

to the Government Printer about Special Rules, and has also sent money, but has received no answer.* The communication between the levels, as suggested by me, has been made. The mine was flooded to quench the fire.

65. *Green Island Colliery*.—Air good. Tunnel a little defective. Plan not at mine.

68. *Walton Park Colliery*.—Inspected the 6th January. This mine remains very much the same. The roof cuts badly still. Air better now that the new shaft is down. Mr. Loudon is building a very good furnace. Act observed.

69. *Abbotsroyd Colliery*.—A fire has occurred in this mine; and on the 29th March the men were withdrawn from the ends, and air was passing through, which seemed to me likely to make the fire worse. Act kept. Men working at pillars.

70. *Abbotsroyd (No. 2) Colliery*.—Working two shifts to supply the trade. Air pretty good. Two means of egress. The water was successfully let off from the old workings by a bore-hole. Special Rules not replaced when torn down.

75. *Cannon's*; and 76. *Bryce's Lignite Mines*, are still worked opencast.

82. *Johnston Coal Mine*.—This mine is worked now by Messrs. Stevenson & Co. A shaft has been sunk. The bords are taken rather too wide.

Gulline's Coal Mine (Reefton), has again been taken in hand, and will reappear in the list for 1882. A small drive has been taken in, not very regularly, and no one was at work at the time of my visit.

I have, &c.,

GEORGE J. BINNS,
Inspector of Mines.

The Under-Secretary for Mines, Wellington.

No. 4.

SPECIAL REPORT AS TO FATAL ACCIDENT TO JOHN KALKA IN THE BRUNNER COAL MINE.

SIR,—

Dunedin, 17th May, 1882.

Having made a special visit to the West Coast for the purpose of investigating the late fatal accident in the Brunner Mine, I have the honor to report as follows:—As there were ten workmen from the Brunner Mine and surface works (including the fireman who examined the place in the morning of the accident) on the jury, and as nobody connected with the management of the mine was called as a witness, it is hardly necessary to remark that no exhaustive and impartial enquiry had been held. This circumstance had considerable weight in inducing me to lay an information against Thomas Moore, underviewer of the Brunner Mine, for neglecting to see that timber was “used where necessary for safety” (Special Rule 15.) As will be seen from the following report, taken from the *Grey River Argus* of 9th May, the case was dismissed:—

Thomas Moore, of Brunnerton, was charged on the information of George J. Binns, Inspector of Mines under “The Regulations of the Mines Act, 1874,” that he Thomas Moore, of Brunnerton, within the space of six months last past, to wit—on the 31st day of March, 1882, at Brunnerton, in the Provincial District of Nelson, and in the mining district of Westport, being an underviewer employed in or about the Brunner Mine, in the said district, did neglect one of the special rules established for the said mine in pursuance of “The Regulation of Mines Act, 1874,” by failing to see that timber was used when necessary for security.

Mr. Perkins appeared for the prosecution, and Mr. Guinness for the defence.

Mr. Perkins said that this case was brought before the Court in consequence of the death of John Kalka, in the Brunner Mine, through a fall of coal on the 31st March last. Under clause 15 of the Special Rules for Working the Brunner Mine, it was the duty of the underviewer to provide all necessary timber for the safe working of the mine, and to see that that timber was used. In this case he believed that the timber was supplied, but he contended the underviewer had not carried out the latter part of the rule, and was therefore liable to a fine of £5, or one month's imprisonment. The following evidence was taken:—

George J. Binns, Inspector of Mines, produced *Gazette* containing proclamations of district under the Act, and *Gazette* notice proclaiming the Act in force; also special copy of rules as applying to Brunner Mine, signed by witness. Was notified that a man named Kalka was killed at the Brunner Mine on the 31st March. Visited the mine on the 4th instant and saw defendant. Cautioned him in the usual manner about answering questions, as they might be used against him. Took a note of the conversation. Moore then said “that he cautioned Kalka before the accident took place.”

Cross-examined by Mr. Guinness: Wrote down at the time what Moore said. It is the duty of the underviewer to see that timber is set wherever necessary.

Re-examined: The fact of Moore cautioning Kalka showed that timber was necessary.

By the Bench: The cause of the information being laid was through Kalka being killed, and the explanation of the accident not being satisfactory to the Government.

William Tatley, Manager of Brunner Mine, proved that defendant was underviewer of the mine when Kalka was killed. When Moore was appointed underviewer gave him a copy of the special rules for the mine. Read them over to him, and cautioned him to see them carried out. The coal which killed Kalka fell from the higher portion of the board. None of the roof had fallen.

Cross-examined: Was present when the Inspector was examining Moore. Moore said when he was in the place where the accident occurred there was no need for any sprags.

Re-examined: Cannot remember Moore saying he had cautioned Kalka.

James O'Neill, miner, at Brunnerton: Was at work with Kalka when he was killed. Asked the underviewer before starting whether there was any danger. He said he thought there was none. Thought the coal was dangerous, and it should have a sprag. Told Kalka so, but he said it would stand for months. Afterwards Kalka sounded the coal, and said it was getting looser. Immediately after it fell on Kalka. Did not hear the underviewer caution Kalka or witness. Saw the underviewer about 8 a.m., and the coal fell about 11 a.m. There was no timber under the coal which fell. Said at the inquest it was deceased's own carelessness in not setting timber.

Cross-examined: The coal fell principally from the roof. There was plenty of timber if it was necessary. There was no necessity to use sprags if the coal had been cut down. A sprag ought to have been put under it, or it should have been cut down. Expected the coal would come down. Kalka was standing alongside the truck, about five feet from the face, when the coal fell.

Re-examined: It was cut in such a way that it was not safe to be near it, and it might come down at any moment.

Cross-examined: It is perfectly safe to work under the coal if the sides are not cut. Am not an experienced miner.

Martin Kennedy, owner of the Brunner Mine, reported the accident to Mr. Binns by telegram produced. (The telegram stated that Kalka had been cautioned.)

* There appears to have been some mistake here, for it was found upon enquiry that rules were forwarded by the Government Printer.—O. W.