

The underground manager and all the deputies who could have thrown light upon the occurrence are gone, and we are faced with the task of finding out the details of the cause of the disaster from such evidence as is obtainable. I shall deal with the question in the same way as my friend has done, by taking the various matters referred to in the Commission in their order. I think we must admit that it is fairly well established as to the part of the mine where the accident originated and the nature of it. No doubt it occurred in No. 5 section, No. 6 bord. Similarly there is no doubt that it was due to a gaseous mixture coming into contact with a naked light. While upon this point I wish to touch upon the possibility of the gaseous mixture being a sudden outburst of a big blower, and I also wish simply in passing to mention the possibility of it having been due, as has already been suggested, to some seismic disturbance. This is a point to which the Commissioners can pay such attention as they think proper. We have the fact that the particular place was inspected on the 9th September, three days before the accident, and that no gas was found. We know that it was not necessary that there should be a large quantity of gas present to cause an explosion. We have had some figures from Mr. Reed which suggest that there was a tremendous quantity of gas there, but I submit to you that if there had been that quantity of gas present we should have had an explosion of a very different character, and the unfortunate man Martin would never have been seen or his body found. Professor Dixon, in his depositions at the inquest, stated that he saw no evidence of a large quantity of gas. This view is supported by the statements of Mr. Fletcher, Mr. Bishop, and Mr. Wood, who ought to and who do know the mine perfectly. Now, the large amount referred to by Mr. Reed probably might establish the fact that the gas had been there for some time, but the assumption of a smaller amount, which I suggest was all that was there, is consistent with a sudden outburst and also with the possibility of a connection with a seismic disturbance. I submit that the Commission cannot lose sight of those suggestions. Now, the ventilation has been very much criticized, but upon this point I submit that the reports of Mr. Wear, who constantly inspected the place and reported from time to time on the ventilation, together with the statements of Mr. Bennie and Mr. Fletcher, should be taken as against Mr. Reed's theories, because his statements are based mainly upon an examination of the plan. The ventilation could not have been very bad, because with the regular system of inspection there would have been no difficulty in detecting it. It may be that in this matter, if blame is to be allocated, it may be—I do not know that it is, because it is impossible to say—that blame may be attachable to dead men. That puts the Commission in a very delicate position, for of the dead we speak nothing but good. The evidence is very strong that on that occasion the usual routine was followed and the men were not allowed to go forward into the mine until the deputy had examined the district. That is strongly suggested when we bear in mind that Brownlie's evidence was to the effect that the deputy met him at a similar time a fortnight previously in a position which would indicate that he had come through this part of the mine. Now, Martin's presence is unexplained. Probably he was there to assist in getting rails. If so, and if Mr. Brownlie's evidence is correct, that the rails were to be brought through that door, the fact that that door was unlocked was immaterial. If it had had a lock on it it would have had to be unlocked. I do not admit that Mr. Fletcher was right in saying that the door ought to have had a lock on it. That is a question of law, and not a question to be settled by Mr. Fletcher's admission. I think he was wrong in making that admission. Rule 3 has been relied upon in regard to the ventilation. Rule 3, of course, contains the words "reasonably practicable," to which some weight must be given. I myself desire in passing to draw attention to the question, which is a legal one, whether the part in question was a working-place on that particular occasion. Now, sir, I come to the question of naked lights, which involves the question of gas. Naked lights have always been used in the mine, and this raises the question as to whether Special Rule 14 was broken, and as to whether an offence has been committed by the want of the observance of this section. Now, round this point has been raised a keen controversy, and the company has been accused in the most unambiguous terms of concealing the facts. The charge was repeated and reiterated over and over again in a grossly offensive manner by an officer of the Department, who should have taken up an official attitude; but he was biased to an extraordinary degree. The evidence of concealment is of the flimsiest character, and no Magistrate could possibly convict on such a charge. I submit that the evidence on this point would fail to convince any fair-minded man. In this question "the company" is the manager; the company can only act by its agents, and if there has been concealment it must have been the concealment of the manager. We have had a great deal of evidence on this point. Then we have had Mr. Miller's opinion, based upon the facts and information supplied to him by the Inspector. Mr. Reed admits he depends upon the four cases of injuries to Conn, Rustin, Willcox, and Kelly. Ruston was not injured; Conn and Willcox, where is the evidence in regard to them? Dr. MacDiarmid says they were not serious cases as injuries. He did say that he considered every ignition of gas as serious, but this is the point Mr. Reed endeavours to make: that it was serious and ought to have been notified under any circumstances. But we are dealing with the law as it stands, and I submit that the evidence is perfectly clear that Mr. Fletcher was justified in not notifying these cases. But he is charged with deliberately concealing them, with endeavouring to hide these things from the Department. I submit there is not one tittle of evidence to support such a charge. On the contrary, the evidence is the other way. There is the voucher and Mr. Wood's book, to which Mr. Bennie had access. There is everything to show that Mr. Fletcher did not care a single snap of his fingers whether the Department knew or not. Then, in regard to section 62, requiring the mine-manager to notify the Inspector of all serious accidents, I think that section should be carefully considered. If the accident is serious and has to be reported, the working-place must be stopped. It must be sufficiently serious to justify cessation of work in that particular place, and that indicates what the Legislature had in mind in dealing with a serious accident. These charges that have been made against the company by Mr. Reed are not substantiated, but what position does he occupy in regard to this matter? He said he became aware of these happenings in the mine some time back, and states that we concealed them and did not report them to the Department; also that we are guilty