

2 o'clock on the 3rd day of March was working in the mine, about 800 yards from the fan. The deceased knew that the fan drew out the gas.

By Mr. Binns: In my opinion the fan should have been constructed so as to drive the gas to the river, and not to drive it as it did, as there was not enough air to mix with it to kill it.

By Mr. Kennedy: Some days there is a sufficiency of air to dilute the gas.

*George Jonathan Binns*, Inspector of Mines under "The Mines Regulation Act, 1874:" I have not been appointed to any district under the Act. Have heard the whole of the evidence in this matter. I examined a portion of the Brunner Mine yesterday that portion of the mine where the explosion took place. The fan is in ruins, but the turbine may be there. It is usual to use such machinery for the ventilation of mines. I think the course adopted for the ventilation was good. I consider that if Elliott and Broadfoot had gone with a safety-lamp there would not have been any danger to the remainder of the mine. I see no reason to doubt the evidence of witnesses as to the cause of the explosion; the gas came in a body and exploded at the naked light. I think if Broadfoot had followed Elliott the accident would not probably have occurred. I wish to state that I consider the enforcement of Rule 30 necessary. On the 14th of November I wrote to Elliott, calling his special attention to this rule. (Copy of letter produced and read.)

By a Juror: Whenever I have been in the mine the air has been excellent.

That comprised the whole of the evidence, and the jury returned a verdict of "Accidental death." I do not see how any other could very well have been given. That there was a certain amount of negligence and laxity in the working of the mine is plain from the evidence. Special Rule 30, mentioned so often, was a dead letter, although it had been established only after considerable negotiation, and I had more than once drawn special attention to it; still the accident was not due to any direct violation of the Act, and the unfortunate deceased was to a certain extent to blame for causing his own death. The history of the whole case gives a good example of a sudden danger, which no amount of inspection would be likely to prevent. The cause of the explosion was a ventilating apparatus, built at considerable cost for the express purpose of preventing such casualties: it was started, and, at the very moment when the gas came off in a body, Broadfoot ignited it with a naked light. An Inspector might possibly have warned the manager to use safety lamps: but they ought to have been used without any such warning; and Inspectors cannot foresee all dangers which are non-existent at their visits, which are created by the foolhardy recklessness or lamentable ignorance of workmen, and against which it is the express duty of the management to guard.

On the 21st August, 1880, an explosion of gas took place in the Wellington Company's Waimangaroa Mine, Westport, whereby William Young (contractor), Robert Young (coal miner), and John Colligan (coal miner), were injured, the last very severely. The occurrence was duly reported. This explosion was the cause of the single prosecution instituted during the year, and the particulars are briefly as follows: The mine was "butted" to William Young, who was also required by the agreement to examine the pit every morning. He swore that this clause had been added subsequently to his signing the agreement, which was of a very informal character. This was denied by the manager. At all events the mine was not examined; and, on the day mentioned above, Young entered the mine with a naked light, and fired a quantity of gas. On the 4th September a daily report-book was produced at the mine for my inspection. This purported to be the daily report of Young's examination, but was proved in evidence to be a forgery; and the manager was aware of this fact when he showed the book to me. It was filled up for the whole period at one time, and was not signed by the person whose name was attached. I may remark that this was one of the printed form books referred to in my report of the 12th June, 1880, as "not only an incentive to idleness, but conducive to a stereotyped and perfunctory method of performing a most important duty."

On 22nd January, 1880, Stephen Borton (aged 16 years) was killed at the Homebush Coal Mine, Canterbury by being crushed between a set of wagons and the side of the road. The accident was duly reported, and I attended the inquest after having inspected the mine. The scene of the accident was the main level, and it appeared in evidence that a man named Samuel Price had the contract for bringing the coal-tubs from the mine to the railway, to do which it was necessary to go into the main level and attach the horse to the set, which ran a certain distance by the force of gravity, the last wagon being braked by a person riding on it, to prevent the set from going too fast. In this work Price was assisted by Borton, who had been engaged for about five weeks at the mine, and had apparently not been considered a "sharp lad," though by no means wanting in intellect. Still he had not been considered competent to lead the horse until the last week; and on this occasion it is probable that the boy fell over a crossing, or that the wagons came too fast and touched the horse, causing him to jump forward and throw deceased down, when he was so jammed by the set that he died within a few minutes. The road was very narrow and in bad repair. There were also not sufficient refuge holes as required by General Rule 4; but had there been sufficient I do not see that the accident would have been prevented thereby. A certain indefiniteness existed as to who was responsible, Mr. Brown, the mine manager, repudiating any authority over Price and his assistants—and I believe that in so doing he was strictly speaking the truth; but by the Special Rules adopted by this colliery it was his duty, acting as oversman, to "give all necessary instructions to the men and boys in the pit or mine respecting their work." My evidence was to the effect that the boy was engaged in no more dangerous work than thousands of boys every day in pits in the Old Country, but, at the same time, I recommended that the practice of allowing a person to lead the horse should be discontinued. This has been done. The verdict was "Accidental death;" but the jury added a rider, "That there was a certain amount of negligence on the part of the manager, in allowing persons to lead a horse in front of the wagons coming out of the mine, as the road is not of sufficient width to allow them to escape in case of accident."

The only other accident in a coal mine calling for remark is the one which happened on 16th September, to J. W. Shanley, at Shag Point. As mentioned in the general report on the mines, the dangerous practice has been discontinued.

Although my duties do not now lead me into gold mines, or the investigation of gold-mining accidents, the following account of an inquest on one of these cases which I attended last March is deserving of remark. On 26th February 1880, Robert Irwin (aged twenty-two) and Charles McCann (aged about sixteen) were injured by the hauling-engine at the North of Ireland Company's claim, Blue Spur, Tuapeka; the former died almost immediately. On the next day but one I inspected the scene of the accident, and, on 7th March, attended the adjourned inquest. The engine (see plan) is