

Robert Elliott, being sworn, stated that he is manager of the Brunner Mine. Knew the deceased, John Broadfoot; he was a carpenter, employed in the Brunner Mine. I recollect Wednesday, the 3rd of March; he was sent into the mine by me to turn the water on to the turbine, and I told him I would follow him. He started from the outside at ten o'clock. I followed him about half-an-hour afterwards. I found him at the turbine and fan, which were situated in the fourth heading of the lower level; the distance from the fan to the face of the stone-drift is about 1,000 feet. The fan was placed there for the purpose of drawing out the foul air and admitting fresh air, and for the general ventilation of the stone-drift. When I reached the face the deceased was there, and had everything at work. We both carried naked lights. I did not apprehend any danger. I told the deceased to oil the turbine and fan, and that I would soon be there. As soon as I arrived there I asked him if all were right, and if he had got it oiled; and then I said if he had got it oiled we would try the speed it was going at; so we went and tried her, and she made $13\frac{1}{2}$ revolutions per minute. I said, "We cannot do anything more here for a time; we will go to the tank and see about the water, if the supply will keep the tank full—she is going at what we want." We started off to go to the tank; I went first, thinking he was following me. We examined the joints of the piping connecting the turbine with the tank. I got about $2\frac{1}{2}$ lengths of pipes, which measure 30 feet, and then I looked round, and, greatly to my surprise, he was holding his candle as high as he could reach; and I called out to him, "For God's sake fall down!" I think it was too late for him to do so. When holding his candle up the gas ignited, and it was in consequence of this I gave him the warning. I threw myself down and hung on to the pipes. I then heard an explosion. I did not see the deceased after that. I shouted to him after the explosion, and he answered me several times; and the last time he answered me I thought his voice was somewhat weak. I think I remained there from an hour and a half to two hours after the explosion. I received injury from the explosion, but as there was some fresh air where I was I thought it safer to remain than to go out of the mine. The fan had been working less than twenty minutes prior to the explosion. It was about a fortnight before the accident since the fan was worked; we had been short of water. I had been in that portion of the workings in the interval. I was in there nearly every day; might now and then miss a day or two. I generally carried a naked light. No men were working less than two hundred yards from the fan. The effect of working the fan would be to draw the foul air out of the drive into the old workings, which were all bratticed off from where the men were actually at work; they were bratticed off so as to prevent the foul air going into the actual workings, and to make it go out of the mine elsewhere. There are six entrances to the mine. I did not consider it requisite to warn the men who were working in the mine that I was about starting the fan. I have had forty-one years' experience connected with mines, in various positions. It was from my practical knowledge that I did not apprehend any danger to the miners. If deceased had followed to the pipe-end instead of going to the fan, there would have been no danger, either to himself or anyone else. The deceased knew for what purpose the fan was erected; he had been told that after the fan was at work, it would be dangerous to use a light for some time. I have the sole control of the underground workings of the mine, and have the employing and discharging of the hands.

By Mr. Binns: Have read Special Rule 30. That rule has been kept, except about the Davy lamp. There has never been any gas, except in the fault; the mark was not made on the end of the places as required. Special Rule 29 has not been kept. Recollect receiving a letter from you dated 14th November [Plan produced]. On the rise side of the fan there was a slide door in the brattice; that door was closed at times. It was shut when the fan was working; that was the order.

By a Juror: The gas came in a body. When the fan moved, there might have been fifty or sixty yards of gas along the top. Have sufficient safety-lamps for the working of the mine and they are in good order. If the deceased had had a safety-lamp, and had held it up, an explosion would have taken place if he had pulled it down quickly.

By Mr. Binns: He held the candle where the current of air was coming out of the fan with velocity.

By Mr. Kennedy: The fan has been working twenty or thirty times since its erection and prior to the accident. It worked various periods from two to twenty-four hours at a time. During these times there have been people in the mine and at the fault with naked lights. In my opinion there was no danger from naked lights while the fan was working. I consider it was an accident caused by the negligence of the deceased by not attending to his orders which I gave him. If he had done as I bid, the accident would not have occurred. None of the miners made complaint at any time about the fan being at work whilst they were at work. The driving of the stone-drift is an essential for the working of the mine. I do not know of any better appliance for the better ventilating of the stone-drift. I do not see any danger for the ordinary working of the mine from the working of a fan similar to that worked in the mine.

By a Juror: Mr. Kennedy always supplied me with every requisite for the working of the mine.

Patrick Moore, coal miner, Brunnerton, employed in the Brunner mine: Recollect Wednesday, March 3rd. About 2 p.m. on that date I was employed in the mine. Knew the deceased John Broadfoot for years. I saw a person with a naked light working near the turbine. I was about eighty or ninety yards from the turbine. I heard an explosion, and afterwards saw a flame of fire coming towards my direction. I received no notice at all regarding the working of the turbine and fan. I do not know for certain whether I was in the mine at any other time when the fan was working. I would not have remained in the mine when the fan was working if I knew it, as I consider it to be dangerous to do so. Have been mining twenty years, and the last five or six years coal mining.

By Mr. Binns: Have a copy of the mining rules. I consider clause 30 very necessary. I cannot say whether that rule was observed.

By Inspector Feast: On a previous occasion, about six months ago, there was gas in the drift, and an explosion took place there; Mr. Elliott was aware of the explosion. The first explosion was in the face of the stone-drift.

By Mr. Kennedy: Had I been aware that the fan was at work, I would not have considered it safe to work in the immediate vicinity. I formed this opinion subsequently to the accident. Elliott stopped the works since the first explosion. I am not aware that the gas is completely cut off from where I was working. The work is bratticed off, but not air-tight, between where I stood and the fan. Never saw gas in the Brunner Mine, except in the stone-drift. I consider Rule No. 30 important since the last explosion, but did not think so before.

John Morris, fireman, Brunner Mine: Have been employed in the Brunner Mine for 12 years. It is my duty to examine the mine prior, to anyone going in to work, for the purpose of seeing that it is safe to work. Recollect the 3rd day of March. Performed my duties on that day. About 2 p.m. I was in the upper part of the workings, about 300 yards from where the explosion took place. Found the mine free from gas and safe for working prior to the explosion. Knew that there was a turbine and fan in the mine; did not know that the fan was put in motion on that day. Never heard that it was to be put in motion on that day. I would not have considered it unsafe to remain in the mine. If I knew the fan was working, I would have considered it safe to carry a naked light in the ordinary workings, but not at the mouth of the fan. Knew the deceased; did not see him that day after the explosion. Cannot explain how the explosion took place. The deceased knew for what purpose the fan was erected, and would have sufficient knowledge of the mine to know whether it was safe or not to approach the fan with a naked light. As a practical miner, ordinary precautions were taken for the safety of the mine. In the event of gas being found in any of the workings, it would be my duty to report it to Mr. Elliott. Had not found it necessary before the explosion to report any defects in the ventilation or danger in the working of the mine.

By Mr. Binns: For the safety of the workmen in the mine, I consider that Rule No. 30 should be carried out. Men were often in the mine before examination took place. The men took their own responsibility, and broke Rule No. 29.

By Mr. Kennedy: Where Patrick Moore was would be about 150 to 160 yards from the fan. After the fan was working three or four minutes ["hours" appeared in the newspaper report, and must be correct], it was safe to approach the mouth with a naked light. I was there when Kennedy and Elliott inspected the fan, about ten days before the accident. The air commenced to fly very quickly when the fan was in motion. The wind from the working of the fan comes from the outside. I consider that, from the manner in which the workings were bratticed off, there was no danger to men working in the ordinary workings of the mine. Cannot say whether the miners were workings at other times when the fan was in motion. I was at the fan on the day Kennedy was there with a naked light.

James Williamson, miner, Brunnerton, working in the Brunner Mine: Recollect the 3rd day of March. Not being at work in the mine for a week prior to the accident, I am unable to say anything about it. Have never refused to work in the mine on account of it being considered dangerous.

William Geary, collier, Brunnerton: Have been employed in the Brunner Mine for five years, off and on. About