

ming up, Moule, J., said: "The questions for you to consider are, whether it was the duty of the prisoner to have directed an air-heading to have been made in this mine, and whether by his omitting to do so he was guilty of a want of ordinary and reasonable precaution. If you are satisfied that it was the plain and ordinary duty of the prisoner to have caused an air-heading to have been made in this mine, and that a man using reasonable diligence would have done it, and that by the omission the death of the deceased occurred, you ought to find the person guilty of manslaughter. It has been contended that some other persons were, on this occasion, also guilty of neglect; still, assuming that to be so, their neglect will not excuse the prisoner; for if a person's death be occasioned by the neglect of several, they are all guilty of manslaughter; and it is no defence for one who was negligent to say that another was negligent also, and thus, as it were, to try to divide the negligence among them." It may be that that is a case very much to the point. If you think that this mine was improperly worked by William Hodge, who was the manager of the mine, and that it was his duty to have worked it in a different manner—that it was his duty to have made better provision for ventilation, or to have got the passage into the old workings closed, so that persons could not go in and out as they chose—then, gentlemen, I think you have to find that he was guilty of such culpable negligence as would amount to manslaughter. If, on the other hand, you think that this was an unforeseen occurrence that might almost occur daily in the working of the mine, and that it was simply accidental, you will find that it was so. With regard to Archibald Hodge, even if you were to find that William Hodge worked and kept the mine in a negligent manner, the fact of Archibald Hodge entering the old workings with a naked light would also render him culpable. On that point Russell, on page 864, vol. i., says;—"Where persons employed about such of their lawful occupations whence danger may probably arise to others, neglect the ordinary precautions, it will be manslaughter at least on account of such negligence." If you think that if he used ordinary precautions he would not have gone into the old workings without being provided with a safety-lamp, I think, then, gentlemen, you would also have to find him guilty of manslaughter. If there is any part of the evidence—I have here all the evidence taken on the different days—that you would wish your memory refreshed upon, I shall be very glad to read it to you. Or if there is any other point you wish to ask me about—and it is my duty to direct your attention to every point connected with the matter—I shall be glad to do so. The room will now be cleared whilst you consider your verdict.

Shortly after three o'clock the jury were left to consider their verdict. About ten minutes to four o'clock the Foreman sent for the Coroner.

The Coroner: Gentlemen, are you agreed upon your verdict?

Foreman: We are.

The Coroner: How do you find?

Foreman: First, your Worship, the jury find "That Archibald Hodge, through entering the old workings without ordinary precaution and with a naked light, caused an explosion of fire-damp whereby thirty-four men and boys lost their lives." Second, the jury find "That William Hodge has not used the necessary precautions to prevent an explosion of fire-damp in the mine over which he had the management." As a rider, we add "That, seeing that there is no law for inspection and supervision in the conduct of mining, we express the necessity of measures being adopted whereby many accidents may in the future be averted."

The inquiry then closed.

#### LEGISLATION.—PROPOSED AMENDED ACT.

In accordance with a promise made by the Government to the House of Representatives during the last session of the General Assembly, an amended Mines Regulation Bill has been prepared for introduction during the present session.

Having obtained as much information as possible from Victoria, New South Wales, and other sources, upon existing laws and regulations affecting this question, I requested the views of the Inspectors of Mines upon what amendments of "The Regulation of Mines Act, 1874," were, in their opinion necessary. Mr. Cox returned me such remarks as the time at his disposal enabled him to make upon this subject; and, upon my supplying Mr. Binns with the necessary data, he undertook the compilation of a complete draft of an amended Bill, which, after revision in this office, has been forwarded to the Law Officers to prepare for presentation. The Government is indebted to Mr. Binns for much attention devoted to the task of compiling this draft Bill.

The draft amended Bill has been framed from the following:—

"The Coal Mines Regulation Act, 1872," of Great Britain.

"The Coal Mines Regulation Act, 1876," of New South Wales.

"The Regulation of Mines Statute, 1877," of Victoria.

"Regulations for the inspection and regulation of mines other than coal and shale mines, framed under 'The Mining Act, 1874,' of New South Wales."

Mr. Wason's Regulation of Mines Bill, of 1878 (N.Z.), as reported from the Gold Fields' Committee.

"The Regulation of Mines Act, 1874," (N.Z.)

An outline of the principal new features contained in the draft amended Bill may be stated as:—

1. The introduction (chiefly from Mr. Wason's Bill of last session) of provision for certified managers of mines, and authority for the inspection of mines by workmen employed therein.
2. Distinct definitions of the terms "coal mine" and "metalliferous mine," and corresponding general rules relating to such mines.
3. Compulsory registration of plans of abandoned mines.
4. New provisions for Coroners' inquests upon persons who may have been killed in mines.
5. Additional general rules and new provisions for framing, publishing, and amending special rules.
6. New provisions relating to prosecutions of owners and managers.