

- (9.) To ascertain the number and efficiency of the stoppings, the materials of which they were composed, and the conditions they were in immediately prior to the disaster.
- (10.) To ascertain the nature and efficiency of the machinery and appliances used in the working of the mine, and the condition the same were in at the time of the disaster.
- (11.) To make suggestions for the prevention, as far as possible, of similar disasters, and for the safe working of this and other mines in the future.
- (12.) And generally to make inquiry into any matter or thing arising out of, or connected with, the several subjects of inquiry hereinbefore mentioned, or which, in our opinion, may be of assistance in fully ascertaining, explaining, and arriving at a fair and just conclusion in respect to the subjects of inquiry, and into the working of the existing law in respect to the prevention of similar disasters.

2. Having now concluded our investigations and inquiries, we have the honour to submit to Your Excellency our report on the several matters referred to us. The time for presenting our report has been extended by Your Excellency to the 1st day of November, 1907.

3. Your Excellency's Commission, dated the 23rd August, 1907, was received by us on the 27th August, and we at once proceeded to Riverton, and opened the Commission there on the 30th August. The parties represented by counsel were—

- (1.) The Mines Department and Inspector Green (represented by Mr. T. M. Macdonald, Crown Solicitor, Invercargill).
- (2.) The Nightcaps Coal Company (Limited) (represented by Mr. A. C. Hanlon, barrister, Dunedin).
- (3.) The Coal-miners' Union (represented by Mr. Macalister, barrister, Invercargill).

4. The procedure was first discussed and formulated, and it was arranged that Mr. Macdonald should call such witnesses as he deemed advisable; that Mr. Macalister should first cross-examine such witnesses; and that Mr. Hanlon should follow.

5. On the following day we went to the mine at Nightcaps, and made as thorough an investigation as circumstances permitted. The area of the mine known as No. 1 Section, in which the disaster occurred, was sealed off, and it was not possible to enter therein. Tests were made of the air and gases within the mine by means of lighted safety-lamps held over the mouth of the shafts, which were uncovered for the purpose. These tests demonstrated the presence of black-damp in large quantities. Thermometers were also lowered down the shafts and these showed an increase in heat at the bottom of the shaft of 23°. We examined the workings in No. 2 Section, and they appeared to be in good working-order. The ventilation was good, and due regard to the safety of the men engaged seemed to be observed. On the 4th day of October, the mine was again visited.

6. On the 2nd September we began the examination of witnesses at Riverton, which was found to be the most convenient place of sitting for all parties, and we continued such examination daily until the 3rd October instant. The only interruptions were on four different days, when we found it impossible or undesirable to sit. The proceedings were open to the public, and very full reports were published in at least three different newspapers. The process of examining witnesses was somewhat slow, and somewhat difficult, and both counsel and ourselves had to gradually learn where to look for evidence and extract it from the witnesses, but we believe that ultimately we exhausted all the information obtainable on the questions committed to us.

7. We append hereto the Commissions issued to us by Your Excellency, the minutes of our proceedings, a list of witnesses examined, the depositions on