

wheresoever and whensoever danger from firedamp is apprehended." Can anything be clearer? Is any sort of fustian which obscures the issue to blind our judgment in regard to that fact? Mr. Fletcher not only apprehended danger from firedamp, but he knew that explosions of it had occurred. Therefore, not only is Rule 14 to be invoked, but it should have been invoked. There is no excuse for it not having been invoked. The company is guilty of wilful recklessness in allowing naked lights to be used for one day after they apprehended danger: it was enough that one man had been burned. My learned friend says, "Where is the negligence." That is point No. 1. What is the next? The company knew and have admitted that high bords could not be examined without ladders. They know that; a child knows it; every miner knows it, let alone a certificated mine-manager. Did they provide a single ladder? Not a ladder was found in the mine after the disaster, save a broken one. Did you hear any of my learned friends refer to ladders? And yet we are asked whether this company has been guilty of negligence. That was wilful negligence, and the examination for gas a farce. What is the use of pretending to this Commission or this country that this mine was efficiently examined for gas before the men went to work when they have not had a ladder for examining the roof where the gas accumulated? Because it is proved that gas is not present on the floor is not proof that gas is not locked up in the roof. That is another sign of wilful neglect. It is also provided in Rule 16, so that those who read can understand, that "Doors only used occasionally by the interviewer or his deputy must be kept securely locked, and only opened by properly authorized persons." Mr. Fletcher frankly admitted that the door that opened into this fatal death-trap had no lock. The law says it should have had a lock. He admits that it had no lock. And if my learned friend relies upon the fact that Martin entered by that door, then he went through a door that had no lock; the company is responsible for the absence of a lock on that door, and is therefore directly responsible for what occurred. But I do not believe that Martin went that way. I do not believe the non-lock on that door caused his death. There was neglect on the part of the company in refusing to place a lock on that door; if there had been a lock on it, it ought not to have been unlocked unless by some person in authority. Now, what do we find? We find that the ends of the bords in the old workings were not fenced. Rule 18 is quite clear on that point: it says that such places must be properly fenced across the whole width, so as to prevent persons from inadvertently entering the same. And this is what we find next: We find that the company knew that unless the old workings were effectually ventilated gas would collect and become a source of menace and danger to the men. Notwithstanding this knowledge, the company, without any regard to the danger of life, omitted to properly ventilate such old workings; and Inspector Bennie, forsooth, claims that he initiated the idea of getting these old workings inspected regularly for gas. Are we not to believe, then, that if Inspector Bennie had not insisted upon these old workings being inspected that the company would have allowed them to become gas-collectors and death-traps all that time; because that is the meaning of it. The company did not have those old workings properly inspected until the Inspector insisted on it because of the accumulations of gas. There was danger to the lives of the men, and another case of the recklessness of the management is absolutely made out. Every time Inspector Bennie inspected these old workings he swears he found gas there. There were now the deaths of Martin and all those other men, which were caused by the fact that No. 6 bord was not properly inspected before Martin went into it. He walked in confident that he was all right, believing it to have been inspected, and as he entered the bord where the gas was not sufficient to cause an explosion he marched with confidence up there, and when he got to the height of the bord where the gaseous mixture was such as to ignite from his naked light this ghastly catastrophe eventuated. It is clear, I say, that if that place had been properly inspected that morning the lives of those forty-three men would have been saved. There is no question about it. There is no use burking the fact that the inspection of No. 6 bord that morning of the 12th September would have prevented the explosion. What next do we find? That flame-producing explosives were used in the mine, the use of such explosives increasing the chance of a catastrophe. I do not want to make a strong point as regard the explosives used. I believe the company did not know which were permitted explosives and which were not. I want to say that where the evidence does not prove these matters one should willingly admit it. The next point is that the company allowed men to act as inspectors and examiners who were inexperienced in gas-testing—they had passed no examination in it, and they tested generally for heat and not for gas. The only men—Young and Darby—who apparently understood the gas-test had reported accumulations of gas in the mine; and my friend has produced witness after witness who have stated that there were no gas accumulations there. But look at their qualifications. Young, who learned gas-testing and passed the examination, swears that there were great accumulations of gas in the mine. So that this company has recklessly not only not guarded the men against explosions, but has allowed inexperienced men in regard to testing for gas to decide whether the miners should go into these places or not. Then, what next do we find? That the men who examined the old workings only tested up to 7 ft. What a farce with such bords as these, which run up to 20 ft. in height. Is not the charge, then, of caring little about the safety of the men fully proved? Surely. Then, again, the place where Martin was killed was not examined by Examining Deputy Whorskey on the morning of the catastrophe. This is required by law. Whorskey never examined these places that morning. It is not suggested so. If he did, why is it not referred to in his report-book? I asked Mr. Fletcher if he could prove it, and he said "No." Then, Whorskey never reported as required by Special Rule 25. It is provided in that rule that he (the deputy) "shall report to the manager any violation by workmen of the rule as to entering the mine before inspection." There is not a word of it. Is that not negligence? Then, again, the management have neglected, as required by Special Rule 3, to see that an adequate amount of ventilation is constantly produced in the mine to dilute and render harmless noxious gases "to such an extent that the working-places of the shafts, levels, stables, and workings of the mine, and the travelling-roads to and from such