A. Yes.

9906. Q. Could you say that you have known that half-a-dozen times? A. Yes.

9907. Q. When you have worked yourself? A. Yes.

9908.

9908. *Q.* Have you heard of it on other occasions from the men since you have been assistant overman?
A. Not that I can mention lately: not that I have heard lately. I have not heard of it since then.
9909. *Q.* But have you before that? *A.* Yes; several old miners have told me that.
9910. *Q.* They have had a flash after the shot had been fired? *A.* Yes.
9911. *Q.* And in every case you have concluded that it was from the gunpowder? *A.* From the blasting powder.

Cross-examination by Mr. Lysaght:—

9912. *Q.* Can you show me anywhere in Pameley this authority you speak of for gases coming from powder?
A. I think so.
9913. *Mr. Bruce Smith.] Q.* Look at page 426;—perhaps that is what you are referring to? *A.* It is on page 424.
9914. *Mr. Lysaght.] Q.* Just read me the passage you refer to? *A.* "Composition of gas given off by mining powder when fired: carbon monoxide 33·75, hydrogen sulphide 7·10, hydrogen 5·24, methane 2·73, or a total of explosive gases of 48·82 per cent."
9915. *Q.* That is what you referred to? *A.* Yes.
9916. *Q.* And that is all you referred to? *A.* That is all I referred to.
9917. *Q.* Now, what sort of powder was being used in Keira? *A.* The usual blasting powder; compressed blasting powder.
9918. *Q.* Now, tell me this, in what paper did you read the statement you complained of? *A.* It was in the *Telegraph* where I saw it first.
9919. *Q.* You read it there? *A.* Yes.
9920. *Q.* Did the Manager speak to you about those statements? *A.* He drew my attention to the report; and asked me how far it was correct.
9921. *Q.* Then you saw the report through the Manager's drawing your attention to it? *A.* I saw it in the *Telegraph* first, last week, in Sydney. That is the first I knew of it.
9922. *Q.* Then when did the Manager draw your attention to it? *A.* On Saturday, the first day I was at work.
9923. *Q.* What was in the report that you complained of? *A.* That the Gleasons' did not give a correct statement.
9924. *Q.* In what instance was the statement incorrect? *A.* In the first instance, he said I said there was nothing worth mentioning at the drill hole. I never said such a thing.
9925. *Q.* Is that all you complained of? *A.* That is one.
9926. *Q.* And what else? *A.* Then he says that the fire flashed all round him, and also down on the coal in front of him. I reckon it would have taken the hair off his face if it had.
9927. *Q.* And that is the reason you complain of that? *A.* Yes.
9928. *Q.* You were not there;—and you do not know how far it flashed? *A.* I do not know.
9929. *Q.* Then how had you anything to complain of as far as you were concerned? *A.* Because it was making it appear that I was a little bit slow in finding it.
9930. *Q.* And I suppose you have had a conversation with Mr. Jones as to the evidence that you should give here? *A.* No, I did not.
9931. *Q.* Had not you a conversation with Mr. Jones? *A.* He told me that I was to come here.
9932. *Q.* He wanted that denied by you? *A.* I wanted to deny it myself. I applied to come.
9933. *Q.* I think you have a certificate by examination? *A.* Yes.
9934. *Q.* What certificate? *A.* A second-class under-manager's certificate.
9935. *Q.* And you are now under-manager at Mount Keira? *A.* No; I am assistant to the under-manager.
9936. *Q.* Who is the under-manager? *A.* Mr. Phillips.
9937. *Q.* Has he a certificate? *A.* Yes.
9938. *Q.* By examination? *A.* By service.
9939. *Q.* How long have you worked in Keira? *A.* Sixteen years next month.
9940. *Q.* And during that time how often have you known the air to be reversed by a westerly wind?
A. I could not say.
9941. *Q.* Roughly? *A.* The air has not been reversed in the last three years.
9942. *Q.* Roughly, can you say how often it has been reversed during that period? *A.* I could not say.
9943. *Q.* Give me some approximate number of times;—give me fifty, or 100, or anything you like? *A.* I could not. I did not take any account of it.
9944. *Q.* Do you know of any other causes, besides the westerly wind, reversing the air in Keira? *A.* No.
9945. *Q.* Did you read the evidence given by McDonald? *A.* No, I did not.
9946. *Q.* Did you read that part of Gleeson's evidence where he spoke of smoke remaining in his working place all night? *A.* Yes; I saw that.
9947. *Q.* Are you prepared to say that that is not true? *A.* I was not there; it was not on my shift.
9948. *Q.* You do not know anything about it? *A.* No.
9949. *Q.* Have you known smoke to remain in your shift in any working place all night? *A.* No; not the same smoke.
9950. *Q.* What sort of smoke did remain? *A.* Well, if you start all round a set of workings, and they are firing shots all through, there is bound to be smoke coming through.
9951. *Q.* The same smoke would remain in the place all night? *A.* No.
9952. *Q.* Has there not been smoke in one place all night? *A.* No.
9953. *Q.* Is the air good? *A.* Yes.
9954. *Q.* Do you think it is sufficient for all places in the mine? *A.* I do.
9955. *Q.* Then, will you tell me why you are putting that tunnel in, to put in a fan? *A.* To improve the ventilation.
9956. *Q.* Then it is not good enough? *A.* It is good enough: but we want to improve it.
9957. *Q.* As a matter of fact, have not tenders been called for the construction of a tunnel, to put up a fan at Keira? *A.* I do not know.
9958. *Q.* Then, what did you tell me that they were putting up a tunnel for a fan for? *A.* They have not started yet. They are not going to erect a tunnel; they are going to sink a shaft, I understand, but they are not prepared yet.

Witness—H. Jubb, 23 January, 1903.

9959. *Q.* What are you going to sink the shaft for? *A.* To work the coal further in.
 9960. *Q.* Are you not going to sink the shaft to put up a fan? *A.* Yes.
 9961. *Q.* And, that being so, will you not admit that the ventilation has been found defective? *A.* Not necessarily so; but we have to go further in yet.
 9962. *Q.* What part of your land are you going to sink this shaft at;—over near Hurt's place? *A.* I do not know; I have not been to the top.
 9963. *Q.* Have you no idea? *A.* Not on the surface; I know at the bottom.
 9964. *Q.* How far from the surface are you going to sink this shaft? *A.* As far as I understand, it is about 600 yards through the solid coal.
 9965. *Q.* Is it not the proposal to sink the shaft and then drive through the solid coal to your present workings? *A.* Yes.
 9966. *Q.* And do you not expect to reach the present workings in a drive of 30 yards? *A.* No; there are no workings near where the shaft is to go down.
 9967. *Q.* And you expect the ventilation to be very much improved when you get that fan? *A.* I hope so.
 9968. *Q.* Do you know what this fan is to cost? *A.* No.
 9969. *Q.* Have you any idea? *A.* I have not.
 9970. *Q.* Have you been consulted about this, then? *A.* I have not been asked.
 9971. *Q.* Do you know who did recommend it? *A.* It has been recommended for years.
 9972. *Q.* Before there was any thought of opening up this new coal? *A.* Well, I suppose it was always the intention to open up the new coal. That is what the mine is there for.
 9973. *Q.* Now, are you prepared to say that 100 cubic feet of air is circulated in every working place to every man, boy, and horse, in Keira at the present time? *A.* I think we have more than that.
 9974. *Q.* Are you prepared to swear that 100 cubic feet of air are circulated in every working place to every man, boy, and horse in Keira at the present time? *A.* Yes.
 9975. *Q.* Do you take the records? *A.* No, I do not.
 9976. *Q.* Then, how do you know? *A.* Because I helped to measure it.
 9977. *Q.* That is what I asked you;—do you take the measurements? *A.* Yes.
 9978. *Q.* That is part of your work? *A.* Yes.
 9979. *Q.* How often do you take the air measurements? *A.* Generally about once a week.
 9980. *Q.* And when exceptionally—once a month? *A.* Once a month is the time required by the Act.
 9981. *Q.* How often do you do it in practice? *A.* Generally about once a week.
 9982. *Q.* And where do you measure the air? *A.* Where the air starts from the split into the workings; and in the returns where the air comes from the workings.
 9983. *Q.* Then, do you ever measure the air in the working place? *A.* Our instrument will not measure in the working place.
 9984. *Q.* That is what I want to know. Then, what is about the percentage of leakage from the split, from the working place—the average percentage of leakage? *A.* I am not prepared to say.
 9985. *Q.* What is your estimate;—you hold a second-class certificate; surely you can give us an estimate? *A.* Well, the main current comes in to the first man, and the leakage that goes from him probably goes to the second man along with the original current, and that is the style right through the ventilating district in each split.
 9986. *Q.* I am asking you, after the split is driven into one section, what is the average leakage through that section? *A.* Well, as a matter of fact, practically the whole of the ventilation has to go into the faces of the workings. Every man does not get the whole current; but he gets more than his share of it.
 9987. *Q.* That does not answer my question. If there are 5,000 cubic feet at the split, and there are, say, ten men working in the district, about what would be the probable leakage through defective bratticing and things like that? Cannot you give me now an estimate of what is the probable leakage—so much per cent.? *A.* You might lose a quarter.
 9988. *Q.* Do not you know it is about 20 per cent.;—is not that a fair estimate? *A.* In some cases it might be, in others it is not.
 9989. *Q.* However, I may take 20 per cent. as a fair estimate of the leakage? *A.* In places.
 9990. *Q.* In Keira? *A.* In places, but not throughout.
 9991. *Q.* Now, how far are your cut-throughs driven? *A.* We have no tied distances.
 9992-3. *Q.* What is your longest drive without a cut-through? *A.* We might go 50 or 60 yards.

[At 1 p.m. the Commission adjourned for luncheon.]

AFTERNOON.

(On resuming, at 2 p.m., Mr. W. R. Pratt attended to take shorthand notes of the evidence and proceedings.)

HENRY JUBB, previously sworn, was further examined as under:—

9994. *Mr. Lysaght.* *Q.* Did you say you never discovered gas in Keira? *A.* I did not say that.
 9995. *Q.* When did you discover it? *A.* Do you want the exact date?
 9996. *Q.* As near as you can give it to me? *A.* I can give you the exact date.
 9997. *Q.* What is that book which you are now looking at? *A.* It is a record book. I find that I discovered gas on the 2nd of January this year.
 9998. *Q.* Was that discovered with an ordinary Davy lamp? *A.* No, with a Hepplewhite-Gray lamp.
 9999. *Q.* When did you discover gas before that? *A.* On the 4th of September, 1902, I found a slight show of fire-damp in the working place.
 10000. *Q.* Without referring to your book, can you remember how often you discovered gas before that time? *A.* I reported it every time I saw it.
 10001. *Q.* How often—can you tell me without turning up the exact date? *A.* I cannot tell you.
 10002. *Q.* Has it been a common thing to discover it within the last two years? *A.* It has never been discovered except during the last six months.
 10003. *Q.* Then gas was never discovered in Keira, to your knowledge, until after the Mount Kembla disaster? *A.* It was within a few weeks afterwards. We had been trying for it for years.
 10004. *Q.* And since the Mount Kembla accident it has been discovered at intervals of a couple of months? *A.* It has been discovered two or three times.

10005.

10005. *Q.* On the last occasion in January in considerable quantity? *A.* No, there was just a slight show from a drill hole.
10006. *Q.* In view of the fact that since the Mount Kembla disaster gas has been discovered, and that Gleeson swore that there was no smoke from the powder when he lit it, would it be right to assume that the flame was simply from the powder? *A.* Is it a fact that Gleeson says there was no smoke?
10007. *Q.* Yes? *A.* He did not tell me that.
10008. *Q.* If I tell you that was so are you still prepared that it was gas from the powder? Now, here is the question which was asked of Patrick Gleeson:—
Q. Did McDonald say anything? *A.* Well, of course, Jubb examined it. He said it was smoke from the shot; but there was no smoke there. The smoke had gone when it lit.
Q. When Jubb told you it was smoke from the shot you knew there was no smoke there when it lit?
A. Oh I am certain.”
- Q.* Do you still adhere to the opinion that it was gas from the powder that lit up? *A.* I am still of opinion that the gas from the powder was mixed with it, if there was a small percentage of gas.
10009. *Q.* Will you admit that there was a small percentage of fire-damp coming from the coal? *A.* I cannot say, I could not find any.
10010. *Q.* You are not prepared to say that it was all from the powder? *A.* I told him that it was fumes from the powder.
10011. *Q.* You said “fumes” and did not mention gas at all? *A.* No, I did not mention gas.
10012. *Q.* Had you been looking for gas before the Mount Kembla explosion? *A.* I have been looking for gas for the last six years. I have been looking for it every morning and every day that I have been at work as a deputy.
10013. *Q.* With a safety-lamp? *A.* Yes.
10014. *Q.* And you never discovered any trace of fire-damp excepting during the last six months? *A.* Not until the last six months.
10015. *Q.* Are you working in gaseous coal at the present? *A.* No.
10016. *Q.* Now that gas is being constantly found there, is it safe to work in the mine with naked lights?
A. Yes.
10017. *Q.* And do you water the travelling roads there? *A.* Yes, all of the main roads.
10018. *Q.* And in the vicinity of where you are going to fire a shot? *A.* Yes, when the place is dry.
10019. *Q.* Who does it? *A.* In places where there is no gas, the miners. If there is gas, the deputy.
10020. *Q.* How often have you, as deputy, fired a shot? *A.* I have not been a deputy.
10021. *Q.* How often? *A.* I cannot say.
10022. *Q.* Roughly speaking? *A.* The deputy is not always there; but he is there before the light is put and the shot fired.
10023. *Q.* Do you not know that there may be a dangerous quantity of gas there? *A.* What about the men working with naked lights?
10024. *Q.* Do you not know that there may be a lot of gas there although it may not have been discovered?
A. I do not think it is dangerous if the place is wet.
10025. *Q.* If a man wanted a shot fired in a dusty place, and gas had not been discovered there, did you water that place? *A.* We watered all places if they were dusty.
10026. *Q.* What I ask you is, if a man wanted a shot fired in a dusty place, and gas had not been found in that place, did you water it? *A.* If the place was dry we watered it.
10027. *Q.* Can you tell me any places which have been watered where gas has not been discovered?
A. I could not mention them by name.
10028. *Q.* Do you know of a single place? *A.* All working places that are dry are watered before a shot is fired?
10029. *Q.* How do you water them? *A.* By splashing the water out of a bucket.
10030. *Q.* Have you any appliances to take the water up there? *A.* We take it up in a watering tub from a cask standing in the mine.
10031. *Q.* Do you know, within the last six months, of any working places which have been splashed with water from buckets in this way? *A.* Yes.
10032. *Q.* Did you water the place where Gleeson was working? *A.* It is damp there. We do not water that side of the mine at all.
10033. *Q.* I was asking you about cut-throughs. You have driven for about 60 yards without cut throughs?
A. That would be about the distance.
10034. *Q.* In your opinion what would be about the proper distance to drive without a cut through? *A.* It depends upon the ventilation. We can drive some places 30 yards, and other places for 60 yards equally as well.
10035. Is 30 yards a reasonable distance to have cut-throughs apart from each other? *A.* I should say 30 or 40 yards is a reasonable distance. But we have peculiar conditions in our mine; we may drive into a place where the seam is cut off and where it is all stone; it is fair to give us one or two yards extra in such cases.
10036. *Q.* You would not have a drive more than 40 yards in length without a cut-through? *A.* I would not make a hard and fast rule. As long as you can get ventilation, it is all right.
10037. *Q.* Do you not see the danger of the air supply being cut off from the men? *A.* There is always danger in a mine.
10038. *Q.* Do you not see that the brattice may become disarranged and leave the men without any air 60 yards away? *A.* You could do that at a distance of 30 yards away.
10039. *Q.* But is it not a greater danger? *A.* Not necessarily so.
10040. *Q.* Do you not admit that there is a danger that the brattice may become disarranged, and that the men may be left without air 60 yards away? *A.* There is an equal danger if the men are only 30 yards away.
10041. *Q.* You would not have cut-throughs 30 yards from each other as a minimum distance? *A.* I would not make a hard and fast rule.
10042. *Q.* What rule would you go by? *A.* I would get the ventilation into the working places.
10043. *Q.* And you would drive for 100 yards without a cut-through? *A.* Yes, if there was plenty of pressure, so far as ventilation is concerned.
10044.

Witness—H. Jubb, 28 January, 1903.

10044. *Q.* Have you got that at Kiera? *A.* No, not in all the places. I do not recommend that cut-throughs should be 60 yards apart in all places. What I say is, that we can drive in some places for a distance of 60 yards equally as well as we can in other places for a distance of 30 yards.
10045. *Q.* Tell me what you think of these recommendations. No. 1—"Managers, under-managers, deputies, and shot-firers, to hold certificates of competency by examination, and to have had five years practical mining experience for respective positions"? *A.* Yes, I would approve of that.
10046. *Q.* Recommendation No. 2—"Inspectors to be vested with absolute powers to order use of safety-lamps"? *A.* I do not believe in that.
10047. *Q.* You know what it means. If the Chief Government Inspector anticipates danger in a colliery from the use of a flare-light, he is to have power to order safety-lamps to be put in. Do you not think that is a proper power for him to have? *A.* I think that the Manager should know more about the matter than the Inspector, who only visits the mine once a month.
10048. *Q.* But if the Manager has no power to put them in owing to the proprietors of the mine objecting, who do you think should have the power of ordering them to be put in? *A.* The Manager has the power now.
10049. *Q.* I am putting a case to you, where a Manager may desire safety-lamps to be put in, but the proprietors will not agree because of the expense? *A.* Any Manager would resign his position if lamps were not put in a mine when he thought that they ought to be.
10050. *Q.* What is the objection to the Inspectors having that power? *A.* Because he does not know the local conditions attaching to the mine.
10051. *Q.* Can he not discover those conditions? *A.* He is not there every day.
10052. *Q.* Cannot he see the danger as well as the Manager? *A.* I do not think so.
10053. *Q.* Would he not be likely to see the danger? *A.* I take it that the Inspector can make that recommendation now to the Manager.
10054. *Q.* Do you think that is sufficient? *A.* Yes. If an Inspector sees danger he can stop the working of the mine until the danger is removed. Is not that good enough?
10055. *Q.* That is the view you take of it? *A.* That is the view I take of it.
10056. *Q.* Recommendation No. 3 is—"Ventilation by furnace prohibited, and fans substituted." What do you think of that proposition? *A.* What time would you give them to make the change?
10057. *Q.* I would leave that to the Commissioners. I have no doubt that reasonable time would be given to the mine owners to make the change? *A.* I believe myself that a fan is the best.
10058. *Q.* We all know that. We are talking about the future. What time would you give the collieries to substitute fans for furnaces? *A.* Suppose we have a case where it would not pay to have a fan?
10059. *Q.* I am not arguing with you;—what time would you give the management to substitute fans for furnaces? *A.* I would not make a recommendation for a hard and fast rule to be laid down.
10060. *Q.* What explanation would you give of this view? *A.* The Manager is responsible for the working of the mine and for the safety of the men. Is that not enough?
10061. *Q.* No, it is not enough. Let me put this to you. Mr. Rogers was responsible for the working of the Mount Kembla Mine, and over ninety men were killed. Do you know that Mr. Rogers admitted that he knew nothing about gas? *A.* I do not know anything about it.
10062. *Q.* If a Manager said that he knew nothing about gas, and that he had never taken a measurement in the colliery, would he be fit to have that position? *A.* That is not my business.
10063. *Q.* Well, now what are your objections to having fans instead of furnaces? *A.* I approve of having fans.
10064. *Q.* What time would you give for the fans to be substituted? *A.* I would not make any hard and fast rule.
10065. *Q.* I ask what in your opinion would be a reasonable time?
10066. *His Honor.*] The answer, which would be a corollary to the witness' former answer is "eternity," because he says that he does not think that the change should be made compulsory at all.
10067. *Mr. Lysaght.*] *Q.* Will you admit this, that at Keira the furnace has, at times, been found to be defective? *A.* Some years ago it was, I believe; but it has been improved a lot since then.
10068. *Q.* Is it not proposed, in addition to ventilating the mine with a fan, also to make an independent shaft for the lowering of timber and stuff to the mine? *A.* Not necessarily. The shaft is to be an upcast shaft. Only one shaft is to be sunk.
10069. *Q.* Do you say that the proposal is to have one shaft only? *A.* One shaft for the upcast. We have intakes already.
10070. *Q.* Do you know exactly what they are going to build? *A.* It is not my business.
10071. *Q.* Recommendation No. 4 is—"Waste workings to be absolutely sealed up and surrounded by return airways (for fear of emissions); such return airways not to come in contact with intake"? *A.* I do not believe in sealing up waste workings.
10072. *Q.* What would you do? *A.* I would connect them with return airways.
10073. *Q.* What about the intakes? *A.* I would allow a certain quantity of air to go through to keep the wastes clear.
10074. *Q.* But would not the intakes carry any emissions of foul air to the working places? *Q.* If you have sufficient ventilation, you can do what you like with it.
10075. *Q.* You would not have the intakes connected with the waste? *A.* Certainly not.
10076. You would utilise the return air? *A.* Yes, as far as possible. When you have finished with the ventilation for the workmen, you can do what you like with it.
10077. *Q.* Recommendation No. 6 is—"Inspection with locked safety-lamps in all cases"? *A.* The firemen examine with a locked safety-lamp every morning.
10078. *Q.* Recommendation No. 7 is—"That a monthly examination and report should be made by deputies and District Inspector with the hydrogen flame"? *A.* I do not think that it would be bad.
10079. *Q.* Do you think it would be good? *A.* I think it would.
10080. *Q.* You know that the object is to discover less than 2 per cent. of gas? *A.* Yes, I know that.
10081. *Q.* You support it? *A.* I do not suppose I shall be asked.
10082. *Q.* I am asking you now? *A.* I believe that it would be fair.
10083. *Q.* Do you support it;—have you any reason for not supporting it;—are you afraid of supporting it? *A.* I am not afraid of supporting it.

10084. *Q.* I will now come to Recommendation No. 11 :—“ Weekly measurement of air in each section, and report thereof sent to Inspector ”? *A.* Yes, we do that now. We report it.
10085. *Q.* To the Inspector? *A.* It is there for him to look at when he comes.
10086. *Q.* You do not make the inspection every week? *A.* We are not compelled to do so.
10087. *Q.* Would you do it every week? *A.* I generally do it myself.
10088. *Q.* Would you make it compulsory? *A.* I would not make it compulsory. The Coal Mines Act says once a month.
10089. *Q.* Where is the objection to making it compulsory? *A.* I do not say I object to it; but I do not think I approve of it either.
10090. *Q.* Do you know of any objection? *A.* I am not going to object to it.
10091. *Q.* What is the objection? *A.* You would make it a hard-and-fast rule; but there may not be time to do it. There are lots of things to do in a coal mine besides measuring the air.
10092. *Q.* Do you know of any objection to it being done? *A.* I do not raise any objection to it.
10093. *Q.* Recommendation No. 12 is—“ An extra supply of safety-lamps and their requisites, equal to one-third of the number of persons employed below ground, to be kept constantly in good order and ready for use ”? *A.* I do not think it bad to have a supply of lamps ready.
10094. *Q.* Have you got them ready at Keira? *A.* Yes.
10095. *Q.* How many? *A.* I cannot say.
10096. *Q.* Roughly speaking? *A.* I have no idea.
10097. *Q.* Have you no idea, as under-manager, of the number of lamps which would be ready in case of disaster? *A.* I could get a lot ready at a couple of hours’ notice.
10098. *Q.* Have you no idea as to what number would be available? *A.* I have never counted them.
10099. *Q.* Have you any approximate idea? *A.* I have not. I know there are lamps ready.
10100. *Q.* Would you support the recommendation that a reserve of lamps should be kept? *A.* We have had lamps for four years.
10101. *Q.* Would you approve of that recommendation? *A.* I do not know whether I would make it compulsory as to the number. I would like some safety-lamps to be kept ready. We always do it.
10102. *Q.* Did you come to the Mount Kembla disaster? *A.* I did come to Kembla.
10103. *Q.* The same evening? *A.* No.
10104. *Q.* The day following? *A.* Yes.
10105. *Q.* Did you hear that there was a deficiency of lamps at Kembla? *A.* I do not know anything about it.
10106. *Q.* There were some brought from Keira, I think? *A.* Yes, I think some were carried over.
10107. *Q.* Was your pit working on that day? *A.* The pit worked until 5 o’clock.
10108. *Q.* You knew of the disaster about half-past 2 o’clock? *A.* We did not. It was 3 o’clock when I left the mine, and there was no word then.
10109. *Q.* Recommendation No. 13 is—“ Travelling and haulage roads and other places necessary to be properly watered ”? *A.* Yes, we do that.
10110. *Q.* Recommendation No. 14 is—“ Managers compelled to give more personal time and attention to management of colliery ”? *A.* It all depends on the time which they are giving now.
10111. *Q.* What does your Manager do now? *A.* He is at the pit four times a week.
10112. *Q.* How often does he go inside? *A.* Two or three times a week, but I cannot give you the stated number. If there is anything fresh he goes in more often.
10113. *Q.* Recommendation No. 16 is—“ That the size of the manholes should be enlarged. ” What is the size of the manholes at Keira? *A.* Some 3 feet by 4 feet, and some 3 feet by 6 feet.
10114. *Q.* You know that the statute requires them to be 3 feet by 4 feet? *A.* Yes.
10115. *Q.* Do you think it necessary to have them larger? *A.* No, there is no particular reason, but when we were making them it was just as easy to make them a foot larger.
10116. *Q.* Would you have them 4 feet wide and 6 feet deep? *A.* I believe they are big enough at Keira as we have them now.
10117. *Q.* Recommendation No. 18 is that—“ Instruction be given regularly to employees on the means of escape ”? *A.* Would the men make any use of it?
10118. *Q.* Do you approve of the recommendation? *A.* I do not think it is a bad one; but it would be like talking to a stone-wall in many cases.
10119. *Q.* You can only speak as to Keira, I suppose? *A.* Only as to Keira.
10120. *Q.* Have you ever known any men refuse to be shown a way out? *A.* I do not think I have tried them.
10121. *Q.* Then what reason have you for saying that it would be like talking to a stone-wall? *A.* Because some of the men can scarcely find their way out in a straight road.
10122. *Q.* Then is it necessary that they should be shown their way out? *A.* Of course it is.
10123. *Q.* Then, you do approve of it? *A.* What roads would you make it necessary to show them?
10124. *Q.* All possible escapes? *A.* We have three already.
10125. *Q.* Would it be any trouble to show them to the men? *A.* They know them.
10126. *Q.* Are the men not prohibited from travelling outside their working places? *A.* Yes.
10127. *Q.* Would they not have to get permission to travel? *A.* Of course they would, unless it was a case of accident.
10128. *Q.* Would it not be well to have the men instructed once a quarter? *A.* I believe it would.
10129. *Q.* Would you have any objection to allowing your deputy to do that? *A.* Not at all.
10130. *Q.* Do you think that he ought to do it? *A.* If the men wish it.
10131. *Q.* Recommendation No. 20 is that—“ Safety-lamps should not be unlocked for shot-firing. ” In your colliery the men light the fuse with a naked light? *A.* Yes, with a naked light.
10132. *Q.* I would ask you this. In a case where gas has been discovered and it is necessary to use a safety-lamp, would it be dangerous to open a safety-lamp to fire a fuse? *A.* I would not approve of doing that.

Examined by Mr. Bruce Smith :—

10133. *Q.* You have for some years lately tried for a first-class certificate? *A.* Yes.
10134. *Q.* You have offered yourself lately for a first-class certificate? *A.* Yes.
10135. *Q.* You have been up for your examination? *A.* I have been up three times altogether.
10136. *Q.* Did you fail twice? *A.* I failed twice in arithmetic.
10137. *Q.* You do not know whether you have succeeded? *A.* I do not know yet. 10138.

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10138. *Q.* Have you changed your opinions at all as to these practical questions since you were a working miner? *A.* Which questions?
10139. *Q.* As to whether fans should supersede furnaces, or whether a certain number of lamps should be kept at a mine, and so on? *A.* I always approved of fans before furnace ventilation.
10140. *Q.* What I mean is, has your mind undergone any change since you were a working miner? *A.* Not on that point.
10141. *Q.* I understand that, the condition of things being equal, you would prefer fans as a means of ventilation? *A.* Yes.
10142. *Q.* But you do not recommend that a mine should be suddenly compelled, irrespective of conditions, to make a change? *A.* No.
10143. *Q.* Are you a reader of mining literature outside of what you read for your examination? *A.* I read everything that I can get hold of.
10144. *Q.* You did not tell me that you had found gas in the Mount Keira mine? *A.* No, I did not tell you.
10145. *Q.* Will you tell the Commissioners what difference there was between your discovery of gas and the slight explosion, as you call it, which these men described to you? *A.* Well, of course, I could not find any sign of their gas.
10146. *Q.* If there is a light applied it generally goes off? *A.* Yes.
10147. *Q.* And you would not find anything immediately afterwards? *A.* I do not think you would.
10148. *Q.* The fact that you did not find it afterwards did not prove that there was none there before? *A.* I did not say so.
10149. *Q.* Then what is your reason for distinguishing between what they saw and what you find? *A.* I judge from their description of it.
10150. *Q.* What was their description? *A.* Gleeson said it flashed downwards. In all cases that I have heard of it rises to the roof.
10151. *Q.* The gas being lighter than the air it rises to the roof? *A.* Yes.
10152. *Q.* Suppose it suddenly escapes from the face or the rib and goes off; it would not necessarily be in the roof? *A.* Do you mean a burst of gas?
10153. *Q.* A small burst? *A.* A man would not have time to see how it went.
10154. *Q.* A man might be singed and not seriously injured if the quantity of gas is small? *A.* Yes.
10155. *Q.* How could you distinguish it in that case? *A.* I could not distinguish it then.
10156. *Q.* Will you lend me that inspection book which you have there? *A.* What do you want to see?
10157. *Q.* Do you not think that it ought to be quite open [*addressing His Honor*], Mr. Lysaght wishes to see it.
10158. *His Honor.*] It is here.
10159. *Mr. Bruce Smith.*] There are no secrets in it.
10160. *His Honor.*] There can be no objection as far as I can see.
10161. *Mr. Bruce Smith.*] It is open to inspection, and I take it that it is public property. Is there anything which the witness objects to being seen?
10162. *Witness.*] I do not think so.
10163. *His Honor.*] The book is in Court; and I think anyone ought to be allowed to inspect it.
10164. *Mr. Robertson.*] The book is kept under special rules, but I think it comes under the Act of Parliament.
10165. [After a little further discussion the witness withdrew his objection; and the book was handed to Counsel.]
10166. *Mr. Bruce Smith.*] *Q.* You admit that gas has been found several times at Mount Keira—you are not now working with lamps? *A.* We are working with open lights.
10167. *Q.* Notwithstanding that you have found gas? *A.* We have never found gas so far in any quantity. It has been either from a drill-hole or on the face. It has never been on the roof.
10168. *Q.* Do you examine the mine with a safety-lamp? *A.* I examine with a safety-lamp.
10169. *Q.* Have you ever seen the gas flash? *A.* I believe I have.
10170. *Q.* How long ago is that? *A.* It is about the time that we found it.
10171. *Q.* The time which the men mentioned? *A.* No, not that time.
10172. *Q.* How long ago? *A.* About five months ago. It was merely alight and out again.
10173. *Q.* There was enough to light? *A.* It was like a glowworm.
10174. *Q.* What size would it be? *A.* Just about as big as a man's finger end.
10175. *Q.* Where did you see it? *A.* In the face.
10176. *Q.* In a hole? *A.* No, it was in a cut.
10177. *Q.* That shows that there is gas in the mine? *A.* Yes, I suppose it does.
10178. *Q.* Has that occasion been reported in your book? *A.* Every occasion on which I have seen gas has been recorded.
10179. *Q.* You say you always examine with a safety-lamp? *A.* Yes.
10180. *Q.* Have you ever recommended that it was necessary that safety-lamps should be used in the mine? *A.* No; it was not necessary.
10181. *Q.* You do not think it is necessary now? *A.* No.
10182. *Q.* How do you fire shots now? *A.* By fuse and by open light.
10183. *Q.* You do that still? *A.* Yes.
10184. *Q.* Then you have made no change whatever in the method of lighting shots or in the management of the mine since the Mount Kembla disaster? *A.* No; we have only had extra inspection.
10185. *Q.* So far as lighting shot is concerned, there is no difference? *A.* It is just the same.
10186. *Q.* You tell us you water the mine with tubs? *A.* We have a hose and pipe on the main road.
10187. *Q.* For spraying? *A.* Yes.
10188. *Q.* When was that adopted—since the Mount Kembla disaster? *A.* Yes; we have only opened up that district fully since then.
10189. *Q.* So this system has only been adopted since that district has been opened up? *A.* The main roads were watered before.

10190. Q. How were they watered before? A. By watering-tubs. We had a spray out out of the back of the tub, so that it would distribute the water.
10191. Q. Would it go on the ribs? A. More would go on the floor.
10192. Q. Would the sides be touched? A. Yes.
10193. Q. Do you follow that system now? A. We use the pipes instead.
10194. Q. And the hose? A. And the hose.
10195. Q. How far up the ribs do you spray? A. To the roof.
10196. Q. And you water the roof, too? A. Yes, where it is dusty.
10197. Q. From the knowledge which you have of theoretical mining, is there any danger likely to arise to the roof from watering that way? A. There is.
10198. Q. There is an objection to watering the roof? A. I know that there is.
10199. Q. I want you to say of your own knowledge.
10200. *His Honor.*] A. I think the witness means that there is more than a theoretical objection—he knows of it.
10201. *Mr. Bruce Smith.*] Q. Have you seen the effects of the water on the roof? A. If you sodden the stone with water it breaks off.
10202. Q. And that is an element of danger? A. Yes; if you put too much water on.
10203. Q. That is one of the dangers which some persons urge against the use of water? A. Yes.
10204. Q. How much of the mine do you water in that way—by hosing? A. I suppose we have from half to three-quarters of a mile watered with hose.
10205. Q. That is the whole of the mine which is watered in that way? A. Yes.
10206. Q. You mean the main haulage roads? A. Yes; a lot of the mine is wet.
10207. Q. You do not do the branch roads? A. No; we do them with tubs.
10208. Q. All this is not done merely to get rid of the water? A. No; we have the water laid on into the mine.
10209. Q. Does the water go outside the rails on to the sides, where dust is liable to fall? A. Yes.
10210. Q. You always water before firing a shot? A. Yes, certainly; all dry places.
10211. Q. How is that done? A. With a bucket, by splashing it.
10212. Q. Is that effectual? A. Well, it lays the dust down.
10213. Q. Is it sufficient, in your opinion? A. Yes; it will do.
10214. Q. I suppose you look at the thing from the men's point of view, the same as when you were a miner? A. Yes; I do.
10215. Q. You would not desist from doing anything you thought necessary merely because you wanted to favour the general ideas as to economy? A. Our orders are to do everything necessary in the mine for the safety of the men.
10216. Q. Are those the orders from the Manager? A. Yes.
10217. Q. Have you any agent? A. Mr. Vickery is business manager.
10218. Q. He is not called the agent? A. I have never known him called the agent.
10219. Q. Does your Manager spend money when it seems to him to be necessary? A. Yes.
10220. Q. You do not know of any case where he has had to consult the agent? A. No; not where it is necessary for the safety of the mine.
10221. Q. Are those instructions to you on paper, or were they verbal instructions? A. I do not think I have them on paper.
10222. Q. What you would call general instructions or verbal instructions? A. They may have been verbal instructions. I have had written instructions given to me; but I do not know whether those were part of them. I know I have been told them.
10223. Q. How do you account for the fact that gas does not seem to have been discovered in Keira until after the Mount Kembla disaster, although you have been there sixteen years? A. Because we have never got into the same seam of coal before.
10224. Q. Have you been coming nearer to the Kembla boundaries? A. We are working nearer that way.
10225. Q. How near are you? A. Oh, 2 or 3 miles away.
10226. Q. I mean the district which you are now developing? A. It is working nearer to Kembla and further into the mountain.
10227. Q. I take it that you never heard of gas before the Mount Kembla disaster? A. No; not in the sixteen years that I have been there.
10228. Q. Did you hear of it before you went there? A. I do not think so.
10229. Q. How soon after the Mount Kembla disaster was it discovered? A. In September, 1902.
10230. Q. Was that the first time? A. I can tell you by looking at the book.
10231. Q. I want to know how near the first case of gas was to the Mount Kembla disaster, because it is certainly a strange coincidence? A. I see it was on the 4th of September, 1902. That seems to be the first time it had been seen.

Re cross-examination by Mr. Lysaght:—

10232. Q. Did you trouble to go through this book? A. When?
10233. Q. At any time? A. Yes.
10234. Q. Do you know that in August Mr. Phillips discovered gas? A. I do not interfere with his work.
10235. Q. I want to know where Phillips discovered it? A. I cannot say.
10236. Q. Do you know that gas was discovered on the 29th of August? A. That is the first time that he discovered it.
10237. Q. Did you not tell me on the 4th of September? A. That is the first time that I discovered it.
10238. Q. Who discovered it before? A. The Inspector found it with the hydrogen lamp in the same place.
10239. Q. How long before? A. A day or two before.
10240. Q. Do you know that Phillips has this entry:

We examined No. 4 Left-hand, and discovered a small quantity of fire-damp in the back heading. The quantity of fire-damp was so small that it would not show on the deputy's lamp.

That entry is signed H. Phillips, and the date is 29th of August, 1902? A. That was when the Inspector found it. Mr. Phillips was with the Inspector.

10241. Q. You discovered it on September the 4th? A. Yes. How long was that afterwards?

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10242. Q. Five or six days, and from that out did you not keep on constantly discovering it? A. It is all entered in the book.

10243. Q. You say on September 11th, "Fire-damp was reported in No. 5 cross cut, front heading. A small blower was given off from a drill-hole. The brattice is close up to the work; and the place is safe?" A. Yes.

10244. Q. There is appended to your entry the following:—

NOTE.—The name of this heading is No. 5 Right-hand main heading. No. 5 Right-hand heading, and all the places contiguous to it, were examined by me this day at 6 a.m., and no traces of gas could be discovered by the safety-lamp. I also examined the main straight tunnel and both the left and right-hand heading in the faces and found no trace of any gas. W. E. Jones accompanied me.—September 12th, 1902.

You see where the Manager says that he looked where you found gas and could not discover it? A. Because it was not there at that time?

10245. Q. Then is there anything strange in Gleeson's having found gas and you not being able to discover it? A. I said that I could not find it.

10246. Q. There are several cases about gas. Has it not been found on the average about once a week? A. No.

10247. Q. Once a fortnight? A. When I have entered it in the book, I have done with it, as far as I am concerned.

Examined by Mr. Robertson:—

10248. Q. Is it not a fact that the Mount Keira workings are being rapidly extended? A. Yes.

10249. Q. Your furnace is not in the best position to make it efficient? A. It is not, the shaft is not deep enough for one thing.

10250. Q. This proposal of a ventilating shaft with a fan. Is it not to provide for the future? A. Yes; that is the chief intention.

10251. Q. You expect that the strain on the furnace will be greater than it can supply; and you are anticipating the erection of a fan to provide sufficient ventilation? A. We have a long way to go; and we want an upcast shaft in the middle of the workings.

10252. Q. With reference to the smoke that Gleeson speaks about. Gleeson says there was no smoke, and you suggested that the flame was from the smoke? A. From the fumes of the powder.

10253. Q. Did you ever see a shot fired with powder without producing smoke? A. I never did.

10254. Q. If Gleeson said there was no smoke he must have been mistaken? A. I did not see it. The smoke could not get away in that time.

10255. Q. Since when did you discover that the smoke from gunpowder will cause an explosion? A. I saw it when working in a back heading five or six years ago. It was when a shot had not thrown the coal. I put a light to it; and it lit up. From what I observed, I judged that the gases from the powder are liable to explode.

10256. Q. I confess it is not common in my experience, but it may be right? A. I have seen it, I am certain of it.

10257. Q. Where is the gas which you are finding now? A. In the men's straight—straight from the tunnel mouth.

10258. Q. Further under the mountain? A. Yes, farthest in from the mouth.

10259. Q. As the workings extend you may get gas? A. We have been looking for it for many years now.

10260. Q. You do not approve of cut-throughs every 30 yards? A. Under the conditions which we have to work, I do not approve of the limit of 30 yards.

10261. Q. You think it is a matter of ventilation? A. That is the chief idea.

10262. Q. If you have sufficient ventilation there is no reason why you should not carry drives 500 yards? A. If you have ventilation enough, I do not see why you should not.

10263. Q. Is it not all a matter of arrangement, to secure adequate ventilation? A. Yes.

10264. Q. And if that is secured it is a mere matter of detail how it is secured? A. That is my opinion.

10265. Q. Would it support your opinion if you know that in a gassy mine drives are carried from 200 to 300 yards without cut-throughs? A. If the ventilation is looked after I do not see why they should not be carried that distance.

10266. Q. As to the Government Inspector's ordering safety-lamps. You seem to think that the Inspector could stop the working of a colliery? A. I think he could, if there was danger.

10267. Q. I do not think he has that power? A. Do you not think so?

10268. Q. Would it not meet the case if the Inspector had the power to refer the question of safety-lamps being placed in a mine to arbitration? Q. I believe that might meet the case.

10269. Q. If the Inspector was mistaken—and Inspectors are fallible, like other people—the Company would have the opportunity of being heard afterwards? A. Yes, certainly.

10270. Q. As to monthly inspections with a hydrogen lamp. You have not used this lamp? A. I have not used it.

10271. Q. You have no idea how long an inspection takes? A. I have seen an Inspector with a lamp.

10272. Q. Is it not a tedious process? A. Yes.

10273. Q. Would it not take a long time to make the same number of tests as are now made by the deputy? A. That would be every day.

10274. Q. Have you no idea what time a test would take? A. I could not state the time; but I have seen an Inspector make the test.

10275. Q. How many tests could you make with the ordinary lamp whilst the Inspector was fixing up the hydrogen lamp? A. I suppose I could take three.

10276. Q. Then it would take three times as long to make the test with the hydrogen lamp? A. Yes.

10277. Q. Do you know where the hydrogen is procured? A. It is in a cylinder.

10278. Q. You do not know where it comes from. It cannot be purchased in the Colony. It has to be brought out in the cylinder and under great pressure; and it is a costly process. Would that knowledge modify your opinion? A. I would not say that you should not make tests with the hydrogen lamp; but I think that the Hepplewhite-Gray lamp will answer ordinary requirements.

10279. Q. Do you think it would be necessary to have some places tested with the hydrogen lamp? A. Yes any suspicious places.

10280. *Q.* As to the weekly measurements of the air, what is the necessity for that, if there is sufficient ventilation? *A.* I do not know; but I think it is better to know what air is circulating.
10281. *Q.* If it takes a couple of days now, once a month, to take the air in a large mine, it will take two days out of every week if you have weekly inspections? *A.* I said that I would not make it a hard and fast rule.
10282. *Q.* You would leave it to the Managers? *A.* Yes.
10283. *Q.* Is not a weekly inspection of air of greater importance in a mine where they are sailing close to the wind for ventilation than in a mine where there is sufficient ventilation? *A.* In that case it is showing them up.
10284. *Q.* But if you are sailing close to the wind for ventilation, it is a matter of some importance? *A.* Yes.
10285. *Q.* In an adequately ventilated mine it is of little or no consequence? *A.* As a matter of fact it would not matter.
10286. *Q.* I think you said that at Keira you had a fair supply of safety-lamps four years ago? *A.* I said that we had some new ones.
10287. *Q.* What did you get the lamps for? *A.* I suppose the Manager thought he would get the best lamps that could be got.
10288. *A.* Had you had gas found? *A.* No. The Hepplewhite-Gray lamp we got for the deputies and officials.
10289. *Q.* You did not get any lamps for ordinary use? *A.* Not then.
10290. *Q.* Do you think that there was any suspicion four years ago that gas existed in the mine? *A.* I do not think so. Our instructions were to keep a sharp look out.
10291. *Q.* Have you any idea as the percentage of travelling roads which are watered, compared with the whole of the mine? *A.* More than half of them are watered. Some are naturally wet. All the dry roads are watered.
10292. *Q.* You do not water the timber? *A.* Where the watering is done with the tub, we do not; but where we water with the hose, we do.
10293. *Q.* I think you said that the watering affects the roof? *A.* In my opinion it does. We have soft sandstone and it flakes.
10294. *Q.* Is Mount Keira a hot mine? *A.* Not very.
10295. *Q.* Do you not think that the watering of timber regularly has a tendency to rot the timber? *A.* I do not know. Some timber keeps better if it is kept damp.
10296. *Q.* Yes, if it is wet; but not if it is between wind and water? Not if it is between the two.
10297. *Q.* Do you not think there would be sufficient dust lodging on the timber and on the roof to be dangerous in the event of an explosion? *A.* It would help.
10298. *Q.* Is it any use watering a road if it is not done thoroughly? *A.* I do not suppose that it is.
10299. *Q.* If you water in the vicinity of the place where the shot-firing is carried on, is not that sufficient to guard against explosion? *A.* I should prefer to have the whole lot kept damp. The roads dry very quickly.
10300. *Q.* Have you any idea of the mileage of the roads you have in your mine? *A.* I have never reckoned it up.
10301. *Q.* Have you any rough idea? *A.* There are 5 miles of engine road, I suppose.
10302. *Q.* Half of that area is naturally wet? *A.* I suppose that pretty well one-half is.
10303. *Q.* If you have 30 or 40 miles of very dusty roads, and none of them naturally wet, it would be a heavy undertaking to water them? *A.* Yes, it would be, but as a preventative against explosion it would be a good safeguard.
10304. *Q.* If done thoroughly? *A.* If done thoroughly.
10305. *Q.* And you can do it thoroughly by hosing? *A.* We do not hose them at all, only the main road.
10306. *Q.* But what is the good of doing the main roads if there are other roads which harbour the dust? *A.* If the other roads are equally dangerous, they should be done as well.

Examined by Mr. Ritchie:—

10307. *Q.* How long after the shot had been fired in Gleeson's place was it before you went in? *A.* I cannot say.
10308. *Q.* Would it be half an hour? *A.* I should say fully that.
10309. *Q.* In a place fairly ventilated, would there be any smoke left? *A.* Well, no.
10310. *Q.* How long before you went in was it that the lighting of the gas took place? *A.* Gleeson said that he went straight in after the shot was fired off.
10311. *Q.* Was the brattice up to the face? *A.* There was a length of brattice, and it would not be more than 5 yards back from the face.
10312. *Q.* Take it that the brattice was 5 yards from the face, if the current of air was travelling at a fair rate it would not take long to clear the smoke? *A.* It would not take long.
10313. *Q.* At the time they came back, the smoke would be there? *A.* They usually come straight back after the shot has gone off.
10314. *Q.* Do they come back quickly? *A.* Yes.
10315. *Q.* At all events, when you got there you saw no smoke? *A.* The smoke was not clearing off altogether, because other places were shooting in front of them; and there is generally a small percentage of smoke there.
10316. *Q.* With reference to that explosion where you said you had seen the smoke burning. You have had hundreds of shots in your time to fire, and have had dense smoke? *A.* I have had some with dense smoke.
10317. *Q.* You have gone back very soon afterwards in some cases? *A.* Within a few minutes afterwards.
10318. *Q.* Have you ever seen the smoke flash then? *A.* No.
10319. *Q.* It would be supposition that the smoke caused the flash? *A.* They said it was probably partly that.
10320. *Q.* Did I understand that you were annoyed at Gleeson saying anything about it? *A.* I have always told each man to report straight away anything he saw.
10321. *Q.* Did you not say that you thought that their evidence tended to show that you were lax in your duty. *A.* Gleeson said that I said there was nothing worth mentioning. I never said any such thing. I drew their attention to the matter to see if they thought there was a light. I do not like them to state that I was lax in my examination.

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10322. *Q.* You had no idea of coming here and trying to make the Commissioners believe that there was no gas? *A.* I do not wish to make the Commissioners believe anything but what I know to be correct.
10323. *Q.* That was not your intention in coming here this morning? *A.* Certainly not.
10324. *Q.* What percentage of gas will your light find? *A.* From 2 to 2½ per cent.
10325. *Q.* Do you know what is the lowest per cent. of gas which is regarded as dangerous when mixed with coal-dust? *A.* Some people say that as low as 1 per cent. is dangerous when mixed with coal-dust.
10326. *Q.* If that is so, do you not think it absolutely necessary that the hydrogen lamp should be used? *A.* I say that in any suspicious place I advocate its being used.
10327. *Q.* What do you regard as being suspicious? *A.* I should say where gas has been seen in the same district.
10328. *Q.* With the ordinary lamp you only discover 2½ per cent.? *A.* Yes.
10329. *Q.* And you may not be able to discover which are the suspicious surroundings. Might it not occur that there would be sufficient gas to endanger lives? *A.* You mean sufficient gas when there is dust present?
10330. *Q.* Yes. *A.* Then keep down the dust.
10331. *Q.* As a protection you would advocate watering the dust? *A.* Yes, I have advocated that right through.
10332. *Q.* You assume that if you carry out watering thoroughly, the 1 and ½ per cent. which you cannot discover with the ordinary lamp would not be dangerous? *A.* No, it would not.
10333. *Q.* The watering is a safeguard? *A.* That is the first safeguard which I go for.
10334. *Q.* Have you any regular method of examining the waste workings? *A.* The deputies examine them at least once a week, and go in as far as they can.
10335. *Q.* Do the deputies make any report on that examination? *A.* Yes.
10336. *Q.* Are the reports in that book? *A.* They are in a separate book.
10337. *Q.* Have you done any part of that examination yourself? *A.* Yes.
10338. *Q.* What do you mean by "as far as they can go in"? *A.* If a place is open they go into it as far as they can penetrate.
10339. *Q.* As far as they can penetrate it the roof is fairly sound? *A.* Yes.
10340. *Q.* You do not stop when you get to a fence or danger board? *A.* No, I do not know a danger board when examining waste workings.
10341. *Q.* You do not know a danger board then? *A.* No.
10342. *Q.* Do your special rules say that this inspection must be done in the evening? *A.* I think the Coal Mines Act states that.
10343. *Q.* Well, this examination is made in accordance with the rules? *A.* Yes.
10344. *Q.* You have been on both the night and day-shift? *A.* Not much on the night-shift.
10345. *Q.* You have been some considerable time on the day-shift? *A.* Yes, for about six years.
10346. *Q.* You have had a separate district? *A.* Yes.
10347. *Q.* What method do you adopt when examining a mine during the day-time? *A.* All the travelling roads and working-places are examined in the morning before the men are allowed to pass the danger board.
10348. *Q.* Do you make any examination afterwards? *A.* Yes.
10349. *Q.* What do you do? *A.* Our instructions are to leave the full examination for the latter end of the shift. Any time we went in between the two inspections was extra.
10350. *Q.* You make regular inspections? *A.* At the front and back end of the shift.
10351. *Q.* Do you go through the same method on the last occasion as on the first? *A.* Not always.
10352. *Q.* What is the practice? *A.* We did not examine with safety-lamps until perhaps three years ago. That is, on the second inspection. That is, unless we were going into a place where nobody was working; and then we had to use safety-lamps.
10353. *Q.* Did you examine each bord and heading? *A.* Yes.
10354. *Q.* You did the examination the same as in the early morning? *A.* Yes.
10355. *Q.* Did you test for gas? *A.* After we started carrying a safety-lamp we did so.
10356. *Q.* How many examining deputies are there now at Mount Keira? *A.* We have three.
10357. *Q.* Three on one shift? *A.* Two on the day-shift, and one on the night-shift.
10358. *Q.* What number of places are you working? *A.* About seventy.
10359. *Q.* What is the area covered by those places? *A.* I cannot tell you.
10360. *Q.* Did you have those three prior to the Mount Kembla disaster taking place? *A.* There had been three; and then when the districts were put closer together we cut it down to two.
10361. *Q.* Was that prior to the disaster? *A.* Yes.
10362. *Q.* Since the disaster an additional one has been put on? *A.* Yes, but the matter was talked about before. His district is opening out into new coal, and getting bigger.
10363. *Q.* Do the deputies do the whole of the bratticing? *A.* No, we have brattice men.
10364. *Q.* You have men told off for that work? *A.* Yes.
10365. *Q.* What distance do you endeavour to keep the brattice from the face? *A.* Generally at the skip end.

Re-examined by Mr. Bruce Smith :—

10366. *Q.* In firing shots in your mine, who fires them? *A.* The miners generally fire; but in cases where gas has been seen the deputy has to examine the place before the hole is charged.
10367. *Q.* Are not some of your places dry and dusty? *A.* The dry places are watered.
10368. *Q.* But they are dry and dusty before? *A.* Some of them are.
10369. *Q.* You know that the rule requires that they shall not be fired excepting under the direction of a competent person. But you are allowing the miners to do it? *A.* The miners are never allowed in a place which is dry enough to be dangerous.
10370. *Q.* Are you not allowing the miners to fire shots in all places? *A.* The miner fires the shot in a sense, but the deputy is on the spot to examine the place.
10371. *Q.* In what cases? *A.* In cases where gas has been seen or in any other case where the Manager has given instructions.
10372. *Q.* The mere fact that the place is dry does not mean that the deputy has to go in? *A.* The order was given six months ago that dusty places have to be seen by the deputy.

10373. *Q.* I see that on August the 21st you began reporting when you did not find gas. You say, "I examined all the old workings as far as possible between Main Straight and No. 4 Cross-cut workings. We found no fire-damp or any other foul gases"? *A.* Yes.
10374. *Q.* Why did you begin to report in the negative? *A.* That instruction was given many years ago.
10375. *Q.* I can understand you having instructions to report gas when you find it? *A.* It was our instructions to report whether we found it or not.
10376. *Q.* That begins in August? *A.* That is when I started.
10377. *Q.* Are you prepared to say, without my looking in the book, that prior to this time, which is twenty days after the Mount Kembla accident you never reported gas? *A.* I never reported fire-damp. I never reported it, and never saw it.

Examined by Mr. Ritchie:—

10378. *Q.* Do you say that you had to report when you did not find gas? *A.* Those were Mr. McCabe's instructions. We had a printed book which had the question printed "Have you found gas or fire-damp"? and we had to fill in the answer.
10379. *Mr. Robertson.] Q.* It only appears on this book on the 21st of August for the first time? *A.* That is the beginning of the book. I say that we had printed instructions before "Have you found any gas"? and the practice of reporting has been continued since.

ALEXANDER McDONALD was sworn and examined as under:—

(This witness was called by the Commission, who asked Mr. Bruce Smith, as a matter of convenience, to conduct his examination-in-chief.)

Examination-in-chief by Mr. Bruce Smith:—

10380. *Q.* What is your name? *A.* Alexander McDonald.
10381. *Q.* What are you? *A.* I am a deputy at Mount Keira.
10382. *Q.* How long have you been there? *A.* I have been there a number of years; I have been away for short times and back again.
10383. *Q.* You know the two Gleesons? *A.* Yes.
10384. *Q.* Do you remember a few weeks ago that Gleeson informed Mr. Jubb, in your presence, that he had found gas in their working-place? *A.* I remember it.
10385. *Q.* Can you tell the Court what took place on that occasion? *A.* I remember going into Gleeson's bord.
10386. *Q.* Alone? *A.* Mr. Jubb was there when I got in. Jubb informed me that Gleeson had reported to him that he (Gleeson) had "Lit her up," meaning that he had ignited something in the bord. Jubb said, "I cannot find a trace of anything," at the same time putting his lamp to the roof near where Gleeson said he had "Lit her up." Gleeson was busy boring a hole on the other side of the face; and, when he had finished the boring, Jubb again examined at the shot-hole, at the same time calling Gleeson's attention to it.
10387. *Q.* What did he say? *A.* When he examined it, Jubb said that "If there was any gas there it would show in a small blue cap over the flame," and practically he gave Gleeson a lesson of how to use the lamp.
10388. *Q.* Did Jubb express an opinion as to whether there had been any gas there? *A.* He said, "There is not the slightest trace of gas here."
10389. *Q.* Did he say it was not worth speaking of? *A.* Not in my presence.
10390. *Q.* No in those words? *A.* No.
10391. *Q.* Was there any smoke in that working-place when that took place? *A.* Very little smoke.
10392. *Q.* Were there any indications as the result of powder? *A.* There had been shot-firing on the right-hand side.
10393. *Q.* How long before? *A.* The coal had not been put in the skip, it was lying on the floor.
10394. *Q.* Did Jubb say "It is not fire-damp, but gas from the powder"? *A.* He gave that as his opinion.
10395. *Q.* What did he say? *A.* He said in all probability you have lit the powder fumes.
10396. *Q.* At any time that you were there, did he say "It is not worth speaking of"? *A.* He did not use those words in my presence.
10397. *Q.* Did you say anything yourself? *A.* I remarked that probably they had ignited the powder smoke.
10398. *Q.* Did you say it was not gas? *A.* I said that it was not gas, because I had never found the slightest traces there.
10399. *Q.* Did you say, "Powder smoke makes fire like gas"? *A.* That is my opinion.
10400. *Q.* Have you passed an examination? *A.* Yes, the second-class one.
10401. *Q.* Have you been up for your first certificate? *A.* No.
10402. *Q.* Where did you get your idea from that this had been an explosion of gas from powder? *A.* The authorities tell us that powder generates gas.
10403. *Q.* What books? *A.* Pameley and Peel.
10404. *Q.* You have been reading the same books as Jubb? *A.* Yes.
10405. *Q.* Were you fellow students? *A.* We were.
10406. *Q.* Have you seen the fumes from powder ignite and display a flame like gas? *A.* Yes.
10407. *Q.* Where? *A.* At Mount Keira.
10408. *Q.* What led you to believe that this flame was from powder? *A.* The fact of never having seen any gas there, and also the fact that when there is a hanging shot and the powder fumes get down I could light them underneath, but it is a small light.
10409. *Q.* You have been there some years? *A.* Yes.
10410. *Q.* You know that gas has been found in small quantities? *A.* Yes, I have found it.
10411. *Q.* Where? *A.* Not in the place where I have ignited powder fumes.
10412. *Q.* I am asking if you have found it? *A.* Yes.
10413. *Q.* How did it ignite when you found it? *A.* I found it with a safety-lamp.
10414. *Q.* Did you see it flare up? *A.* A small quantity once.
10415. *Q.* What is the farthest date back that you have seen it? *A.* I found a small quantity last week.

Witness—A. McDonald, 28 January, 1903.

10416. Q. That is the nearest date? A. The farthest date back in my memory is some three months previous to that, somewhere about September.
10417. Q. Never before that? A. No.
10418. Q. You never heard of it being found before that? A. I never heard of it being found before that.
10419. Q. You report in the book that Jubb reports it? A. No; in a different book. My report book is here to-day.
10420. Q. Jubb reports in that book? A. No; my book was sent in to the Secretary to-day.
10421. Q. I understand you to say that you never saw gas, or found gas, or heard of its being found, or heard of it being seen, prior to the Kembla disaster? A. That is right.
10422. Q. Do you report negatively in your book? Do you say, "I found no gas"? A. I report fully whether I have found gas or not.
10423. Q. If you find none do you report, "I have found none"? A. Exactly so.
10424. Q. How long have you been doing that? A. Ever since I have been a deputy.
10425. Q. How long is that? A. Permanently for the last six months.
10426. Q. Before the Mount Kembla disaster? A. No, after it.
10427. Q. Here is a report of the 6th of June, 1902. Is not that yours? A. No.
10428. Q. You report in someone else's book? Is this it [*holding up a book*]? A. No.
10429. Q. Did you begin a new book when you became deputy? A. No; I made some reports in an old book.
10430. [*The last witness, Jubb, handed a book to Mr. Bruce Smith.*]
10431. Q. Is this the book in which you report? A. Yes; that is the book.
10432. Q. Who is Phillips? A. He is the under-manager.
10433. Q. Just show me a report of yours where you found fire-damp? A. Here is an entry on the 25th of August, 1902: "It has been reported to me that James and George Templeton lighted a small quantity of fire-damp in their working-place (No. 4 left heading, Old St. District), on Saturday, August 23rd."
10434. Q. Is this the beginning of your work as a deputy? A. Not exactly; I reported a little time back.
10435. Q. How long before? A. After the Mount Kembla explosion.
10436. Q. You never reported before the Mount Kembla explosion? A. When I was acting temporarily.
10437. Q. Did you report gas whilst you were temporarily appointed? A. No.
10438. Q. Nor ever heard of it? A. No.
10439. Q. It was an entirely new thing in Keira after the Kembla explosion? A. Yes.
10440. Q. What do you attribute the fact to of finding gas so soon after the Kembla disaster, and not before it? A. I have not thought of that matter.
10441. Q. You have not thought it an interesting problem? A. Well, yes, I have thought about it.
10442. Q. Are you working up a new district? A. Yes, we are going into rising ground.
10443. Q. Are you going nearer to Mount Kembla? A. We are going about west.
10444. Q. Are you going near to Mount Kembla or further from it? A. I believe we are going nearer to it.
10445. Q. Now, you have not told me yet how you distinguish between a small explosion of gas and a small explosion of gunpowder fumes? A. How I distinguish between a small explosion of gas and a small explosion of fumes?
10446. Q. Yes? A. If I ignited fumes I would not expect fire-damp to be there, because I would light the fumes on the floor.
10447. Q. You mean that if you lit something on the floor you would not think it to be gas? A. No, I would not take it to be gas.
10448. Q. And if you were to light something on the roof, you would not expect it to be fumes? A. No.
10449. Q. Gas rises to the top? A. Yes.
10450. Q. Suppose there is an emission of gas at the lower part, it would light at the lower part? A. Yes.
10451. Q. Would you conclude, therefore, if you had a flare, that it was gunpowder fumes? A. Well, no.
10452. Q. Why? A. There is a difference in the flames.
10453. Q. Is it a question of colour? A. Yes.
10454. Q. Suppose you had not seen it, and were only told it was a flame? A. If I had not seen it it would be hard to tell.
10455. Q. Did you see the flame in Gleeson's case? A. No.
10456. Q. And you know nothing of the position? A. It was 3 feet from the roof.
10457. Q. Was it nearer the roof than the floor? A. Yes.
10458. Q. And yet you concluded that it was gunpowder flame? A. Yes, we had never found gas in the vicinity.
10459. Q. You had found gas in the mine? A. Not at that particular part.
10460. Q. But near it? A. Some distance from it.
10461. Q. That is your only reason—you did not know anything of the colour of the flame—it was nearer the roof than the floor; but, because gas had not been found in that particular part of the mine, you concluded that it was gunpowder fumes? A. I thought that it might be; but I was not sure.
10462. *Mr. Robertson.* Q. Did you ever know of fire-damp being found in this district on the floor? A. I have heard tell of it.
10463. Q. Did you ever find it at Keira? A. No.
10464. Q. You know that fire-damp can be found on the floor as well as on the roof? A. Yes.

[The Commission, at 4 o'clock, adjourned until 10 o'clock the following morning.]

THURSDAY, 29 JANUARY, 1903.

[The Commission met at the Court House, Wollongong, at 10 a.m.]

Present:—

C. E. R. MURRAY, Esq., D.C.J. (PRESIDENT).

D. A. W. ROBERTSON, Esq., COMMISSIONER. | D. RITCHIE, Esq., COMMISSIONER.

Mr. Bruce Smith, Barrister-at-Law, instructed by Mr. Wood, Crown Solicitor's Office, appeared on behalf of the Crown.

Mr. A. A. Atkinson, Chief Inspector of Coal-mines, assisted Mr. Bruce Smith.

Mr. A. A. Lysaght, Solicitor, appeared on behalf of—

- (a) the representatives of deceased miners, wheelers, &c., (victims of the explosion);
- (b) the employees of the Mount Kembla Colliery (miners, wheelers, &c.); and
- (c) the Illawarra Colliery Employees' Association (the Southern Miners' Union).

Mr. F. Curtiss, Solicitor, appeared on behalf of the Mount Kembla Coal and Oil Company (Proprietors of the Mount Kembla Mine).

(Mr. J. Garlick, Secretary to the Commission, was present to take shorthand notes of the evidence and proceedings.)

Mr. ALEXANDER McDONALD, previously sworn, was further examined as under:—

Cross-examination by Mr. Lysaght:—

10465. Q. Who directed you to come here? A. Nobody, except the subpoena.
- 10465½. Q. Had you any conversation with Mr. J. C. Jones? A. I had.
10466. Q. Did not he tell you that he wanted you to give evidence? A. He drew my attention to the evidence of the Gleeson brothers.
10467. Q. But did not he tell you that he wanted you to give evidence? A. He asked me how far it was correct. He did not say he wanted me to give evidence.
10468. Q. How far was it incorrect? A. Some of the statements.
10469. Q. Which? A. Referring to Gleeson's having reported gas to me on a second occasion.
10470. Q. Which occasion? A. As far as I understand the report in the newspapers, Alfred Gleeson, I think it was, said that he reported gas to me after the occurrence that we spoke of yesterday.
10471. Q. And is not that so? A. No.
10472. Q. Did not he mention any gas to you at all? A. No other, only the one that we referred to yesterday.
10473. Q. And is that all you came to deny? A. No.
10474. Q. Well, now, how often have you found gas in Keira? A. You have my book here; every time I found gas I reported in the book.
10475. Q. Roughly; I do not want to labour the Commission with your book? A. I think I found gas about, say, three times. I cannot be sure about it.
10476. Q. Since the disaster? A. Since the disaster.
10477. Q. Was there a large quantity? A. No.
10478. Q. And before the disaster you had never discovered it? A. No.
10479. Q. Now, about how often has the air been reversed in Keira through the westerly winds? A. I do not remember it being reversed.
10480. Q. From any cause? A. Not from any cause.
10481. Q. Do you remember it being at a standstill? A. No.
10482. Q. Do you know that your brother gave evidence that he had known it to be reversed? A. I do.
10483. Q. Were not you in the pit at the same time as he was? A. I may have been.
10484. Q. You are not prepared to say that his evidence is incorrect? A. No.
10485. Q. I suppose you will admit that the furnace frequently does not work well? A. No; I never knew it to work badly.
10486. Q. You do know that they are making arrangements to put up a fan? A. I have heard that they are going to sink a shaft to erect a fan.
10487. Q. Do you not know that several of the places are pretty hot in Keira from time to time? A. Not in my district.
10488. Q. How long have you had your certificate? A. About three and a half years, as near as I can remember.
10489. Q. Now, I will ask you your opinion on some of these recommendations. Recommendation No. 1—“Managers, under-managers, deputies, and shot-firers, to hold certificates of competency by examination, and to have had five years' practical mining experience before being eligible for respective positions.” Do you approve of that recommendation? A. I certainly believe in their having the practical experience.
10490. Q. Do you not believe in their being certificated by examination? A. So far as Managers and under-managers are concerned, all the better—yes.
10491. Q. And about deputies? A. I do not see that it is absolutely necessary.
10492. Q. And shot-firers? A. They would be on a par with the deputies, I think.
10493. Q. Then do you say that deputies and shot-firers should be appointed without giving any evidence to any competent authority of their ability to discharge their duties? A. I would not say that.
10494. Q. Unless they are certificated by examination, how can you determine whether deputies are competent or not? A. I take it that the Manager would put a man under a certain examination before he would appoint him to the position.
10495. Q. Then, would you rely entirely on the Manager in appointing him to the position? A. I think that is all that is necessary.
10496. Q. That is your idea? A. Yes; my opinion.
10497. Q. Do you know that one of the deputies in Kembla mine said he had never looked for gas; and that it was no part of his duty to look for gas? A. No.

Witness—A. McDonald, 29 January, 1903.

10498. *Q.* If he said that, would you consider he was a competent deputy? *A.* I would not.
10499. *Q.* And, if the Manager said that he knew nothing about gas, would you consider him a competent person to appoint a deputy?
10500. (Mr. Bruce Smith objected; but His Honor allowed the question.)
10501. *Mr. Lysaght.*] *Q.* If a Manager admits that he knows nothing about gas, is he a competent person to appoint a deputy? *A.* Practically or theoretically.
10502. *Q.* Both? *A.* Oh, if he knows nothing at all about it, I do not think he is.
10503. *Q.* In such a case, which has happened in this district, who should appoint the deputy? *A.* Oh, the Manager, by all means.
10504. *Q.* The same Manager? *A.* I do not say so.
10505. *His Honor.*] The question is whether any Manager has said that he knows nothing about gas. The Manager may have said that he knows nothing about the composition of gas chemically; but knowing nothing about gas, and knowing nothing about the composition of gas chemically, are different things.
10506. *Mr. Bruce Smith.*] Your Honor, I am not concerned in shielding Mr. Rogers at all.
10507. *His Honor.*] I do not think Mr. Rogers said he knew nothing at all about gas; but he said he did not understand its chemical composition, because he does not understand chemistry; and that is a very different thing. A man may know a good deal about a horse without knowing anything about his anatomy.
10508. *Mr. Lysaght.*] *Q.* Now, do you not know that there are managers in this district who have only certificates of service? *A.* I have heard so.
10509. *Q.* Do you know whether Mr. Jones has a certificate by examination? *A.* I was told he had.
10510. *Q.* Now, in the case of those Managers who have no theoretical knowledge of the composition of gases, would you consider them competent to appoint a man to be a deputy? *A.* I think so; provided they have a practical knowledge.
10511. *Q.* And you think the same thing applies to the shot-firer? *A.* Yes.
10512. *Q.* Then, are you in favour of these certificates of service being cancelled after a reasonable time? *A.* After a reasonable time, probably, yes.
10513. *Q.* Recommendation No. 2. If the Government Inspectors think it necessary to order safety-lamps into a mine, should they have that power? *A.* I would say the Chief Inspector should have the power.
10514. *Q.* Recommendation No. 3. "Ventilation by furnace prohibited; and fans substituted." Do you approve of that as a general recommendation? *A.* No.
10515. *Q.* What is your objection to it? *A.* My objection would be this: the property might not be large enough to warrant the erection of a fan. There would be a great expense.
10516. *Q.* That is your only objection? *A.* Yes.
10517. *Q.* Then what number of men, do you say, should be employed below ground, before you would enforce a fan? *A.* I do not think we should limit it to any number of men.
10518. *Q.* Then, how would you limit the size. When would you consider a colliery large enough to warrant a fan being enforced? *A.* In my opinion fan ventilation is the best; but, at the same time, I do not think it would be right to make a hard and fast rule.
10519. *Q.* You have given, as a reason, that the workings would not be large enough. Now, I am keeping you to that reason. I want to know, at what stage do you consider the workings would be large enough to warrant the enforcement of a fan? *A.* That would be a matter of pounds, shillings, and pence.
10520. *Q.* What would you say would be large enough to warrant the enforcement of the fan?
10521. *His Honor.*] The witness could not say that. That is a question that would take a deliberative assembly possibly a week to settle.
10522. *Mr. Lysaght.*] *Q.* Have you any other reason besides the size of the colliery? *A.* Provided the ventilation was sufficient without it, I cannot see any necessity for the erection of a fan.
19523. *Q.* Is the ventilation sufficient at Keira? *A.* It is.
10524. *Q.* And you do not see any necessity for the erection of the fan there? *A.* Not at the present time.
10525. *Q.* And yet you know they are about to do it? *A.* I believe so.
10526. *Q.* Did you recommend it? *A.* No.
10527. *Q.* Recommendation No. 4, "Waste workings to be absolutely sealed off, and surrounded by return airways (for fear of emissions); such return airways not to come in contact with intake." Do you approve of that? *A.* I would sooner ventilate the waste workings.
10528. But would you have them surrounded by return airways? That is, would you provide that no intake should pass them? *A.* That is, that the intake air shall not pass over them? Certainly.
10529. *Q.* Yes; not to pass by them? *A.* That they should be sealed off from the intake air?
10530. *Q.* Yes? *A.* Yes; I believe in that.
10531. *Q.* Recommendation No. 5; "All places except prospecting drives to have cut-throughs not more than 30 yards apart"? *A.* I do not agree with that.
10532. *Q.* Why? *A.* I think that we can drive headings considerably over 30 yards, without any danger.
10533. *Q.* How far do you think you could drive them? *A.* I think we could drive them a couple of hundred yards, provided we had a sufficient head of air.
10534. *Q.* Have you ever driven them a couple of hundred yards? *A.* No.
10535. *Q.* What is the longest you have driven them? *A.* About 70 yards.
10536. *Q.* Is there not a danger of the brattice becoming disarranged near where the drive starts, and the men being smothered through want of air? *A.* There is the same danger in the 30-yard pillars.
10537. *Q.* Is not the danger lessened by 40 yards? *A.* I cannot see much difference. There is always a danger of the brattice becoming disarranged, of course.
10538. *Q.* Is not there a considerable leakage from imperfect bratticing? *A.* In some places, yes.
10539. *Q.* As a matter of fact, after the bratticing has been in use a few months, say six months, it practically becomes a sieve? *A.* No; we renew it.
10540. *Q.* I know: but did not I say, after it was in use six months? *A.* In some cases it lasts longer than that.
10541. *Q.* What is the average length of life of the brattice you use there? *A.* I could not say.
19542. *Q.* Do not you put it up? *A.* Yes.

10543. *Q.* Do you not know how often you have to renew it? *A.* Some of it would last six months, at any rate.
10544. *Q.* Then, after six months it was practically a sieve? *A.* Not in all cases.
10545. *Q.* The air can get through the brattice cloth itself? Is not that so? *A.* Not always.
10546. *Q.* After about six months' wear and tear? *A.* We generally renew it when we see that there is any leakage.
10547. *Q.* But apart from leakages through imperfect nailing up or uneven roads, does not the air go through the brattice cloth itself after about six months? *A.* Well, it may; I could not say.
10548. *Q.* Do you not know that from your own experience? *A.* Not unless there are holes in it.
10549. Exactly. It becomes perforated right throughout, does it not? *A.* Not always.
10550. *Q.* As a general rule? *A.* It depends on the atmosphere a good deal.
10551. *Q.* Well, in Keira? *A.* I cannot say that it does.
10552. *Q.* Do you say that you renew it every six months, although it is not perforated? *A.* No, not at all. I say, as venturing an opinion on the life of it, that six months would be about the life of it. I am not sure about that answer. It is only my opinion.
10553. *Q.* I suppose you are constantly renewing it even now? *A.* No.
10554. *Q.* Can you tell me when the last new bratticing was put up at Keira? *A.* The last new additional bratticing was put up, I suppose, yesterday.
10555. *Q.* It is going on from day to day, repairing? *A.* Yes.
10556. *Q.* Now, do you not appreciate the danger of men being 70 yards away from any possible escape in case anything goes wrong? *A.* There is plenty of ventilation.
10557. *Q.* Yes; but, if anything goes wrong with the ventilation, do you not see they are 70 yards away from an escape, whereas if they have a cut-through 30 yards away they could escape through that? *A.* I cannot see any great danger in that.
10558. *Q.* But do not you see any danger in that? *A.* There may be a little danger.
10559. *Q.* Would not the cut-throughs every 30 yards be an improvement? I do not say it is necessary; but would it not be an improvement? *A.* It would be an improvement; yes.
10560. *Q.* Recommendation No. 7—"Monthly examination and report by deputies and District Inspector with hydrogen flame." Do you approve of that? *A.* I do not see that it would be out of place; that is, taken together with the district inspection.
10561. *Q.* No, not at the same time; but to have a monthly examination made by the Government Inspector, and also by the management as an extra precaution? *A.* I do not see that it is altogether necessary.
10562. *Q.* Would you say every quarter then? *A.* Yes; every quarter.
10563. *Q.* Recommendation No. 11—"Weekly measurement of air in each section, and report thereof sent to Inspector." Do you approve of that? *A.* Yes; as a matter of fact we take a weekly inspection.
10564. *Q.* And that has not given you any extra trouble? *A.* No; it is not much trouble.
10565. *Q.* Where do you take the measurement? *A.* At the intake to the split and the outlet.
10566. *Q.* Do you take that? *A.* No; the under-manager. I assist sometimes.
10567. *Q.* Recommendation No. 12—"Extra supply of safety-lamps and their requisites, equal to one-third of number of persons employed below ground, to be kept constantly in good order and ready for use." Do you approve of that? *A.* Yes; I dare say that would be a fair provision.
10568. *Q.* Did you go to Kembla after the disaster? *A.* Yes.
10569. *Q.* The same evening? *A.* Yes.
10570. *Q.* Did you take your lamp with you? *A.* Yes.
10571. *Q.* Did you know at the time that there were no lamps available at Kembla? *A.* No.
10572. *Q.* You discovered that when you got there? *A.* Yes. There were lamps when I got there, mind you.
10573. *Q.* What time did you get there? *A.* Between 7 and 8, I suppose.
10574. *Q.* You know they came from other collieries? *A.* I do not know where they came from. I saw lamps there when I got there.
10575. *Q.* Recommendation No. 13—"Travelling and haulage roads, and other places necessary, to be properly watered"? *A.* Yes, I approve of that.
10576. *Q.* Recommendation No. 14—"Managers compelled to give more personal time and attention to management of colliery"? *A.* Well, so far as our colliery is concerned, I do not think our Manager could do more.
10577. *Q.* How often is Mr. Jones inside, on an average? *A.* I see him two or three times a week.
10578. *Q.* That is what you think would be proper attention? *A.* I think so.
10579. *Q.* Recommendation No. 18—"Instruction to employees regularly on means of escape"? *A.* I hardly understand that.
10580. *Q.* In case of disaster the men should be shown the different roads. Do you approve of that? *A.* It would be rather a difficult matter to do that.
10581. *Q.* Why? *A.* To get all the men together for that purpose would be rather difficult. I do not think you could do it.
10582. *Q.* Could not the deputies get a division of the men, say, once a fortnight, each deputy in his own place, and show the men out as they are coming out from work? *A.* Would the men be willing to do it?
10583. *Q.* Of course they would. *A.* I doubt it.
10584. *Q.* Assuming the men are willing to be shown a safe way out, do you think the deputies would have any objection to showing them? *A.* The deputies could not have any objection, provided it did not interfere with their other duties.
10585. *Q.* In your opinion, would a quarterly showing of the men out interfere with any of the deputies' duties? *A.* It would; or it would impede the working.
10586. *Q.* I mean after the men knock off at the end of a shift? *A.* In our colliery it would.
10587. *Q.* Could not the difficulties be got over? *A.* They might; but there might be other ways of safety.
10588. *Q.* What other ways would you suggest? *A.* I would suggest that the deputies should change districts every quarter so that each deputy would have a thorough knowledge of the whole of the mine. I think that would be sufficient.
10589. *Q.* For the safety of all the men? *A.* Yes.
10590. *Q.* You mean then, in case of disaster, the deputy should show the men out? *A.* Yes.

Witness—A. McDonald, 29 January, 1903.

10591. Do you not know that the deputy got his head blown off in Kembla? *A.* I have heard that.
10592. *Q.* Now, how could a man who got the first full force of the explosion show the other men out?
A. The other deputy may have been able to show the men out.
10593. *Q.* Do you not know that the other deputy had to escape from the after-damp himself? *A.* I do not know.
10594. *Q.* Do you not know that David Evans had to go a long way round to avoid the after-damp? *A.* I understood that he showed a lot of men out also.
10595. *Q.* Now, I put it to you that, supposing the deputies get into the disaster, what is the value of your suggestion? Is it not much better that each man should know his own road out, and be able to save himself? *A.* It would be much better; but, supposing that we showed the men out once a quarter would they remember it again?
10596. *Q.* That would be their look-out. Now, do you approve of showing the men the way out if they are willing to be shown? *A.* Provided that nothing better could be suggested.
10597. *Q.* Recommendation No. 20—"Safety-lamps not to be unlocked for shot-firing." In a colliery where it is necessary to use safety-lamps do you consider it a dangerous practice to unlock the safety-lamp to fire the fuse? *A.* I think it would be much better to fire by electric battery.
10598. *Q.* Is it not clearly a dangerous practice to fire with the naked light, if it is necessary to use safety-lamps in the colliery? *A.* No, not necessarily dangerous.
10599. *Q.* In your opinion is it a good practice? *A.* I do not think I would go in for that practice.
10600. *Q.* How long have you known the smoke to remain in the working places at Keira? *A.* I never knew it to stand in a place.
10601. *Q.* Not for any length of time? *A.* No; the smoke might move along with the current.
10602. *Q.* Do you know that the Gleeson's gave evidence that the smoke has remained in their working place a whole night? *A.* Yes; I saw that reported in the newspapers.
10603. *Q.* Are you prepared to say that that is not correct? *A.* I will say that I visited their working place on one occasion, and it was not correct. I cannot see that they could have smoke standing in that place.
10604. *Q.* Are you prepared to swear that their statement is not correct? *A.* No.

Further examination by Mr. Bruce Smith:—

10605. *Q.* I would ask you first how many years' experience have you had as a practical miner? *A.* Somewhere about twenty years.
10606. *Q.* And you have only been a deputy a few months? *A.* I have been permanently appointed a few months.
10607. *Q.* Now, have you altered your opinion, in regard to these questions upon which you are being examined, since you occupied the position of deputy? May I take it that the opinions you are prepared to express now are those which were formed as a working miner? *A.* Well, partly, yes.
10608. *Q.* I mean, is the point of view so altered that the opinions you have expressed to day are not the same as you would have expressed six months ago, as a working miner? *A.* About the same.
10609. And I take it that any opinions you give to-day are based on your experience as a miner, not as a deputy? *A.* Not as a deputy.
10610. *Q.* First of all, with regard to the examination of deputies and shot-firers—have you found it necessary at any time as a deputy to understand the chemistry of gases, the component parts of gases? *A.* No; I have not.
10611. *Q.* What, in your opinion, is it necessary for a deputy to know in regard to gas? *A.* It is necessary for a deputy to know how to use the safety-lamp.
10612. *Q.* Is there anything difficult about that? *A.* No.
10613. *Q.* It is simply a question of turning the flame down? *A.* Turning the flame down.
10614. *Q.* So that you get an effect upon the flame by the presence of gas? *A.* Yes. A man must be careful, and a quick observer.
10615. *Q.* That is a native faculty, is it not; rather than a matter of examination? An examination will not give a man a quick observation, though it may reveal whether he has got it? *A.* Yes.
10616. *Q.* There is nothing complex in the holding of the lamp? *A.* No.
10617. *Q.* Is there anything else that could not be ascertained by just an oral examination of a man? *A.* I think any practical man with a fair knowledge of the Mining Act, as it refers to these duties, ought to make a good deputy.
10618. *Q.* Does it require any book knowledge? *A.* I do not think so.
10619. *Q.* That is the conclusion you have come to? *A.* Yes.
10620. *Q.* Then a practical examination by a practical man, quite apart from the study of theory or books, would, in your opinion, qualify a man with practical experience for either of these positions? *A.* I think so.
10621. *Q.* Is there any more theoretical knowledge required in the position of shot-firer than to ascertain whether gas is present, and to water the place? *A.* If a shot-firer sticks closely to the rule relating to shot-firing and dusty places, and so on, he will be quite competent, if he is a practical man.
10622. *Q.* I gleaned, from what you said to Mr. Lysaght, that, all things being equal, you consider the fan is a more regular and a more reliable method of supplying air to a mine? *A.* I think so.
10623. *Q.* Are you prepared to offer an opinion as to whether the conditions of a mine—I mean a mine in the abstract; not your own mine, but any other mine—would justify suddenly ordering them to change their furnace to a fan, without respect to the cost or the convenience or other business aspects? *A.* There may be such a case.
10624. *Q.* But you are not prepared to offer an opinion on it? *A.* No.
10625. *Q.* And I understand that, in regard to the waste workings, you would not recommend that they should be sealed up altogether; but only on the intake side? *A.* That is so.
10626. *Q.* Well now, with regard to the cut-throughs, I understand you to say that, from your experience as a miner, you do not think it necessary to confine a drive or a heading to 30 or 35 yards? *A.* I do not think that is necessary.
10627. *Q.* Have you read at all in regard to mining for your examinations? *A.* Yes.
10628. *Q.* Have you heard of the Merton Colliery? *A.* I think I have.
10629. *Q.* Where the pillars are 44 yards square? *A.* Yes.

10630. *Q.* What is the width of the pillar in your mine as a rule? *A.* We have a number of pillars over 60 yards, I would say.
10631. *Q.* 60 yards square? *A.* 60 yards thick. You take a 60 yard cut-through to cut them.
10632. *Q.* Have you heard of the Eppleton Colliery, where there is a large pillar 66 yards square? [*No answer.*]
10633. *Q.* You think, from your practical experience, that a drive of even 100 yards or 200 yards is practicable, so long as the bratticing is properly arranged and maintained? *A.* Yes.
10634. *Q.* What is the longest you have ever seen yourself? *A.* I could not say for certain.
10635. *Q.* Have you seen longer at home than here? *A.* I have not been home.
10636. *Q.* Have you been asked certain questions about a hydrogen flame;—do you know anything about the hydrogen lamp? *A.* No.
10637. *Q.* When you expressed that opinion, were you aware that if, in turning on the hydrogen gas supply from the cylinder, you turn it too much, the whole lamp will burst suddenly in your hand? *A.* I have read something like that.
10638. *Q.* And expose an open flame suddenly, perhaps, in the presence of gas? *A.* Yes.
10639. *Q.* Do you recognise that it is an absolutely dangerous implement, as dangerous almost as firearms, in the hands of a careless man? *A.* I would not like to make use of it, without I had a lesson in it, anyhow.
10640. *Q.* You have read enough to know that;—you have read enough to know that, unless it is very accurately turned, the whole lamp may burst in your hands? *A.* Yes.
10641. *Q.* Do you know how long it takes to make an inspection with a hydrogen lamp, as compared with the ordinary safety-lamp? *A.* No; I do not know that.
10642. *Q.* Do you think that every deputy, whose knowledge is confined to that practical character which you have just mentioned, would be a safe person to entrust in a gassy mine with a hydrogen lamp? *A.* Not unless he knows how to use it.
10643. *Q.* You recognise that the use of such a lamp requires a much more scientific touch than a miner's? *A.* I think so, yes.
10644. *Q.* Now, I want to ask you about this showing the men the way out—what is the extent of the mine in which you have got most of your experience? *A.* I have had most of my experience in Mount Keira.
10645. *Q.* What is the farthest distance you can go in Mount Keira? *A.* I think about 2 miles: hardly 2 miles.
10646. *Q.* And the farthest distance across? *A.* About a mile. It may be a mile.
10647. *Q.* And how long has that been worked, to your knowledge? *A.* Ever since I was a boy.
10648. *Q.* Suppose you know a certain exit thoroughly well, does it follow that, because you know that, therefore you would be able to take the safest course to it under all the conditions of possible explosion? You have not been asked that at all. You have been asked whether the men should not be instructed in the exits. Take that, [*pointing to the plan*] as an exit from the mine. I ask you this, as a practical miner, would not the way in which you would reach that depend entirely upon the position of the spot at which the explosion took place? *A.* Yes.
10649. *Q.* Did you hear Mr. Lysaght say to you just now that Mr. Evans had to take the men a long way round in order to avoid the after-damp? *A.* Yes.
10650. *Q.* Would it be any good showing a man a straight way out when what he really wanted was a knowledge of the geography of the whole mine, so that he could, as it were, dodge the after-damp, according to the position in which the explosion had taken place? *A.* He would require a knowledge of the whole mine.
10651. *Q.* And cannot you think of a dozen places in your own mine where, if there were explosions at those places, they would necessitate your taking a dozen different circuitous routes in order to enable you to get safely out, and to avoid the after-damp? *A.* Yes.
10652. *Q.* So that it is not absolutely necessary to show a man where the exit is, so that he may be able to take a straight course out in case of explosion; but he would have to know all the different outlets, and would have to be aware of the route which the air was taking, so as to dodge the dangerous places? *A.* Yes; he would have to know the whole of them.
10653. *Q.* Would it be practicable to so instruct all the miners that, in all cases, they could choose the safe route? *A.* I do not think so.
10654. *Q.* I go further—suppose these men are shown a short cut out, and taught that that is a safe way, would not that be, in certain cases, under certain conditions of explosion, an absolute danger to the men? *A.* It would.
10655. *Q.* Might not that lead them right into the after-damp, for want of thought? *A.* Yes.
10656. *Q.* So that, really, it wants a great deal of care to lay down a hard and fast rule about that sort of thing? *A.* I think so.
10657. *Q.* And the men would need to be taught different ways out, on the assumption that accidents had happened in certain parts of the mine? *A.* I think so.
10658. *Q.* Do you think there would be any difficulty in inducing the men to receive instruction in those matters? *A.* I think there would.
10659. *Q.* I would like you to tell the Commission—I am not asking you a mere case of saying to the men, "Now, boys, we will go straight out"—but if they were asked to undergo a series of instructions as to different routes, would there be any difficulty in getting the men to receive the instruction? *A.* I think so.
10660. *Q.* What would be the difficulty? *A.* They would not like to go to the trouble.
10661. *Q.* Would they give the time, do you think, considering that their lives might depend on it? *A.* I do not think they would be willing to give the time.
10662. *Q.* But you do not see any harm in the deputy offering, every quarter, to show them the exits, and, if they liked to listen, to give them some general idea of what they should do in case of an explosion, without giving them the exact course? *A.* I do not see any harm in it.
10663. *Q.* You think some of them would take advantage of the instruction? *A.* I believe they would.
10664. *Q.* Now, Recommendation No. 20—can you tell me which is more dangerous, opening a lamp for shot firing, or firing a shot with gunpowder? *A.* They would be about on a par.
10665. *Q.* Well, the firing of a shot with gunpowder throws a flame of considerable length right into the heading where you are working? *A.* Yes; it would be the worse of the two.
10666. *Q.* An open flame which you can see if you choose to watch it? *A.* I have seen it. 10667.

Witness—A. McDonald, 29 January, 1903.

10667. *Q.* Do you not regard that as quite as great a danger as opening the lamps? *A.* That is the greatest danger of the lot.

10668. *Q.* Then, if it is necessary to prevent the opening of the lamps, is it not necessary to use some other explosive? *A.* I would not use gunpowder where safety-lamps are used.

10669. *Q.* Do you not know that there are now used, in England and elsewhere, other explosives which are considered to minimise the danger? *A.* Yes.

10670. *Q.* You have read about those? *A.* Yes.

10671. *Q.* So that I take it that, utilising your practical knowledge, you consider that, if a mine is not safe enough for a shot to be fired with an open lamp, it is not safe enough to have gunpowder used as an explosive? *A.* It is not.

Further cross-examination by Mr. Lysaght:—

10672. *Q.* As a working miner, would you not have been glad to have been instructed on the various ways out of the mine? *A.* Well, yes, as a coal-miner I would have liked to have known my way about.

10673. *Q.* And do you not think other working miners would like to know the way now? *A.* I do not think all of them would.

10674. *Q.* Do you mean to tell me that there is a single man at Keira who does not want to know the ways out of Keira? *A.* I believe there are men at Keira who would not go to the trouble.

10675. *Q.* Would you mind telling me who they are, so that the men may know what you think of them?

10676. *His Honor.*] That is not a fair question.

10677. *Mr. Lysaght.*] But I do not like a reflection of this kind from an official of the colliery made on the whole of the men.

10678. *His Honor.*] It is not made on the whole of the Keira men. The men, generally, know who are the most happy-go-lucky amongst them.

10679. *Mr. Lysaght.*] *Q.* Do you mean to say that you have some reason for saying that there are some men in Keira who would not go with the deputy if he offered to show them the way? *A.* Yes.

10680. *Q.* Do you know of any man who has ever refused to be shown the way out? *A.* No.

10681. *Q.* Now, will you take back that statement that some of the men at Keira would refuse to be shown? *A.* No. I stick to that.

10682. *Q.* I thought you approved of the men being shown the way out by the deputy every quarter; but I understand from Mr. Bruce Smith's examination that you do not think it would be of much avail? *A.* I approve of it if you cannot get anything better; but I suggest, as a means of overcoming the difficulty, that the deputies should exchange districts.

10683. *Q.* Supposing that in a disaster the travelling road which the men know is blocked by a heavy fall of stone; is it not better for the men to know some other way out than to be penned inside, and to know no way out? *A.* Yes.

10684. *Q.* Would you not, then, approve of their being instructed in some other way, even though there might be some danger in that way? *A.* I do not think it would be workable.

10685. *Q.* Do you not know that in Mount Kembla the main travelling road of No. 1 Right was blocked by falls of stone? *A.* I do not know it; I have heard it.

10686. *Q.* Do you not know that one man was struggling for three or four hours to get through that way because he did not know another way that would have taken him out in twenty minutes—a man named Morehead? *A.* No.

10687. *Q.* Take a case like that, where the known way out is blocked by a fall, is it not better that the men should know some way out? *A.* Yes; but they may get on to the wrong road then. The road they know may be in danger.

10688. *Q.* But is it not much better that they should know some road than no road at all? *A.* Yes.

10689. *Q.* And, if they are not shown, how are they to know at all? *A.* It would be necessary to show them before they would know it.

Examination by Mr. Robertson:—

10690. *Q.* You are of opinion that a knowledge of the chemistry of mine gases is not necessary for shot-firers or deputies? *A.* I think it is not necessary.

10691. *Q.* And do you not think that a deputy, or a shot-firer's duties are somewhat analogous to those, say, of a boatswain on a ship? *A.* They practically have the safety of the miners in their hands.

10692. *Q.* Take the two, the boatswain on a ship and the deputy in a mine, their duties are much the same, they come directly under the officers? *A.* That is right.

10693. *Q.* Do you think it would help the boatswain in his duties to know the chemistry of sea water? *A.* I do not think so.

10694. *Q.* And, if deputies and shot-firers were required to pass an examination, do you not think that there would be a danger that some men with an aptitude for acquiring book-knowledge, but not possessing practical experience, judgment, and a knowledge of how to manage men, would obtain certificates, and that managers would be obliged to secure their services? *A.* I think there would be a danger.

10695. *Q.* The managers would be forced to secure a purely theoretical man without the practical knowledge? *A.* There may be a danger of that.

10696. *Q.* And then, in case of disaster, the theoretical man might be left? *A.* Yes; there would be a danger of that.

10697. *Q.* As a matter of fact, the qualities that go to make a good deputy or shot-firer are, to a certain extent, personal? *A.* Yes.

10698. *Q.* And they would be best known to his manager or his immediate superior? *A.* That is so.

10699. *Q.* Now, with reference to furnaces—you do not approve of a hard and fast rule, or a compulsory rule, that furnaces should be abolished? *A.* I do not.

10700. *Q.* But, in the event of furnaces being continued in certain mines, would it not be desirable that there should be some authoritative approval of the methods of their construction? *A.* Yes; I believe it would.

10701. *Q.* That is to say, that furnaces, if they are to be in use, should be constructed upon some principle, and surrounded with every possible safeguard? *A.* Yes; I believe in that.

10702. *Q.* Now, we have heard about men being smothered by a derangement of the brattice-cloth: do you think that is possible in the gassiest mine? *A.* I do not think so.

10703. *Q.* The men would have ample indications of danger? *A.* Yes.

10704.