

be considered are: Whether the mine, when Mr. Binns inspected it, was worked in a proper way, with sufficient cover to the roof; whether Mr. Binns was justified in closing the mine when he did; whether, in the first instance, the mine was worked in a satisfactory manner; whether the closing of the mine in any way conduced to the flooding of these works. We say that the mine was dangerous; that the letting-in the water did not conduce to flooding; that the water being let in, if anything, aided to support the roof. The fact that the sea actually broke in proved the correctness of the defendant's contention. As the mine was in a dangerous state, we say that our action in closing the mine was the means of saving life.

Mr. GEORGE JONATHAN BINNS, examined on oath.

461. *Mr. Reid.*] What are you?—I am a mining engineer, holding a certificate of competence from the English Government, and a Fellow of the Geological Society of London; I am also Inspector of Mines under the General Government, holding my appointments under "The Regulation of Mines Act, 1874," and "The Westland and Nelson Coal Fields Administration Act, 1877."

462. Do you know the Shag Point Mine?—I am familiar with it.

463. When did you first visit it?—In 1879.

464. In what capacity?—As Inspector of Mines.

464A. What was the nature of your visit on that occasion?—It is so long ago that I cannot recollect; I have notes from which I can refresh my memory.

465. On how many occasions did you examine it previous to April, 1882?—On many occasions. I have not the record of each occasion here.

466. Do you remember when they first commenced to work the mine?—No; I was not in New Zealand at the time.

467. Did you ever speak to Williams about taking precautions as to the overhead cover?—The first record I have is April, 1882.

468. What did you say to him passing at the railway-station?—As to whether he was taking precautions in regard to the submarine workings, which were causing me very great anxiety.

469. Do you remember what his reply was?—I imagine it was that he was taking precautions; that was in April, 1882.

470. Did you speak to him again about it?—I telegraphed to him about it on the 3rd July, 1882.

471. Do you produce the telegram?—I produce a copy [telegram read]: "Greymouth, 3rd July, 1882.—To W. H. Williams, Esq., Shag Point, Palmerston South.—*Re* boreholes in advance in submarine workings. Please inform me, by telegram, what precautions you are taking to prevent possibility of irruption of water by fissure.—G. J. BINNS, Inspector of Mines."

472. Did you get any reply to that?—Yes; I received a reply, dated the 3rd July, the same day: "Palmerston, 3rd July, 1882.—To G. J. Binns, Esq., Inspector of Mines, Grey.—I cannot understand your meaning. Do not anticipate any irruption of water, not working any new part, to necessitate boring in advance; and should like to know your authority for the information you have received.—W. H. WILLIAMS."

473. Did you see Mr. Williams subsequently?—Yes; frequently: on the 24th January, 1883, I saw him at his office.

474. Did you speak, then, with reference to precautions?—I think I did, but I am not quite sure that I spoke to him that day; he was away from the colliery.

475. Have you any note of what took place?—I examined the colliery on the 24th January, 1883. I wrote to Mr. Williams. On the 31st I called on Mr. Williams.

475A. What took place? What are you reading from?—From notes made within twenty-four hours after; what I am reading from was written on the 1st. I looked over the plans and showed him some pillars 6ft. thick. I asked him if he considered them sufficient for submarine works. He said he did. I drew his attention to the state of the mine.

476. Is that all that took place?—I examined the mine that day.

477. Were you satisfied with his answer?—I was satisfied that was his opinion.

478. Did you think 6ft. pillars sufficient?—No.

479. Did you say anything to Mr. Williams?—Yes; certainly I did.

480. Did you express any opinion to Mr. Williams as to what should be the correct thickness of the pillars?—I am not aware that I did at that date.

481. Did you simply take his answer?—Yes.

482. You say you examined the mine that day, have you any note of it?—Yes. I shall read it: "In the afternoon I went down the mine, accompanied by Twining and Kenyon. Found the condition of the mine about the same, the falls being numerous, and moderately high." In the afternoon I went, accompanied by Mr. Twining.

482A. What was the date of that?—The 31st January, 1883.

483. Did you see Williams with reference to the mine then?—I have no note of it.

483A. When did you next visit the mine?—On the 1st February, 1883.

484. Was that for the purpose of inspection?—The purpose was to accompany Mr. Twining on the survey—he was making one for the Government—to see that the survey was made with great care, and to examine the mine myself in great detail.

485. Were you present with Mr. Twining the whole time?—Not entirely; but very nearly all the time.

486. How long did the survey take?—About five or six days; about a week.

487. Did Mr. Twining remain there continuously, or did you go backwards and forwards?—Where to?

488. From the mine; or did you remain?—We did not remain on the works continuously.

489. Did you make any note of the result of your inspection at that time?—I did. I made a note on the 2nd February, which I shall read: "Found a man (William Henderson) in No. 3 bord