

1901.

—
LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT

OF THE

ROYAL COMMISSION

(APPOINTED ON THE 21ST JUNE, 1901),

TO INQUIRE INTO THE

Fatal Accident which took place at the Broken
Hill South Mine, Broken Hill, on
the 24th May, 1901;

TOGETHER WITH THE

MINUTES OF PROCEEDINGS AND EVIDENCE,
AND APPENDIX.

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CONTENTS.

	PAGE.
COMMISSION	4
REPORT.....	5
INDEX TO WITNESSES.....	13
MINUTES OF PROCEEDINGS AND EVIDENCE	14
APPENDIX	64

Commission.

EDWARD VII, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King,
Defender of the Faith, and so forth,—

To Our Trusty and Well-beloved—

CHARLES GREGORY WADE, Esquire, Barrister-at-Law,—

Greeting:—

Know you, That We, reposing great trust and confidence in your ability, zeal, industry, discretion, and integrity, do, by these presents, authorise and appoint you, the said CHARLES GREGORY WADE, to make a diligent and full inquiry into the cause or causes of the fatal accident which took place at the Broken Hill South Mine, at Broken Hill, in Our State of New South Wales, on the 24th May last; also to investigate all the circumstances in order to ascertain whether blame attaches to any person or persons, and if so, to report the person or persons to whom, in your opinion, the blame attaches; and further to make any suggestion with a view to the prevention of such accidents which you may deem advisable: And We do, by these presents, give and grant to you, full power and authority, with all proper or necessary assistants, at all times, to enter into, or upon, the aforesaid mine; to descend all pits and shafts; and to enter into and to use all adits, levels, galleries, drives, and excavations, and to use all roads, ways, engines, ropes, machinery, gear, appliances, material, labour, and other things in or on the aforesaid mine, which shall be by you deemed necessary, so that in so doing no unnecessary interference with the working of the aforesaid mine be caused: And to call before you all such persons as you may judge necessary, by whom you may be better informed of the truth in the premises, and to require the production of all such books, papers, writings, plans, sections, and all other documents as you may deem expedient, and to visit and inspect the same at the offices or places where the same or any of them may be deposited, and to inquire of the premises by all lawful ways and means: And Our further will and pleasure is that you, after due examination of the premises, do and shall, within three months after the date of this Our Commission, or sooner if the same can reasonably be done, certify to Us, in the Office of Our Secretary for Mines, under your hand and seal, what you shall find touching the premises: And We hereby command all Government Officers and other persons whomsoever within Our said State, that they be assistant to you in the execution of these presents: And we do hereby declare this Our Commission to be a Commission for all purposes of the Act 44 Victoria No. 1, intituled "*An Act to regulate the taking of Evidence by Commissioners under the Great Seal.*"

In testimony whereof, We have caused these Our Letters to be made Patent, and the Public Seal of Our said State of New South Wales to be hereunto affixed.

Witness Our Trusty and Well-beloved The Honorable Sir FREDERICK MATTHEW DARLEY, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Our Lieutenant-Governor of Our said State of New South Wales and its Dependencies, in the Commonwealth of Australia, at Sydney, in New South Wales aforesaid, this twenty-first day of June, in the first year of Our Reign, and in the year of Our Lord one thousand nine hundred and one.

FREDK. M. DARLEY,
Lieutenant-Governor.

By His Excellency's Command,
B. R. WISE.

Entered on Record by me, in REGISTER OF PATENTS, No. 23, page 243, this twenty-first day of June, one thousand nine hundred and one.

For the Colonial Secretary and Registrar of Records,

CRITCHETT WALKER,
Principal Under Secretary.

**THE ROYAL COMMISSION APPOINTED TO INQUIRE INTO THE CAUSE OF
THE FATAL ACCIDENT AT THE BROKEN HILL SOUTH MINE AT
BROKEN HILL.**

REPORT.

To His Excellency the Honourable SIR FREDERICK MATTHEW DARLEY,
Knight Grand Cross of the Most Distinguished Order of Saint Michael
and Saint George, Lieutenant-Governor of the State of New South
Wales and its Dependencies, in the Commonwealth of Australia.

MAY IT PLEASE YOUR EXCELLENCY,—

On the 24th May last six men were killed whilst at work in the Broken Hill South Mine at Broken Hill, and your Commissioner was directed by your Excellency's Commission, dated 21st June last, to make full and diligent inquiry into,—

1. The cause or causes of the fatal accident which took place at Broken Hill, South Mine, at Broken Hill, on the 24th May last.
2. To investigate all the circumstances in order to ascertain whether blame attaches to any person or persons.
3. If blame attaches, to report the person or persons who are blameable.
4. To make any suggestion with a view to the prevention of such accidents.

Your Commissioner proceeded to Broken Hill for the purpose of prosecuting such inquiry. Having examined there twenty-two witnesses—the minutes of whose evidence are annexed to this report—and having made personal inspection of the “locus” where the unfortunate men met their death, and of the general system of stope-working at Broken Hill, he has now the honor to present his Report.

The Commission was opened at the Council Chambers at Broken Hill, on Wednesday, 26th June. For the purpose of giving publicity to the inquiry, and to secure the attendance of witnesses, a notification in the local newspaper invited all persons having any information to give in the matter to send in their names to the Secretary of the Commission for the purpose of being summoned as witnesses.

On the opening of the inquiry the following gentlemen asked permission to appear, namely:—

Mr. J. R. Edwards, Solicitor, on behalf of the Broken Hill South Mine.

Mr. D. Milne, an Inspector of Mines, on behalf of the Department of Mines.

To this request your Commissioner assented. Nobody appeared, however, to represent, directly or indirectly, the interests of the deceased workmen, whose death was the subject of inquiry. The absence of such representation being somewhat unusual and unexpected, your Commissioner deemed it advisable to temporarily defer the examination of witnesses to allow another opportunity for the interests of the dead men to be represented. On the Commission resuming, at a later hour of the same day, nobody then appeared on behalf of the miners generally or of the representatives of the deceased workmen. Under these circumstances, and inasmuch as the gentlemen appearing to watch the interests of the Company and the Department of Mines were in a position of respondents rather than promovents, your Commissioner determined to summon such witnesses as appeared to him to be material from time to time; affording to the parties then represented the right of cross-examination, or in their turn of calling evidence in their own behalf. To

further

Opening of
the Commis-
sion.

Interest of
deceased not
represented.

further ensure that no material witness should be in any way overlooked, your Commissioner summoned Henry Morris and William J. Wise, President and Secretary respectively of the Barrier Branch of the Amalgamated Miners' Association. This Association had been represented officially at the Coroner's inquest, in the interests of the deceased men; and, inasmuch as its members would have a natural and justifiable sympathy with the relatives of fellow-workmen who met their death underground, your Commissioner felt assured that if any fresh material evidence was available it would be known to the officials of this Association. Messrs. Morris and Wise stated, however, that whereas they were individually quite willing to help your Commissioner in obtaining information, yet they were unable to give the names of more than one person, whose testimony might be material, in addition to those who had been already called at the inquest. In the course of their evidence the above-mentioned witnesses confirmed the contents of a letter which had been sent by the Amalgamated Miners' Association to the Secretary to your Commissioner. (See exhibit A.) Therein it was stated that at the Coroner's inquest previously held a full and searching inquiry had been made into the circumstances of these men's deaths, and that no further information was likely to be gained by their organisation being represented before the Commission. The evidence of these witnesses afforded a reasonable explanation of the absence of any representation of the miners at the inquiry, and led your Commissioner to form the opinion that, so far as the Amalgamated Miners' Association were concerned, they did not know of any fresh evidence that would assist the Commission. Having then exhausted the resources of the miners' official organisation your Commissioner caused to be summoned and examined every person who was thought to have a knowledge of that part of the mine where the disaster took place, or of the methods of work in that locality.

For the reasons already mentioned, and owing to the publicity that was given to the inquiry, your Commissioner cannot imagine that any evidence of value has been withheld.

Mr. Wise stated (*vide Q. 838*) that it is very hard to get workmen to come forward and give evidence, as they are afraid of being dismissed if their evidence is unfavourable to their employers. Mr. Wise, however, did not say that he knew of some person or persons who, though able to give evidence before the Commission, were afraid to do so; but, on the contrary, that he knew of nobody besides Mrs. Havelock who could throw any light on the matter. At the same time, it is only fair to the company to say that Mr. Edwards courted the fullest inquiry on behalf of his clients, and repudiated the possibility of the Company doing such a cowardly thing as to dismiss employees for speaking the truth before the Commission; and certainly some of the witnesses who appeared before your Commissioner gave their evidence with an air of notable independence.

DESCRIPTION OF THE MINE.

The Broken Hill South Mine is lead and silver producing, and has been worked for a number of years. The deepest shaft is now sunk to a depth of 800 feet. At intervals of 100 feet from the surface levels have been put in from the shaft, and these are the starting points for the work of the mine. In the upper and as low as the 400 feet levels the ground was of a friable nature; but as the depth increased the formation became harder, and at the 800 feet level at the present time the country is very hard. The ore is obtained by the usual method of stoping. In this manner, worked from below and upwards, the ore-producing body between any two levels is extracted. In order to protect the workmen, and at the same to prevent falls of the ground adjoining the cavities, caused by the removal of ore, timbering is resorted to. Thus, as a stope is gradually worked out the vacant space is continually being built up with a stage of "square sets." Each set is about 7 feet in height; and, whilst such skeleton sets are built vertically, the lower horizontal floors are also gradually filled up with mullock for the purpose of giving stability to the structure and strength to resist pressure from the surrounding country. In this manner the vacant space caused by the removal of the ore is replaced by an almost equally solid body of mullock.

The history of the particular spot where the men were killed, is as follows:— A stope had been worked, in the usual way, between the 500 feet and 600 feet levels some four years ago. About two years ago a crush took place in this stope, just on

the

Are workmen
unwilling to
give evidence.

Method of
"stopping."

Place where
fall occurred.

the 500 feet level. The friable stuff gradually settled off the hard back on the timber of the square sets, with the result that a certain amount of timber was broken by the crush, leaving a cavity about 50 feet long x 25 feet wide, and in height varying from 12 feet on the hanging wall side to 20 feet on the footwall. This part of the stope was allowed to settle gradually, and nothing was done towards building it up, or securing the ground, for some five months. After that interval, work was resumed, and for nearly eighteen months prior to the 24th May the work of re-timbering this crushed stope had been carried on without any accident.

EVENTS OF THE 24TH MAY.

On the 24th May, eight men started work on the day-shift. The party consisted of Prideaux, Downs, and Mason—all experienced miners—Havelock, Bennetta, Edwards, Smith, and Gawen. The only survivors of that unfortunate party are Smith and Gawen, and they relate the events of that day. As soon as they reached the working place, Prideaux proceeded on to the pile and commenced to “bar down.” He made the remark that he did not like the look of the place too much, and then, with the assistance of Downs or Mason, put in a shot and fired it. After the shot was fired, Prideaux and another man made an examination of the scene of the shot. Being apparently satisfied, they told the men that everything was right, and that they could go on with their work. The mullockers began filling the truck, whilst Prideaux and his mate proceeded again to “bar down.” One truck had been filled and wheeled away by Smith. He had returned, when suddenly, whilst the second truck was being filled, and without any warning, a large amount of stone fell, burying the four men farthest from the timber. Gawen, who was the nearest man to the timber, received an injury to his leg. Smith escaped unhurt. Bennetta and Edwards, who were next to Gawen, were partially buried. The fall put the lights out, but they were immediately re-lit; and Thomas and O’Neill, who were working close by, rushed to give assistance. But before anything could be done to rescue Bennetta and Edwards, a second fall took place, which entirely covered them and killed them. Rescue parties subsequently got to work, and by Sunday morning all the dead bodies had been recovered.

THE CAUSE OF DEATH.

Upon the evidence, your Commissioner has come to the conclusion that the first fall came from the breast of the stope and the second from the backs, which had been released by the first fall.

The cause of the falls was the existence of a “soapy head.” The contiguous rock became detached, owing possibly to the pressure or disintegrating influence of the atmosphere, or to the concussion caused by firing shots, or possibly from a combination of all these causes.

DOES BLAME ATTACH TO ANY PERSON?

Position of the Company.

The question then arises, are any persons to be blamed for this disaster? The persons concerned are—the manager of the mine, the Inspector of Mines, the shift-bosses, and the deceased workmen.

The position which the Company had to face was as follows:—A portion of this stope had settled down through a crush, leaving a large cavity. As a matter of expediency it was proper that it should be filled up. In its present state further falls were probable; for the fact of the existence of this large area of unsupported roof tended to the instability of the locality. Moreover, the formation in parts was of a friable nature, and there were also small veins of silica permeating the rock, which were particularly noticeable on the hanging-wall side. Atmospheric pressure would thus be liable to cause disintegration of the ground and so cause further falls. In consequence of the crush, there was a heap of fallen stone lying in the stope. The method of work proposed was to obtain a solid foundation (removing for that purposes the loose material), to build up square sets across from wall to wall, and then carry these up vertically as high as the backs. Having thus completed the first

The work was necessary.

Method of working.

Work involved a risk.

first set, another set would be carried up in advance of that in the same way. This method necessitated men working under the unsupported roof whilst securing and erecting these square sets. That the work was dangerous there can be no doubt. The backs could not be sounded from the working floor, owing to the height; and although, by climbing up on the timber it was practicable to sound them for a distance of 6 feet into the open, yet the condition of the rest of the cavity could not be a matter of absolute certainty, and a fall might come from the unexplored part and inflict injury. However, by constant attention to the condition of the backs as far as practicable reasonable protection was afforded against all ordinary risks.

The fact of a man undertaking work that is dangerous does not in itself give him a right to recover damages against his employer in the event of his sustaining injury whilst so engaged. All mining is more or less dangerous; and if a man undertakes to perform and continues to do certain work which obviously entails a risk, and he has the means of ascertaining the nature of the employment and its dangers, he is deemed thereby to have contracted to submit to the risks incidental to such operation. Nor on the other hand can he make the employer responsible for an injury proceeding from a cause which could not be reasonably foreseen.

The men chosen to carry out this work included at least two persons who enjoyed the reputation of being excellent miners, possessing large experience and showing great care in their operations. They each received an extra shilling per day whilst engaged upon this work. They were also given instructions by the Manager and the Mining Inspectors at different times to be especially careful. It was stated in the course of the inquiry that if an employee complained of a working place being dangerous, and such complaint was found to be reasonable, the Company would find him work elsewhere in the mine. Havelock, it is clear from statements made by him to his wife, realised the danger involved in this work. These men knew that they must rely upon themselves and must use every care. Yet no complaint was made to the mine officials that would lead them to believe that the men refused to take the risk. The fact therefore of their continuance at work, under these circumstances, forces your Commissioner to the conclusion that the unfortunate men who are now dead undertook the risk that were incidental to this operation of picking up this fallen stope.

Workmen assented to the risk.

No overhead protection.

It may be said that the omission to provide protection overhead is evidence of neglect on the part of the Company. Whether any advantage would be gained by any overhead cover is questionable; but apart from this, Prideaux had a wide discretion in his method of work. The material for the purpose was available but he did not ask for it, and presumably was content to work without it.

Effect of Regulation 8.

Number 8 of the Regulations for the inspection of mines other than coal and shale, provides that the mere occurrence of an accident in a metal mine shall be *prima facie* evidence of neglect on the part of the mine-owner; but your Commissioner is of opinion that this provision is *ultra vires* and is of no efficacy to impose liability on the Company.

Position of the Manager and Shift-bosses.

Method of inspection.

The Company, however, do not seem to absolve themselves of responsibility in connection with this work. Two shift-bosses were employed to supervise the operations, and the next question is whether these men had been neglectful of their duties. The contract of Prideaux and his party imposed on them the duty of seeing that the working place was safe before they commenced work each shift, and before they resumed work after firing a shot. In case of any development indicative of danger during the shift they were also bound to report it to the shift-boss, and he, in his turn, would report to his superior officer. There were certain defined signs to guide them, for impending danger from a falling rock might be indicated by "dribbling" or by cracks, or by the "drummy" sound given out when testing with a hammer or bar. It was the duty of the shift-boss to visit the stope twice during each shift, to inquire from the men the condition of the place, and also to personally examine the stope, and remedy anything that seemed dangerous. According to the evidence the shift-bosses appeared to have carried out their duty in these respects. Beyond the "dribbling" from the footwall—which it was agreed was not under the circumstances indicative of a dangerous fall—nothing was brought to their knowledge which would suggest the probability of the disaster which took place

place on the 24th May. Your Commissioner is of opinion that nothing has been adduced to show neglect on the part of the shift-bosses or the mine manager which contributed to the death of these men.

Opinions seemed to differ as to whether a "soapy head" was likely to be met with in this part of the stope. If, however, the "soapy head" is deep-seated the greatest care may fail to discover it. These men all declare that they saw no cracks, and were encouraged to believe in the stability of the stope, from the fact that it had been standing for eighteen months. Existence of "soapy head."

At this stage it is necessary to deal with the evidence of Thomas Lawson. He swore that he saw a crack large enough to admit a man's hand in the backs just a week before the 24th May, and that Samuel Thomas pointed it out to him. If this is true, then the shift-boss, with ordinary care, must have seen it also. Thomas, however, denies this allegation; and not one, of the many witnesses called, who had seen that stope, and whose duty it was to look, saw any crack there. Although Lawson had been discharged from the mine on the 20th May for absenting himself from work, he did not show that strong animus that might be expected from a man who had been dismissed. Yet he admitted, that knowing well the menace this crack in the back was to the workmen, he pursued the unnatural course of concealing this information from the officials, and did not even warn his fellow-employees of the risk they ran. That Lawson was frightened by the stope there can be no doubt. His fear may have led him to believe that there might be a crack; but your Commissioner, bearing in mind the contradictions given to his story, and the inconsistencies in his own conduct, is unable to come to the conclusion that a crack actually existed. Evidence of Thomas Lawson.

Position of Prideaux and Party.

According to Smith and Gawen, the survivors of the party, one of the miners examined the place every day before starting work. The Chief Inspector of Mines said that when he spoke to these men in September last they told him they sounded the backs every day. To the Inspector of Mines, Mr. Milne, they stated that they were taking every care. Generally speaking, the work was carefully carried out, and those in charge showed a proper regard for the safety of the men working with them. Gawen and Smith agree in saying, however, that on the 24th May Prideaux began to "bar down" at once on entering the stope and omitted to examine the backs, and again after firing the shot he only examined the scene of the shot. It is somewhat remarkable that this man, in whom his fellow-workmen and employers had such confidence, should have omitted this necessary precaution on the morning that this fall took place. Although the mouth of Prideaux, the man most competent to speak on the point, is closed in death, yet it is hard to believe that Smith and Gawen are mistaken about the precise order of events of that day. However, it may be said, that if Prideaux had sounded with a bar he could not have safely reached the breast whence the first fall came; and although it is possible, yet it is not likely that a candle light will reveal any dangers at that distance. Consequently, your Commissioner is unable to say that Prideaux's omission in any way contributed to bring about the disaster. Generally careful.
Personal examination not made on 24th May.

Position of the Inspector of Mines.

The Inspector of Mines is a statutory officer appointed by the Governor-in-Council. His powers and duties are derived from the Regulations for the inspection and regulation of mines other than coal and shale mines of 1889, made under the authority of section 64, sub-section 3, of the Mining Act, 1874. He is empowered to enter upon a mine and inquire into any matter relating to the safety of persons employed in or about the mine (Reg. 3). If anything is considered by him to be defective or dangerous to life or limb, he may notify the owner and require the same to be remedied. Although he has a right to interfere with the management of the mine, and his suggestions are mandatory upon the mine manager, yet the Regulations make it optional to him whether he will step in or not. The responsibility is upon the officials who manage the mine, to exercise proper care. The fact then of the Inspector omitting to check what is dangerous does not impose upon him the same liability as rests upon the mine management in the event of a mishap. His powers and duties.

Mr. Milne's view was that the place was wild, but that the system adopted was safe if constant care was bestowed upon the condition of the backs. All the

expert evidence indeed supports this view. He was very attentive to his duties; he inspected the mine every few weeks, and always visited this part of the stope. He questioned the men as to the state of the backs and urged upon them the need for continued and vigilant care on their part. He also discussed the position with Mr. Mayne, the underground Manager, and impressed upon him on his first visit the necessity for watchfulness on all sides. The answer given and the character of the work led him to believe that his suggestions were being carried out. It does not appear to your Commissioner that any responsibility attaches to Mr. Milne legally, or that he is in any way blameworthy.

SUGGESTIONS FOR THE FUTURE.

Inspection of Working Places.

The evidence disclosed that the contract between the Company and Prideaux's party was to cast upon the latter, primarily, the responsibility of providing for the safety of themselves, inasmuch as they had been selected for this risky work as men being in a special degree fitted for the purpose, and had been invested with a large amount of discretionary power as to the details of the operation. And, moreover, being known to be trustworthy men the manager and shift-bosses had no reason to suppose that they could not take care of themselves, and that they were in any way neglectful in not examining the working places personally before the shift began.

In spite, however, of the trust imposed in these men, there is the peculiar coincidence that on the morning when the crush took place the locality had not been examined in the prescribed manner. Whether this fact had any causal connection with the accident is immaterial at present; but the question arises whether it may not be advisable in the future to have some official certificate of the condition of the working places. It may happen in some instances that men as reliable as Prideaux and his party could not be obtained to do special work of this nature, and on all occasions, it must be remembered, there is a tendency amongst miners to treat lightly the element of danger. This may be owing to the natural courage of the miner nurtured by the continued immunity from injury, or it may be from a disinclination to lose time by attending to a matter which does not appear to be immediately dangerous. Whatever the cause may be, a check upon the workmen is always desirable; not only in the interest of their fellow-workmen, but for the safety of the miner-owners' property.

Your Commissioner does not deem it within the scope of this inquiry to make any suggestion with regard to the desirability of an inspection of *all working places* by an officer of the mine before the commencement of a shift; but he is of opinion that it would certainly be a greater protection to all parties concerned if a shift-boss was in a position to certify, before the men enter, to the safety of a place, such as the scene of the recent fatal accident.

Where the miners work in continuous shifts an inspection might be made without any trouble by the shift-boss of the preceding shift some time before work ceases. The result of such inspection should be duly recorded by the shift-boss in a book to be kept at the mine. This book should be open to inspection, as is the case under similar circumstances in a coal-mine. The Government Inspector of Mines would thus be in a better position; for his official visits to the mine are made at intervals of weeks, and he would be much more likely to obtain a connected history of the work during these intervals through these daily records than by desultory questioning of the men on his visits. At the same time it should be impressed upon the labourers engaged underground that they are not to be freed from their duty of reporting danger. A miner has not only a duty towards himself, but he is also trustee for the safety of his fellow-workmen. His duty to observe the rules for the safe working of the mine is paramount, and it should be strictly enforced. The rules should be made known to him, and he should observe them.

At the Broken Hill South Mine, the rules of the Company are posted at the plats. These are often not read, and cases are not unknown where the rules, although posted up, have suffered from the ravages of the miner's "spider." Your Commissioner is of opinion that there is more likelihood of the rules being brought to the knowledge of the miner if they are printed in pamphlet form and a copy given to each man employed about the mine. It may be objected that this provision will

not

Inspection by
Mine Officials

Before work
commences.

To be recorded
in a book.

Rules to be
given to men.

In pamphlet
form.

not ensure that the rules will be read, but there are doubtless many men who, perhaps from deficient education, are unable to spell them out as they stand upon the plats waiting for the cage, and yet would read them at their leisure when at home. Moreover, if this is done it can no longer be urged by a miner that he has not had a reasonable opportunity of becoming acquainted with the rules of the mine.

The System of Stoping.

Another matter that indirectly bears upon this branch of the inquiry is the method of filling-up the worked-out stopes; for although the fall which caused death had no causal connection with the amount of mullock in the sets, yet that becomes important in considering the difficulty of picking up a crushed stope. Inasmuch as the great difficulty in dealing with a fall of this kind is the depth of the cavity, whereby the condition of the backs out of reach must be taken largely on trust, it is recognised that the greater the space to be filled up the greater the risk, and that it is essential that as the square sets are built up floor by floor, the lower floors should be filled up as soon as possible. If the sets are left in their skeleton form to support the country round this open space, the results of a crush under these conditions must be disastrous, and it would be most difficult to make it good. Conversely, if the sets are filled up as close to the backs as possible, not only is greater support given to the roof and sides, but in the event of a crush the task of picking up the fallen stope is not so great. According to some witnesses, there would seem to have been a number of floors standing bare in this stope when the crush took place two years ago. Mr. Mayne, the Manager, was recalled upon this point, and swore that the stope was filled up to within one set of the back; and although this admission did not help to bring about the fall on the 24th May, yet for the purpose of facilitating repairing operations after the crush the stope should always be kept filled up as close as possible to the backs.

Square set should be kept well filled.

IS OVERHEAD PROTECTION NECESSARY?

Some evidence was given as to the necessity of having protection over the heads of men at work in this stope. The legal effect of this cover being absent was disposed of by your Commissioner when dealing with the responsibility of the Company. The question now arises whether such an overhead protection would be expedient, in order to prevent the recurrence of such a disaster. Mr. Rowe, the under-ground manager of the adjoining mine (the Central), was at this spot the day after the occurrence. His evidence may be taken as that of an independent witness, on this point. He stated that there are two methods of restoring the fallen stope. One was to rear each set to the height of the back, and to advance set by set, building each in turn from wall to wall and up to the back. During the erection of each set the back can be sounded from the edge of the last set erected, and the men need not work farther away from the last set of timber in the open than the width of the set then about to be built. For that distance one can be practically certain of the safety of the backs immediately overhead. An alternative method is to build up bulks in advance of the work, and then secure a larger area of the backs. But two objections are raised to this: firstly, it would still be necessary to excavate the pile until a solid foundation is obtained for the bulk, in the same way as the foundation is acquired for the sets; and, secondly, while the bulks are being erected, the men are exposed to a fall from overhead, beyond the 6-feet limit, and from a spot which they cannot test in any satisfactory manner. As Mr. Rowe put it, you might get additional security after the erection of these bulks, but in the process the risk to which the men would be exposed would be greater. In answer to a question (Q. 1703), he specifically stated, bearing in mind the serious loss of life involved in this instance, that if a similar crush had taken place in his mine, he would have adopted the same method of repairing. Mr. Mayne, the Underground Manager, Mr. Snee, Chief Inspector of Mines, and Mr. Milne, Inspector of Mines, depose to the same effect, and no witness was able to suggest any method by which these accidents could be prevented in the future. Protection overhead may obviate injury in the case of a small fall, but there was no evidence adduced of a different method of working which would, in the opinion of your Commissioner, ensure against the terrible result of a fall similar to that which took place on the 24th May last.

Overhead protection.

Of no avail against heavy fall.

ARE

ARE ADDITIONAL INSPECTORS REQUIRED?

Mr. Morris and Mr. Wise were of opinion that more Government Inspectors were necessary in the Barrier district, and that an additional number would tend to add to the security of the workings. Certainly, for a short period after Mr. Hebbard's resignation, there was only one inspector. Now there are two. Mr. Slee was of the opinion that the present number was ample for the requirements of the field. Your Commissioner cannot see any substantial ground for supposing that the two inspectors now at Broken Hill, who are both competent men, are unable to adequately discharge the duties imposed upon them.

In conclusion, your Commissioner finds that—

1. The accident on 24th May at the Broken Hill South Mine was caused by a fall of rock.
2. The fall was brought about by the rock becoming detached through a "soapy head."
3. The work was dangerous, and was known to be so to the workmen and employers.
4. The method adopted of performing this work was reasonably safe if faithfully carried out.
5. The deceased men, generally speaking, performed their work with due care.
6. On the 24th May those in charge of the party did not make a proper inspection before commencing operations.
7. Such omission did not contribute to the death of these men.
8. The system of inspection adopted by the mine officials was sufficient.
9. The Inspector of Mines discharged the duties required of him by the Mining Act, 1874.
10. For greater precaution in the future, where the work involves extraordinary risks, an inspection should be made of the working places by a competent mine official before the men commence work.
11. The result of such inspection should be daily recorded in a book accessible to the workmen and officials.

In concluding this Report, your Commissioner desires to record the able and expeditious manner in which Mr. H. D. Wood, the Secretary, and Mr. J. J. Keenan, the Shorthand-writer, at all times discharged their duties.

I have the honor to be,

Your Excellency's obedient Servant,

C. G. WADE, (L. O. S.)

Royal Commissioner.

H. D. Wood,
Secretary.

19 July, 1901.

LIST OF WITNESSES.

	PAGE.		PAGE.
Richard Bennetts	33	Samuel Mayne	16, 35, 60
Alexander B. Brock	37	David Milne	41
Josiah Brown	56	Henry Morris	35
Daniel Cockburn.....	61	Peter O'Neill	26
Thomas Colmer	53	William Rowe.....	47
William Bernard Driscoll	30	William Rowe.....	57
Oscar John Gawen.....	22	Wm. H. J. Slee	39
Marty Havelock	39	John Smith	27
James Hebbard	44	Samuel John Thomas	24
Frederick Hocking.....	55	William Weser	62
Thomas Lawson	48	William James Wise	34

ROYAL COMMISSION APPOINTED TO INQUIRE INTO FATAL ACCIDENT AT
THE BROKEN HILL SOUTH MINE.

MINUTES OF PROCEEDINGS AND EVIDENCE.

WEDNESDAY, 26 JUNE, 1901.

[The Commission sat at 10 a.m. in the Council Chambers, Broken Hill.]

Present:—

CHARLES GREGORY WADE, ESQ., BARRISTER-AT-LAW, ROYAL COMMISSIONER.

Mr. David Milne, District Inspector of Mines.

Mr. J. R. Edwards, solicitor, representing the South Broken Hill Silver-mining Company (No Liability).

THE Secretary, Mr. H. D. Wood, read the terms of the Commission.

Commissioner: The Commission which has just been read empowers me to deal with the recent unfortunate occurrence at the Broken Hill South Mine from three points of view. I am first of all commissioned to inquire into the cause of the death of the men who were killed; secondly, as to whether any blame is attached to any person or persons; and, thirdly, to report whether any means can be devised that will prevent such accidents occurring in the future. So that although the terms of the Commission are limited to the circumstances of the report of the death of the men, still within those limits the inquiry will be thorough and searching. With regard to the method of procedure, there are two courses open to me to adopt. The persons interested in this inquiry are, I take it, the relatives or representatives of the deceased miners, the Department of Mines, and the mine-owners. I may adopt any one of the two courses—either to call the witnesses myself to give evidence on their names being given to me, and then allow any of the parties represented to question the witness; or the other course, which seems to me to be the most convenient—that is, to allow each of the parties represented at the Commission to call witnesses in support of their case, and then permit the other parties to ask such witnesses any questions from their point of view. This course would be the more advantageous, since I know nothing of the facts of the case myself, while the representatives of the different parties would be quite familiar with them, and could produce the evidence in a system of continuity. In this way each party could place the whole case before the Commission, and the reply of the other side could then be produced in a continuous body of evidence. The procedure would then be the same as that generally followed. I think it would be more convenient for the relatives or representatives of the deceased miners to place their case before the Commission first, and then for the mine-owners to produce any evidence in rebuttal of that brought forward. Of course if any witness should, in my opinion, be a material witness to the Commission, I would summon him on my own responsibility, and the parties before me would have the right to question such witness.

[The Commissioner then asked if anyone appeared on behalf of the deceased. There was no response].

Commissioner: Do you know, Mr. Edwards, whether the representatives of the deceased workmen intend to be here, or have you heard whether anyone is to appear for them at this inquiry?

Mr. Edwards: I have no knowledge of anyone going to appear, nor have I received any notice of it. I may say that three representatives of the deceased are in communication with me in reference to an amicable arrangement, but I have had no notice of any criminal liability.

Commissioner: My only course, then, is to adjourn the Commission till 2 o'clock, and to ascertain in the meantime if the representatives of the workmen wish to appear. If they do not, then it will be for me to summon such persons to appear before the Commission as I may think material, and thus fall back on the method of inquiry which I mentioned first.

Mr. Edwards: May I say that, as far as the Company is concerned, we court the fullest inquiry possible, and every information and facility will be given to assist the Commission in coming to a decision. Of course my instruction is that the officers of the Company have every confidence in their position; but if any means can be adopted, or any light thrown upon the situation, to prevent a recurrence of accidents of this kind, there will be no one more happy to receive suggestions than the managers and mine owners. I dare say that, following upon the course adopted by Judge Murray when he held an inquiry here, it is probable

probable that a representative of the Union or of the relatives of the deceased may think the Commission will summon the witnesses. In that case the names of the persons to give evidence were handed in, subpoenas were issued, and the witnesses attended.

Commissioner : If witnesses are summoned they are entitled to get their expenses. Unless someone appears on behalf of the deceased miners I shall have to fall back upon that course and summon them to appear before the Commission to-morrow morning. I shall now adjourn the court till 2 o'clock.

[Adjournment.]

The sitting was resumed at 2 p.m.

The Royal Commissioner asked if anyone appeared for either the Amalgamated Miners' Association or the relatives of the deceased miners. There being no response he said :—

I take it that now, apparently, the workmen will not be represented at this inquiry. I regret it very much. I am sure that such representatives would have been of much assistance to the Commission in dealing with this somewhat technical subject. It only remains, in that case, for me to pursue my duty, in accordance with the Commission, to hold an inquiry in their absence. I understand there were a number of witnesses called at the inquest. Is that so, Mr. Edwards?

Mr. Edwards : Yes. I may say that yesterday an article appeared in the *Barrier Miner* practically stating that the men were afraid to come forward and give evidence for fear of being dismissed, which is a gross libel upon the management. The management, court every inquiry, and no man has the least thing to fear in coming to this Court so long as he speaks the truth; and rather than it being considered in an unfriendly spirit by the management, he would be looked upon as an honest man. If there are any men in the Company's employ who could give evidence, on having the names submitted, the officer in charge would instruct them to appear, and in every way the Company will be glad to give all the facilities it can to have the inquiry conducted thoroughly.

Commissioner : I am very glad to hear what you have stated, Mr. Edwards, as to the spirit which animates the Company; and it is only right. It occurred to me that the workmen may not be anxious to put themselves forward, for fear of losing their day's wages. I should like to make it clear that any workman attending to give evidence will receive his expenses in the same way as in an ordinary Court of Justice. As I consider the witnesses called at the inquest to be material to the inquiry, I shall have them summoned before me, together with any others whose names may be handed in to forward the inquiry. I should like the manager, or the underground manager, of the mine to be present, whichever is most competent to speak on the working and the plan of the mine. Was the underground manager called at the inquest?

Mr. Edwards : The underground manager will be able to explain the working of the mine and the condition of the stope prior to the accident.

Commissioner : Were there any men present at the time of the accident who were not killed, or in the locality of it?

Mr. Edwards : Yes; there were two men present. They were called at the inquest, along with two others. If it would be any information to the Commission I could supply a copy of the depositions taken at the inquest.

Commissioner : The Secretary of the Commission has a copy.

Mr. Edwards : Mr. Howard, the Managing Director of the Company, is present in Court, and I should like to know if he could give the Commission any information. Mr. Howard's place of business is in Adelaide, and he came up specially on the inquiry.

Commissioner : I cannot forecast the line of evidence beyond the fact that there has been an accident and certain persons were killed. If Mr. Howard has a view of a practical nature to give in regard to the mine —

Mr. Edwards : Mr. Howard leaves that to his skilled officers.

Commissioner : The best course is to adjourn till 10 o'clock to-morrow morning, when I shall be glad to see the underground manager present with a plan of this particular part of the workings.

Mr. Edwards : The Company will be glad to produce a plan of the underground workings showing what is required.

[Mr. Edwards then asked when the Commission would pay a visit to the mine. The Royal Commissioner stated that he would be pleased to inspect the mine at 3 p.m.]

[The Commission then adjourned till 10 a.m., Thursday, 27th June.]

THURSDAY, 27 JUNE, 1901.

[The Commission sat at 10 a.m. in the Council Chambers, Broken Hill.]

Present:—

CHARLES GREGORY WADE, ESQ., BARRISTER-AT-LAW, ROYAL COMMISSIONER.

Mr. J. R. Edwards, Solicitor, representing the Company.

Mr. D. Milne, Inspector of Mines.

Samuel Mayne, called in, sworn, and examined:—

S. Mayne.
27 June, 1901.

1. *Commissioner.*] What is your name? Samuel Mayne.
 2. What are you? A mine manager.
 3. Where? At the Broken Hill South Mine.
 4. How long have you been manager? About four years.
 5. Have you been at the Broken Hill South Mine all the time? I have been at the Proprietary Mine; but I have worked at the Broken Hill South Mine as manager and shift boss for about seven years.
 6. Does your work take you underground;—is that part of your duty to supervise the underground work? Yes.
 7. What is your experience of metal-mining altogether? Thirty years.
 8. How long have you been on the Broken Hill field? Fifteen years next September.
 9. To what depth is the Broken Hill South Mine developed? To the 800 feet level.
 10. How many levels are there;—are they at every 100 feet? Yes, every 100 feet.
 11. What is the character of the ore formation? The upper levels are friable. The under levels are harder, fuller, and more compact.
 12. At what level do they cease to be friable? At about the 500 feet level.
 13. Do you require timber in the drives of the workings above the 500 feet level? Yes; all close timber.
 14. Do you require timber below the 500 feet level? Not quite so much.
 15. What is the occasion for timbering below the 500 feet level;—are there soft patches, or what? The soft patches are above the 500 feet level.
 16. I think you just said you require occasional timbering below the 500 feet level? Yes; but not quite so much timber.
 17. What is the occasion for timbering below the 500 feet;—is it because you cut across soft patches of ground, or for what reason? For the safety of the men in the mine, and everywhere where it is necessary.
 18. But is the formation pretty uniform below the 500 feet level, or do you get soft patches? There are places with soft patches.
 19. Can you always detect those places? No.
 20. I understand that where you can detect them the timber protects them? Yes.
 21. Will you explain what the method is of working the stopes? I have a plan with me which shows the working.
 22. But I wish you to first explain it? We put in set timbers first and build sets on them, and where the material is very hard we shoot it and build bulks. That is the only method we have of timbering.
 23. What do you call bulks? Some persons call them pig-sties—it is building one on top of the other. If there is any place from these timbers about which we have any doubt, we run out what we call booms to cover the men over for protection.
 24. How do they stand? They are affixed to the other timber from the square sets; but very often, if anything gives way on those booms, they act as a lever, and capsize all the timber.
 25. What would be the height of the roof where the timber is being set;—I suppose you would call it from the nearest timber? When we are carrying timber right along we carry it right along on the back. It is built right up, and carried forward on the back.
- [The Commissioner inspected the plan produced.]
26. I suppose when you are stoping you work upwards? Yes; we always work upwards.
 27. And you have the roof over your head whilst working the stopes? Yes.
 28. Do you say that if there is loose stuff you timber? We timber everywhere where it is necessary.
 29. But if the stuff is solid, do you do without timbering? If it is all solid we would not shift it before putting the timber up.
 30. I suppose a stope is something like this room—solid? Yes.
 31. And you work from the bottom? Yes.
 32. Do you work the whole width at one time, or only portion of it? Only a portion of it.
 33. And as you work, do you take one set wide at a time? Yes; if it is soft we take out one set altogether.
 34. Do you work out one width right through? Yes; from wall to wall.
 35. And then you work out another width? Yes; always from the foot to the hanging wall, so as to block both timbers.
 36. How do you describe the place we are speaking of? Just on to the 500 feet level, between the 600 and 500 levels.
 37. When was that first worked? Something like four years ago. Something like two years ago the ground all came way and broke the timber away.
 38. Whereabouts did it give way? On the stope that the Commission saw at the mine yesterday. The timber was bad, and new timber has been put in. We have been taking out the stuff that gave way, and putting in new timber. The back there has been standing for two years.
 39. When that came away you were then at the mine? Yes.
 40. Were you down the mine on the spot after it gave way? Do you mean on the first occasion?
 41. Yes? It only gave way gradually. It eased off. We knew it was coming, and we let it stand till it was all settled.

42. You mean it gave way in small quantities at a time? Yes; we knew it was coming. We kept the men working there till all was quietly settled down. S. Mayne.
43. There was no heavy fall at that time—nothing unusual? No. It gradually crushed away on the timbers, what we called settled down. The friable stuff settled off to the hard back. 27 June, 1901.
44. Were you down the mine about that time examining that locality? Yes; I went all through it. I have been through the stope hundreds of times during the past eighteen months.
45. Was anything noticeable then to suggest further falls? No. There has been no fall from that time up to this.
46. Was there anything in any way suggestive of danger;—did you see anything in the roof? No; nothing to speak of. Before we started to repair the stope we could go right over the back on the old timber, and all that came away. We went all over it, and removed everything that was loose.
47. Did you take down all the loose stuff you call backs? Yes.
48. After taking down the loose stuff, when was it next worked? We went all over the backs before we started to take out.
49. When would that be? Something like eighteen or nineteen months ago, the first time.
50. It had some months to settle in the meantime? We were continually going over the backs. We were two or three days at a time going over them.
51. When you started to repair had the fall ceased? Yes.
52. What would be the size of the opening at that time? Do you mean at the time we started it?
53. Yes; nineteen months ago, you say? I should say 50 feet long.
54. And how high? It was not very high; you could reach it with your hand all along at that time.
55. What would the width be? I suppose about 30 feet.
56. In walking on to the timbering after passing through the passage that I saw yesterday, which would be the longest direction—from the left to the right? As we were looking at the fall that would be the longest way.
57. That would be at right angles? North to south. The footwall you saw on the left-hand side was the course of the wall.
58. Do you mean the left-hand side as you face the wall? Yes.
59. What was done when you got to work to repair it? The stope was all timbered close; a piece of heavy ground came away and crushed the timber down.
60. That was the effect of the fall two years ago? Yes; we had to take out all the stuff, and put in fresh timber.
61. Then it was timbered at the time of the fall? Yes; close timbered.
62. What did you do when you started work to repair? We had to work back towards the footwall. We had to put in large sills on which to build the timber, and we had to work away the foot of the rill to get a solid foundation for the sill timber to rest upon. If we had put timber on top of the rill we would still have had to take away the rill of mullock in order to get the foundation for the timber.
63. Otherwise it would give no foundation? No. Since that time we have been carrying on the timber as you observed. I suppose we put in there since we started 700 or 800 set of timber; anyhow, 600 sets.
64. What height would it be—about 14 feet;—how high are the sets put up? About six sets high; then we have been filling with mullock as we were bringing them up.
65. Were you there yourself pretty frequently during this work? Yes.
66. Did you sound the wall in the roof? Yes; I sounded all round as far as I could reach only a week before the accident.
67. Did you see any sign of the ground being treacherous or uncertain? None whatever.
68. Was there any crushing or flaking between the nineteen months' ago when you started to repair, and the time of the accident? No.
69. The accident occurred on the 24th May? Yes.
70. You say you were there a week prior to the 24th May? I was there, and sounded it with another man.
71. Who was the other man? Prideaux; a man working there.
72. Is he alive, or is he one of the men that were killed? He is one of the men that were killed.
73. What was the space left untimbered then? I should think about 20 feet high, and, I suppose, about 25 feet wide. It was not that all the way, only on the footwall side, because the hanging-wall side came out on a slant. It would be only about 12 feet high on the hanging-wall side. When we got the ground to run like that along the footwall we always considered it was pretty safe.
74. Why was it that you considered it was pretty safe? Because it was like a foot to it; it was resting on the timber, right against the footwall, like an angle. It formed a support to the timber should any pressure be on it.
75. You said it was about 20 feet high on the footwall side;—how wide did you say it was? About 24 or 25 feet.
76. What was the length? It ran away on a level from the timber. We were cleaving out this old pile, and the rill ran away from the timber, I suppose, 10 or 12 feet from the timber.
77. You say you also built up a wing? Yes, on the hanging-wall side.
78. And you were prepared to do—what? To put in sill pieces from this wing to the footwall.
79. And in order to get a foundation for the sills you required to clear away the mullock? Yes.
80. Was that the position of affairs when you were last down the mine, or before the 24th May? Yes; I was down two days before—on the Wednesday before the accident. On the 22nd May I was through there.
81. Was that the position of affairs on the 22nd? Yes; they were getting ready to put in these two sill pieces.
82. Who were working there then? Mason, Prideaux, and Downs. Two of these men were working there eighteen months.
83. Who were they? Prideaux and Downs.
84. You say Prideaux is dead;—what about Downs and Mason? They were also killed.
85. Were there any other men engaged working there besides the three you have mentioned? Yes; others were there shifting the mullock for them.
86. Who were they? Havelock, Edwards, Bennetta, Smith, and Gawen.
87. Smith and Gawen are alive, are they not? Yes.
88. What about the other three? They are dead.

S. Mayne.
27 June, 1901.

89. There were six men killed? Yes.
90. Were there any other men who either worked on that stope or near it? Not that week; there were two men working on the other end of the stope.
91. Who were they? O'Neill and Thomas.
92. How far away were they? I suppose about 40 feet or 50 feet.
93. Was there anybody else whose work would take them in the neighbourhood of the spot where the fall took place? There was another man who went there that morning to receive some drills.
94. Who was he? I think Brock was his name. He was there a short time before the accident.
- Mr. Edwards*: His Christian name is Alexander Baird Brock.
- The Royal Commissioner*: The reason why I ask is, that the responsibility is cast upon me, more or less, now to find out who can speak of the condition of this stope both before and after the accident, and I shall have to issue summonses to such men as may be able to speak about it.
95. Would there be anybody whose duty it was to inspect that part of the mine? I always inspected it.
96. Would there be anybody besides yourself? The shift-bosses go through too. It is their duty to look at these things.
97. How often did they go through? Twice a day.
98. Who were the shift-bosses? Driscoll and Bennetta.
99. Did you receive any complaint from any workman with regard to the condition of the stope? None whatever.
100. Or was any report made to you by any shift-boss or workman under you? No.
101. Are there any rules of the mine with regard to workmen reporting danger? Yes.
102. Have you a copy of the rules with you? No.
103. Is the report made to you in the first instance? To the first shift-boss that comes along. It is a recognised rule that the miners, if they see anything dangerous, are to report the matter at once to the shift-boss.
104. Are the men given a copy of the rules? They are posted on the explosives magazine door.
105. Does each individual get a copy besides that posted on the door? No.
106. The accident you said occurred on the 24th May;—how many shifts did you have at that time and during the previous week? Only the one shift—day-shift.
107. That comprised how many men? Three miners and the truckers.
108. Where the truckers engaged in wheeling out the mullock? The mullockers were.
109. They were wheeling it away? Just trucking it back from the stope.
110. Out of the six men who were the miners? Prideaux, Mason, and Downs.
111. How long had they been working? Eighteen months.
112. At that particular spot? At that particular spot every shift. I do not mean to say the exact spot in which they were killed, but in that stope.
113. Were they men of experience? Yes; I worked with Prideaux as his mate twenty-nine years ago.
114. What was the first you heard about the fall? I heard of it on the Friday morning underground; I was on the 700 feet level; I was just about taking the cage to go up.
115. That was the 24th May? Yes.
116. Did you go to the scene of the accident? Yes.
117. About what time was it when you got there? Directly after it had happened.
118. What time in the day would it be? Between 9 and 10 o'clock.
119. Will you say what you saw at the time, and what was done? I could see the men were buried; we started to relieve them at once.
120. What difference did you notice in the appearance of the roof;—had there been a fall? Yes, there had been a fall.
121. To what extent can you say? When I got there first there was a good big fall—I could not judge it.
122. Can you say how much the opening was increased by—you stated it was 25 feet by 20 feet? It was increased a good deal.
123. Roughly speaking, what do you consider it would be—give me an estimate? I should think over 200 tons of stuff came down, and that would make a pretty large hole.
124. Would that be about 200 cubic yards? No.
125. Does it go a ton to the cubic yard;—can you state how much it weighs? I suppose it would weigh about 5 tons to the cubic yard.
126. Did I understand you to say that the sets of timber that are standing there now were standing there on the 24th May? Yes.
127. And the fall would be between that timber there now, and the face of the stope? Yes; on the side.
128. The right-hand side? Yes.
129. Did any further falls take place after you arrived? Yes; there was a bigger fall afterwards.
130. How long after? About three or four hours; something like that.
131. When you arrived on the scene, could you see the men, or were they covered up? They were covered.
132. What took place with regard to their rescue? We started to clean away the dirt to take the men out, and we placed timber from the timber on to the dirt after the fall for the protection of the men engaged in taking the dead men out.
133. You mean to form a roof for their protection? Yes; in case of another fall.
134. Had you unearthed any of the unfortunate men before the next fall took place? Yes; two.
135. Were they dead? Yes; both dead.
136. Which two? Bennetta and Edwards.
137. Can you say whereabouts they were;—would they be close to the face of the wall? They were about 5 or 6 feet away from the timber.
138. What took place when the second fall occurred; you say there was a heavier fall about three hours after you got there;—was there any further damage done or anyone injured? No.
139. Did you continue the work of rescue? Yes.
140. And did you recover the other men? We recovered the whole of the bodies then.
141. Was that the same day? No; on the Sunday morning.

S. Mayne.

27 June, 1901.

142. Were they all dead? Yes.
143. Has anything been done since you recovered the bodies? No; nothing.
144. Have there been any further falls since the 24th May? No.
145. Can you give an opinion as to the cause of the falls on the 24th May? The only opinion I can form is that the blind soapy head behind the men gave way, as the result of pressure or something to ease it, such as blasting or something of that sort. It has been eased in some way, and the air must have got behind it.
146. The first factor is what you call a soapy head? Yes; right away at the back.
147. How did you come to the conclusion there was a soapy head;—have you examined the wall? I have only seen it since the fall.
148. Have you examined the wall face as it now stands;—does that present the appearance of what you call a soapy head immediately contiguous to it? Yes.
149. What is a soapy head? A joint between the rocks; it is effected by water, and forms a greasy kind of substance.
150. Supposing there was no pressure;—is that under ordinary conditions liable to give way? They hang together for a considerable time. They are not good things. We do not like them. If we can detect them, we always rectify them.
151. What would be the indication of a soapy head—moisture, or do you tell by sounding? You might sound a big rock, and a soapy head might be behind it; but it takes some pressure sometimes to move it; if there is a heavy pressure, it will very often give way quickly.
152. Can you get a layer of the soft material between the two faces of the rock and the soapy head;—are there two flat faces of rock joined together? It is like a wafer between them. You might not be able to see it; you can just get a thin edge between them.
153. Would the firing of shots in neighbouring levels tend to disturb that soapy head? Yes; in fact they were firing where the accident happened in taking away the back rock. They had to blast to remove it.
154. Did you come across that soapy head in other parts of the mine? I have not seen any for a considerably long time.
155. On what levels have you found them? On the upper levels—No. 4.
156. No. 4 and others above that? Yes.
157. What would they be in? You get them where there is friable stuff. Sometimes where there is iron, and sometimes where there is mullock, and in all kinds of places; but they are more dangerous where there is softer ground.
158. Can you say what would be the depth of stone between the old face before the fall, and the face as it now stands since the fall? No; I cannot tell you.
159. Can you give an idea—say, in feet or inches;—I do not want to tie you down to anything definite? No.
160. In the case of a fall of that kind, do you get any warning in the way of crushing or flaking? We often do, when there is a pressure like that.
161. The pressure causes the flaking? Yes.
162. And in course of time it causes dislodgement of the whole soapy head? Yes; of course in this case there was no flaking at all.
163. Do you not always have some kind of flaking when the pressure is making itself felt? In most places we do.
164. I suppose that if there had been flaking in this instance it would have been a strong indication that pressure was being exerted in that part of the stope? Yes, it would be.
165. But does the fact that there is no flaking indicate that there is nothing more than the ordinary pressure? In this particular place where the accident occurred there was no sign of anything whatever until it collapsed; there was not the least sign.
166. I wish to know whether the fact that there is no flaking is an indication that there is no more than the ordinary pressure being exerted? If there was no flaking you would not consider there was any pressure about at all.
167. I suppose there is a large amount of pressure in every part of the mine from the superincumbent weight above? I suppose there would be some, but it would take a great deal of pressure to shift some of the timber.
168. Taking the 400 or 500 feet level, is the mine what you would call a dry mine? Yes.
169. When you say dry, is it absolutely dry? Yes; particularly dry in the place in question.
170. There was no moisture at all? No.
171. Would the presence of moisture in itself suggest that there might be a soapy head? No; not necessarily.
172. Do you know of your own knowledge for what length of time the men had been firing shots in this part of the stope;—how long before the 24th May? I could not say. The witnesses appearing will be able to state when they fired the shots.
173. You mean Smith and Gawen? Yes.
174. Referring again to the fall that took place two years ago;—can you say what was the cause of that one? It was caused by some ground slipping away on the footwall; we were working on the hanging-wall side when it shifted and carried the timber away.
175. Would that be from want of support? No; the weight was too great for the timber.
176. On the footwall side, I mean? Yes; the timber was not support enough.
177. That slip pushed out the timber on the footwall side, and fetched down the timber on the hanging wall side? Yes.
178. Since that fall about a couple of years ago, has not that particular spot where the accident happened stood ever since without timber? Yes.
179. And, you say, over nineteen months without any fall? Yes.
180. Have you had falls in other parts of the mine, either in stopes or drives, where there was no timber? No.
181. Have you had falls or crushings where there has been timber? Yes.
182. Where would that be—in stopes or ordinary drives? In stopes; the drives never fall.

- S. Mayne. 183. Where you had falls on the timber, were they places where the ground was treacherous and uncertain? The ground was very sound in those places.
- 27 June, 1901. 184. In this hard, solid foundation, from the 500 feet to the 800 feet level, have you had any experience of a similar fall without any warning? We have had no fall at all.
185. What time would the shift begin on which Prideaux and his mates were at work that day? At 8 a.m.
186. *Inspector Milne.*] How many sets wide were you working that ground? Four sets.
187. At the one time? One set; four sets wide and one set to the face.
188. How far would that necessitate the men going out from the timber? Just about 6 feet.
189. The work they were doing at the time was really outside the one set wide? Yes.
190. Had they received any instructions to go outside the one set wide? No.
191. Then they had done that on their own responsibility—going outside the one set wide? Yes; I suppose they did.
192. What would be the distance from the face of the timber to the breast of the ground? I could not tell you; I never measured it.
193. Give a rough guess; take to the face? I do not know whether you mean to the rill of the pile.
194. From the timber to the face of the ground? I dare say about 15 feet; but the men were not working there.
195. *Commissioner.*] When you speak of the face, do you mean the actual spot where you strike the solid wall? From the timber Inspector Milne referred to up to the breast we were looking at yesterday.
196. *Inspector Milne.*] What I want to know is the amount of ground standing open from the timber to the breast; Mr. Mayne says about 15 feet or 20 feet; the ground is slightly arched from the breast? Yes; and also from the hanging-wall side.
197. At any time you have been in that stope have you noticed any cracks in the back? No, never.
198. Well, how long would it be previous to the accident that the back was sounded? I went over it myself with one man a week before.
199. Do you think it would have been possible to have found any baulked ground? Yes; it would be possible.
200. And it is possible for the soapy head to exist in ground that would not give a sound? Yes; it is possible for it to be there and not visible.
201. Would it be possible for a soapy head to be there—say, a foot or 18 inches thick—that would not give you a sound? I have sounded where there have been soapy heads, and they have not sounded solid. It all depends whether there is a large quantity of stuff on the soapy head or only a small lot.
202. In what thickness of ground do you think you could get a sound of baulked ground on a soapy head? I could not say. It might be 10 feet away and you would get a sound, and it might only be 1 foot away and you would get no sound.
203. It is almost impossible to tell? Yes.
204. *Commissioner.*] How wide is each set—are they square? Not perfectly square; 5 ft. 2 in. one way, and 4 ft. 2 in. the other.
205. And the height? Six feet lengths and 7 feet lengths.
206. When you are stoping, do you work by putting in the set first of all from the footwall? Yes.
207. After having got the four sets in across the width of the stope you then go on towards the breast? Yes.
208. And build up to the necessary height to secure the roof again? Yes.
209. When the men are building up the next row of sets in advance they have to be out under the unsupported roof have they not? Yes.
210. Is it necessary that they should take their chance over 6 feet of space? If we had any doubts at all we would timber over it.
211. Is it part of the instructions given to the men;—do they know that? Yes; the two men were paid an extra shilling a day more than ordinary rates in the stope to supervise and use all precautions they could. They were like bosses over the stope.
212. Like two bosses on the spot? Yes; just the same as two bosses at an extra shilling a day.
213. Why did you pay them the extra shilling a day? To carry out the work properly; they were experienced men.
214. Was there any extra risk in the work which called for the extra shilling a day? No; it was given to encourage them to do the work well.
215. Nothing more than that; just to encourage them? That is all.
216. Not for any responsibility or greater risk than usual? No.
217. When did they first get the extra shilling a day? When they first started.
218. Nineteen months ago? Yes.
219. *Mr. Edwards.*] You say that Prideaux was an experienced miner, with Downs? Yes.
220. Before he went into the South he was a shift boss at the Central, was he not? Yes.
221. He was thoroughly competent to judge of the safety of men, and to secure it? Yes; I do not think there are two better men in the mine.
222. Was Mason an experienced miner? Yes.
223. How long did you know him? Two or three, or three or four years.
224. Had these men absolute discretion to secure the ground in their own way? Yes.
225. Was the necessary timber provided in the level? Yes; any timber they would require from 1 inch to 10 inches.
226. From 1 inch to 10 inches in thickness? Yes.
227. And in what lengths? Any length that we could get into the cage.
228. I suppose if they required it they could have had stringers from 15 feet to 18 feet long? Yes.
229. Could you have given them that length—could you get it in the cage? We could have got about 16 feet.
230. Were these men warned from time to time to be careful of themselves and the men working with them? Yes; every man was warned each day.
231. *Commissioner.*] Who warned them—yourself? Yes; and the shift bosses.
232. *Mr. Edwards.*] So far as you know, is there anything in securing ground that you yourself could have taught either Prideaux or Downs? I do not think so.
- 233.

233. And you had absolute confidence in them as skilled miners? Yes; I have known Prideaux for forty years. S. Mayne.
234. Did this fall come from the back or from the face? I think the first came from the face, and that released the back. Two of the men were found just in front of the timber between the hanging-wall and the footwall; the other three were just a foot or two from them between the hanging-wall and the footwall, only away from the breast a few feet. 27 June, 1901.
235. *Commissioner.*] The men had their legs broken, had they they not? I said they were covered.
236. I thought you said they were all covered? When the men first rushed up they saw they had their legs caught, and as they tried to rescue them down came the second fall and buried them.
237. Where was Bennetta and his mate? Just outside the timber from where we were standing yesterday.
238. Are you speaking now from what you were told since the occurrence? I did not see it myself. The men who rushed in told me at the time.
239. *Mr. Edwards.*] Were you there when the bodies were taken out? Yes; when some of them were.
240. Which of them were close to the timber? Bennetta and Edwards.
241. Who were the men nearest to the footwall? I could not say who was nearest to the footwall; they were in the centre between the hanging-wall side and the footwall side. I think of anyone nearest to the footwall it was Havelock; I believe he was a little nearer.
242. The men were engaged, I believe, in taking away the toe of this rill of dirt coming from the footwall, in order to get a solid basis to build on;—you say it would be impossible to put any timber up to stand any pressure unless it had a solid foundation? Yes.
243. Do you think that if stringers were put up on the top of this rill of dirt, and then timber built up to catch up the back, that would have stood any heavy pressure? It might have, but if any great quantity of dirt came on it it might give way.
244. Say 100 tons? You could not put stringers up to hold that amount.
245. I suppose that during the time men were putting the stringers up they would be exposed to any ground that might give way? Yes.
246. And incur the same risk in putting up the protecting timber as men incurred cutting away the toe of this rill? Yes.
247. As a rule, I believe the dribbling of fine stuff is a warning to the miners to look out from the face or from the back? Yes.
248. Did you have any notice of a dribble from the face or back? I never heard of any.
249. I believe there was some dribbling came from this rill as they cut away the toe—the stope would naturally dribble down—would there be anything in that to indicate any danger or movement? No.
250. Do you consult with mining inspectors as to the way in which that work should be done? We go there pretty often together.
251. With Mr. Milne, and also the late mining inspector? Yes.
252. After consulting with them, did you consider you were carrying out this work in the safest manner possible for your men? I considered I was.
253. If you were working there yourself you would have done the same thing? Yes.
254. I think you said at the time of the inquest too that it was quite possible for ground under certain conditions to sound solid at one moment, and then within a very short period of time become baulky? Yes. Ground may be perfectly solid at one minute and a few hours afterwards become eased, and the air getting behind it it may fall.
255. Was any notice given to you directly, or indirectly, by any person that the ground was considered to be unsafe by the workmen? No, never.
256. In no way unsafe? In no way.
257. Or that any man had any hesitancy in working in there? No.
258. *Commissioner.*] You said a moment ago that the ground may sound perfect at one moment and half an hour afterwards give a baulky sound? Yes; that is in what we call floory ground.
259. Was this stope in what you call jointy ground? No.
260. I suppose if that is so in jointy ground, as a matter of precaution you always had it timbered? Yes; we are very careful in jointy ground.
261. And if the roof of the ground where a man is working shows any signs of coming down, would it increase the risk by firing shots? Yes, it would.
262. It would be a dangerous thing to do under those conditions? Yes.
263. You were asked whether there was not all kinds of timber at that place for use in case the ground wanted it;—was there timber there by which they could build a roof over their heads while they were putting in the sets to protect themselves? There are all classes of timber kept there for their use. If any special timber is required they can get it.
264. Was there timber for that purpose? They could have had it there.
265. Was it there? There was plenty of timber there. I do not know of any pieces of 16 feet length.
266. I think you said that Downs had been shift-boss in the Central? Yes.
267. Do you know whether there is similar ground there? I do not know anything about the Central; I was never in it.
268. Is there any rule or system by which the shift-bosses have to report to you in case they find a dangerous spot in the mine? Yes; they always report to me.
269. To the underground-manager or the manager? Always to me, the underground-manager, and I see what is required to repair it.
270. What is the rule with regard to the men—are they withdrawn? Yes; by the shift-boss, until provision is made. In ordinary working the shift-boss will get the men to put in timber to secure the ground.
271. *Mr. Edwards.*] Mr. James Hebbard, who was formerly mining inspector, and Mr. William Rowe, underground-manager of the Central Mine, inspected this place the day of the accident or following the accident? After the accident—the same day.
272. *Commissioner.*] Is there anything you can suggest which would prevent the recurrence of such a fall in the future? No; that is what I should like to try and find out.
273. You say there were two tests of dangerous roofs—the flaking, and baulky sound? Yes.
274. Is there anything else you would like to say or suggest with regard to this matter? No.

Oscar John Gawen called in, sworn, and examined :—

O. J. Gawen.
27 June, 1901.

275. *Commissioner.*] What is your name? Oscar John Gawen.
 276. And your occupation? A trucker in the South Mine.
 277. How long have you been employed there? About two and a half years.
 278. Do you know the stope where the accident took place on the 24th May? Yes.
 279. You were there that day, were you not? Yes.
 280. Working as a trucker? Yes; we were trucking out the stuff.
 281. How long had you been working at that particular spot? Up to the time of the fall—about ten or eleven days.
 282. What time did your shift begin? At 8 o'clock in the morning.
 283. Were all the other men on the shift working at that place? Yes; there were Smith, Havelock, Bennetta, and Edwards, and the three miners—Prideaux, Downs, and Mason.
 284. During the ten days before the accident were there any shift-bosses there when you went down below? They very often passed through the stope; they passed through the morning of the accident.
 285. Did they do anything in the way of examining the walls from the breast of the stope? I noticed nothing further than seeing Mr. Prideaux take his light and remark, "She's well, boys; she's all right; keep your ears and eyes open."
 286. You say Prideaux used to do that? Yes.
 287. Did the shift-bosses do something similar? I never saw them do it to my knowledge.
 288. Did you see them do anything when you were there after they arrived on the spot? Do you mean that morning?
 289. Any morning, did you see the shift-bosses inspect or examine this place after you had arrived? Not that I noticed.
 290. Do they give you the word to go to work each morning? No; they might remark it was time to make a start.
 291. Would Prideaux have a look at the roof every morning? No; not every morning.
 292. Was he the head of the party? To the best of my belief, Prideaux and Downs were in charge. They were recognised as our masters. Whatever they would tell us to do we would do.
 293. Did Downs do anything in the way of examining the stope before you went to work? Not that morning. He did nothing further than I said. I saw him go up with a light and remark, as far as I can remember, "She's all right; just keep your eyes and ears open."
 294. Do you say he went with Prideaux? No, by himself.
 295. He would go up by himself? Yes.
 296. Did Downs do that also, or only Prideaux? I do not remember that I ever saw Downs. I would not say for certain that he had not done it.
 297. During the ten days before the 24th May—the date of the accident—did you notice anything in the way of flaking or crumbling? No; a little bit of stuff might roll from the stope, or something like that. We always had warning if anything rolled down, and if necessary we would get back under the timber. There was nothing much happened the ten days I was there, as far as I can remember.
 298. Were Prideaux and Mason there working each day during those ten days? Yes; they were always there.
 299. What work were they doing? The morning of the fall?
 300. During the ten days before that? Timbering and getting the stope ready.
 301. Clearing away the stuff? No; we were clearing away the stuff. Their business was timbering, and if any barring or boring was required to be done they would do it.
 302. Was there any blasting done during the previous ten days you were there? Yes.
 303. Who looked after that? Prideaux and Downs.
 304. Whereabouts were the shots put in? They were put in part of the crushed stope, not in the wall or back.
 305. Quite clear from the wall? Yes; not in the wall.
 306. Now, coming to the morning of the accident, the 24th May;—was there any shift-boss there that morning when you got to work? Yes; both Driscoll and Bennetta passed through the stope.
 307. Did you get to work after they had gone away or before they had left? We were at work before they came there. Prideaux was working, and Downs held the light; he was barring down some ground. The remainder of the men were near the timber. We were never allowed to go near the crushed parts where they were barring down.
 308. That would be four of you? There were eight in the party.
 309. Did Prideaux examine the stope at all that morning, and tell you to go to work? I do not think he did, as far as I can remember, because I think the first thing he did was to take the bar, and went up on the stope to bar down some ground for us to take away.
 310. Did you hear anything in the way of sounds yourself that morning? Not a thing; we had no warning whatever.
 311. Did Prideaux say anything when barring down the ground? He said, "I won't go over any further; I don't like the look of that stone." With that he sent Downs for a charge. Downs came up, and Prideaux put this charge on what the miners term a "blister" in the rock, and they fired. We went out of the stope, and stood away for about ten minutes, till after the firing. We waited for the smoke to clear away. When we came back we filled a truck. Smith, too, took it out, ran back the truck again to us to fill; and to the best of my belief, as we were putting a little dirt in the second truck, she came down without any warning. I never heard anything, and I do not think anybody else did.
 312. Whereabouts were you at the time you heard the fall? I was the nearest man to the timber to the left of the truck; Bennetta was on the right and Havelock next to him. Mason was next to him, Prideaux was turning the drill, and Harry Downs was on the outside.
 313. Were they all close to each other? Yes; they were all pretty close to each other. There was a 2 ft. 6 in. truck dividing Bennetta and myself; Edwards was next to him, and so on. That is all I can tell you.
 314. Were you struck at all yourself? Yes; I have been laid up ever since with a bad foot. I was struck on the knee-caps and caught by the foot.

315. Well, did you get through? I was partly through, and into the timber, I think. Of course I was "going it." O. J. Gawen.
316. Were the lights out at that time? All the lights were out, and then I caught a glimmer of Jack Smith's light; he was one of the party. I called out to him. We ran out and I saw Bennetta and Edwards, and before we had time to do anything she crushed straight over our heads. 27 June, 1901.
317. What position were they in when you first saw them? It seemed to me as if Edwards' head was laying in Bennetta's lap. They were partly covered then and when she crushed again right over our heads we had to fly; no doubt the second fall killed them.
318. Did you see any other men? No.
319. Had you been at that spot at any other time besides during the ten days prior to the accident? Yes; I have been in the stope pretty often, one way and the other.
320. Would you be there for any length of time, or would you just go in and out again? I have been working there a week.
321. Did you see any fall of stone on any other occasion? I never saw any other fall. The only fall I remember was the time before this. There was a fall of stone which settled right on the timber—not where the last fall was—but there were no men in that stope then. We went up to work as usual the following morning, and the stuff was there.
322. Lying on the sets? Where we were cleaning.
323. How far had you advanced between that date and the 24th May? It might have been two months.
324. How far back would that be;—would you be putting up fresh sets all the time? Yes; putting up fresh timber all the time as they went along. It is the same stope, and timbered right up.
325. But how far back was the other fall? I suppose, from the timber where I was standing, just close to the bulk, about 8 or 9 feet.
326. Eight or 9 feet from the spot where the fall took place two months before? Yes; about that, I should think.
327. You know where the fall took place two months ago, and the one which happened on the 24th May;—what is the distance between the two places? About 8 feet or 9 feet; it may have been a little more.
328. Had you heard at any time any sounds of creaking or crushing? No. A few stones might rattle off the old ground above the breast where they have been barring; a small stone or a large one might roll down; we were never allowed to stand under.
329. Were you there when the men were taken out—when their bodies were recovered? No; I was laid up myself, and I have not been to the mine since.
330. Did you see any sign of moisture, or trickling of water, or anything of that kind, in that part of the stope? No.
331. *Inspector Milne.*] How long have you been working underground? I think my longest term, within a month or two, would be ten or eleven months—perhaps twelve.
332. Have you ever worked with any other party besides the men who were in the accident? Yes.
333. Do you not think it is a reasonable course for the miners to take to sound the backs? I am not a practical miner, and if you are going to question me on mining I cannot speak on it.
334. That is my reason for asking you if you worked with other parties of men? No, not with miners; my work was shifting mullock.
335. You never worked underground with any other party of miners except the men in the accident? I have worked near them.
336. Have you seen them before starting work in the morning, or at the time the shift went on, sounding the backs? No, not to my knowledge. I believe when they felt there was anything wrong they would go up and sound for their own benefit.
337. You do not think it necessary? I do not say that.
338. *Mr. Edwards.*] I understand you took your orders from Mr. Prideaux? Whatever he ordered we did.
339. You recognised him as being in charge of the party? If I was called away to assist with timber or anything else he asked, I had to do it.
340. From what you saw of him, had you every confidence in his care and skill as a miner? Yes; he was a very careful man.
341. You say you are not a practical miner, but you have been underground some time? Yes.
342. Can you attribute the cause of this accident to any neglect on the part of anyone? No, I cannot.
343. I do not want you to shield anyone? I cannot attribute it to anybody.
344. Can you suggest any precaution that might be taken to prevent a recurrence of such accidents? I cannot say that I can.
345. Did the fall come from right overhead at the back, or from the face, or the brow? It seemed to me to come from the back, at the top of the pile, and then spread all over.
346. It started at the back, and then spread out? It seemed to me to spread out.
347. Bennetta and the other unfortunate men that were killed were next to the timber, were they not? Yes.
348. And the other men were nearer the face? Yes.
349. That would lead one to believe that the heaviest fall was closer to the face—as if it crushed right down from the face? Yes; as if it cracked from the face and rolled over.
350. Did you see any running of any fine stuff from the back that would indicate there was some movement? No; not that I remember.
351. Of course, you know what I mean—the dribble that sometimes takes place is some indication of something weak? Yes.
352. You men were clearing away the mullock against the footwall in order to get in sole-pieces? Yes.
353. You were levelling off to make a foundation for them? Yes.
354. I understand that miners mortise 10 x 10 into sole-pieces—that is, long stringers? Yes.
355. Do you know enough of mining to say whether it would be possible to put in solid standing timber without clearing away for a foundation? No; it could not be done. The stuff must be taken out and a foundation prepared.
356. Well, in fixing the protection overhead, I suppose the men doing that would be exposed? From where we were situated, I do not see how they could have done it.

- O. J. Gawen. 357. Supposing it were possible, would they not have to expose themselves ;—they could not put timber out there unless they got beneath the patch that came away? No.
- 27 June, 1901. 358. What sort of blasting was it ;—it was not put into the back or the face, but simply into the rill, was it not? Yes.
359. It was a sand blast? Just the ordinary plugs put into rock and covered over with a little dirt. We always had orders to go out when they were firing.
360. *Commissioner.*] Did that shot seem to displace much of the mullock? No; not a great deal.
361. Did it make any difference in the height of the mullock? At the top?
362. Yes? I do not think so.
363. What I means is, it was not a case of the loose mullock being pushed to one side and the wall at the back coming away afterwards? No.
364. What would be the amount of the charge, do you know? I could not tell what they put in that morning; it might have consisted of four, five, six, or seven plugs. As I was not handling it, I did not pay attention to it.
365. Besides being in this stope, have you been down in the levels below the 400-feet? Yes; I have been in pretty well every part of the mine.
366. You have seen similar kinds of roofs in different parts of the mine? Yes; backs and stopes are just the same.
367. Have you noticed any signs of that formation crushing or falling in other parts of the mine? No.
368. Did you see anything in that place, or was it what you heard, which made you think it was dangerous on the morning of the accident, the 24th May? No; I never saw it.
369. You never had any hesitation in going for the stuff, especially when you saw practical miners working there? No.
370. Did you hear Prideaux or Downs, before the morning of the 24th May, speak in any way of the place being dangerous? No; not to my knowledge.
371. *Inspector Milne.*] There had been a good many shots fired in the stope? Yes; from time to time.
372. After a shot was fired, did you ever see the miners examining the back? No; I have seen nothing further than what I have just mentioned. I have seen them go up with a light and look well round. As far as sounding the back with a hammer, I have never seen it done.
373. Did you ever see them do that after firing a shot—immediately afterwards? I cannot say immediately afterwards.
374. How did they do it? They got up on the timber with a light and looked around as far as they could, to see if anything was loose.
375. *Commissioner.*] I will put it in this way: Between the firing of the shot and your being allowed to go back to work, did you see them examining the backs or any part of the stope? They have gone up with a light and looked well round, and then remarked, "Well, boys, I think she's alright."

Samuel John Thomas called in, sworn, and examined :—

- S. J. Thomas. 376. *Commissioner.*] What is your name? Samuel John Thomas.
- 27 June, 1901. 377. And what are you? I am a miner.
378. Where are you employed? At the Broken Hill South Mine.
379. How long have you been employed there? Going on about four months.
380. What part of the mine had you worked in previous to the date of the accident—the 24th May? I have been working at the 700 feet since the accident.
381. But before the accident? We were sinking a winze from the 700 feet to the 800 feet before we went up there to work.
382. You have worked in the stope where the men were killed? Yes.
383. When did you first start? Close on three weeks before. We were working like nine shifts on wages, and we then started contracting the following week.
384. Three weeks before the 24th May? Yes.
385. Who worked with you? Peter O'Neill.
386. Was there anyone else? No; that was all in our shift.
387. You were the only two in that part of the stope? Yes.
388. What were you doing there? We were taking ground out.
389. Were you at work at the time the accident happened, and the men were killed? Yes.
390. In that place? Yes.
391. Were you there when they first started work that morning? Yes.
392. There were eight altogether? Yes; I think there was that number on the other side. My mate and I were working at the other end of the stope.
393. How far away would that be? Five sets from where the accident took place.
394. Were you in that part of the stope on the 24th May where the accident happened? Yes.
395. When was it, before the men were killed or afterwards? After the men were killed. I was the one who ran over to give them a light when they cried out.
396. Did you hear any shots fired that morning? Yes, one shot.
397. How long was that before you heard the cries? About a quarter of an hour after they fired.
398. What did you actually hear then? My mate and I were working in the face, and I heard the ground give way on the timber. The first crush was against the timber adjoining where we were working. I heard them calling out for a light. Two men screamed out, and I immediately ran over to them.
399. What did you see then? I saw Edwards and Bennetta lying as if they were half covered. They were alive then. When I went in with the light I heard Edwards, say, "For God's sake, lift me out of this." I went to catch hold of the truck when the second fall came and knocked the truck away from me.
400. What became of you? Nothing touched me, except that I was knocked in the dark. My mate ran to the floor above. We were working on the same level where the men were killed. I rushed straight out to where the men were; he took the ladder and went a floor higher.
401. When the second fall took place did it cover the men? Yes, it covered them right over. You could see their heads; but the second fall came and killed them.
402. Were they dead then? Yes.

403. Could you tell what part of the stope the first fall came from? The first fall, I consider, came from the hanging-wall side; it fell against the timber. S. J. Thomas.
404. And can you say anything as to the second fall? It must have come straight down close to the footwall, which ran away with a slope. 27 June, 1901.
405. Did you help to extricate the bodies? Yes. In regard to the last two men that were killed, I called out to my mate, "For God's sake come quick, we can save these two men"; and as they came towards me the second fall came and killed them. I then said to him, "You had better go to the 500 feet, and I will go to the 600 feet and give the alarm."
406. Then you came back with help and assisted to recover the bodies? Yes.
407. Did you get them all out that day? No, we only got two of them—the last two that were killed.
408. They were the two you are speaking of? Yes; Edwards and Bennetta.
409. How long were you working there after you saw the second fall;—were you working your ordinary shift, or what? All that day up till 4 o'clock; then I came on at 8 in the morning again, and worked on till 4 o'clock on Saturday.
410. When did you get the last body? On Sunday morning.
411. Can you give any idea as to the amount of ore that came away in the first and second falls? I should think from 80 to 100 tons.
412. Do you mean altogether, or was that in each fall? The first fall, I should think.
413. Well, what about the second fall? It was about 3 tons that killed the two men; there was only one centre fall, and that fell straight across the two men I mentioned.
414. Had you any experience of that part of the stope? No.
415. None at all? No; we never worked there. We were working on the other end, and we were doing all set work. It was all friable ore. We would always keep our timber up close to the face. We had orders to do it.
416. You did not hear or see anything that would suggest there was danger in this part of the stope? Do you mean where the accident took place?
417. Yes; you did not see anything or hear anything that would lead you to believe the place was dangerous? No. Mason, one of the men who was killed, and who followed on our shift, would call out when they were going to fire for us to go out, which we would all do. When he went up to put a charge in behind the rocks—that is, the loose ground—I have said to him once or twice, "You ought to be very careful as some of those stones may give way and break your legs." He would reply, "I am just as happy here as I am at home; there is nothing here to hurt." Then I would say, "I would not like to go up there in the same way as you do; I would take a little more caution."
418. That is, with regard to the loose stuff? Yes.
419. Was there a sufficient amount of timber handy in that stope in case it was wanted? Yes; there was always plenty of timber in that stope; it was a very handy place to get timber.
420. Was it timber of different sizes? Yes.
421. Was that your own experience of the South Mine in those three weeks? Yes; I had been working in it about three months, but only in that stope about three weeks.
422. Have you worked in the hard formation before? Yes; in hard ground in other mines.
423. And in this mine? Yes; the ground was very hard from the 600-feet to 800-feet levels when we were sinking the winze there.
424. In the other parts of the mine where you worked, have you seen any occasion for this hard ground being timbered? No.
425. It seems to stand by itself? Yes; it stands very well.
426. Do you know of any falls in the hard ground that was not timbered? No. If we could not bar it down we would put a "pop" in it and fetch it down.
427. I suppose you know what soapy-head is? Yes.
428. Can you say anything of that? It was on the footwall and it was very bad.
429. On the footwall of the stope where the accident occurred? Yes.
430. Has that all been taken away? No. We were working our ground off from the footwall—that is, we were taking the stuff away from between the hanging-wall and the footwall.
431. You were clearing the stuff away? Yes.
432. Have you noticed in other parts of the mine that the footwall was soapy? Yes; it is like that in most places. It gets a bit tender once the air gets at it.
433. Did anyone else notice it? I daresay everyone noticed it.
434. Did you yourself ever sound the roof or the sides of the place where you were working? We always sound before we go to work; before starting we always have a good look round.
435. Can you say from your experience of these things whether you can always detect a soapy-head by sounding? Yes; I suppose so. There might be a big gome of ground, and you could not tell whether it was "drummy" or not. If there was any sound of it being in any way hollow we would always be on our guard against it.
436. Then you can tell? Yes.
437. Would such a thing as this happen: there might be a soapy-head some distance in, and owing to the thickness of the material, or for some other reason you could not hear it? No; you could not tell.
438. *Inspector Milne.*] I suppose in going to work you generally sound the back of the stope you worked in? Yes.
439. Do you think that is a precaution all miners should take? Yes; I always do it in any stope I am in. If I should see a miner any way careless I would say to him, "You ought to try your back there; have you tried it?"
440. You do that when you go on each shift? Yes, always.
441. And I suppose you try it after firing shots? Yes.
442. You think it is a necessary precaution? Yes; I think so.
443. Do you think that the earth which killed the men came away as the result of the firing? Most likely it did. The hanging-wall was leaning over and they "set to" to run a stringer down on to the ground. They were still working some of the mullock out to put in another stringer. As we were contracting we had very little to say—we generally had enough to do to attend to our own work.
444. *Mr. Edwards.*] Did you know Prideaux and Downs and Mason? Yes. I never knew them till we had "crib" together one day. 445.

- S. J. Thomas. 445. Did you know Mason for any length of time? For three weeks.
 27 June, 1901. 446. You do not know what sort of miners they were? They seemed to be very good miners. Mason seemed to be a man that knew his work well.
 447. Can you suggest anything that might have been done to prevent that accident? No; I cannot suggest anything. I thought they were catching up the ground very well as they went on.
 448. Can you attribute the cause of the accident to neglect, or want of reasonable care on the part of anyone? No; I cannot say that I can.
 449. You are compelled to keep your timber close up to the face? Yes.
 450. Are your shift bosses particular about that? Yes; they always state that if there is room for timber to put it in. They would remind us we were working very close up to the boundary of the Central.
 451. So that there is no stint of timber? None whatever.
 452. *Commissioner.*] Did you see any cracks in the ground, or anything of that kind in the stope where the fall took place? No.
 453. Did you ever tell anybody that you would not work in that particular part of the stope? No; not more than what I said to Mason—that I would not like to do it the same way he was doing it.
 454. That is, with regard to the loose mullock? Yes; it did look dangerous. You could tell when one of the stones would roll away; they were all cracked off and might drop.
 455. Did you ever use the expression "If I was sent to work in there, rather than do it I would go up the shaft"? No; I made use of no such expression to anyone.

[*The Commission adjourned at 1 p.m., and resumed at 2 p.m.*]

Peter O'Neill called in, sworn, and examined:—

- P. O'Neill. 456. *Commissioner.*] What is your name? Peter O'Neill.
 27 June, 1901. 457. Are you a miner? Yes.
 458. How long have you been mining in the Broken Hill South Mine? About four months, as near as I can tell.
 459. Four months up to the present time? Yes.
 460. And you were working there on the 24th May? Yes.
 461. In what part of the mine had you been working? At the 700 feet level, sinking a winze.
 462. In company with Thomas? Yes.
 463. He was examined by the Commission this morning? Yes.
 464. I understand that on the 24th May you were working in the stope where the accident took place? Yes.
 465. How long had you been working there? We were working there about three weeks when the fall took place.
 466. And how far was the place you were actually working from the spot where the fall took place? Between 40 feet and 50 feet, as near as I can judge.
 467. You remember the day of the 24th May, I suppose? Yes.
 468. What time did you go to work? At 8 o'clock in the morning.
 469. With Thomas? Yes; Thomas was there with me.
 470. Do you remember a shot being fired in the early part of that morning? Yes.
 471. Where was it fired—where the fall took place? It was loose ground.
 472. It was fired in that part of the stope? Yes.
 473. Did you return to your work after the shot had been fired? Yes.
 474. Did anybody give you the word to go back to work? No; we went when we were ready to go back.
 475. Did you hear the sound of a fall? Yes.
 476. What was it you actually heard? A crush of ground falling, which I have heard many times.
 477. You heard cries for help? Yes; I heard Edwards calling out.
 478. Did you go up then? I went up a floor too high in going to assist them. My mate went in on the level where they were working. I went up higher, and before I could get down to give them assistance the second fall came, and that quietened the lot of them. We heard no more cries after that.
 479. I believe you went to get assistance? I went to the 500 level, and my mate went to the 600.
 480. Did you help to recover the bodies? Yes; after getting all the assistance I could I helped to take out Edwards, and worked on continuously till the rescue work was nearly finished.
 481. That was on Sunday morning? It would have been Sunday morning if we had to go on, but the night shift got them out about 9 o'clock, so we were not required.
 482. Had you ever been in that part of the stope before? Not in the part where the accident happened; I did not go in there. We were working in the north end of the stope.
 483. I suppose you could say what the formation was like? I have not taken particular notice of it.
 484. I mean on the 24th May? I was there, but I did not take any particular notice. I was accustomed to see those kind of places.
 485. What kind of places? Places open like that. I have worked in them myself.
 486. In this mine? Not in the South Mine, but in other mines.
 487. Would that be in filling up stopes? Yes; in stopes.
 488. What was the nature of the ground in other places? A mixture of ore and mullock.
 489. Was there any open space at your end of the stope? No; the stope was perfectly safe where we were.
 490. Was it all timbered up? It was all timbered up.
 491. Have you worked at any other levels? That is the only place; there and in the winze.
 492. Do you know anybody who has expressed any opinion about this part of the stope where the fall took place? Not in particular.
 493. Do you know the names of any men who have spoken about it? I know the man who worked with me—Thomas. He said he would not like to work there.
 494. Was there anyone else? No.
 495. Did Thomas give any reason for it? No.
 496. When was that—before the fall took place? Yes; before the accident happened.

497. Did you see anything in that part of the stope to make you think it was not safe? I saw nothing in it any more than I have seen in other places. P. O'Neill.
498. It might be like other places, and either safe or dangerous? I have worked with the same system myself as was used by the men who were there, and I have been working underground for thirty years. I have been fifteen years next August in the Broken Hill mines. 27 June, 1901.
499. What mines would they be? In the Proprietary, the North Mine, Fourteen, Block 10, the Central, and the South, where I am now working.
500. You have worked pretty well along the whole line? Pretty well. I worked in Block 10 between eight and nine years.
501. Did you get similar kind of country to what was in this stope in the other mines along the line? I saw something similar to it in other mines.
502. Did you ever examine this part of the stope where the fall took place? I am not working in it.
503. But you never examined it either before or since the fall? I never did.
504. Can you say from your experience as a miner if it is necessary to clear away the mullock to get a sound bed for the sills? In the sort of place that was there it had to be done to get the timber in—to get a bottom for it.
505. Do you think it was unnecessary in that place? It was necessary to get the timber in to build the sets up, otherwise you would have no bottom for it.
506. In your experience in working in these open spaces have you had any roof or protection over your head while building up? I have never used any.
507. *Inspector Milne.*] It is usual for the stuff to crush down in pretty well all the mines you have worked in? Yes; in places in pretty well all the mines I have worked in.
508. And it is usual to always pick that ground up again? Yes.
509. And to do that men have been sent back? It must be picked up to go on with the work there.
510. *Mr. Edwards.*] Did you know Mason, Downs, and Prideaux? Yes.
511. Did you know them for any length of time? I knew Prideaux for over twenty years, and Downs for nine or ten years.
512. Were they competent miners? What I knew of them they were.
513. They knew how to pick up the ground and to take care of themselves while they were doing it? I believe they did.
514. Could you suggest anything that might have been done by which the accident might have been prevented? No, nothing more than the way in which they are working it.
515. If men are taken in to build up a bulkhead or a pigsty they would have to be underneath the ground? Yes; and if you have to put anything in temporarily you require to take the same time as to put up the main timber, and it would have to be removed before you could get the main timber in.
516. And in that way you would be twice exposed? Yes.
517. And if you put in temporary timber you would have to wedge it to make it hold? It would be of very little use otherwise.
518. Even for temporary support? You would have to wedge the back, or it would be of no use.
519. Could you wedge on the "baulky" ground? In wedging a bad back you would make it worse instead of better. You would have to wedge at the back in between the solid piece at the bottom and the loose one at the dome.
520. Then the only way to secure the back at all would be by putting in permanent timber? Yes.
521. And in order to do that you must take the earth away? Yes.
522. To get the sole pieces in? Yes; they were working it in very good style.
523. Is there plenty of timber supplied to you? Yes; a good supply—"whips" of timber.
524. Was there any neglect on the part of the shift-bosses for the safety of the men employed there? I cannot say that there was. A man that knows his work does not leave his life in the hands of anyone. He uses his own judgment.
525. You do not depend on the shift-boss to secure your safety? No. I may be wrong in my own judgment, but in these cases I always look out for myself.
526. Downs was shift-boss in the Central before he came to the South mine, was he not? I heard he was; I was not at the Central at the time.
527. *Commissioner.*] Supposing you knew the backs were liable to come down, what course would you adopt? Of course, you have a certain amount of risk to run to do it; you do not do it unknowingly.
528. Then you tell the men, I suppose? Yes; if another shift follows on you tell the men exactly what may be wrong.
529. I suppose it amounts to this: if you know the backs are liable to fall the men must either take the risk of it falling whilst timbering up or else leave it alone? I have refused to go into places at the big mine, and I have experienced nothing different. I continued to work on.
530. What I mean is this—if you know the backs are in a dangerous state, and are likely to come down, is there any method by which you can work it without taking the risk? There are some backs that you could not work without taking the risk.
531. Is there anything further you would like to say, or any suggestions you would like to make with regard to this matter? No, nothing.

John Smith called in, sworn, and examined:—

532. *Commissioner.*] What is your name? John Smith.
533. And what is your occupation? A mullocker.
534. You have been employed in the Broken Hill South mine? Yes.
535. For how long? About three years.
536. Have you been employed there continuously, or on and off? I left eighteen months ago for about a month.
537. At what levels in the mine have you worked? I have worked on the 400 feet, 500 feet, 600 feet, 700 feet, and 800 feet levels; one shift. I have also worked on the surface.
538. Have you worked in the stopes? Yes.

J. Smith.
27 June, 1901.

- J. Smith.
27 June, 1901.
539. At what levels have you worked in the stopes? At the 700 feet, 600 feet, and 400 feet levels.
540. What is the nature of the ground in the 400-foot level stope? It is mostly mullock in there. I never worked at mining there.
541. You are a mullocker there? Yes, filling up.
542. Was the ground in this stope softer than in the lower levels? I think the 400 feet and 500 feet stopes are softer than the 700 feet and 800 feet.
543. Were you at work on the 24th May, the date of the accident? Yes.
544. Were you at work at this part of the stope, where the backs fell? Yes.
545. How long had you been working there? About ten shifts, I think, this time.
546. Have you worked there previously then? Yes.
547. How long ago? I think it would be about six weeks before the accident.
548. And what work were you doing six weeks before the accident? Doing similar work to what we were doing when the fall took place—filling.
549. Whilst you were working there, six weeks before the accident, did you notice any falls? Yes; there were one or two falls which took place while we were at the stope.
550. Where would that be, in the untimbered part? In the timbered part.
551. What were the sizes of those falls? I think the last fall that took place when I was there would be about 50 or 60 tons.
552. Where did that come from? From the back and top of the timber.
553. Was there any space, then, between the timber and the back? No; I think it slipped off the wall on to the timber.
554. Did it come down in one solid piece? Yes; in one solid piece. It came down just as we were about to go up to work—just before we got up to where we take our clothes off and have “crib.” I suppose it would be about half-past 8.
555. Did you yourself examine the wall at all after that fall? We were not allowed to go up.
556. Do you know if anyone examined it? Yes; there were Downs, Prideaux, and, I think, Mason and his mate. I forget who Mason’s mate was on that shift.
557. Did you see any shift-bosses there examining it afterwards? Yes; they came there and examined it.
558. Who would the shift-boss be—Driscoll, or who? I could not say; it is such a long time back.
559. They were, however, shift-bosses? Yes.
560. How long were you working there six weeks before the 24th May? I should think about six or seven weeks; it might be two months, and it might be less.
561. Was that the only fall that took place in that time? Slight pieces had slipped off the wall.
562. Would that be away from the timber? On the side where the timber goes up against it; it is a kind of greasy or slippery stuff, like a thin slab.
563. Do you know what soapy-head is? I have seen some of it.
564. Was this greasy stone what you would call soapy-head? Yes.
565. Was there much of it there? All the walls seemed to be greasy and slippery.
566. On which side was that? On the hanging-wall side.
567. And what thickness was the stone that fell? It might have been about a foot.
568. Did you see anybody ever examine that part? Yes; the miners always examined it.
569. To whom do you refer—the party you were working with? Yes.
570. Did they examine it before starting work? Yes.
571. Did they examine it at any other time during the shift? They were always careful, and told us to look out before we were allowed to go into work at any time to see that things were all right.
572. Did the miners examine the backs after a shot was fired? They would go up with a light and examine them in that way as far as they could.
573. Where would that be, on the part that was timbered or the part that was not timbered? The part that was not timbered. That was all timbered up afresh.
574. Were they big lots that came away—50 tons? Yes.
575. Did that crush the timber? Yes; and fresh timber was put up.
576. Well, with the exception of this fall of 50 tons on the timber, and occasional stones slipping away, were there any other falls that you noticed in that part of the stope before the 24th May? No; I do not think so.
577. On the 24th May you went to work at 8 o’clock, did you not? Yes.
578. Can you say what took place when you got to the part of the stope where the earth fell? Do you mean before the fall took place?
579. Yes, when you first went to work? Prideaux went on barring-down the mullock, and we shifted it away to put timber up.
580. Where were you at the time Prideaux was doing that? Sitting under the timber.
581. And how far was the timber from Prideaux when he was barring the stuff down? About 12 feet, I suppose.
582. Is that the first thing he did—barred it down? Yes.
583. Did he not examine the backs in any way? He barred down the stuff, and then he said to Mason, “Jack, I think we’d better put in a shot and bring down more”; and they brought down more.
584. Did you fire the shot? Yes; and then went to the 500-foot level, and after the smoke cleared away we went back. Prideaux again examined it.
585. Where did he examine it? Where it was fired.
586. That was in the soft stuff? Yes.
587. Did you see him examine the solid walls at all? I did not notice him doing it.
588. Well, after he had got on to the mullock and examined it, what happened next? They went on boring, and we were shifting the stuff.
589. Did they say anything to you? They told us everything was all right, and that we could start again. They went on boring. Bennetta and Gawen filled one truck. I ran it out, ran the truck back again for them to fill, and went back to where I tipped to throw the stuff back. Havelock and Edwards were throwing it back.
590. Where were they standing—Havelock and Edwards? Havelock was next to Mason; I think it was Mason and Downs, and Edwards next to me, and Bennetta next to him. While I was throwing it back

I had my back turned to them. I heard a crash, all lights went out, and I found myself under the timber. I rushed back again, got my candle and lit it, when I heard one call out for help. Then Thomas called out, "Come on lads, we can save one." We rushed over and tried to save him, when the second fall took place, and buried them. J. Smith. 27 June, 1901.

591. Was the second fall a big one? Yes. I then called out to O'Neill and Thomas for one to run to the 600 feet and another to the 500 feet and give notice. Shortly afterwards assistance came. They called out, "Is Jack Smith killed?" I said "No, I am saved." They came down and said, "Well, is there any chance of saving the others?" I replied, "No, they are buried." So they took me up out of the stope. By the time I got up more assistance came. I afterwards returned to the stope and saw where the bodies were lying. I saw Edwards and Bennetta. Then I swooned off, and was carried out of the stope.

592. Have you been in that part of the stope since the 24th May? No, not since.

593. Have you been engaged in other levels below the 500 feet in filling up stopes? Yes.

594. What levels would they be? The 600 feet, and also the 700 feet.

595. Have you worked in open spaces like that where the accident took place? Not in the South mine. I have worked in them in other mines, and in bigger places than it.

596. Would that be in hard ground? Yes, and also crushed.

597. Have you had any previous experience of falls of ground like that which took place on the 24th? I had one experience of it, but no accident happened; it was very near it. There were six of us in the place at the time; it was in the British mine.

598. In what kind of country did that fall take place, soft or hard country? Hard country, like the part of the stope where the men were killed on the 24th May.

599. In which mine was it the more friable? In the South.

600. Was there any warning given when the fall took place in the British? No; they were barring down stuff after firing. They had just touched it with the bar when it came further than they expected. It came for about the length of this room. In there it comes away when broken down in big rocks.

601. Would that be loosened by the shock in firing? I should think so.

602. Have you noticed soapy head in other parts in the South Mine besides in this particular part of the stope? I have not taken any particular notice of it.

603. Do you frequently see the shift-bosses? Every day.

604. At work? Yes.

605. At what time, before you started work or whilst you were at work? Just as we started, and also again before we knocked off.

606. You would see them twice during a shift? We would see one of them, if not the two.

607. Was there any means of sounding the backs? You could sound them in some parts, but in others you could not.

608. Why was that? Because they were too far away.

609. You mean they were too high? Yes; they were too far away; we could not get up to them. Where they could be reached I have seen Downs sound them, and he would do it as soon as he could. It was as soft as could be—that is, where the first fall took place. It was not hard stuff.

610. Which do you call the first fall? The one that killed the four men.

611. When—on the 24th May? Yes.

612. You have seen him sound it there? Yes, on the Wednesday when we were putting the timber up.

613. What did he sound it with? With a hammer.

614. Could you hear what the sound was like? Yes, it sounded hard.

615. It sounded all right? Yes.

616. Where did he sound it—from where the first fall came? About 18 or 20 feet away—just where they were to put up the timber.

617. You mean between the timber and the breast? Between the timber and the hanging-wall.

618. Can you suggest any means by which the danger of its falling might have been found out? No, I cannot.

619. Can you say about what thickness the first fall was? Do you mean what thickness the rock was?

620. I mean how thick was it between the roof that was left and the part that came down? I could not say. I was so excited at the time that I only saw what fell and where it fell from. I did not take any notice of how far it reached across. I should think the first fall was about 20 tons; I do not think it could have been much more.

621. I understand that you never personally examined it? I have gone up on to the timber with a candle and inspected it across the back, but I never tried it with a bar. It was not our duty. It was the miners' duty to see that everything in that way was safe.

622. How did you come to go up on the timber;—was it under instructions, or did you go for your own personal satisfaction? For my own personal satisfaction.

623. What was your reason for going up on that occasion;—did anything strike you as being uncertain? No. When I go to a place to work I generally have a look at the back to see that everything is all right before I make a start.

624. You just went up in the way of taking precaution, not that you knew anything was dangerous? Just because I like to see for myself as well as being told.

625. *Inspector Milne.*] You have worked as a miner, have you not? Yes; in the British I have worked as a miner. I have also worked in the Proprietary as a miner.

626. How long altogether have you worked as a miner? Do you mean in these two mines?

627. Yes? About three or four months.

628. Do you think your experience as a miner, and as a mullocker, would enable you to tell whether a back was cracked, or whether the sound which came from a back was good? Yes.

629. And you say that you thought the sound you heard was solid? Yes; I thought it was solid.

630. When you went up and looked with a candle yourself, did you see any signs of a crack or flaws? No; I never saw any signs of any cracks or any loose ground.

631. To all intents and purposes it looked to you a solid back? Yes; it looked quite solid. In friable ground you cannot tell at all times whether it is solid or not; but it looked solid. To the foot-wall it was very hard; on the hanging-wall side it was of a more friable nature.

- J. Smith.
27 June, 1901.
632. *Mr. Edwards.*] Have you known Prideaux long? Ever since I was a boy.
633. For how long have you known him? About thirty years. We were almost reared together.
634. Was he a skilled and competent miner? I do not think there was a more competent man in the mine. He has been all his life at the work.
635. He was the boss of the party, was he not? He was our overseer; we took our instructions from him as well as from the other bosses.
636. Had you confidence in him as a miner? Yes, every confidence.
637. Did you know Downs? Yes.
638. He was a shift-boss in the Central mine at one time, was he not? I do not know.
639. How long have you known him? I did not know his name until the last time I went to work. I have known him by sight.
640. You say Prideaux knew weak ground, and knew how to secure it? Yes.
641. Did you have plenty of timber in the stope where the accident happened? Yes; we always had plenty on hand. Any timber that was required, all we had to do was to ask for it, and it was given to us.
642. The timber men brought it round? Yes; the timber lumpers trucked it round.

William Bernard Driscoll called in, sworn, and examined:—

- W. B.
Driscoll.
27 June, 1901.
643. *Commissioner.*] What is your name? William Bernard Driscoll.
644. And you are a shift-boss employed at the Broken Hill South mine? Yes.
645. How long have you occupied that position? About ten months.
646. What experience of mining had you before that? About twenty years' experience.
647. Where would that be—on the Broken Hill field? Portion of it on this field, and in other places.
648. How long have you been on the Broken Hill field? About twelve years.
649. Have you worked in other mines here besides the South mine? Yes; I have worked in the Proprietary. I have principally worked in the South mine and the Proprietary. I worked but a short time in the British and Block 10.
650. Was there any particular part of the South mine under your charge? The whole of the South mine was in my charge when we were on shifts. We had a free hand during the shift from the surface to the lower levels.
651. What are your duties as shift-boss? To look after the men, and to see that the work is done in a satisfactory manner; to see that all places where the men are working are safe; to remove the men if they are working in dangerous places, and to see that the ground is fully secured.
652. When do you inspect the places—before the men go to work, or when? It is impossible to inspect them all before they go to work.
653. Supposing the shift goes on at 8 o'clock, do you go down the mine then? I go down with the last of the men, in the last cage.
654. Then whose duty is it to see that the places are safe before the men start work;—you say you cannot do it in each place? The men are supposed to see for themselves that the places are safe before they start work.
655. And you mean to say that during the course of the shift you go round to every working-place, and make inquiries as to whether everything is safe or not? Yes; of course if there is any place I do not like too well, I ascertain from the men what is the condition of the ground, and if the reply is not satisfactory to me, I see that it is sounded, and that everything is well secured before I leave.
656. Do you know the spot where the fall took place on the 24th May? Yes.
657. How long had you been inspecting that place? I have been on that round, I suppose, somewhere about two months.
658. Had you seen any falls in that part of the stope? No; I have never seen any.
659. Had your attention been drawn to any? No; nothing more than a dribble off the wall.
660. Do you know anything about a fall on the hanging wall that crushed some of the timber about six weeks before the 24th May? I have no knowledge of any.
661. Who would be the other shift-boss? On my shift?
662. Yes? Bennetta.
663. Were there other bosses on the other shifts? Yes; there were Hocking and Rowe.
664. Do you not know of any portion of the timber having been crushed by a fall some six or seven weeks before the 24th May? I have no knowledge of it; there may have been a fall.
665. If the timber had been crushed, would not that fact be brought to your knowledge in the ordinary course? It might have been crushed on the other shift. I only work one shift out of three; it is possible for it to have been crushed on another shift.
666. Whose shift was Smith on? He always worked day-shift.
667. Who would be the shift-boss? I do not remember.
668. Would you be on his shift? At the time of the accident?
669. Six weeks before the accident? He always worked day-shift. I am on the third. I may not have been on that particular shift, and therefore would not know anything about it. I do not remember a fall occurring there some six or eight weeks before the accident.
670. What I want to know is who would be the shift-boss;—were there any shift-bosses besides Bennetta, Hocking, Rowe, and yourself? Yes; Colmer and another man.
671. And other shift-bosses would pass along this part of the stope where the fall took place besides yourself? Yes; probably they would.
672. This part of the stope was only worked on the day shift, was it not? Yes.
673. Would you be there or not during the other two shifts? Sometimes I would take a run down there from the 500-foot level; at other times I would probably go up, and only go as far as the thirteenth floor. We had a pair of men on contract there. I might go to see these men and see that all things were safe, and have a look at the floor above them, and I would, perhaps, instruct them in anything I thought was wrong or irregular. Then I might go straight back again.
674. You say you saw dribbling? No; my attention was called to it.
675. In what part would that be? From the footwall at the side.

676. Did that happen more than once? Once I think my attention was drawn to it.

677. What did that indicate in your opinion;—what would it be a sign of? In different strata of ground it would be a sign of different things. If it was a watery greasy footwall, one would not take any notice of it; but if it was a dry hard footwall, you would take notice that it was a movement in the ground; but being of a greasy nature, and say a little stone slipped, you would not take the slightest notice of it.

678. Are there any other signs to show that the ground was moving or "working"? No; I have never heard any complaint.

679. But are there any other signs which can guide a person besides the dribbling to show the ground is "working"? If you are working ground, you can generally hear any movement, especially if it is on timber, you can generally hear the creaking of the timber. Slight pieces of ground falling from the back, or anything in that way, is an indication of movement in the ground.

680. Would cracks in the wall indicate it? Yes; if you saw a crack in the wall, and it started opening, you would know there was a movement.

681. Have you had any experience of soapy-head in the South mine? Yes; I have had two experiences of soapy-heads there.

682. Where do you come across them;—all over the mine? They are in existence in one or two places there.

683. At what levels are they? There is one down at the 700 very greasy.

684. How would you know it was greasy, by sounding, or is it actually exposed? It is actually exposed; the lode runs right up to the footwall.

685. In that case there is no fear of anything further falling, owing to the soapy-head? The soapy-head has nothing to do with anything falling. If the ground is any way heavy, you know the footwall will not hold it; you cannot depend on the footwall to hold any greasy piece of background.

686. I understand that all the ore has come away from that greasy part, as far as it is worked? Yes.

687. You were at the South mine a couple of years ago, were you not? Yes.

688. Do you know anything about the fall that took place in the same part of the stope where the accident happened? Yes.

689. Did you see it at all? Not just then. I did not see it.

690. How long afterwards was it that you first saw it? I suppose some months afterwards.

691. Was it when the men first started to repair that you saw it? I could not tell you the difference between the time the fall took place and when the men started to work. I should imagine it was about two years since the fall occurred, and about eighteen months ago when they repaired the place.

692. Was eighteen months ago about the time that you first saw this part of the stope? Yes.

693. Did you examine any part of the stope at that time? No, I did not.

694. Well, have you examined it since you have had it in your charge as shift boss, during the last few months? Yes; on various occasions I have had a look over it. On several occasions I took the hammer and sounded it.

695. When you sounded it with a hammer did it seem all right? Yes; everything seemed perfectly solid.

696. How often do you think you sounded it with a hammer during the two months you have been there? I have not sounded it once this last two months.

697. How long before that? I suppose about three months previous I sounded it with a hammer.

698. What examination did you make besides with a hammer;—did you use a light? With a bar.

699. With an iron bar? A steel bar.

700. Where would that be, over the timber too? Over the top of the timber.

701. Did you ever sound in the open space at any time? No.

702. What was the other examination you made, simply looking with a light? That is all.

703. Did you give the men who were at work there any instructions with regard to the examination or inspection of that part of the stope? I told them on various occasions to be careful and to run no risk; to see that everything was perfectly sound and safe. They always made me pretty well the usual reply, that it was all safe.

704. There are printed rules for the mine, are there not? Yes.

705. Is there any rule dealing with the manner in which they are to be inspected? I could not tell you exactly how they read, but I know that the miners generally examine all the places they are going to work in; the rule says they must, or something to that effect; they have to take strict precaution.

706. Now, coming to the 24th May; first of all, can you say if you had been round that part of the stope on that morning? Yes.

707. About what time;—before the men actually got to work? Yes; before they had gone into their places at all.

708. What took place that morning? I went into the stope, and when I got there I saw no one working; I did not know whether they were there or not. I just looked over the back with a light and saw that everything looked satisfactory; nothing different to how it appeared the day before.

709. Where was that from? About the fifteenth floor.

710. That would be pretty close to the hanging-wall, would it not? A good bit away from the hanging-wall, three or four sets, near the junction of the two runs of timber.

711. You examined it with a candle and it appeared as usual? Yes.

712. There was no sound of creaking or crushing? No, none whatever.

713. Did the men go to work before you left? Yes; I met one man, Mason. I met him on the floor where the accident took place.

714. Do you mean before you left? Yes.

715. Then, I suppose you went about your work? I went in and saw the other two men.

716. O'Neill and Thomas? Yes. I asked them how everything was there. They replied that everything was satisfactory. I stopped there a few minutes and examined the ground with them, and then I left and came down from the stope.

717. You said, just now, you examined the backs with a candle and found no difference in them that day and the previous day;—had you examined that part of the stope the previous day, the 23rd May? Not more than with a light.

718. But you had been there? Yes.

W. B.
Driscoll.

27 June, 1901.

W. B.
Driscoll.

27 June, 1901.

719. I suppose I may take it that you had been there every day? I was there pretty well every day. Some days I visited it first thing in the morning, and on the other days I would go down to the lower levels first and work up. It all depends upon the report handed to me by my other shift bosses. They would say that so and so fired out, and I would make it convenient to get to that spot as early as possible. The place where the men have fired, and there is the greater likelihood of danger, you would visit first.
720. You are speaking of the reports of the shift boss on the previous shift? Yes; they report as they are going off. If you are told that they are firing out at the 700-feet you go to the 700-feet level first, or to the 500-feet first, and work your way up, according to the report handed in.
721. Then I may take it that you are there pretty well every day? Yes; I go there pretty well every day.
722. What is your reason for examining it with a hammer or bar on some days, and on others not doing it at all? That was when I first went on the round. I have seen pieces of ground not looking too good, and have picked up the hammer, sounded it, and then put the hammer down again.
723. You mean that when you first went on this round you used to sound either with a hammer or a bar? On one occasion I did it with a hammer.
724. And you found, in your opinion, it was sound, and you did not use a hammer or bar afterwards? I did use a bar afterwards. On various occasions I went round with a bar. I would do that in any part of the mine.
725. You would do that to any part of the ground you were doubtful about? Yes; you generally catch hold of a bar lying about and satisfy yourself it is sound.
726. You satisfied yourself on these occasions that that particular part of the ground was safe;—did you find anything to alter that opinion before the 24th? Nothing whatever.
727. Did any of those places come down in the meantime? None that I am aware of.
728. Did you ever receive any complaint from any member of that party as to any defects or anything of that kind? No, not any.
729. Were Prideaux and Downs under your instructions;—did they have to obey your commands? They were to a certain extent under my instructions. They were two practical men, picked out and placed into their positions with such confidence that they knew as much about their work as I did; and they were placed there, as I understood it, with full power to act and to call the men out if they thought there was anything wrong or dangerous about the ground? Of course, if I went there, and saw anything wrong, I had the power to tell them that I considered it bad.
730. But were they under your orders as to the way they should work? No.
731. They could please themselves? They could please themselves to a great extent.
732. Were you back at this part of the stope after you heard of the fall? Yes.
733. When—that day? Yes.
734. I suppose you saw some of the bodies recovered? Yes.
735. Had you been back there to examine the place since the 24th May? I have never been to examine it; but I have been there. Of course, as far as examining it is concerned, it has never been touched.
736. Has anyone been working there since? No.
737. When would that be—since the Sunday? Since the accident.
738. A witness stated that they got the last body on a Sunday morning? Yes; it was a Sunday morning they got the last body.
739. Has anyone been working there at all since? No.
740. Did you not at any time since the 24th May examine the hanging-wall where this stope is supposed to come from? No.
741. Did you see anyone there at any time after the 24th May that did examine the wall? No.
742. Have you had any experience in other parts of the mine when large quantities of earth broke away like this? No.
743. Have you had experience anywhere with treacherous roofs where ground was uncertain, or where there was great pressure? I have seen heavy ground at times; but this is the biggest fall I fancy I have seen for some time. I did see one fall some years ago in Block 11, and in the Proprietary a somewhat smaller fall.
744. In what kind of country was that? Lead formation, intermixed with iron stuff. It was the time the two bodies got buried from the surface, and were got out something like eighteen months after they were killed. Jones was the name of one man; I forget the name of the other.
745. You say that to your knowledge there had not been a fall which crushed the timber in this stope some six weeks before the 24th May? Not to my knowledge.
746. Did you never hear of it from anyone? No; I have no recollection of doing so.
747. *Inspector Milne.*] Did anyone leave off work in that stope at any time since you have been there on account of considering it dangerous? No; I have never heard anyone complain about it being a dangerous stope.
748. There was no one complained to you, directly or indirectly, that they did not like working there? I have never heard it mentioned.
749. Have you discharged anyone out of that stope? Yes; I discharged one man. I do not know whether it was exactly out of that stope. He worked there; but I do not know whether he worked there the last shift. Lawson is the man you refer to, is it not?
750. Yes;—you did not discharge him because he complained of it being a dangerous stope? No; I discharged him because he stopped away from work on Saturday afternoon, contrary to Mr. Mayne's instructions.
751. *Mr. Edwards.*] Did that man Lawson ever say anything about the stope to you? No; not as to its being dangerous.
752. *Commissioner.*] Did he work in that stope? He worked there two shifts, as far as my knowledge will serve me.
753. How long was that before the 24th May? It would be a week before.
754. Had he only just come on to the mine then;—how was it he was only two shifts there? No; he had been there working for some time. Mason's mate had left, and we put him there in his place.
755. And he only worked two shifts? I would not say that he had not worked three.
756. Was he discharged after the third shift or the second? He was discharged on the Monday morning for losing Saturday afternoon.

757. *Mr. Edwards.*] It was his first shift in that particular spot? Yes.
758. I understand he was working in the mine some time? Yes; he was in the mine for some time.
759. Was he in the habit of losing Saturday afternoon? Yes.
760. For what reason, do you know? He never gave any reason.
761. *Commissioner.*] Can you suggest any means to prevent such a fall as this happening again;—you are a practical man, and might have some idea? I class myself as a practical man. I consider the mode of timbering at the present time a very satisfactory one. I do not think that for working big lodes you can better the system much. Accidents will happen.
762. Do you think it would be any help or guide if you sounded the hanging-wall all over? No; I do not think it would be any assistance at all. I do not think there is any good obtained by sounding the hanging-wall. Of course, you could sound a "cab" on the hanging-wall, as miners term it. You may sound it naturally enough; but then cannot tell whether it is gone.
763. Would you be able to tell if the thickness was great? No; you would not be able to tell how thick it was by sounding—you could tell whether it was "box" stone or not.
764. Would it be practicable to sound the whole of the hanging-wall right up to the extreme top? Yes; I think it would be practicable to sound any portion of the ground where a man is working.
765. You would only want a ladder, I suppose? Yes; some means of getting up to it. Of course if you are not working near it there is no necessity to sound it. If you are working close to where any fall may take place you are liable to get hurt.
766. I suppose the men need not be more than 5 feet or 6 feet away from the timber; you may for all practical purposes put up sets? They would require to be further than that away, as a stone might roll.
767. I mean so far as the roof above your head is concerned? You are more liable to get a stone off a hanging-wall than the footwall; the one is of a hanging nature, the footwall runs away from you.
768. Then if you are working outside these sets there is a chance of something falling on you from the hanging-wall side? Yes. A man could climb up to the top of the rill of the pile and sound the back, or he could climb the wing and sound from there. You could sound it off the timber or the pile that you get up on; but from the foot of the rill to the back I suppose it would be about 16 feet.

W. B.
Driscoll
27 June, 1904.

Richard Bennetts called in, sworn, and examined:—

769. *Commissioner.*] What is your name? Richard Bennetts.
770. What is your occupation? Shift boss at the Broken Hill mine.
771. How long have you been employed as shift boss? About three years.
772. Have you been at the South mine all that time? Yes.
773. And what is your experience of mining besides that? About thirty-five years.
774. How long have you been on the Broken Hill field? Nearly fifteen years.
775. Do you know the part of the stope where the fall took place on 24th May? Yes.
776. Did you in the course of your duty inspect that or pass through it? I went through that morning.
777. Was it part of your duty to inspect it? It is out of my run; I belong to the lower levels.
778. How did you come to be there on the 24th, by accident? I had instructions to go there that morning to give orders to another party of men.
779. Did you make any inspection or examination of the place the morning you went there? No.
780. Is that all that took place then; you just gave orders, and went away again? I just gave the orders and asked how they were getting on. They replied, "We are getting on all right Dick; everything is all right."
781. Had you known this part of the stope before the day of the 24th? Yes; I had been there before.
782. For what length of time before had you been going through it? I had been going through there for twelve or eighteen months.
783. Would that be pretty regularly or occasionally? Pretty regularly.
784. Was it part of your run then? Yes.
785. How long has it ceased to be part of your run? We take it in turns. One man goes up there for a certain time, and then changes over.
786. How long before the 24th May had it been part of your run? I should think about a couple of months.
787. Had you seen any signs of falls there? I have seen a little there, but no great falls.
788. What do you call "little," to what extent would that be? It might be a ton or a couple of tons.
789. Where did that come from? From the sides.
790. From the hanging-wall side or the other side? From the footwall side.
791. Did you make an examination then to see what was the cause of the fall? It came off the footwall; the footwall is a slippery wall.
792. Was it just the stone separating from the slippery part of the footwall? Yes.
793. Is that what you call soapy-head? It is something similar.
794. It is, however, a division in the rock? Yes.
795. And I suppose the air acts on it and it gives way? Yes.
796. Do you know anything about a fall from the hanging-wall side on to the timber about two months before the 24th May? I think there was a fall before, but I was not there at the time. Now I remember a bit of a fall about two months before the 24th May.
797. Was that the occasion when some of the timber was crushed? No; there was no timber crushed at that time.
798. Did you make an inspection then to see what was the cause of the fall? Yes; I sounded the ground.
799. What did you find? It seemed all right then.
800. Did you see what was the cause of the ground breaking away when it fell? Only that the air might have got to it.
801. Was there any sign of soapy-head there? I never noticed any.
802. Were you back at the scene of this fall when it took place on the 24th? Yes.
803. Do you know how far from the timber the farthest body was? I should think from 8 to 10 feet. I could not say exactly, but I should judge it to be about that.

R. Bennetts.
27 June, 1904.

- R. Bennetts.
27 June, 1901.
804. Have you examined the ground at all in that part of the stope since the accident? No.
805. Did you examine it that day? No.
806. Did you yourself ever sound that part of the stope, either with a hammer or a bar? Yes.
807. How often;—was it a regular practice? I have done it many times.
808. Did you get any indication of the ground baulking? Yes; and I gave orders to take it down at once.
809. How thick would be the part that was to be taken down? Sometimes not much, and sometimes a great deal more.
810. Supposing you were boring a hole in it, how thick would it be? About 6 inches.
811. Was it always your practice to have ground removed that gave a baulky sound? Yes.
812. You say you used a hammer or a bar? A hammer, a pick, or a bar.
813. You stated you left there about two months before the 24th;—would it be towards the end of your time that you sounded it last? About that.
814. Were you doing that frequently or only at intervals? I did it pretty well every day as I was going through.
815. What was your reason for doing it every day;—did it require it, or what? Just in keeping with the orders to see that everything was quite safe. We had to go through and sound the ground, and if we found anything dangerous we had to have it taken down.
816. Did you ever see any sign of dribbling in that part of the stope? I have seen a little of it.
817. Where did that come from? From the footwall side.
818. *Mr. Edwards.*] Has any man, to your knowledge, ever refused to work in that stope? Not that I know of.
819. On account of its being dangerous? None that I know of.
820. Do you know a man named Lawson? I do.
821. Was he employed at the mine? Yes.
822. How did he come to leave? Because he had the "sack."
823. Who discharged him? I did.
824. For what reason? For staying away from his work.
825. Did he complain at any time about the ground being dangerous? Not that I am aware of.
826. He never at any time complained to you? No.
827. Was it ever brought to your notice that any man had ever complained about this particular piece of ground? No.

[The Commission adjourned till 10 a.m. the following day.]

FRIDAY, 28 JUNE, 1901.

[The Commission sat at 10 a.m. in the Council Chambers, Broken Hill.]

Present:—

CHARLES GREGORY WADE, ESQ., BARRISTER-AT-LAW, ROYAL COMMISSIONER.

Mr. J. R. Edwards, Solicitor, representing the Company.
Mr. David Milne, Inspector of Mines.
Mr. W. H. J. Slee, Chief Inspector of Mines.

William James Wise called in, sworn, and examined:—

- W. J. Wise.
28 June, 1901.
828. *Commissioner.*] What is your name? William James Wise.
829. And what is your position? I am Secretary to the Barrier Branch of the Amalgamated Miners' Association.
830. I understand, Mr. Wise, that the Association are not appearing in this inquiry;—is that correct? Yes.
831. And this letter was written by you in reply to a communication you had received:—

Trades' Hall, Broken Hill, 27 June, 1901.

Mr. H. D. Wood, Secretary, Royal Commission of Inquiry into the Accident at Broken Hill South Mine, Town Hall,
Broken Hill.

Dear Sir,

I have the honor, by the direction of the President, to acknowledge your communication of the 21st instant, and, in reply, to state that the members of this society are of opinion that, in view of the full and searching inquiry made at the coroner's inquest, no further information is likely to be gained by this Association being represented on the Royal Commission.

I have, &c.,
(Signed) W. J. WISE,
Secretary.

- ? Yes. [*Letter marked Exhibit A.*]
832. That letter, you say, was written by the direction of the President? Yes; he instructed me to reply.
833. You received the note as secretary? Yes; from the President.
834. What I wish to know is, that inasmuch as I have to make a searching and full inquiry into the accident, whether you can help the Commission by submitting the names of any persons who can throw any light upon the matter? Do you require the names now?
835. Not necessarily—at your convenience; if you have them now so much the better? I have one name—Mrs. Havelock, Beryl-street South.
836. Do you know anyone else? No.
837. Do you think the name of anyone else can be obtained? Before the Commission closes I will see if I can find anyone.
838. The Commission will be sitting here for several days still? It is very hard to get men to give evidence, because they are afraid.
839. I know the feeling they have in coming forward; but they can understand that anything they say here is fully protected? They were not protected after the last Royal Commission. There were two or three men who gave evidence before that Commission who never received work afterwards.

840. There was an assurance given by Mr. Edwards yesterday in Court that, so far as the Company was concerned, they courted the fullest inquiry, and would not in any way visit the results of witnesses' evidence upon their heads afterwards. As far as I am personally concerned, all I am anxious to do is to get every person who can throw any light upon the inquiry on one side or the other, and that is the reason why I sent to you this morning, you being probably in touch with practical men? But you are only inquiring into this one particular accident.

[The Commissioner read the terms of the Commission to the witness.]

The cause of death in this case seems fairly obvious.

841. Can you make any suggestion yourself, Mr. Wise, to the Commission from what you know as to whom the responsibility attaches, or any suggestion as to the proper course to adopt to prevent the recurrence of such accidents? I should certainly say that additional mining inspectors are wanted—at least six—and also a Mining Act which will give the inspectors full power to enforce their ideas as to the safe working of a mine.

842. Do you mean six inspectors for this Barrier District? Yes.

843. Is there anything else you would like to suggest? No; that is all.

Mr. Edwards: There is one remark which Mr. Wise made which I should like to refer to, and that is that some of the men were dismissed after the last inquiry. Men are very often discharged for one reason, and they give another reason for it. I am certain that Mr. Wise was misinformed. I am sure that no Company of respectable men or directors, or the management, would be so cowardly or so mean as to dismiss any man for speaking the truth in an inquiry of this kind.

Witness: I have a document in my possession to prove that they have done so.

Commissioner: I think it would be a most cowardly thing to do.

Mr. Edwards: I may say that, in justice to the Company, men who were not only dangerous to others, but also to themselves, have been dismissed; but for giving evidence in a court of justice, I am certain there is no truth in it. I should be very sorry to learn of any company acting in such a contemptible manner.

Witness: It has been done, nevertheless.

Commissioner: I understand, Mr. Edwards, that in this case you court the fullest inquiry.

Mr. Edwards: I repeat that, sir, and I give the Court the strongest assurance that no man will suffer in any way in coming forward to give evidence in this or any other inquiry. My instructions are that no one is more anxious to prevent accidents, and no one deplores the frequent occurrence of accidents in a mine more, than the directors and the gentlemen in charge of the mines. They will be only too happy to adopt any suggestion, even at increased cost, that will prevent accidents in the future. All sorts of unjustifiable assertions are made in regard to carelessness and cruelty against the men in charge of these properties.

Henry Morris called in, sworn, and examined:—

844. *Commissioner.*] What is your name? Henry Morris.

845. You are the President, are you not, of the Barrier Branch of the Amalgamated Miners' Association? Yes.

846. I understand that your Association does not wish to appear before this Commission? Yes; it does not.

847. But, as far as you are personally concerned, I suppose you are willing to give any information that would throw any light on the inquiry? Yes; any information I can give in a personal way that would throw any light on the matter I shall be only too happy to give.

848. Yes; I thought so;—well, what I wish to know is this: whether you can give the Commission the names of any persons who might come forward as witnesses and give evidence in regard to the accident? The only witnesses I know of are those who were on the inquest.

849. We already have all the persons who were giving evidence at the inquest, whether present at the time of the fall or shortly afterwards; but the inquiry is not only into the cause of the accident and the responsibility for it; but there is a further branch of it that I am empowered to take evidence upon, and that is with a view to ascertain the means of preventing a recurrence of such accidents;—if you should know of anyone who may be able to throw any light upon the matter, I would be glad to receive their names, and I would call them? I do not know of anyone who is likely to give any information.

850. From your experience, can you make any suggestion yourself personally that would be a reasonable method of preventing a recurrence of such accidents? My own opinion is that we really want more inspectors in the district; we have not sufficient. We could do with more; the field in itself is plenty large enough for two men.

851. But at present there are two inspectors? There has only been one since Mr. Hebbard resigned.

852. Well, in what way would you suggest that additional inspectors might prevent a recurrence of such accidents? They could take their work in sections, and only have a certain distance for each to work.

853. You mean they could give more attention to the individual mine? Yes; and I do not think, as far as we have gone and what we have seen on the Barrier, that it would be any harm to give them a little more power than they have. They seem to be lacking in power for the benefit of the men.

Samuel Mayne recalled and further examined:—

854. *Commissioner.*] You stated yesterday, in answer to a question as to whether you worked the whole width at one time, that you only worked portion of it; and there is following that another question asking if you worked one width right through? Where the ground is soft we take out a set.

855. The first answer, then, refers to where it is soft? Yes; where the ground is hard we may take out two or three sets.

(The shorthand writer read the transcript of witness evidence given the previous day.)

856. You have heard the report of your evidence;—are you satisfied that it is correct? Yes.

857. Is this a copy of the rules of the mine (*Exhibit B*)? Yes.

858. There is nothing in these rules in regard to ordinary inspection? No.

- S. Mayne.
28 June, 1901.
859. What is the practice in regard to inspecting the working places;—how is it done, who does it, and so forth? Do you mean the dangerous places?
860. Any of the working places? It is done by myself and the shift-bosses.
861. Take an instance: Supposing there was a shift coming on this morning at 8 o'clock, what steps are taken to see that the places are safe before the men go in to start work? The miners see for themselves when they go in that everything is all right. The bosses could not be in every face the first thing in the morning.
862. Is that an understood thing that the miners are to test each place themselves before they commence working? Yes.
863. I understood you to say yesterday that if they found anything dangerous it was their duty to report it? Yes.
864. What is the position that the shift-bosses occupy? They have to see that the men do their work.
865. How far do they inspect the working places? Do you mean the faces?
866. Yes? They examine them all over. If they notice anything at all wrong, they at once put the men on to repair it.
867. Is it part of their duty to make inquiries from the men? Yes; from all the men, and to caution them.
868. Is there any system in metalliferous mines by which some fixed person goes down beforehand to examine the faces? No.
869. Are the defects in the roof and the walls all you have to guard against? They are all.
870. And they can be ascertained, you say, by sounding? Yes; it is the only method we have of ascertaining them.
871. With regard to the rescue of the bodies at the time of the accident, you saw those of Bennetta and Edwards recovered, did you not? I saw the dirt over them.
872. Did you see the bodies unearthed? Yes.
873. I want to know in what way they were lying? They seemed to me to have fallen one on top of the other.
874. In which direction were their feet? Towards the breast of the stope.
875. Did you see the bodies of any of the other unfortunate men unearthed? They were taken out in the morning when I was not there. I was not on the ground at the time.
876. Can you say whether Prideaux, after firing the shot, could have got to the breast? Yes; the shot was fired in the rill, in the loose stuff.
877. Could he have climbed up that rill afterwards and got to the breast? Yes.
878. There was some evidence given by a witness yesterday to the effect that the soapy head came away on the top of the timber in this part of the stope about two months before the 24th May, and that it crushed the timber? Did he say in this same stope?
879. Yes;—do you know anything about it? No.
880. You mean you did not see any crushed timber? There was none came away from the back at all. We were putting up some timber on the footwall, when a "cab" on the footwall slipped off; but that was back at the other end of the stope, and not in the same place at all.
881. The witness spoke of a large fall slipping away from the back on to the timber about six weeks before the 24th May? I do not remember it. I remember nothing slipping off the back with the timber up against it. It might have slipped off the footwall.
882. You do not know of any occasion when a large quantity of earth came away either in one place or the other? No.
883. You stated in your previous evidence that you frequently sounded that part of the stope as far as you could reach? Yes, I remember stating that.
884. Well, what guarantee have you got that the ground is sound in the parts you cannot reach? If you cannot reach it you cannot tell.
885. Of course, you cannot;—in giving your evidence you said you could not reach it with your arm;—could you reach it from the angle-side of the footwall? There is a broad ridge on the footwall we could not reach on an angle.
886. Could you draw any conclusion from the parts you did sound within reach as to the security of those parts you could not reach? Yes; we sounded what we considered the weakest places, and we thought the other places would be equally safe, because if the part on the hanging-wall side did not give way, we felt certain that that on the footwall side would not.
887. Do you remember if any of the Government Mining Inspectors examined that part of the stope when the crushing took place two years ago? Yes; we went through. I cannot say if we went through at the time of the crush; but we had been through there before it, and afterwards. We went through also before we started it again.
888. Who was the Mining Inspector in those days? Mr. Hebbard.
889. *Mr. Edwards.*] Is it possible that the witness Smith, when referring to a fall that took place when the timber was crushed away, was speaking of the same slip off the footwall that you are speaking of? I think Smith must have been thinking of the slip off the footwall in the other end of the stope.
890. In the same stope? Yes; but back about 50 feet.
891. That fall came off the footwall? Yes.
892. How long would that be before the 24th May? That would be four or five months ago.
893. He said two months? I have no recollection of it, then.
894. How many men have you had working underground each shift? About 120.
895. Do they all work in pairs? Yes.
896. It would be possible for you to have each face inspected before each pair went to work? If we had to do that, we would have to go through all parts of the mine, and at the different places put the men in position.
897. Is it a safe thing for the miners to depend on the shift-bosses for their safety? No; I do not think so. Each man should look out for himself, and not depend on anyone for his safety.
898. *Commissioner.*] What is the shift-boss for—what are his duties? To also see to the safety of the men, and that the work is being done.
899. Does the miner depend on the shift-boss alone for his safety in any place? The miners are supposed to look after themselves as well as by the shift-bosses.

900. *Chief Inspector Slee.*] Did you ever dismiss a man for informing you that a part of the mine was dangerous? No, never. S. Mayne.
28 June, 1901.
901. Did you ever hear of, or in any indirect way, bring about a man's dismissal for doing so? No.
902. Is it a fact that the shift-bosses go through the stopes every shift? Yes, we go through.
903. How often? Twice, and three and four times in the eight hours. There are three shifts, and there are two bosses on each shift.
904. *Commissioner.*] Do I understand from you that the recognised practice is that the shift-bosses go round the different faces during the shift, and that the men must examine the places for themselves before starting work? Certainly.
905. The reason why I ask is that in coal-mining a man goes down the mine before the men are on the scene at all to look it over; that is not done I understand in these metalliferous mines? No.
- Mr. A. Hall, solicitor, desired to bring under the notice of the Commission the fact that a widow of one of the miners who had been killed by the accident had given him to understand she could give evidence of what he had told her. He had not been attending the inquiry, and, therefore, was not in touch with the procedure as to witnesses. On behalf of the widow, he would ask if the Commission wished to hear her evidence.
- Commissioner:* When could she attend? She could attend at any moment.
- Then I will hear her evidence after the next witness. Do you desire to appear on her behalf before the Commission?
- Mr. Hall:* I have received no instructions to appear on her behalf. She was consulting me in regard to another matter when she told me that she could give evidence that she thought would aid the Commission materially, and wished me to ascertain if she could give it. Perhaps it would be better if I were to ask her one or two questions.
- Commissioner:* I shall be only too glad to have your assistance, so long as I know that you are appearing before me as her representative, and on her behalf.
- Mr. Hall:* I have no instructions to appear, but perhaps the Commission will permit me to ask the witness one or two questions.
- Commissioner:* Under the circumstances, perhaps the better course would be to put any questions you may desire to ask through me.

Alexander Baird Brock called in, sworn, and examined:—

906. *Commissioner.*] What is your name? Alexander Baird Brock. A. B. Brock.
28 June, 1901.
907. What are you? A miner.
908. Where do you work—in the Broken Hill South Mine? Yes.
909. How long have you been working there? About eighteen or twenty months.
910. What work have you been doing? Mining generally.
911. In what part of the mine? We were working just immediately round where the accident happened.
912. On what level? On the 600-foot level.
913. Have you worked at all in that part of the stope where the fall took place? I have worked on the same level, about 300 feet south of that part.
914. But have you been actually in that part of the stope? I have not been working there. I have been at the spot, but only on a mission.
915. On what occasion was that? It was an occasion when I went in to get some drills. It is a usual thing to go from one stope to the other to exchange drills—to get drills suitable for the particular work you are doing.
916. On what date would that be when you went for the drills? On the 23rd May.
917. Was that the day before the fall took place? No, the day of the accident. The day before I went in with the tool-carrier to ascertain the road from that stope to the magazine. Where the accident occurred was on the 500-foot level, and the magazine containing the explosives was on the 600-foot level. I wanted to find the way to get there in case any firing was to be done.
918. You say you were in that part of the stope on two occasions—the 23rd and 24th May? In the first instance with the tool-carrier, and in the next to get the drills.
919. Were you there for any length of time on the 23rd? Just for a minute or so.
920. Were the men at work then? No; I did not go up through the stope at that time.
921. Did you take any notice of the condition of that part of the stope when you were there then? No; not of the working part of the stope.
922. Did you see any dribbling or crushing? No; everything seemed solid when I was there.
923. You were back there again on the morning the fall took place? Yes.
924. About what time would that be? I should think it was about 10 o'clock or half-past 10. I could not say for certain.
925. Were the men at work at that time? Yes; they were working when I went in. I saw Mason.
926. Whereabouts was Mason then? Mason and the other two men were in the act of putting in the sandblast when I went in.
927. Who were the other two men with Mason—Prideaux and Downs? Yes.
928. Did you notice anything about the stope that day;—did you look at the face, or anything like that? Yes; I looked at the face, but I did not see anything unusual about it. It seemed to me as if they were working broken ground there. I asked Mason if he had any drills. He said, "No; we have five or six drills here, but we shall be more than likely using them ourselves."
929. Was that all that took place then? Yes. I remained there a minute or two. I saw two men filling a truck just close by; I had nothing to say to them.
930. Did you go away then? Yes; I went back to where I was working in an uprise. I suppose it was about 300 feet. A man named Peter O'Neill came running after me, and said, "Come back here, quick; I think there are six men buried." I ran into the stope with him and my mate, and found it was a fact.
931. Had you heard any sound when you were leaving the stope? No.
932. You did not hear a shot? No; there was no shot fired when we were there; we did not hear it. You could not hear a sand-blast being fired at the distance we were. A sand-blast is quite different from an ordinary blast in a rock.

- A. B. Brock. 933. You, however, went there for drills? Yes.
- 28 June, 1901. 934. You said that was somewhere about 10 o'clock, and when you were there everything seemed all right? Yes.
935. And when you went there about a quarter of an hour afterwards the men had disappeared? Yes, with the exception of two. The two that were filling the truck were not buried. They were very much in the same position when I returned as they were before.
936. You mean they were in the same spot? Yes; they were lying at the side of the truck, as it were. The truck seemed to have canted, and a rock of about 25 cwt. or a ton was on them.
937. Was there any further fall after that? Yes; between 3 and 4 in the afternoon, when we were working on the rescue, there was a fall.
938. Did you see any of the bodies recovered? Yes. I worked there during the time the rescue work was going on. With the assistance of another man I took Bennetta and Edwards out.
939. Did you see any other bodies taken out? I saw them when they were got out.
940. What I wish to know is, how were they lying;—which way were they facing, did you notice? Yes; one man had a shovel in his hand. When recovered he was in the spot where he was working.
941. I suppose the bodies were pretty well lying over each other? Their heads were lying out towards the timber.
942. And their feet? Towards the work—that is to say, the face.
943. You mean towards the breast? Just so.
944. How many of them did you see? I saw them all. I came in on the Sunday morning, when the last man was taken out.
945. Did all the men seem to be lying in the same direction? They were in the same position, or very much so, when their bodies were recovered, as I saw them just previous to the accident.
946. Have you had any experience of what they call soapy head in the South Mine? I have had a good of experience in mining. Soapy heads were always very doubtful.
947. But have you come across soapy heads in the South Mine? It used to be met with in that mine, as well as in other mines. In this particular place the hanging wall was of a soapy-head nature.
948. On what basis do you say that;—is it from what you have heard since, or what you yourself saw before the accident? I do not quite understand you.
949. You say that this particular part was of a soapy-head nature? You only have to look at the ground. Supposing you went into a face; if you saw a whitish enamel substance between the rocks you would say that it was of a soapy-head nature.
950. When did you first know that it was in this particular part—since the fall took place, or did you know it before that? I noticed it when I first went in.
951. What day was that? That was the 24th, when I was talking to Mason and the party working there.
952. You mean before the fall took place? Yes.
953. You saw it yourself? You could see the hanging wall was of a whitish nature. In mining we naturally say such ground is soapy, and it is likely to give way suddenly.
954. Did it suggest to you that this particular stuff which was adhering to the wall would come away, and that a lot of other earth would come with it? I did not take much notice. I really went in there for drills, and did not get them, and as far as I was concerned my mission was finished.
955. Did anything strike you at that time as being dangerous? No.
956. When you were there, they were working broken ground? From the amount of new timber that was in the stope at the time, it gave me the impression that they were bringing an old crush to a finish; they were just closing up what might have been at one time dangerous ground.
957. Do you sound the face before you go to work in a shift? We do, where we actually work.
958. Is that your practice? Yes; that is the practice. You have got to do it, because the miners may be working contract work, and the men who have to fill for you are wages men. You are really responsible in a sense for those men working with you, and you take care to see that the ground is safe. Another thing, the shift-boss makes it a rule that you should make everything perfectly safe before the men are allowed to start to fill the stuff that is broken.
959. What I should like to know is, do you yourself, before starting, sound the ground for your own protection? Yes; certainly.
960. *Mr. Edwards.*] Have you been mining long? About eighteen years.
961. How long have you been employed in the South Mine? Eighteen or twenty months. I have been thirteen years working on that line of lode—in the British, the Proprietary, the Central, and the South Mines.
962. Did anyone working in this particular part of the stope where the accident happened say anything to you about it being dangerous? No; I only knew one man personally, and that was Prideaux. I worked with him ten years ago in the Central, at the time the crush occurred in that mine.
963. You worked with Prideaux? Yes.
964. Was he a skilled and competent miner? Yes; as good as you could find.
965. Did you ever know of any man in the South Mine being ordered up the shaft for refusing to work in dangerous ground? No.
966. If you knew of dangerous ground, you would have no hesitation, I suppose, in complaining of it to a shift-boss? No; a miner's labour is worth the company's money, and that is the way a practical miner would look at it.
967. And when you were in the stope that morning where the fall took place, did it appear to you that the men were taking an unreasonable risk? No; I have seen it similar in other parts of the mine. The men were actually preparing for stringers—that is, making a foundation for pressure at the back—when I went in.
968. I suppose there is a risk to be taken in all kinds of mining? Yes; a man is never certain. A man might sound a back, and it might appear all right, and then some firing in that vicinity might loosen it more or less.
969. *Commissioner.*] Do you think it is a sufficient test to sound a place before you start work, and then to sound it after every shot that is fired? A man might take that precaution. They do not usually do it. Where you are working contract work, you are paid by results, and the more ore you get out the more money you make.

970. *Mr. Edwards.*] Am I to understand that you do not sound your back every day? Sometimes you are compelled to. The shift-boss comes round and puts you to that trouble whether you want it sounded or not. As a rule no man goes down a mine and throws away his life for the sake of a few pounds. You generally sound it before you start, and if you come across a part that you think is soapy, you will see to it. A man may think that stuff is "baulky" in a certain place, and perhaps be in the wrong.

A. B. Brock.
23 June, 1901.

Mrs. M. Havelock called in, sworn, and examined:—

971. *Commissioner.*] What is your name? Marty Havelock.

972. Do you wish to appear on your own behalf, or have you anyone appearing for you? No; I have not.

Mrs.
M. Havelock.
28 June, 1901.

973. What was your husband's name? Samuel Albert Havelock.

974. He was working in the Broken Hill South Mine, was he not? Yes.

975. And he was one of the unfortunate men who were killed on the 24th May? Yes.

976. I understand that there is some evidence you desire to give to the Commission? I can only say what my husband told me.

977. When was that—the day he was killed, or before that? I cannot say to a day; but it was about a fortnight before he was killed. I think it was on a Thursday or Friday when he came home from work.

978. What was it he told you? When he came home, he said, "Well, old girl, you were nearly a widow to-day." I asked him what he meant. He looked at me, and said nothing further. He went into his bedroom, and when he came out he called me, and said, "Do you see this, and do you see that," pointing to marks on him. He said, "That is what it is; it was within a hair's breadth that I was not killed." I asked him why he worked there, and he said, "I only do the same as others." He had little "jags" on his arms and his back, which were bleeding. I asked him how he received them, and he replied, "The stuff came down on me, and I was as near as could be being killed." That is what he told me.

979. Is that all he said to you? Yes, at that time; but he often told me, along with others in the house, when they were speaking about the work, that it was very dangerous, and that he did not like the look of it. He said it was a terrible place to work in, and that "some of these days more than one of us will be killed." He said, "It looks very bad in places; I am not a miner, but it looks very bad, and I do not like the look of it."

980. What was your husband's age—can you say? Forty-nine.

981. Do you know how long he had been following up mining? I cannot say how long he was in the South Mine. Sometimes he was doing surface work, and at other times he worked underground. He was not a miner, but he had done a little more of late underground than he had been used to. Some years ago he was in the timber yards. He was employed by Mr. Mayne as underground manager.

982. How long had he been working at Broken Hill? Six or seven years.

983. *Mr. Edwards.*] Did your husband ever say to you that he had complained of the place to the manager or shift bosses? No.

Mr. Hall: Will the Commission permit me to ask the witness a question?

Commissioner: From what you have already told me, I understand you have no *locus standi* at the inquiry; but if you will state what you wish to ask I shall be glad to put the question for you.

Mr. Hall: I desire to know if any complaints have ever been made to the witness by the deceased about the timber, or about the backs frequently falling.

984. *Commissioner, to witness.*] Did your husband make any complaints to you at any time about the backs falling? He often said they came down occasionally, but he did not say in what quantity. He said they had to be very particular—that several times it gave way, and it was quite a miracle that they had escaped it.

985. Did he say anything to you about the timber? No; not more than that he had often heard the timber creaking.

986. When would that be—long before the accident? At different times he mentioned it; the last time was about three or four weeks before the accident happened.

987. *Mr. Edwards.*] You say that Mr. Samuel Mayne employed your husband? I never heard him say so.

988. He did not tell you? No.

William Henry John Slee sworn and examined:—

989. *Commissioner.*] What is your name? William Henry John Slee.

990. What is your position? Chief Inspector of Mines in New South Wales.

991. For metalliferous mines? Yes.

992. What is the length of your experience? I arrived in Australia about forty-six or forty seven years ago, and I have always been connected with mining.

W. H. J.
Slee.
28 June, 1901.

993. Ever since you arrived in Australia? Yes.

994. That would be in the different States? Yes; in Victoria and New South Wales. I started first as a miner, then became mine manager, a quartz-crushing machine proprietor, then first Inspector of Mines, and for many years I have been Chief Inspector of Mines in New South Wales.

995. Do you know the Broken Hill Mines? Yes.

996. What is the length of your acquaintance with them? I have been acquainted with them ever since the field began. I was here in September last, and I took a general inspection of the principal stopes in the whole of the mines. I did not go into the detail working at all. I remained on the field perhaps a little over a fortnight.

997. Have you been in the South Mine since the 24th May? No; I only arrived this morning.

998. Do you know the stope where the men were killed on that date? Yes; I know the stope very well. I went through the whole of that stope the last time I was in Broken Hill.

999. What state was that stope in when you were here in September last? Whenever I went into a stope or a mine the first thing I would hear from the miners was, "Have you sounded your backs." That expression became a standing joke against me, as my first question to them was, "Have you sounded your backs and roofs?" Wherever I saw a mine being worked with rock drills, I always asked that question.

1000.

W. H. J.
Slee.
28 June, 1901.

1000. Were there men at work in that part of the stope when you were there in September last? Yes. I may say that I always make it a practice if possible to go and get all the "ins" and "outs" from the men direct. I did the same at the South Mine. Mr. Milne, the present Inspector of Mines, and the manager, followed me through the mine.
1001. With regard to the ground, did you inspect and examine it yourself? I sounded it everywhere it could be sounded.
1002. What with? With a long rod. I always asked the men about the ground wherever I went, and they told me they sounded it at every shift.
1003. What did you find when you sounded it yourself? There were two men working in one part. I said, "What about your backs; do you sound them at all?" They said, "We are continually sounding them." I then took up a drill and sounded it myself, and found it very "drummy."
1004. Was that in the part of the stope where the fall of earth took place? No, not in there.
1005. When you examined that part with the bar what was the sound? It appeared to be all right. I do not care how solid ground may sound, it is dangerous at all times. There are little veins of silica running through the rock, and whenever there is the slightest shock part of the rock will fall.
1006. Did you see veins of silica in the rock in this particular place? Yes; in this particular place where a fall had occurred some twelve or eighteen months previous.
1007. On which side were the veins of silica—were they on the footwall side? They were on the hanging-wall side.
1008. Were they within your reach? Yes; the miners have long bars with which to sound the ground. When you can get on to the bulkheads it is all right and can be sounded, but it requires continual watching.
1009. Was there anything else besides silica? The whole of these bodies of ore throughout the mines have here and there narrow veins of silica, like a mere film. If you look with a light you can hardly notice them, but once the stuff comes from underneath them they might fall at any moment. I feel confident I spoke to the unfortunate men who were killed, and they told me they looked well after their work.
1010. While you were making the examination did you hear any sounds of crushing or movement in the ground? No, there were no sounds of any movement. They considered they were getting through the worst part of it, and were getting into better parts which were more easily secured.
1011. How far were the sets away from the breast at the time? I could not say. My visit with the Inspector was only to give them a hint as to what they should do.
1012. You say it was always a source of danger;—what do you consider would be the proper course to adopt if you were working there? The proper course is to secure it with timber. But the Inspector of Mines is not permitted to tell a manager how to secure it. He can say to a manager, "I want this secured," but he cannot say, "You must put in stringers here or there." If the Inspector were to direct how to do it, it would relieve the management of the responsibility, and the Government behind the Inspector would be responsible.
1013. Then all you are entitled to do is to suggest? You can talk matters over with the manager, and say, "I would do so and so in such a case," but you cannot say, "You must put in such and such timber."
1014. I should like to ask you—as an expert miner of many years' experience—what you consider would be the proper course to adopt for the safety of the men? I should say to get bulkheads in everywhere it is possible, to connect them with stringers, and never allow too much ground to lie open too long, because the atmospheric action will take hold of it. My candid opinion is, that each shift should continually sound, not only the stope where they are working, but the whole place.
1015. But in building up the bulkheads the men would have to work in the open? Yes. The bulkheads may be shot away at any time again.
1016. You would suggest putting up bulkheads;—how would you protect the men while they were doing that? There is always a great risk to be taken in putting in timber at any time.
1017. But can you suggest any means of protecting them in that case? You cannot protect them; you can put nothing round them, and nothing over their heads. Their only protection is to keep a good lookout.
1018. Supposing, while they were putting up the bulkheads they were continually on the alert and watching wherever they can, sounding with a bar and so on, would it be a fair guarantee of safety under those conditions? Yes; but they must be continually sounding. They should never leave a shift or go to a shift without sounding. I told them that over and over again when I was through there last.
1019. Would the fact that the ground had stood for a couple of years tend to suggest that it was fairly safe? It would not satisfy me.
1020. But would it tend to suggest it to you? No, I should say, "Have it secured." I would not let it hang at any time.
1021. Supposing that there had been no work going on in the stope for nearly two years, or, say, for a period of five months, and that there was no crushing in the interval, would you conclude that the longer it stood like that the more likely it was to stand? No. I would send a party ahead to sound everything before starting the bulkheads.
1022. Do you mean that that country might stand for years without showing any signs of falling at all, and then might come away without any warning? Yes; it would be likely to come away without any warning. I know of an instance of the kind at Cobar.
1023. What would be the cause of it? Atmospheric action. The air would get at it slightly, and the small cracks which are generally imperceptible would become bigger, and would eventually cause the earth to give way. If ground stood for any length of time it would necessitate special precaution to handle it.
1024. And if it had been standing for some considerable time on examination it might be found to show cracks? Yes.
1025. But if you did not find any cracks, what then? Then you could only come to the conclusion that it might stand another two years.
026. Is the inspection of these backs by means of a lighted candle in itself sufficient? No; it would require magnesium wire to try the top of the roofs. It gives a very good light, and it enables you to get a view that you cannot get otherwise.

W. H. J.
Slee.

28 June, 1901.

1027. The cracks are shown by the light? Yes.
1028. Do you want a bar or a hammer to test it? Yes; the whole part looks quite black.
1029. Are the veins of silica you spoke of quite a different thing from soapy-head in bringing about a fall? Yes.
1030. Did you see any indications of soapy-head in that part of the stope when you were there? No; I did not see any. When I went through the stope I did not spend much time there. If I had made a full inspection I could speak with more certainty. I merely passed through to really see how the work was being carried on, so that I could instruct the Inspectors.
1031. Did you see anything in the method of working at that time which required alteration? No; there was nothing in the method which called for alteration. I told them to see that every precaution was taken against a fall. I dare not tell them to put in timber.
1032. Would the cracks you spoke of be where the veins of silica are? No; they are to be found in all places. Miners generally call them greasy-heads. They are very dangerous at all times.
1033. Do you not get that kind of country in pretty well all mines? Yes; in a great many mines, especially where there is sulphide ore.
1034. And in filling up stopes there are some men, I suppose, who must work without protection—say, in putting the timber in? Yes.
1035. And do you think it is sufficient for the protection of the men, while they are putting in the timber, if they continually keep sounding and looking for cracks? Yes; I think the bulkhead system, with stringers, is the best system to adopt here in Broken Hill now that the ore is not friable. It is now very hard, and at one time was quite different.
1036. Is there any fixed period for inspection by the Government Inspectors? No; he must go and inspect either by night or by day. He must not say to the manager, "I am coming to inspect the mine to-morrow." He goes without giving any notice.
1037. You say that when you went into the stope you questioned the men as to whether they had sounded their backs;—did you receive any complaint from any of them? No.
1038. I mean from the miners working in that stope? No; and I am quite sure I was talking to the poor fellows who were killed.
1039. Is there a section in the Mining Act, or any regulation, that provide for the duties of the Inspectors? The regulations provide that the Inspectors shall at all times, by night or by day, visit the mines without giving notice.
1040. It is the regulations that provide the Inspector's duties? It is a regulation of the Act that provides his duties, and they are further defined by circulars issued by myself. For instance, we have two Inspectors here at Broken Hill. One has to take the whole of the underground working of the Proprietary, Block 14, and the mines along the north, while the other has in his care the whole of the top workings, the open-cut, the machinery, and all the mines south of the Proprietary. They consult with each other as often as they think necessary, and each is responsible for the part of the district allotted to him.
1041. Would the absence of flaking indicate to you that there was no undue pressure at that particular spot? Yes; when I was at that part of the stope there was no undue pressure.
1042. Would the firing of a shot in the loose stuff tend to loosen the top? It is not likely. Of course, if the drill was working on the very top of the roof when they fired, it would shake the whole of it.
1043. You mean that under some conditions the firing of a shot would tend to loosen the roof? Yes; at all times; and the roof should be examined after the firing of every shot.
1044. Is there any course that you can suggest which should be followed to secure safety to the men besides inspecting the place with a light and sounding with a bar or hammer? One witness stated that there should be more Inspectors. I would not recommend that there should be more Inspectors; it would be folly for the Government to appoint more. They would be in each other's way, and would perhaps harass the companies when there would be no occasion for it. Two Inspectors are quite sufficient to do the mines at Broken Hill. It is the only place, not only in New South Wales, but anywhere where you will find two mining inspectors doing the one field.
- Mr. Edwards.*] So far as the companies are concerned they would be only too glad to have as many as you like in order that they could take some of the responsibility.
- Chief Inspector Slee.*] The miners evidently want the Inspector of Mines to be the responsible person, so that in case of an accident they would be able to look to the Government for compensation.
1045. *Commissioner.*] You prefer to leave things as they are? Yes.
- Mr. Edwards.*] The inspectors will not harass the managements.
- Chief Inspector Slee.*] I have never found a manager of a mine yet who has not met me half way, and more, in any matter relating to the mine.
1046. *Mr. Edwards.*] You say that a mining inspector has no right to demand that the management should do a certain thing in connection with the work, because in doing so the inspector would be taking upon himself the responsibility of that work? Yes.
1047. Have you ever heard of the manager of the South mine refusing to comply with any suggestion made to him by your mining inspectors? No; quite the contrary. The men there told me they could get whatever they required for the work.

David Milne sworn and examined:—

1048. *Commissioner.*] What is your name? David Milne.
1049. What are you? I am Inspector of Mines for the Broken Hill district.
1050. What is your experience in mining? About twenty-two years in all.
1051. How long have you been on the Barrier field? Very nearly two years. I have been here this time about sixteen or seventeen months; ten years ago I was here for four months.
1052. Do you know the Broken Hill South mine? Yes.
1053. Have you been all over that mine? Yes; at different times.
1054. Do you know the part of the mine where the fall took place on 24th May, and killed the men? Yes; I know it very well.

D. Milne.

28 June, 1901.

- D. Milne.
28 June, 1901.
1055. When did you first make an inspection of that part of the mine? When I came to Broken Hill first on this occasion, about fifteen months ago. The first time I went into that stope I did not like the look of it.
1056. Were the men at work at that time? Yes.
1057. What work were they doing? They were clearing out the mullock caused by an old crush, and were preparing to put in timber.
1058. How far would that be away from where the accident took place? Just at that time they were in a fairly safe place. I was looking ahead, as they got the mullock cleared back they would have the ground opened for them. It looked pretty "wild."
1059. How far away would that be from the face of the present timber? I suppose it would be about 20 feet back.
1060. You say it looked "wild";—what do you mean by that? It looked very open. All the ground crushed away from the back, and left an open space without any timber or anything to protect the back. I climbed up over the mullock and examined it, and I came to the conclusion that the back was quite sound. I had a conversation with the men who were working the ground at the time I was there.
1061. How did you examine the back? Just with my light from the top of the mullock.
1062. Did you know who the men were working there then? At that time I did not know who they were.
1063. Do you know since? Yes; I have frequently seen them in the same stope.
1064. Who were they? Three of them I knew fairly well.
1065. What were their names? Prideaux, Downs, and Mason.
1066. Did you receive any complaint when you were there as to the method of working? No.
1067. Or as to danger being there? I told the men that it was rather a wild looking place, and that they would require to be very careful. They said there was not much fear of them taking any chance. I asked them if they had sounded the back all over, and they replied that they had. I then assured them to be very careful, and to always see that things were all right. I afterwards asked them how often they went over the back, and they said they always went over it every shift. When I was leaving I again said, "Now be very careful, do not neglect anything, or you may meet with a mishap here."
1068. Did you see any indications of soapy-head on that visit? No.
1069. When examining it with a light, did you see any cracks? No. If I had I would have sounded it. It appeared to me so solid looking that there was no necessity for me to sound it after being assured by the men that they had sounded it.
1070. What was the purpose of your warning them? Because of the open space of ground. There was so much ground open right across.
1071. It was liable to fall;—is that what you mean? Yes.
1072. What would produce the liability of it falling—the pressure? It might have fallen through, there being such a large open space, with nothing to prevent it. It may be caused by pressure, or it may be because of it being windy. The principal reason to me was that there was too much ground open without any support.
1073. What do you consider would be the proper course to adopt under those circumstances? The only thing to do is, when you get a start, work your timber along gradually—that is, work the loose mullock away and build up the timber.
1074. Was the timber at that time built right up? No; they had only just got a start on it. They had only their bottom piece of timber in. I think it was about two sets wide. Since then the timber has been gradually built in and carried along, and worked right up to the present position.
1075. Do you consider it would be reasonably safe for the men to go on with that work if the men examined the ground with a light frequently, and also sounded it? Yes; if they examined it with a light and sounded it, their own judgment would guide them. If I sounded the ground, and got a true response, I would be satisfied to go on with the work.
1076. When you get your first set of timber right up, I suppose you would be able to sound from the top of that timber? Yes, for a certain distance. You could sound a portion of it from the pile.
1077. Would it be reasonably safe to work out in the open for, say, the width of the next set? Yes; a man could reach considerably further out from the timber than he would be likely to work in taking out one set of ground.
1078. Would there be any occasion to go outside the width of a set of ground? Yes; it is probable there would be.
1079. For what purpose? In this loose pile there would probably be big rocks that you could not get away without going out on the pile. There would be a chance of these falling upon him, and he would probably have to get them out. It is done occasionally by barring them down and popping.
1080. What course should then be adopted? If a man knew that he had a sound back behind him he would not be afraid to go out on the pile; he would simply walk out and do his work.
1081. He would be safe in doing so? Yes.
1082. What indications do you get when the room is likely to give way? You generally get a little dribbling from the back. Sometimes you will see flaking and cracks showing in the back. You usually get some sign of dribbling first before anything gives way.
1083. What does the dribbling suggest? It suggests that you should at once have a look at the back and see what its condition is, to see if the ground is moving at all.
1084. That is just the pressure or movement? Yes.
1085. Is the sound of crushing any indication? Yes; that would be with the dribbling. The crushing would be really the dribble. Any motion at all in the back would bring about dribbling.
1086. How often would you suggest that an examination should be made of the country? If I were working the ground myself, I would certainly examine it on each occasion I was going on a shift. At Broken Hill most of the mines generally do their firing at "crib" time, or when coming off a shift, and examine it afterwards. If you fired at "crib" time you would examine it afterwards yourself. I think all the miners recognise the fact that they should sound their ground going on shift for their own safety.
1087. You say that the first time you saw this part of the stope was about sixteen months ago;—how often have you seen it since? I have seen it very frequently. I could not say exactly the number of times.
1088. How often before the 24th May;—the date of the accident? I suppose on an average about every fortnight or three weeks.
- 1089.

D. Milne.
28 June, 1901.

1089. Did you make an examination of it each time you went there? Yes; I would go through the stope and have a good look round. I would speak to the men and ask them what the backs were like, and how they were getting on. The last time I was there, previous to the 24th May, I complimented the men on the good work they had done in getting through the thing so nicely, and the way in which they got over all the worst part of it.
1090. From what you saw yourself, or heard on these visits, was there anything to suggest any immediate fall in that part of the stope? No; nothing that I saw myself or heard from any of the men would suggest it. They always led me to believe the backs were very safe.
1091. Does the work in connection with the timbering and the shovelling away the unmullock seem to be done in a careful way? Yes; it seemed to me to be worked very carefully.
1092. Were you there after the fall took place on the 24th May? Yes.
1093. On what date were you there? I was there two or three hours after the fall had occurred.
1094. I suppose you were engaged in the work of rescue for some time? Yes.
1095. When was it you first examined the stope itself after the 24th May? I never examined it since, until the other day, when I accompanied the Commission to the mine. That is the only time I have been over the stope since the accident. At the time of the rescue of the bodies I was there having a good look round to detect any chances of any more earth falling.
1096. Did any further fall take place whilst you were there? No; not while I was actually there.
1097. But after you first arrived? Yes; two falls. One came down in the afternoon about 4 o'clock, and the other on the Saturday morning about 3 o'clock.
1098. From what you saw could you give the Commission any information as to the cause of the fall? It shows now pretty clearly what the cause of the fall was. There is a greasy head in the back.
1099. Whereabouts? On the breast or face you might call it. It ran back and came across the breast right up to the footwall. It took the shape of a very large "V," with the footwall for one side.
1100. For one side of the "V"? Yes.
1101. Do you mean the point of the "V"? Yes; where the hanging wall and this head comes together.
1102. Did any part of the footwall give way? Yes; portion of it came away from the footwall on the Saturday morning. Not the footwall itself, but portion of the ground up nearest to it. As far as I could see, the first fall seemed to have taken place close over to the hanging-wall side, near the friable ore.
1103. Where would that be? On the hanging-wall side, and it would be very near the centre of the stope.
1104. How far would that be from the head of the timber? It would be very hard to say. I suppose from a couple of sets on the wing side it would be about 6 feet to 8 feet. From the timber they had behind them it would be about 10 feet to 12 feet, probably not so far as that. It is very hard to say how it came afterwards; all I know for certain is that it left a fairly good cavity after the fall.
1105. What are the indications of this line of cleavage;—is it soapy-head? Yes.
1106. You saw it on the standing rock? Yes.
1107. And also in the fallen stuff? Yes; by picking up pieces you could see it, and could tell plainly what the nature of it was.
1108. Had you any idea that there was this soapy-head in existence? No; I had not the slightest idea of it.
1109. No indication either from what you saw or what you heard? No.
1110. Can these things exist and defy even careful inspection? Yes; a good bit depends on the thickness of these soapy-heads. If it is "shelly" you can always tell by sounding, but if it is a good thick body of stuff you cannot get a sound from it. You can only find them out by sounding.
1111. Can you say whether the firing of a shot in that part of the stope may tend to start the movement? It may have done so, but I do not think it would. Possibly the firing of a shot on the rill may have blown up a good sized piece of rock at the back and shaken it in that way; but, of course, that is only supposition.
1112. Do you think you could have detected the coming fall by sounding about a quarter of an hour before? From the appearance of it after the accident I believe you could.
1113. What would lead you to believe that? Because the body of the ground alongside the friable ore would not be more than about a foot thick, and it must have been very loose. By sounding that portion of the ground I believe you would get a sound from it; in fact, I am pretty sure you would, because it must have been a set-off, and you could have got a sound from ground that thickness. But coming further back towards the footwall you would not get it.
1114. Could you get access to that point? I do not think you could very well. You may have got it off the pile of ore if you had a good long bar. They would have to cut away underneath, and build up a bulk to sound it, as you could not reach from the timber.
1115. Could you get access to it from the pile of ore? You would want a good long bar to reach it.
1116. Between the time you first made an inspection there and the time of the fall on the 24th, had you seen or heard of any other falls taking place in that part? No; I never saw or heard of any.
1117. Well, assuming it had stood for that fifteen months without having any falls, and on your examination at the end of the fifteen months you did not discover any cracks, would that tend to make you believe it was sound? It would make you inclined to believe that it was all right. If I were working the ground myself for my own satisfaction I would go on sounding it, because there may be pieces that might "wind" off.
1118. Did you have any conversation with Mr. Mayne with regard to this matter? The first time I went through there I told him they would have to be careful; that I did not like the look of it. I asked him to look after it, and to see that the men were very careful, and that when they were at work they did not take any chances. That is the only conversation we had.
1119. You used this expression at the Coroner's inquest, "I recognised the stope to be a dangerous one"? Yes.
1120. In what respect? On account of the big space of ground that was open.
1121. Did you mean dangerous in spite of any precautions, or that these dangers might be guarded against by precautions? I recognised the fact that so much ground standing without support there was a chance of it coming away from any part of the stope. It was the reach that the ground had that tended to weaken it.
1122. There being this possible chance of the ground coming away, did you consider that proper inspection and examination would be a fair protection to the workmen? Yes; because at that time it would

- D. Milne, would be very easily examined. The crushed mullock was close to the back, and you could get to it and sound any place you wished to.
- 28 June, 1901. 1123. And did the risk seem to increase or decrease as the work went on? Decreased; every set of timber was shortening the reach of the ground.
1124. Is there anything you can suggest that might have been done there that was not done;—you heard evidence yesterday given here as to the way it was being worked? There was everything done there that I would do myself if I was working the ground. I might have probably been a little more particular in sounding the back. I do not know how often they sounded it only from what they told me themselves.
1125. That brings you back to the old point, whether frequent sounding when they were first going to work, and after a shot was fired would afford fair protection? Yes; the only safeguard a man can have is to make sure what he is doing.
1126. Did you come across this soapy-head in other parts of the Broken Hill mines? Yes, occasionally; in all the mines along the line.
1127. In ground that is apparently sound? Yes; quite so.
1128. And what is your remedy for that—just sounding? Yes; we have no other method, after looking at it well with a light.
1129. The Chief Inspector of Mines suggested the use of magnesium wire;—would that be of great help to you in this case? I do not know whether it would. I did not go over the back. Every time I visited the place I asked the men themselves. I would throw my light over it where I could. Certainly magnesium wire would give a very much stronger light, and you would be able to see everything; it is a good white light. The more power the light has, the better the chance for seeing any defects.
1130. I understand that the method of stoping at the South Mine is to build up the whole stope with sets of timber and gradually fill up? Yes; that is the system.
1131. When you start to build the timber you have a large space above you? Not always. In the South Mine they have square sets; they run the timber right out and fill up the sets as they come along, and if there is any ground to fire they build bulks in front of the timber. If you shoot large holes you are very liable to knock the sets out. I have seen twenty and thirty sets shot out at the one time. That makes an awkward and ugly job for men to go back and pick up.
1132. Is that the usual system of stoping at Broken Hill? Yes. There are other systems to work on the bulks and on the sloping stopes.
1133. Where? In different mines. The Proprietary works the whole three of them. The British works pretty generally on the bulk system and the open stope; while the North adheres pretty closely to the square sets.
1134. Have you any preference yourself for one system over the other;—are they all safe? They are all pretty safe, except in very hard ore, where I consider the square sets of very little use beyond staging. In some kinds of ore the square sets are very much ahead of others, but in some places you could not work them; in friable ore you want square sets.
1135. *Mr. Edwards.*] Have you ever made any suggestion at any time to Mr. Mayne, or any of the officers connected with the mine, that has not at once been complied with? No, never.
1136. Not any request from you? No. I always found him very good. Anything I wanted him to do he was always ready to do it.
1137. From your knowledge of the accident and the condition of the stope, can you point to anyone in connection with it to whom the blame can be attached? No, I cannot.
1138. For any act done, or neglect to do anything that should have been done? It is very hard to blame anyone. From what I saw of the work I consider it was carried out on careful lines.
1139. I think you said that if you were working there yourself you would have adopted the system of working? Yes.
1140. I suppose all miners at times take risks? They must. Men have to go into dangerous places and work there, or otherwise all mines would very shortly shut down.
1141. This ground had to be picked up, had it not? Yes.
1142. This open space we have been speaking of was not occasioned by anything the men had done themselves; it was simply through the crushing of the old stope, which left the back exposed? Yes.
1143. In working new ground, I suppose you usually keep the timber well up? Yes.
1144. They can then easily sound it with a hammer or a drill? Yes. The stopes are never carried so high that the men cannot sound them.
1145. That is, in friable ground? Yes; in any ground the backs are always within reach—that is, in the ordinary working of a stope.
1146. *Commissioner.*] Would it be a proper thing for the managers to have this fallen stope picked up? That is what they were doing at the time of the accident.
1147. It would be a proper thing to do? We could not leave such places, or in a very short time we would have no mine.
1148. Leaving that much open space led to further trouble? Yes.
1149. You say it was essential to it, and that the work was being carried out, and that you cannot suggest any better method? No; I cannot suggest any better method.

(The Commission adjourned at 1 p.m. and resumed at 2 p.m.)

James Hebbard called in, sworn, and examined:—

- J. Hebbard, 1150. *Commissioner.*] What is your name? James Hebbard.
- 28 June, 1901. 1151. What are you? Assistant General Manager of the Sulphide Corporation (Limited), Central Mine.
1152. You were at one time an Inspector of Mines, were you not? Yes; up till the 1st January this year.
1153. How long did you hold that position? Nine years from the 1st January, 1892.
1154. Where had you been on duty? I had been stationed at Broken Hill during the whole of that time.
1155. What was your experience of mining before that? I was reared in the Bendigo district, in Victoria, and commenced mining there twenty-three or twenty-four years ago.

1156. Do you know the particular part of the stope in the South mine where the fall of earth killed the men on 24th May? Yes; I have seen it several times up till the 1st January this year in the ordinary course of my inspection. J. Hebbard.
28 June, 1901.
1157. Do you remember hearing of a crush in that locality some two years ago? Yes.
1158. Did you know the spot before the crush took place? Yes; I had been through the stope many times before the crush took place.
1159. What condition was it in before the crush;—was it timbered up? Yes; closely timbered with square sets.
1160. We have been told that the effect of that crush was to bring down a large amount of ground, and to break the timber? Yes; that is so.
1161. Did that leave a large amount of unprotected ground? The effect of the crush was to leave a very big area of back exposed on the hanging-wall side of the stope. The crush occurred on the footwall, from the rotten end of the footwall country chiefly.
1162. Was it a necessary thing to have that chasm made good, supported, and filled up? That was the object of the work I saw.
1163. Would it be a desirable thing from a mining point of view? Yes, and it was being done; that was the object of it.
1164. Did you examine it at all after the crush took place? Do you mean the crush of two years ago?
1165. Yes? As much as it could be examined. The stope was allowed to remain idle a good while; but I cannot say for how long, so that everything would settle thoroughly.
1166. How long after the crush was it that you examined it? I could not say. It was, perhaps, two or three, or three or four, months before I was in that stope again.
1167. Was it before they began work? Just at the time they were commencing work.
1168. What was the result of the examination you made as to the condition of the stope? The actual condition of the back could only be conjectured, it was too far away to be examined; but the system they adopted in working it appeared to me to be the best one possible, and almost the only one possible, at that time.
1169. That was what? Working away on the toe of the pile formed by the creep, and drawing the timbers directly they got one set over the bottoms on the mullock after levelling it, and rearing that set across the lode to the height of the back; then going forward with another one in the same way.
1170. Was there any degree of risk attached to that work? Certainly; there was a lot of risk.
1171. What would be the proper precautions to take? Whenever I saw the stope the men were taking every precaution.
1172. What are the precautions? The back was out of reach and could not be protected. They were carrying the timber forward, and working as close to the timber as possible. Directly they cleaned up any extent of the toe of the pile they put in a set, and then reared that again right to the back, so that the men were practically working under, or as close to the timber as possible. Any ground that was not safe behind would be looked to.
1173. Would sounding it with a bar be any precaution? At the time I am speaking of it would only have been possible to sound with a bar by scrambling over the pile, and there was a good deal of risk in that.
1174. But sounding from the timber that protected them? There would be no necessity to sound them.
1175. I mean to sound from the timber that was put in the forward direction? They would be sure to do that.
1176. Would it be the proper thing to do to see the condition of the back as far as possible? Yes; it would have been a desirable thing to do; but it might not have given any sound at all. If it is beyond a certain depth sounding will not give any return as to the state of the back. A piece of ground may be ready to fall, and it may be impossible to tell whether it is "drummy" or "balky" with a hammer or drill.
1177. But in the case of a piece of shallow depth? It would give the sound then.
1178. Would it be any help to use a light to look for cracks? Yes, that would assist them somewhat.
1179. Would the existence of a crack be an indication that there was danger? Not necessarily. It would depend entirely upon the nature of the ground. I have known some pieces of ground that I have complained of myself, got the men's evidence about it, and they have spent a half shift or a whole shift, or two or three shifts, in attempting to bar it down; we have put in little pops and blasted, and still that crack was there. So that a crack in the ground does not always indicate danger.
1180. It is at all events a greater precaution to watch it? Certainly.
1181. Were you actually there when the men were at work? At different times in the course of inspection do you mean?
1182. At the time that they first started? Yes, I have seen the men at work in the place many times; I had not seen it for six months until the date of the accident.
1183. Did you yourself examine the open space in any way, either when they first started work, or afterwards? Do you mean by personally examining the ground?
1184. Yes? No, I did not.
1185. How often were you there on an average, say, up to the 1st January? I dare say it would average about once in three weeks; sometimes a little more frequently, and sometimes a little less.
1186. On any of those occasions you were there, did you see any signs of the ground moving? In looking at the stope I never apprehended any danger of a fall, except that a slip might take place on the footwall side. One would take the hard back formed by the ore to be certainly all right. The point was not worked out to occasion or leave any possibility of a slip from the footwall. It was being protected as quick as possible by the timber so as to serve meanwhile to protect the men removing the broken ground.
1187. Did you either see yourself or hear of any fall taking place between the time they started work and January of this year? No, I think not. It was a big pile of broken ore and mullock. Occasionally they had to get upon it and fire shots, which might cause large pieces to roll down. That appeared to me to be the real danger to guard against; when the broken pile was removed the rotten footwall had a chance of slipping away again.
1188. You are speaking of a rotten footwall? Yes.
1189. Did you know it was rotten at that time? Yes; that was the cause of the first fall.

- J. Hebbard. 1190. Did you have indication or any knowledge that there was anything wrong with the hanging wall side? No; I took that to be perfectly sound, and it apparently was. The work I am speaking of was almost completed at the time of this accident, so that they had got over the major portion of their difficulties.
- 28 June, 1901. 1191. Then would the probabilities of a fall be less as they got nearer the end of the work? Yes; very much less.
1192. Did you at any time, when you visited the stope, have any complaint from any man there as to danger, risk, or insecurity of any kind? No; there was no complaint made to me of any kind. The men must have been perfectly aware that it was a risky operation what they were doing; but they were taking all the precautions that were possible. I remember at that time there were specially selected men on the job; in fact, two or three relatives of the manager of the South mine were selected for this job on account of their being thoroughly skilled in the operation, and they were there to watch it. They had a man or two on the job who did no work at all, but to see that the others did it properly, and that they properly safeguarded themselves.
1193. Were you there after the fall took place on the 24th May? Yes.
1194. On what date? I was there on the date of the accident before the bodies were recovered.
1195. Have you been there since? No; not since.
1196. Were you able to make any inspection that day of the condition of the stope? No; I was only there for half-an-hour. I went there primarily to see if we could afford them any assistance; when I found they could manage themselves in doing all that was necessary, I came away again. It seemed to me that the work of stoping and building the timbers was being proceeded with on similar lines as throughout the mine.
1197. Could you form any opinion as to the cause of the fall? I think it was quite evident, from what I saw, that the fall had been caused by another slip from the footwall, which weakened the overhanging back.
1198. Could that have been guarded against or anticipated? I do not think so, except in the way that they were doing it, by removing the old fall sufficiently to put in timber, so as to protect them while they removed the toe of the pile, and working in timber as they went along.
1199. Would this case arise: while the men were at work upon the timber, there might be indications in the standing ground to show that a fall was possible, and yet it might be outside their reach? There might be such indications, as a little piece of stuff dribbling, or you may hear a creaking, or something of that kind, to give them warning.
1200. Then, in your opinion, when the backs do not "speak," are you generally aware that they are perfectly sound, and there is no danger from them? Do you refer to this particular case?
1201. Yes? That is a very hard thing for me to say, although it was my opinion when I last saw it on a visit of inspection that the backs were perfectly sound. I did not see it before the accident; it was after the accident. I may have been of that opinion had I seen the ground before the accident.
1202. Up to the time you last examined the place? Yes; that was my opinion—that the back was certainly sound. Before the operation of renewing the stope and picking up the back was finished they went all over this broken pile and sounded it, and they came to the conclusion it was very hard blasting ground.
1203. When you last inspected it, did you see any indications of a soapy-head? No. It might exist all the same, and I might not have been able to see it, or anyone else.
1204. Would the existence of soapy-head be a probability of danger, and ought to be taken into account in timbering up this place? Soapy-head in ground of this character is a very unusual thing.
1205. It is? Yes.
1206. Then, would it be a possibility of danger that you would take into account? It is a very infrequent occurrence, and a thing you seldom expect.
1207. What do you think was the cause of first loosening the ground on the 24th;—there were, apparently, two or three falls that day? Probably their applying the remedy was the first cause—taking out the toe of the pile of loose ground and probably allowing more of the footwall to go. Such operations as blasting further off may shake it and induce it to go; that would be the result of concussion, but I should judge they would not be working near the back.
1208. Had you come across soapy-head in other parts of the South mine? No. The "heads" generally met with are not greasy at all. There is a distinct division sometimes, and it is so thin as not to be discernible from outside; it is more in the way of a floor than a soapy-head in the face, particularly in the ore body.
1209. From what you saw on 24th May, would you say there had been soapy-head in this case? I could not say; in the excitement of the time I did not make any examination with a view of that kind at all.
1210. Did you have any conversation or discussion with Mr. Mayne with regard to the work? When?
1211. At any time between the beginning of the work—fifteen months ago—and January of this year? Yes; many times. I dare say we have exchanged opinions about the method of working every time I went there. I think he almost invariably accompanied me through the mine.
1212. Would it be a desirable thing for a man working there to examine the place frequently? To examine the back?
1213. To examine any part they could reach? Certainly; the men, if they are miners, will always do that for their own protection; but the security of the back is always so much a matter of judgment that you cannot lay down any hard-and-fast rule about it.
1214. *Inspector Milne.*] During the time you were Inspector of Mines we had two or three consultations with regard to that part of the stope, had we not? Yes; I believe we talked the matter over several times.
1215. Would you mind telling the Commission what you can remember of it? As far as I can recollect, the conclusion that you and I came to over that stope was that we were getting along with an awkward job in the best possible manner. We knew it was an awkward job, and we felt they were tackling it in the best way.
1216. *Commissioner.*] Do you refer to the men or the management of the mine? The management would direct the method of working.
1217. You mean that the method adopted by the management was the best possible under the circumstances? Yes.

1218. Is there any other precaution you can suggest that might have been taken? I do not think so. At the time of this accident I believe that they were working the stope in exactly the same way that they were working it all the time. I never saw any reason for any further precaution.

J. Hebbard.
28 June, 1901.

1219. In the light of what has happened, is there anything you can suggest to deal with a case of a similar kind in the future? Even after what has occurred, if a job of the same nature was to be tackled to-morrow I do not see any better plan upon which to work it.

1220. *Chief Inspector Slee.*] During the time that you were Inspector of Mines, did you ever receive any opposition from any of the managements at Broken Hill to any suggestions you have made with regard to working the mines? No; never.

1221. *Mr. Edwards.*] You said it would be impossible to lay down any hard-and-fast rules in working backs;—I suppose that would apply to all matters in mining by the individual miner? Yes.

1222. A great deal must be left to the skill and knowledge of the individual miner at the time? Yes; the security of the back, or any other part of the stope must very largely depend upon the judgment of the individual miner.

1223. Is it possible, by any system of supervision by shift-bosses, to prevent the recurrence of accidents? I do not think so. No boss, whether a shift-boss or manager, or any other officer of the company can take the responsibility of looking after himself off the individual miner.

1224. Did you know Prideaux and Downs at any time? Yes; both of them.

1225. Have they had as much experience as a shift boss? Yes; a mighty lot more than I had. I would not attempt to dictate or suggest anything to Prideaux in the matter of securing ground.

1226. He was a man who fully appreciated the danger of the work he was engaged in? Yes; he was a man as thoroughly experienced as any man you could find.

1227. I think Downs was at one time shift-boss in the Central Mine, was he not? I believe he was; I am not sure.

1228. Have you ever heard, while you were Inspector of Mines, upon any reasonable authority, that a man had ever been dismissed for refusing to go into a certain place in the mine? No.

1229. For refusing to work in dangerous ground? No.

1230. Have you ever heard of men being afraid to report to shift-bosses that the ground was dangerous? No.

William Rowe called in, sworn, and examined:—

1231. *Commissioner.*] What is your name? William Rowe.

1232. What are you? A miner.

1233. Where are you employed? At the Broken Hill South Mine.

1234. Do you know anything about the fall of earth that took place in that mine on the 24th May? Yes; I saw it since the fall.

1235. When did you see it? The last time I was in the stope was on the 19th May.

1236. Was that in the course of your duty, or were you just casually passing through? That was my round that week.

1237. Were the men at work then? There were no men working in that end of the stope.

1238. What was the condition of the place at that time? It was perfectly safe, as far as I know.

1239. What did you do in the way of examining it, anything particular? I examined the front and was satisfied that everything was all right.

1240. But in what way did you examine the front, with a light, or did you sound it? I did not sound it.

1241. You examined it just with a light? Just with a light; there was no one working there on the night-shift.

1242. Had you seen that place before? Yes; I worked in that stope two years ago, before the crush took place.

1243. Had you seen it between that time and the 19th May? I was there to help to get the men out.

1244. That was after the 24th May;—I mean between the time you were working there and the 19th May? I had been through there hundreds of times.

1245. Had you at any time seen any signs of falls in the earth? Not since the first crush until the time the accident had occurred.

1246. When was it that you call the first time? About two years ago.

1247. Did you hear any signs of the ground moving or crushing? No, not since.

1248. You say that you were there again after the fall, helping to get the men out? Yes.

1249. Since the fall took place on the 24th, have you at any time had an opportunity of examining the condition of that part of the stope? You mean since the accident?

1250. Yes? I was in there once.

1251. When? I went in after the men had left on the Monday to get the tools.

1252. Have you been there at different times when the men were at work? Yes; when we were on day-shift, almost every day, twice and three times a shift.

1253. Did any man speak to you about the condition of the ground? No, never.

1254. Did any man ever make any complaint to you about it being dangerous? No.

1255. Do you know of anyone else who was in the habit of going through there besides the men who were at work;—there was Bennetta, Driscoll, and yourself? Yes; my mate, Frederick Hocking.

1256. It would be part of his work to examine the condition of the place? Yes.

1257. Was there anyone else? Only the bosses and these two men who were killed; they had everything in that place in their charge.

1258. Did any of the shift-bosses go there? Yes; Driscoll, Bennetta, Colmer, Brown, Hocking, and Rowe.

1259. Did you know anything about a fall that took place and crushed out the timber, about the end of March? I never knew or heard of any fall taking place since the first, two years ago, and the one on the 24th May, when the men were killed.

1260. *Mr. Edwards.*] Did you know anything at all about a slip off the footwall about six weeks before? No; I never heard of it.

W. Rowe.
28 June, 1901.

MONDAY,

MONDAY, 1 JULY, 1901.

[The Commission sat at 10 a.m. in the Council Chambers, Broken Hill.]

Present:—

CHARLES GREGORY WADE, ESQ., BARRISTER-AT-LAW, ROYAL COMMISSIONER.

Mr. W. H. J. Slee, Chief Inspector of Mines.

Mr. D. Milne, Inspector of Mines.

Mr. J. R. Edwards, Solicitor, representing the Company.

Thomas Lawson called in, sworn, and examined:—

- T. Lawson. 1261. *Commissioner.*] What is your name? Thomas Lawson.
 1262. What is your occupation? A miner.
 1 July, 1901. 1263. Where are you working at the present time? At the Pinnacles.
 1264. Have you at any time worked in the Broken Hill South mine? Yes.
 1265. During what period? It is about a month ago since I left there.
 1266. How long were you there? I was there about two years ago.
 1267. Were you there on and off, or continuously? I worked there on three occasions.
 1268. How many years have you been following up mining? Since I was 15 years of age.
 1269. How long ago is that? Between fourteen and fifteen years ago.
 1270. Do you know that part of the stope at the 500-foot level, where the fall of earth took place and the men were killed? Yes.
 1271. Had you ever been in that part? Yes.
 1272. Did you ever work there? Yes.
 1273. When was that? I left there just before the accident happened.
 1274. When was it you were last working there? I was discharged on the Monday; the accident happened on the Friday.
 1275. Do you mean the Monday before the 24th May? Yes; the Monday previous to the accident.
 1276. Were you there with Prideaux's party? I was on a different shift to his.
 1277. On whose shift were you working? I was working with Mason.
 1278. Is he one of the unfortunate men that were killed? Yes.
 1279. Were there two shifts working at that time? Yes, the day-shift and the afternoon-shift.
 1280. Who else worked on that shift besides Mason and yourself? There was a man called Thomas, and another, O'Neill; there was also another man there called Cockburn. He was on different shifts occasionally. There were also truckers and fillers there, sometimes two.
 1281. Do you know where Cockburn is now? The last that I heard of him was that he was in the South mine. I have not seen him since.
 1282. What was he, a miner? Yes.
 1283. Were those two shifts going on up to the time you left? Yes.
 1284. Do you know the names of any of the truckers who were there? One was called "Bill" Weser.
 1285. Was there anybody else, do you know? Not that I can remember just now.
 1286. That would make six altogether—Thomas, O'Neill, Mason, Cockburn, Weser, and yourself? Yes. Weser and Cockburn were there on different occasions; they were not there all the time that I was there.
 1287. How long had you been working there up to the time you were discharged? About two years.
 1288. In this particular part of the stope? On the last occasion I think it was for about three or four shifts. I had been there before on different shifts.
 1289. Would that be during the last eighteen months? Yes. I had been in the stope working on several occasions, but on the second occasion I was there for a longer time.
 1290. What took place when the men went to start work;—was there anything done in the way of examining the place in which they were going to work? I saw no examination made where I was.
 1291. Did you make any examination of it yourself? No, I did not go close enough to it; I did not feel inclined to go up against that part.
 1292. What part was that? Up in the centre of the stope, where I thought the danger was. I kept as close to the timber as I could.
 1293. Did you see anybody examine the backs near the timber, or anything like that? No, not while I was there.
 1294. Were any shots fired whilst you were working there? Yes.
 1295. Where would they be fired? In the open. They were in the habit of putting "pops" in to loosen the stuff, and it would fall off in a great batter. I kept out in the shoot; Mason would go up and put in the shots.
 1296. Would anyone else go up into the open besides Mason? No one else went while I was there.
 1297. Why—would he not allow them? Yes, he would not stop them. It was not necessary for the truckers to go there. They were working back under the timber; both Thomas and O'Neill, who were working in the stope, worked back under the timber.
 1298. They were not working for any time in this particular spot? No; those working where we were kept back in the timber.
 1299. You used the expression just now that you thought the place was dangerous;—what did you see to make you think that? I saw the stope was about four sets and a half in height, and the back I knew to be not too good, because we had warning on two or three occasions when it had been dribbling away; besides the width and height of the stope were never considered safe in ground of a similar nature, and I had heard that different falls had taken place there.
 1300. Which part of the backs are you referring to when you say that you considered it not too good;—was that over the timbered part? There was no head timber; she was taken up as far as the timber went, and there was then a great open space of about four sets and a half, I think.
 1301. You mean between the timber and the breast? Yes, the timber as it were coming towards it.
 1302. There was nothing to show you that the backs over the timber, as far as it was built up, were not sound? No.

T. Lawson,
1 July, 1961.

1303. You know where the timber actually was? You got up on the timber to examine it.
1304. When you say the backs were not good, are you referring to the unsupported backs in this open space? Yes.
1305. Well, what did you see to make you think they were not good? One thing was that a man named Thomas showed me a crack in the back that was not all right; the ground was of a poor nature, and would not stand without timber.
1306. What do you mean when you say it was of a "poor nature"? It was actually rotten ground; it was "heady," rotten ground.
1307. Would that term "rotten" apply to the whole of this open space or only to the particular part you refer to? To the whole of it, in my opinion—right across.
1308. Between the timber and the breast? Yes, in the open part.
1309. Where was the crack Thomas showed you? In the back, straight across from the timber.
1310. How far away—how far ahead of the timber? About two sets from the timber.
1311. What kind of a crack was it? The ground gave way and left a space.
1312. How long was it? I was not close enough to examine the full length of it. From where I was you could see it; it was a good height. If you held up a light you could see it.
1313. And it was with a light that you saw it? Yes.
1314. Did it seem to be any width? You could put your hand in it, judging from where we stood.
1315. Did Thomas call your attention to it? Yes.
1316. Was there anything else you noticed besides this crack? I did not take particular notice of anything more.
1317. When did you see the crack? I think it was on the Thursday.
1318. How did Thomas come to be there;—I understand that was not his working place? They were working up on the timber, and were coming down to where we had crib; it was on his way down that he saw it. He said to me, "There is a crack up there," and I went back to see it; he showed it to me, and I had a look at it. We had a conversation about it before; that was how he came to mention it to me.
1319. Did you yourself report it to Mason? No.
1320. Did you report it to any shift-boss? No.
1321. Why was that? I did not consider it my duty to do so.
1322. I understand you were told to work in this place which you thought was dangerous? Yes.
1323. Did you go to work? I went down close against the timber, not out in the open.
1324. Did anyone ask you to work in the open under the crack? We were supposed to go out in the open as well as Mason, to take the dirt out, in order to get into the shoot. I complained about the stope to Mason.
1325. That is what I asked you? He was not the boss.
1326. I questioned you about that a minute ago? I complained about it to Mason all through.
1327. You did not mention this particular crack to Mason, did you? No.
1328. What was it you told him? I told him that it was not a fit place to work in. He said it was right enough. I asked him how did he know; he said he worked there long enough to know what it was.
1329. When Thomas showed you this crack, did he say anything then? We spoke about the stope, about the nature of the ground, and the state it was in; and he said that rather than work in that stope he would go up the shaft.
1330. As far as you can remember, did Mason know anything of this crack? I took it that he should have known about it. I would not ask him if he saw it. He had been in that stope for a long time.
1331. You did not tell him? No.
1332. Did you tell any man who was working there with you about this crack;—Thomas, I understand, was working further back, under the timber? No; unless they heard the blast, I cannot say whether they knew.
1333. You did not tell anyone specially about it? No. There was no one working under where the crack actually was. We were ahead of it. Thomas and the truckers were further back in their place under the timber.
1334. Did you see Driscoll, the shift-boss, there? Yes.
1335. About that time? Not about that time; I do not think he was there.
1336. When did you see him, after you noticed the crack? I think it was before and after.
1337. Was he shift-boss on your shift? Yes.
1338. Did you speak to him about the crack? No.
1339. Did you see the shift-bosses examine the place at all when they came in? Not while I was there.
1340. What did they generally do when they came? They would generally go through and ask you how were things, and how you were getting on, or something to that effect.
1341. To whom would he address those remarks? It all depends. If there were four or five together he would apply them to the lot; and if there were a couple of men here and there he would go and ask them how they were getting on.
1342. They would ask the men how were things? Yes.
1343. Why did you not speak about the crack then? I did not consider it was my duty.
1344. You say that the questions were addressed generally, and not to any particular one;—could you see this crack from the ground where you were working, or would you have to climb on to the timber to see it? We had to go where we kept our coats and things.
1345. From the spot where the truckers worked you could see the crack? No.
1346. The light would not carry up to the crack from where you were working? No.
1347. You knew all about this crack, and you kept out of the way of it? I kept out of the way where we were supposed to be working.
1348. You saw other men going there, and they might be in danger; why did you not warn them? There was no necessity; they were not working there.
1349. Did they not work there? Not while I was there; if so I would have told them about it.
1350. Did you make any complaint at all to Driscoll with regard to the stope? I did. I put it to him in this way: I said, "Are we stationed here, 'Bill,' and for how long?" He looked at me, and said, "You are not here for long." I said, "That is a good job."
1351. Do I understand you to say that you did not see anyone examine the place before you went to work on your shift? I did not see any one examine the backs.

1352.

- T. Lawson.
1 July, 1901.
1352. Was it examined anywhere else—was any other part of that cavity examined? Not that I saw.
1353. Can you say absolutely that it was not examined? I could not swear that it was not examined. It may have been, when we went away for tools and steel and so forth, but from where we were working I never saw that part examined.
1354. Did you see any dribbling when you were there? Yes; we heard dribbling.
1355. Where from? In towards the footwall. I think it was up towards the back.
1356. Where did it seem to come from? From the back, on the footwall side.
1357. Do you mean from the falling stuff or from the standing ground? I took it to come from the standing ground on the footwall side up over where it had been continually falling.
1358. When did you first notice that? I would not be sure of the day. On two or three occasions there was dribbling there.
1359. Did you report that to anyone? I did not report it. I mentioned it to some of them, at least I think so, because we got out of the road under the timber for the time.
1360. Did you receive orders from anyone to go out of the road? No; we simply went back on our own account.
1361. All of you? Mason and myself were under it.
1362. You were the only two? Yes; we were the only two.
1363. When the shift-bosses came round did they invariably ask this question: "How are things, and how are you getting on"? Yes; it was a general saying with them when they went round.
1364. Did you hear any sound of crushing or movement? You could hear the ground "talking" occasionally.
1365. What was the last day that you actually worked there? On the Friday afternoon.
1366. Can you say whether you heard any sounds of movement after you saw the crack, or was it before you saw it, or both? We heard the ground "talk" on two or three occasions. I would not swear whether we heard it "talking" after we saw the crack.
1367. When the shift-bosses came round and asked, "How are things, and how are you getting on," what was the reply made to them? Generally the old reply, "All right, not too bad," or something to that effect. It was almost the same as a password. He would say, "How are things, men," and we would reply, "Not too bad."
1368. Were any of the Government inspectors in that part of the stope while you were working there? Not during the afternoon shift. I did not see any of them on my shift.
1369. I mean while you were there? Not during my shift.
1370. You said you worked there three or four shifts before you were discharged, or was it before the Friday, the 17th May? I could not say.
1371. A week before the accident? I was discharged on the Monday, and the accident occurred on the Friday.
1372. Your last working day was a Friday? Yes.
1373. You were there some three or four shifts before that? Yes, about that.
1374. You were working there before that again? Yes.
1375. How long before that? I do not think it could be more than a fortnight or three weeks.
1376. Do you mean you were working there continuously for a fortnight before that? No, only odd shifts. I was not permanent in there at any time.
1377. Putting that fortnight on one side, had you been working in that part of the stope before that again? No.
1378. That is your own experience of this part of that stope since the crush two years ago? Yes; in that part of the stope.
1379. Had you worked in other parts of that stope? Yes, I was there just shortly after the crush; I suppose twelve months ago.
1380. About two years ago? This was on the second occasion I was there. I was working there for some months. We were three permanent hands before they got so high.
1381. Let me understand what you mean;—this stope had been timbered up when it worked out? Yes.
1382. And then the ground crushed and broke the timber away? Yes.
1383. Were you at work in that part of the stope picking up the ground after it crushed? Not in that part of the stope. We were lower down. That was on the first occasion I was there.
1384. How far lower down? I should say about five floors. I would not be sure. That is when they began to pick up the first crush from the back.
1385. What was the height of the open space then when you were there? Four sets and a half, as near as I could judge.
1386. How far would that be? Thirty odd feet. One set is 7 feet in the clear.
1387. That would be farther south, I suppose—you were working towards the north? Yes; it would be a little farther south.
1388. How long were you working there on that occasion? I think we were there altogether about a couple of months. That was the first time I was ever in the stope.
1389. Who were working with you? A man called Pfitzer.
1390. Who was the head of your party; was there anyone over you? There was only Pfitzer and myself.
1391. What was the character of your work then? We were clearing away the broken ground to make room for the timber. It was shortly after they began to take up that she made the crush.
1392. Did you see any signs of dribbling then? At that time the place did not seem so dangerous, because we were close up against the timber. There was not so much space in the open then. The day-shift were working up in the timber behind us, no distance away from it. They were then cutting across the centre.
1393. What was the extent of the unsupported roof do you know? When, at that time?
1394. Yes? I could not say. We could not see much at that time; she was straight up and down.
1395. You said that at that time it seemed to be safe? It did not seem to be nearly as dangerous as it was on the other occasion when I was last there.
1396. Did you think it dangerous then? Not in particular, she had not the same chance; she had not the same swing on her; she was closer up.
1397. *Chief Inspector Slee.*] You said that you saw this crack you spoke of in rotten "heady" ground, and that you did not tell the boss? Yes.

T. Lawson.
1 July, 1901.

1398. Did you tell the Inspector of Mines? I did not see him to tell him.
1399. You knew that he lived here, and you could have told him;—did you ever complain at any time to him? No.
1400. Did you make any complaint to Mr. Mayne? I had no occasion to.
1401. Did you complain to any of the shift-bosses? I had no occasion to.
1402. Did you tell any man working, or who intended to work in that stope, that you had found it dangerous? The men that saw it were working nearer to it than I was. We were not under that part of the stope.
1403. You were close to it, and the men who were killed were close to it;—did you tell them? They were not there when I was.
1404. You knew it was a dangerous spot, and you knew that men were going to work there;—did you tell any of those men that the stope was dangerous? The man working closest to it—Thomas—told me it was cracked, and showed me the crack.
1405. When did you first tell anyone that the stope was dangerous—after you were discharged? No. I made complaints about the stope when I was working in it.
1406. Do you mean to say that you told the miners or shift-bosses, and they never looked after it? I do not know what you mean.
1407. When you complained of the danger of the place that they never looked after it? I have already stated in evidence that I complained about the state of the stope.
1408. Did you complain to the shift-boss? Not personally.
1409. You know that you ought to have done so? I consider it was as much when I asked him how long I was going to work there.
1410. There are eight or ten overseers there, including shift-bosses, who have nothing else to do than to look after the safety of the men—there are no less than thirty at the Proprietary;—did you tell any of those men that the mine was dangerous? They knew as much about it as I did.
1411. Did you tell anyone in authority at the South mine that you discovered a dangerous spot that they did not notice? The dangerous spot was shown to me; I did not discover it.
1412. Nor did you tell the local Inspector of Mines;—do you not know that anything of the kind told to the inspector is told in confidence, and the person's name never divulged? I did not know that.
1413. Do you think the accident could have been prevented? I do not know; I should not like to say.
1414. You knew it was a dangerous spot, and that you were the only man that did know it? In my opinion the whole stope was dangerous.
1415. All mining is dangerous, is it not? It is to a certain extent.
1416. Do you not think that if you had told the shift-bosses they would have attended to it there and then? Some shift-bosses would have asked you what you were there for.
1417. *Commissioner.*] The question is, do you think the shift-bosses would have remedied it if you had told them? I would not like to say that they would not.
1418. *Chief Inspector Slee.*] Do you not think that if you had told the Inspector of Mines, a responsible Government official, that he would see that it was remedied, or that if you had gone to Mr. Mayne, or anyone in connection with the mine, and told them that it was a dangerous place, it would have been altered? I did not go to them.
1419. Then if you had known it was dangerous, do you not think the accident could have been prevented if you had done your duty as a miner? I did the same as what other miners do; I did what I considered my duty.
1420. You did not do your duty to your fellow beings who had to earn their living as you had? It was no good of me complaining. I have not come here to complain. I come here to speak the truth, and I simply speak as I found things.
1421. *Mr. Edwards.*] During the two years you were in the stope I suppose you were always on good terms with the shift-bosses? Yes.
1422. On quite friendly relations? There was no ill-felling between us.
1423. I suppose you called them by their Christian names; you called, for instance, the manager "Sam"? Yes.
1424. And you know that he is a man who has risen from a working miner to his present position, and that he is always friendly and kind to the men? I have never seen any reason to find fault with him.
1425. If you heard of this crack you would have had no hesitation in saying, "Look here, Sam, there's a dangerous place up there," and you would not be afraid that for telling him you would be discharged? I do not think he would be so mean as to send a man up the shaft for doing so.
1426. You do not think that he would? No.
1427. Do you think any of the shift-bosses would? No.
1428. And you would not be restrained from saying so by any fear of being sent up the shaft? No.
1429. Where were you going to work on the Monday, the day they discharged you? I do not know.
1430. They had not altered your position in the mine? I could not say, I am sure.
1431. You went for your candle on the Monday? Yes.
1432. And you were told that you were not wanted? Yes.
1433. I think you lost some time on the previous Saturday afternoon, did you not? I lost a little time; no more than other men.
1434. You lost a number of Saturday afternoons? Yes.
1435. How many, do you know? I have no idea.
1436. You were on afternoon shift? Yes.
1437. It went on at 4 o'clock in the afternoon? Yes.
1438. You belonged to a brass or string band in Broken Hill? Yes.
1439. That band played in the street on a Saturday afternoon and in the evenings? Yes.
1440. So that instead of being at work on afternoon shift you were playing with the band in the street? Sometimes.
1441. The shift-boss has sworn that in consequence of your being away from your work on a Saturday afternoon you were discharged;—when you were refused your candle, being on friendly terms with them, did you ask the reason of it? No; I looked at them, said, "All right," and away I walked.
1442. You said that Thomas pointed out the crack in the back to you? Yes.

- T. Lawson.
1 July, 1901.
1443. He said he has no recollection of seeing it or having pointed it out to you? I swear that he did.
1444. He swears that he did not? Very well.
1445. Mason was a good miner, was he not? He was what I would call a fair average man—as good as most of them.
1446. There are printed rules for the mine, are there not? Do you mean the regulations which are printed on calico?
1447. Yes; there is a copy on the magazine door? Yes.
1448. You have read them, I suppose? I have looked at them occasionally.
1449. You know that under those rules every miner is compelled, as far as the manager can compel him, to report any dangerous place in the mine? I have never studied them.
1450. Why not;—was it not worth your while? I have no particular reason for not doing so.
1451. They are put up there for the information and guidance of the miners;—if the miners will not read them it is a waste of time; but after working two years in the South mine and fourteen or fifteen years at mining, you will not deny, I suppose, that it is a well known duty on the part of every miner to report a dangerous place?
1452. Supposing you discovered “balky” ground, would you report that to the shift-boss? If it was my duty I would take it down.
1453. If the shift-boss came round and said, “How are things?” and you knew of “balky” ground, would you not report it to him, or to the men there? I would say it was cracked, and that they had better take it down.
1454. If the shift-boss went round and said, “Boys, how are things?” and they said, “All right,” you would at once give word about the crack in the back? If he went in under our part, it would be pointed out to him by the men nearest to it. I had never known it to be my duty, or that of any other man, to dictate to a boss that a certain part had gone bad.
1455. Were not these men allowed in under the crack in the mine? Not on our shift.
1456. But there were other shifts? I am only speaking for the shift I was on.
1457. Apparently you are indifferent? In what way?
1458. As to whether the men went under that dangerous ground or not? I do not see it.
1459. You did not take any steps to warn them? I did not consider it my duty—not in that part of the stope. If we were working under it I should have.
1460. Then if there was a broken lath on the floor you would not consider it your duty to report that it was broken? If it was in our stope I would consider it my duty to replace it with a good one.
1461. And if it was not on your shift you would not think it your duty to report it? No.
1462. *Commissioner.*] Do I understand that it was not your duty to replace them—not your work? If they were in our part on the shift it would be—certainly.
1463. Supposing that you yourself were not actually working there, but that some of your shift were? It would be.
1464. It would be every man’s place to do it, or any man’s? Yes; in their part of the stope.
1465. It would be each man’s duty? Yes.
1466. If it was the duty of each man to report any broken timber, would it not be the same in the case of danger whether it was in his particular place or not? It should be his duty, certainly, in his part.
1467. What difference is there between it being his duty to replace broken timber that is dangerous and to report the danger; I do not see the distinction;—if you do the one, why not do the other? One may be an encumbrance to a man, while the other is not. It depends on the instructions. If you are sent into a stope to break ground, you are not in that stope to run about unless you get orders to do so.
1468. *Mr. Edwards.*] Supposing you noticed a man riding in a cage on a stranded rope, would you not consider it your duty to report that? Yes.
1469. That is danger, is it not? Yes.
1470. Is not “balky” background or cracked ground over the head of a man when he is working a danger equal to that? Yes; but there is no comparison between the two cases.
1471. I do not know which is the worse—whether a fall of a hundred tons on a man or a fall of a depth of a hundred feet? If you rode in the cage you would soon know which was the greater danger. I only regret you were not in my position in a good many instances, and you would know how difficult it is for me to explain it to you; but if you were there I could very soon show you.
1472. My duty is to endeavour to discover means by which the management of the mines can prevent such accidents in future, and to try and get the men to be more careful? I can quite understand that.
1473. How far would that crack be from the timber where the men were working in your part? There was only Mason and myself in our part.
1474. The men were under the timber, I understand, shovelling the stuff;—how far would the crack be from that? Yes; they were back in the timber.
1475. But how far back;—what distance, say, in feet? I could not tell you; I did not go back.
1476. But you know how far it was from the main timber to the crack or thereabout? I should say about two sets.
1477. Then 14 feet out from the timber where this man worked was dangerous ground? Not 14 feet; you must understand that each set is not square.
1478. Then only 10 feet out from where this man was working there was dangerous ground, of which 100 tons might fall at any moment? The men were working back—maybe four or five sets back.
1479. They might be working under the timber? Then if they are they are safe. The crack was not under the timber.
1480. You say 100 tons would not fall against that timber? No; if you got up on the roof and dropped a stone, it would fall straight. You can well imagine, then, how any fall seemed to me.
1481. When Driscoll refused the candle to you, which you thought was funny, you did not say, “I am very glad to get out of that dangerous stope”? There was nothing funny about it.
1482. Why not? It did not seem funny to me.
1483. It did not seem peculiar to you? It would appear like this: that if a man said, “Get your time,” and you began to ask the reason for it, he would very soon look out that a man would get no work anywhere else.

1484. If you were on friendly terms with them, and there was no complaint made against you, it would not be unreasonable to ask why you were refused your candle? Probably not in some cases. I simply took it, said "All right," and walked away. T. Lawson.
1 July, 1901.
1485. You had been away from work previous to that? Yes; playing in the band.
1486. *Commissioner.*] Had you been warned about being away on Saturdays? Never.
1487. What work were you doing—wages or contract work? I was on wages.
1488. I will read you a portion of the rules:—"If in the various mining operations underground, the workmen notice any undue pressure on the timbers, or any movement or disturbance in the ground which might be in any way considered dangerous, they shall immediately convey information of such to their shift-boss";—do you know that rule? I did not take any particular notice of it—not more than of any of the others.
1489. Did you know that that was the rule? I cannot say that I did.
1490. Do you remember whether either Cockburn or Weser was there when you noticed the crack in the roof? I would not say whether they were there or not.
1491. Is there anything you would like to add to what you have already stated in regard to this matter? No.

Thomas Colmer called in, sworn, and examined:—

1492. *Commissioner.*] What is your name? Thomas Colmer. T. Colmer.
1 July, 1901.
1493. What is your occupation? Shift-boss in the South mine,
1494. How long have you been in that position? Nearly five years.
1495. How long have you been mining? It is about forty years since I first went underground.
1496. How long have you been on the Broken Hill field? About ten years.
1497. And how long have you been working in the South mine? About six years.
1498. Do you know the part of the stope at the 500 feet level where the men were killed by the fall of earth? Yes.
1499. Do you remember the crush that took place there some two years ago? Yes; quite well.
1500. Was the stope all timbered then right up to the back? No; not quite to the back, not in the sound end of the stope.
1501. Was it where the crush took place at the north end? Do you mean at this time?
1502. I mean two years ago? Yes, it was.
1503. It was timbered right up there? It was timbered to the north end, within about four sets.
1504. Do you mean there was a space of about four sets between the timber and the back? No; I mean taking the length. I could not say exactly what space was at the back; it might have been a set for all I know.
1505. Was the timber to which you refer just standing bare or was it filled up? As we timbered up two years ago we timber up now; we ran it to the back.
1506. Was there no filling at all? Do you mean filling with mullock?
1507. Yes? No, there was not.
1508. Did you see the place after the crush took place, two years ago? I have been through it hundreds of times since.
1509. Can you remember what extent of timber crushed down? I could not say; I did not count how many sets were crushed down. I have seen a great deal more crushed down in various places on the Barrier than crushed down on the occasion to which you refer.
1510. Do you mean more sets of timber, or more earth? I mean more sets of timber.
1511. In those various places where you have seen the crush were they just bare sets of timber, or were they fitted up? Just the bare timber. I saw a crush years ago in Block 11.
1512. You get a much bigger cavity, I suppose, where a fall crushes down the timber than if the timber had been filled with mullock? That is questionable. Some say that you do, and others think you do not. I doubt it myself. Every man, of course, has his own opinion on the point.
1513. But I want your opinion? Mullock, as a rule, has a tendency that way, but unless you have timber well stayed in many places the side pressure will crush it away; even then it all depends on the pressure.
1514. Supposing you get timber filled up with mullock, say to within one set? Then only one set would go.
1515. Exactly; you would have a smaller cavity? It all depends whether you are working from wall to wall; it is liable to come down then and leave a bigger space.
1516. Was this stope worked in horizontal layers? Where the men were killed are you referring to?
1517. Yes;—do you know? Not exactly from wall to wall; half of it was on a sliding grade. We had not got the waste wall; we were taking part of the lode out and leaving part on the hanging-wall.
1518. Do you run that right through first of all and then work the other out? No, we did not run that right through first; there was only a small portion of it there. The stope was very big; in fact, it can be seen now. She is from level to level elsewhere.
1519. Did you make an examination of this part of the stope after the crush two years ago before work was recommenced there;—the crush took place then, and work was started again nineteen months ago, or about five months afterwards? I did not minutely examine it. I had been there from end to end; in fact, it was a short track for us in going from the 500 feet to the 600 feet level.
1520. Did you only use it for a track? No; I have been all through.
1521. What were you doing, examining it? No; I never examined it. The men were there at work.
1522. Do you remember the men being at work there for some weeks before the date of the accident—the 24th May? Yes.
1523. Was it on your round then? Yes; I went there every shift.
1524. Did you examine this place when you went there on your round? Yes; I always had a look every shift.
1525. What did you do? I inquired how the back was, and sometimes sounded it; if I discovered anything "drummy" I would tell them to take it down at once.
1526. Did you at any time find a "drummy" sound there? You will always find a flake in ground like that. The air gets behind it, which causes it to gradually expand, and it flakes off. You then take it down. 1527.

- T. Colmer,
1 July, 1901.
1527. Do you know whether the men did take it down? Yes; always. If you were to tell John Prideaux to take a piece down he would do it.
1528. And when you came round there you would ask the men how they were getting on? Yes; the common phrase was, "Well, boys, how is she?"
1529. What answer would you usually get? "All right." You would go there, say, this morning, and then after "crib" sometimes, and you would say to the men, "Well, boys, how is she?" They would reply, "All right."
1530. Who would say that she was "all right"? Prideaux.
1531. Did anybody on that shift ever tell you that the place was unusually dangerous, or that there were cracks? No, never. If a man told me that, I would haul him out of the stope; I would not let him work there.
1532. What do you mean when you say you would "haul" him out of the stope? I would tell him to clear out.
1533. To clear out where to, not out of the mine? Certainly not.
1534. I suppose you mean out of danger? Yes. It would then be my duty to look after the danger.
1535. Did you ever look at the roof at the back besides sounding it;—did you ever examine it with a candle or light? Yes; at various times. You cannot tell the condition of it by simply looking at it; you have to sound it.
1536. During the three weeks before the 24th May did you see any crack there? No; I had no one on my shift working there for five weeks before the accident. That part was only worked by the day-shift; in the afternoon or night shift it had no one working there. I had to go through it on the day-shift.
1537. What time are you speaking of when you sounded it yourself? The day-shift.
1538. How long ago was that? Ever since I had been there working; there was no particular time.
1539. Were you through there from day to day up to the 24th May? I went through that stope every shift to effect a short-cut down. I examined it when men were working there; but I did not examine it when no one was working there. The fact is, it did not need it.
1540. What you mean is, that although you were actually through there every day up to the 24th May, you did not actually examine the place for five weeks? What I mean is, that I had no men working there for five weeks on my shift; they only worked there when I was on day-shift. Then, as I went through the stope I would stop and inquire how she was, and also have a look at her.
1541. When you were going through on those occasions you would stop and sound the backs? Yes; but when there were no men at work there I would not trouble so much about it.
1542. You had an opportunity of seeing the condition of the backs right up to the 24th May? Yes.
1543. Did you at any time see any sign of a crack in the back? No.
1544. Did you hear anything about a crack? No; in fact, I was there at half-past 6, just where the men were killed.
1545. When, on the 24th May? Yes. I went through there to get a pick and shovel just where three of them were afterwards found lying side by side. That is how much I thought of it being dangerous.
1546. Did you give the men any instructions as to the way they should do their work, or as to being careful? I always told them to be careful.
1547. You would tell them that yourself? Yes. When I was day-shift I always told them that if there was anything wrong to take it down, and if they could not get at it one way, to build up and get at it.
1548. Did the men seem to be doing their work carefully, or how? There were two men amongst them, if they could not do it properly, I do not think you could find two other men on the Barrier or in this Colony that could.
1549. You had full confidence in them? Yes, they were two good men; it would be a hard thing to beat them.
1550. Did you receive any reports at any time of men having been hurt there through stones falling on them? No.
1551. Was Havelock one of the men on that shift over whom you had control? Are you referring to the time I was on day-shift?
1552. Yes? I saw him there working when I was on day-shift. I used to stop there sometimes and talk to him.
1553. Do you know if he had been away from work at any time through being hurt? Not that I am aware of.
1554. Do you know anything about a fall of the backs that took place some two months before the 24th? No; there was no fall there at all two months previous.
1555. Say, six weeks before the 24th? No. They fired a "pop" in the north head—that is, a small hole—to bring down some stuff to make room for a set, and it brought away what we call a "cab," and knocked a stringer out. That was no fall; it was simply a slip off the footwall.
1556. Was this job a work that required constant care and attention? Do you mean where these men were?
1557. Yes? Certainly, it needed watching. All backs of stopes need watching. The men are always cautioned to watch them for their own safety, as well as having them watched by the shift-bosses. A shift-boss cannot be everywhere, and they must therefore keep an eye on it themselves.
1558. Had you seen any sign of dribble or danger at any time you were there? No, not on the back; I have seen signs of dribbling from off the footwall.
1559. When would that be? At various times. If a little stuff dribbled down, you would take no notice of it, nor would the men working there.
1560. When you were there on that morning of the 24th at half-past 6, did you notice anything unusual? No; nothing more than usual.
1561. Or anything which suggested to your mind that the backs might come down? No; nothing at all. I would just as soon work there as in any other part of the mine.
1562. Where do you mean;—out in the open away from the timber? Yes; putting out the ground sills, so as to build the timber up.
1563. Supposing that in other places, under ordinary conditions, you did not have the same height above your head as you had there, would not there be some risk in that? If you consider the back is sound, you would work out to build up the timber in a similar way.

1564. But in ordinary cases you could perhaps sound the back; and in this case to which I refer, you could not? You could sound it where the men were killed—where the stuff came from.
1565. That is, supposing the stuff came down straight? So I believe it did.
1566. Mr. Mayne thinks that it came from the breast? Other ground came away besides that.
1567. You said you would just as soon work there as anywhere else in the mine;—is not there a little more risk in picking up ground there than in an ordinary stope? There is always more risk in broken ground than in solid ground; as to the fear of working there is another thing.
1568. That, I suppose, would depend on a man's courage or sense of danger? No; there is no courage about it. It depends on whether a man knows his work well. Before starting, he would look round to see if there was anything hanging or likely to give way, and if so, he would at once take it down.
1569. Is it not desirable always to sound overhead before starting? Yes; every man does that.
1570. In this particular case, you could not sound overhead? In this particular case a slip from the footwall would not hurt the men where they were working.
1571. Bearing in mind the height of this cavity, were you able to sound the backs all along as in an ordinary stope? No.
1572. *Mr. Edwards.*] During the time you have been in the South mine, did you ever know a man to be sent up the shaft for complaining about dangerous ground, or for refusing to work in dangerous ground? No; if a man said he did not like the place, I would shift him; I would not discharge him.
1573. Do you know Lawson? Yes, well.
1574. Did you ever hear of any crack that was supposed to be seen in that stope? No.
1575. Was Lawson on your shift? He worked for me once. He worked on my shift for twelve months.
1576. Is it not generally recognised amongst the men that if they notice anything dangerous in the place, they are to report it to the shift-boss? It is their place to tell the shift-boss when he comes round.
1577. Otherwise the inquiry you usually make would be useless? Yes.
1578. Did Prideaux or any of the other men ever say anything about the back being dangerous, "balky," or "heady"? No; if they thought it was dangerous, they always took it down. You did not want to tell Prideaux to do anything like that.
1579. You said that the previous fall was only a slip off the footwall? Yes; that was about four months before the fall which killed the men on the 24th.
1580. I suppose if the men there wanted to, they could have built up a bulkhead to sound the back? Yes, if they wished to; there was always plenty of timber at their disposal.
1581. Would that dribble, from the footwall of which you spoke be brought about by the men cutting away the toe of the rill of dirt? No.
1582. What would be the cause of it? It would be the result of the air getting behind some soft "flaky" stuff; that would cause it to dribble off.
1583. It was not stuff running down from the batter? No.
1584. Did you ever hear of Havelock being hurt while working in any stope in the mine? No.
1585. There was a statement given in evidence that he had punctured the skin on his shoulders by small stuff coming down;—do you know anything about that? We were great friends, and I never at any time heard of it; in fact he was an old mate of mine for years.
1586. Did Havelock ever tell you that he did not like working in a certain place? No. When I saw him in that part of the stope where the men were killed for about two weeks, as I went round on day shift, I never heard him complain in any way.
1587. He would not be afraid of your dismissing him? No.
1588. *Commissioner.*] I understand you to say that Lawson was working under you for some time? Yes.
1589. Do you remember if he used to point out things to you that might want altering or attended to? No.
1590. Not at any time? No; never.

Frederick Hocking called in, sworn, and examined:—

1591. *Commissioner.*] What is your name? Frederick Hocking.
1592. And what are you? Shift-boss in the South Mine.
1593. How long have you occupied that position there? About five years.
1594. How long have you been working on the Broken Hill field? About fourteen years, on and off.
1595. Do you know the stope at the 500-foot level, and the place where the men were killed by the fall of ground on the 24th May? Yes.
1596. How long have you known that particular place? For the last three years.
1597. Do you remember the crush that took place about a couple of years ago? Yes.
1598. How high up were the sets of timber built at that time—can you say, as far as you can remember, whether they were built up to the backs, or was there a space between them? When—two years ago, do you mean?
1599. Yes; when the crush took place? The sets were right up to the back.
1600. And were you back in that particular place just after the crush occurred? I do not quite grasp what you refer to.
1601. You say that a fall of earth took place about two years back? Yes.
1602. I suppose you have been back there since that fall occurred? Yes.
1603. How soon after the fall was it that you first went back to examine the place? I could not say.
1604. Would it be weeks or months? Months, I think.
1605. Was it before the men went back to work to repair the place? Yes; it was before that.
1606. Did you examine it, and in what way? We just went up where the timber crushed down, tried it all over with a bar, and thought it the best place to start the men to work.
1607. Did you try the back? Yes.
1608. Could you reach all the backs at that place? Yes.
1609. Well, how did it seem to be at that time? It seemed to have crushed down on the timber.
1610. How did the backs seem when you examined them? The backs and the timber were altogether on the footwall side.

T. Colmer.
1 July, 1901.

F. Hocking.
1 July, 1901.

- F. Hocking. 1611. Was there not a space between the fallen stuff and the stuff which remained standing? Not at that time, as far as I could say.
- 1 July, 1901. 1612. You have been through there from time to time all along, have you not? Yes.
1613. Up till when—the last time before the 24th May? I was there about the 23rd May, at 11 o'clock at night.
1614. What shift were you on? Afternoon shift.
1615. Was anyone working there during that shift? No.
1616. Did you examine the place at all during the three or four weeks previous to the 24th May, or did you just look in casually? If there was no one there I would just go through and have a casual look at the place.
1617. How long before the 24th May was it that you actually examined it? About three weeks, I should think.
1618. Was there anyone working there at the time? Yes, Havelock and Downs.
1619. What did you do in the way of examining it on that occasion? I just tried the back with a hammer on the hanging-wall side; I tried it from the timber.
1620. How did it sound? It sounded all right, as far as I can remember.
1621. Did you ask the men working there anything? I asked them how things were, and they replied that everything was all right.
1622. When you were there did you see any signs of dribbling? No.
1623. Have you ever noticed dribbling there at any time? No.
1624. Did you ever hear of dribbling there—did anyone ever tell you they had seen it? Yes; Prideaux had stated that it was dribbling a little on the footwall.
1625. Do you remember how long that was before the accident? I should think it was about eight weeks ago.
1626. You mean eight weeks before the 24th May? Yes.
1627. Was Prideaux working on your shift at that time? Yes; about eight weeks before the accident.
1628. You were told about the dribbling? Yes.
1629. Did he tell you anything about large stones falling, or men being hurt? No.
1630. You say you examined this place with a hammer about three weeks before the 24th? Yes.
1631. You saw no signs of a crack anywhere? No.
1632. Did you hear anything about one? No.
1633. Were you in there at all when a man named Lawson was working there? No.
1634. Did you ever notice at any time you were there anything to indicate that the ground was moving? No, never.

Josiah Brown called in, sworn, and examined:—

- J. Brown. 1635. *Commissioner.*] What is your name? Josiah Brown.
- 1 July, 1901. 1636. What is your occupation? I am a shift-boss in the Broken Hill South Mine.
1637. How long have you been a shift-boss? Six months in that mine.
1638. Have you had any other experience of the Broken Hill mines? I have had ten years' experience of them.
1639. Do you know the stope and the place where the men were killed on the 24th May? I was there, but not before the accident.
1640. You know the spot to which I am referring? Yes.
1641. What shift were you on at that time? Night-shift.
1642. Was there anyone working there at night-time? No.
1643. How long was it since you worked night-shift there? There are three shifts working in the mine, and for five weeks there had been no shift working there at night.
1644. What shift were you on the week previous? Day-shift, and then on the afternoon-shift.
1645. Were there men working there then? Yes, on the day-shift.
1646. Who were they? Prideaux and Mason.
1647. They were killed, were they not? Yes.
1648. Were you there every day during that week? No; my mate and I had to take turns going up there.
1649. Who was your mate? Colmer.
1650. And when you went up there, can you remember what you said or what you did;—did you speak to the men? I asked them how things were looking, and so forth.
1651. And what answer did you receive? They said they were all right.
1652. Did they always reply in that way when you asked the question? Yes.
1653. Who would answer you among the men? Prideaux, and sometimes Mason.
1654. Did you ever examine the place for yourself in any way? So far as it was possible to get along on the back we would examine it. They were bringing in timber to take up the back all along.
1655. Whereabouts were you? I examined it from the top coming down through the 400-foot road there. I only examined it with a candle; I did not touch it with a bar.
1656. Did you ever use a bar to sound the back? No, not in there.
1657. Did you ever see anyone use it? No.
1658. You say you examined it with a candle? Yes; as we went along.
1659. How close would you be to the back at that time? I suppose 14 or 15 feet away—perhaps more.
1660. During that week, when you were on day-shift, did you see any sign of a crack in the back? No.
1661. Did anyone tell you of the existence of a crack in the back? No.
1662. Was Lawson at work during that week? No, not that week.
1663. You did not see him? No; I never saw him.
1664. Did you see him at work there at any time? No.
1665. When you went round during the time you were on day-shift, did you see any signs of a dribble? No.
1666. Did anyone tell you anything about one? No.
1667. Did you hear any sounds of the ground moving? No; the place looked as safe as this room, as far as I could see.
- 1668.

1668. Did you think it was actually as safe as this room? Yes; I did at the time.
1669. Well, the week before that you were on the afternoon shift? Yes.
1670. Was there anyone at work there then? No.
1671. Where would the men be working on the day-shift;—would it be close in to the timber? Yes; they were not far away from the timber.
1672. What do you mean by "not far away";—how far out in the open? Something like 10 feet or 12 feet.
1673. Would all the men be out there, or only some of them? Only some of them engaged in clearing away the dirt to make room for the timber.
1674. You said just now that that place seemed to you to be as safe as this room? Yes; so it did at the time.
1675. Do you not think that there is a little more risk to be taken in a place of that kind with the back unsupported? No; I did not think so at the time.
1676. Did you know Havelock? Yes.
1677. Did you ever hear of his getting hurt there, or being struck by a falling stone? I think he was struck by the stuff as it came down. I was not there, when the accident occurred.
1678. Had you ever heard of his being struck by a stone at any time before the accident on the 24th? No.
1679. *Mr. Edwards.*] What would be the length of the sill-pieces you were putting in? Six feet long.
1680. And in order to do the work the men would have to be out 6 feet from the main timber? Yes.
1681. Would the truckers have to go out there, too? They kept under the timber.
1682. But would they have to go out there to fill the trucks? Yes.
1683. Six feet or 7 feet from the main timbers? Yes.
1684. Did you notice any signs of a crack in the back there? No.
1685. Did you ever hear of Havelock having his shoulder hurt through a falling stone? No.
1686. Did you know anything of a fall of earth taking place there a couple of months before the recent accident? Yes. Just before I went on as shift-boss there was what miners call a "cab" carried away one piece of timber and threw the sets over. That is all I know of it.
1687. And that is the only fall you know of? Yes.
1688. When you said that the place was as safe as this room, I suppose you meant it was perfectly sound? The back seemed as solid to me; everything seemed so safe that I never thought any fall would take place.
1689. *Commissioner.*] When the mullock is being cleared away to get the timber in, is there only sufficient cleared away to get the sill timber in, or do they remove enough to get the whole floor in? Just enough to get the stringer in.

J. Brown.
1 July, 1901.

William Rowe called in, sworn, and examined:—

1690. *Commissioner.*] What is your name? William Rowe.
1691. You are the underground manager of the Central Mine, are you not? Yes.
1692. *Mr. Edwards.*] What experience in mining have you had? Thirty-seven years.
1693. How long have you been underground manager in the Central Mine? About eight years.
1694. That mine joins the South Mine on the north, does it not? Yes.
1695. The day of the recent accident, on the 24th May, you inspected the stope at the 500-foot level, did you not? No; it was the day after the accident—the 25th.
1696. Did you take notice of the way in which the work was carried on—the system they adopted there? All I could see was that they were building bulks to secure the ground.
1697. Did you take any notice of the other erected timber? I saw standing sets of timber there.
1698. I suppose you noticed a new nature of work being carried on there? Yes.
1699. That was among the crushed stope? Yes.
1700. The place had been timbered up, and was crushed away? Yes.
1701. They were building up main timbers on the stringers, to take up the stuff that came away from the footwall. They were putting in stringers and mortising sets into them and wedging them up against the back? Yes.
1702. Did you consider that, from your experience, a safe system to adopt? I did not see any other course to take, under the circumstances.
1703. Can you suggest now any other course that might be adopted? No; if the same thing happened in our mine it was the course that I should have adopted myself.
1704. Did you know a man named Prideaux? Yes, well.
1705. For how long? For twenty odd years.
1706. And in what way would you speak of him as a miner? He was a thoroughly experienced practical miner.
1707. A man who understood how to secure ground? Yes; it would be hard to pick a better man for the work.
1708. Did you also know Henry Downs? Yes; at one time he was shift-boss in the Central, under me.
1709. Was he a capable miner? Yes, he was thoroughly competent.
1710. I believe they were both steady men? Yes.
1711. And they were thoroughly skilled in their work? Yes.
1712. Do you think, from your experience in taking up crushed ground, that it would have been possible to protect the men if overhead timbers were thrown out? I cannot see how it could be done, because if you put out booms, they are very good for overhead or vertical pressure; but for side pressure they are no good at all.
1713. The booms are straight pieces of timber caught up on the footwall? Yes; they keep the laths up while the miners are preparing for the main timber.
1714. Would stringers overhead have afforded any protection? I am very doubtful about it.
1715. Would they afford anything more than a false security? It certainly would be false security, because in the first place you would have to build on top of the booms to secure the back, and the weight of timber would almost break the booms. It would also be very likely that in blasting a rock you would knock out the centre.

W. Rowe.
1 July, 1901.

- W. Rowe.
1 July, 1901.
1716. Could they have stringers put out from the main timbers and then tail them from the end down in the main timbers where they would be strong enough to resist a weight such as happened when the fall of 30 tons first came down, and then a quantity from 100 to 200 or 300 tons following? I do not think so.
1717. Would it afford any protection? It would keep small pieces from flaking off, but for a large fall it would be useless.
1718. Looking at the way in which the work has been done, can you say whether there has been any want of care or skill in carrying it out? I cannot say; I could not see anything at all.
1719. Is it a well-known rule amongst miners that if a man sees a dangerous place in the mine he is bound to report it? Yes.
1720. Did you ever know in your experience in any mine in Broken Hill of a man being discharged or sent up the shaft because he reported such a thing? We would be only too thankful to get such information from the men.
1721. You were with Mr. Hebbard when you made the inspection, were you not? No; I was with Mr. Mayne.
1722. *Commissioner.*] Could you give the Commission an opinion as to the cause of the fall? From what I saw I should judge it came from the breast floor. I am, of course, at a disadvantage; I was never in the place before the accident happened. Had I seen its condition before I might have been able to give you an opinion.
1723. You said that you did not think that any overhead timber would protect a man from any fall that took place? I cannot see that it would. If you were to put a boom out, the pressure would be too great, and the boom would not protect him.
1724. Do you mean that you would be prepared yourself, if you had to do similar work, to allow the men to work without protection of any kind? Yes; in that case. I would just simply run up the timber as far as possible, and block it down from the back, only exposing about 6 feet of space.
1725. Would not they require to be exposed for more than 6 feet in shovelling away the mullock? I think that is just about the size of a set.
1726. You see no actual necessity to go away from the timber for more than the width of the next set? I do not see that there is in this case.
1727. What work were the men actually doing when you went there on the 25th;—can you remember? They were simply building in timber to get pieces out from further back—running up cross bulks.
1728. What were they resting on? That I could not say.
1729. That was being done for the protection of the men engaged in the rescue work? Yes.
1730. Why would you not take similar steps to protect the men who were putting up the timber in the first instance? The thing looks very much different after a break than before one. If one were to have seen the stope before the fall took place, one would form a very different opinion.
1731. They were apparently preparing some kind of protection for the men who were engaged in the work of rescue; yet you say that it is scarcely worth while doing that when the men were engaged in timbering in the first instance;—surely there would be some protection afforded them? As I have already stated, one can form a better opinion about it before a fall than after one. It is very hard to say what actually could be done until one saw the place.
1732. How does that affect your opinion;—the position is this: there is a large amount of unsupported back overhead, all of which you cannot sound, unless you take its condition on trust to be the same? If the timber ran to the roof in each case, you could sound the back.
1733. From off the top of the timber? Yes.
1734. But for not more than a few feet? You could sound 6 feet away.
1735. Would that be sufficient to guard a man against a possible fall further forward? He could not go further than you could reach. If you could reach 6 feet, and then put in standing timber, you could go further ahead.
1736. According to the evidence given by Mr. Mayne, the first fall, as he says, seems to have come from the breast;—that would be a long way out of one's reach for sounding on the timber? Yes.
1737. What I wish to know is this: would it be desirable or not, or could you not arrange for some kind of protection against a fall from the breast? Yes; to a certain extent, we could.
1738. What would you do? It could be done in different ways. You could build bulks, and put out booms to some extent to help to prevent small pieces from falling; but these would be no support against a large fall.
1739. They would, however, prevent quantities of stuff from falling which, although small, might seriously injure a man? Yes.
1740. And finding that in some cases you cannot sound off the timbers for more than a few feet, as far as you can reach, have you not to calculate the possibility of a treacherous back further forward giving way? But you cannot reach it.
1741. What means have you at your command for finding out the condition of backs which are beyond your reach;—do you merely examine them with a light? We build up bulks to reach them.
1742. Are you now referring to instances of all square sets? In some instances we use square sets for bulks. In this case I think it was the square set.
1743. When you were there on the 25th, did you notice that there was a certain distance between the edge of the timbers in the breast—something like 20 feet? Possibly there was some timber knocked down before.
1744. No, there was not; you would not be able to reach more than 6 feet from the timber; if you were doing the work, what steps would you take to ascertain the condition of the backs in the forward direction beyond your reach? By building up short bulks.
1745. And, I suppose, in doing that you would have to take the risk of its coming down? Yes.
1746. But if you got the bulks up and booms out that would give you a large amount of protection against vertical falls, would it not? Yes, against any small quantity falling; but if the pressure was very great it would break. Booms would never keep a stope from collapsing.
1747. Would you receive any indication of the pressure breaking the booms? It all depends. If the pressure was gradual you would very likely see the boom bending.
1748. Might not the fall come suddenly, without any warning at all? Yes; but it would then carry away the timber. •
- 1749.

1749. What is your method of stoping at the Central Mine? In some places we work in the open with bulks, and in other places with square set timbers; it all depends on the nature of the ground whether it be friable, compact, or hard.

1750. How do you work the hard ground? With bulks and filling.

1751. What is the greatest space you leave between the floor and the roof when working with bulks? From 10 feet to 12 feet, or thereabouts.

1752. Would 12 feet be the maximum? Yes; we have some that height.

1753. You can then always reach the backs? We can always easily reach the backs and test the ground.

1754. In working by means of bulks, do you go on like that layer by layer? Yes.

1755. You always keep not more than 12 feet? Yes. If the ground is in any way "jointy" we just run stringers to take up the space between the bulks.

1756. In cases where you use the square sets, do you build up to a height of 30 feet or 40 feet, or how do you work them? Every second set is filled with mullock behind.

1757. What is the maximum space you would have there at any time between the floor you are on and the back? That would be two sets—14 feet.

1758. Take your system of working, where you are continually filling as you go on, and leave a maximum of 14 feet between the floor and the back of the stope—that is, speaking of square set timbering, and take the other case, where square sets are used and not filled up in a similar way, what would be the effect of a fall of the back in the case where the sets are not filled up; would it cause a bigger cavity? Yes; and the whole stope would collapse.

1759. The cavity overhead depends on the extent of the fall? Yes.

1760. Now, take the other case, where you fill up every second set with mullock, what would be the extent of the cavity in the event of an ordinary fall? It would depend on the distance, I suppose.

1761. It would be much less in broken stuff than in solid? Yes; in the first place, to fill up would leave a cavity about 14 feet just over it.

1762. Take this particular case: If you have a space of 14 feet, and you get a fall of, say, 10 feet from the backs, when that falls upon the ground it will occupy a greater depth than 10 feet, will it not? I scarcely understand the point.

1763. If you keep your sets filled up to within two sets of the back, in the case of a fall the probability is that there will be a much smaller cavity? Yes; these sets would have to be filled up from the stuff that fell away first.

1764. Is it practicable in all cases in this hard ground to work the square sets under the system of filling up every second set? It is in the friable ore; but in the hard compact stuff we use the bulks.

1765. Every man has his own particular method of working stopes, I suppose? I have not seen many other systems of working them.

1766. Whatever your ground may be in a stope, if you keep a space of not more than 14 feet between the solid ground above and below you have a cavity in the roof to deal with much less in height in case of a crush? Yes, decidedly.

1767. It is much more accessible? Yes.

1768. And I suppose that the more accessible the roof of the cavity is the less risk is attached to the work of picking up? Yes.

1769. *Mr. Edwards.*] With reference to putting in booms or "toms" on top of a batter, I suppose it would not be possible to get a solid foundation? Even if they did get the "tom" up a slide coming in off the footwall would knock the "tom" off. It was not possible to provide against a side pressure.

1770. You could not rear your tom up from the back;—you must have a solid foundation? Yes.

1771. In getting that you would have to remove the batter to cut the toe away—at any rate, to get on the solid ground, and during the time that would take the men would be exposed to a possible slip from the footwall, and also from the back? Yes.

1772. Supposing you got that solid foundation and put the "tom" up, you would then have to wedge up the back to hold? Yes.

1773. And if the back turned out to be rotten or heady you could not wedge it against the background? You could not make a good job of it.

1774. You could not get proper support? No; not sufficient to hold it.

1775. Supposing you had booms out, and a slip came, would it knock them away? Yes; and the same with the bulks.

1776. They would have to be wedged against the back when they got that far up? Yes; there would be no support given otherwise.

1777. And while doing that there would also be the possibility of a fall from the footwall or from the back? Yes.

1778. And after getting up the men would be exposed to similar risks in fixing the timber? Yes.

1779. So that it would be just as safe for them to go on set by set for a time? Yes; and running to the roof each time.

1780. *Commissioner.*] You said that even if the bulks secured the back there was a chance of side pressure causing a fall? Yes.

1781. And against that you say you could make no provision? Yes, that is so.

The Commissioner desired to point out that the scope of the Commission dealt with the cause of the death of the unfortunate men who were killed, and whether the responsibility attached to anyone. There was another feature of the Commission, which was a pretty wide one, that empowered him to inquire into any facts with a view of preventing similar occurrences in future. He was inclined to think that it may be taken in a very wide sense. Strictly speaking, before a jury, the cause of the accident would be limited to the actual fall of stuff upon the men's bodies. There were two things which should be borne in mind in connection with the matter. There was first of all a system of using square sets as the space was worked out and timber put in; then a certain crush of earth took place which knocked down a large quantity of that timber, and, thirdly, there was the necessity, no doubt, for the men to work in filling up the cavity again. They were, to his mind, really two distinct things, first of all stoping, and then putting the square sets in. They were knocked down by the crush, and no doubt the actual cause of death was the endeavour, on the part of the men, to pick up the fallen stuff in the cavity. In an ordinary court of law the inquiry would no doubt be limited to dealing with these questions when the crush had taken place.

From

W. Rowe. From the wording of the Commission, he felt that he would be entitled to consider the question of building the square sets in addition to the actual method of working while picking up the stuff after a crush. Under those conditions it appeared to him that in picking up the crushed stope you had a large amount of unsupported backs to deal with, a large portion of which you could not ascertain the condition of by sounding, and in some parts even by the use of a candle. Then the question arose that if you just had the skeleton timber without any filling, when a crush took place you were liable to have an enormous cavity which would entail very great risk in the work of picking up afterwards; but if the method of stoping was such that at any time you only had a maximum space of 14 feet or 15 feet between the floor and the back, and the back could always be reached for the purpose of sounding it, then in the case of a crush or fall there would be a much smaller cavity to pick up afterwards, and although it was not a question of negligence still it was a matter that he thought might be dealt with. As Mr. Rowe had stated, that if the space between the floor and back was limited, then in the event of a crush the height of the cavity was also limited, but if the method was by the square sets not filled up then any crush that might take place would cause a much greater cavity. And it presents the question whether it would not be desirable in the future to fill up these square sets to a reasonable distance at the back rather than allow them to remain in merely a skeleton form.

Mr. Edwards thought that it was a matter acknowledged on all sides that wherever possible greater security was afforded by filling the timber in; but there were some portions of a mine where mullock could not be obtained for the purpose.

The Commissioner would like to suggest that according to the evidence it was apparent that in this particular instance the sets were not filled up as the work went along, and there was apparently much space left between the backs and the firm ground lower down. While the mine manager might have a perfectly good reason to explain that state of affairs in this particular instance, it may be that they had not the mullock to fill up. He did not suggest that he had formed any opinion about it. It was within the scope of the Commission. He would be glad if evidence could be brought to the Commission bearing on the point.

Mr. Edwards suggested that Mr. Mayne be recalled and questioned as to the reasons for it. In this particular place they could not fill as they went along; they would have to build up the timber first

[The Commission then adjourned till 10 a.m. the following day.]

TUESDAY, 2 JULY, 1901.

[The Royal Commission sat at 10 a.m. in the Council Chambers, Broken Hill.]

Present:—

CHARLES GREGORY WADE, ESQ., BARRISTER-AT-LAW, ROYAL COMMISSIONER.

Mr. W. H. J. Slee, Chief Inspector of Mines.

Mr. D. Milne, District Inspector of Mines.

Mr. J. R. Edwards, Solicitor, representing the Company.

Samuel Mayne recalled and further examined:—

- S. Mayne. 1782. Mr. Edwards.] Referring to the stope before the crush took place some two years ago, at that time was it simply timbered without any filling? Yes; it was filled up to within two floors of the back.
- 2 July, 1901. 1783. Filled with mullock? Yes; filled with mullock from end to end, and wall to wall. There were only two floors standing, and they were up against the back.
1784. And, notwithstanding that the timber was filled throughout the stope, the crush from the footwall broke all the timber away? Yes.
1785. I suppose there is no question about the fact that filling timbered-up stopes adds to the stability of the ground? You cannot fill right up at the back.
1786. You must leave working space above it? Yes.
1787. But a fall from the back would not create such a large hole as if the stope was simply timbered? No.
1788. Then this batter or rill of dirt up against the footwall was the remains of the old mullock filling in the stope? No.
1789. Was it a crush from the footwall? From the back and footwall.
1790. Was all the mullock removed? No; the mullock was left there. The part that came away was mullock. We were shifting it back in the stope while we were putting in new timbers.
1791. What did you do with the mullock that was in the stope originally? That was used in filling up timber for, say, ten floors from the 600 feet; we filled up to the 800 feet. We worked up on two floors, and just started to fill again at the back as we came along; that is where we built the timber in to catch up the break.
1792. When you left off working, how far back above the filled timbers were you before the crush? Which crush do you refer to?
1793. The one two years ago? We were two sets, about 13 feet or 14 feet; but the timber was not then all over this place.
1794. You said it was your intention to refill this stope with mullock? Yes.
1795. And it would have been possible for you to have put in the filling as you carried on the square sets? Just a little; I have sunk 800 feet from the surface to get a new mullock path.
1796. Commissioner.] From where? From the surface to the 800-foot level.
1797. Simply for the purpose of connecting with the different levels and running in the mullock? Yes.
1798. There was some evidence given to the Commission the other day that there was something like four or five floors of timber crushed down? Two years ago.
1799. Mr. Edwards.] In this particular spot? No. There may have been four or five sets when sinking a winze. We ran a few sets up in our winze, so that we have always a chance to stope off from them; perhaps he said there were four or five sets there. We very often run up three or four sets. As far as the stope is concerned, it was only two sets high.

1800.

1800. *Commissioner.*] Was there any winze in this particular stope? Do you mean in the first case?
 1801. Two years ago? Yes.
 1802. Whereabouts was it? On the north end; it was sunk from the 500 feet to the 600 feet.
 1803. Was it anywhere near where the fall took place on the 24th May? That winze was all filled up.
 1804. When was it filled up? It was gradually filled up.
 1805. What was it filled up with—mullock? Yes; because we were working our chutes further away. Perhaps a winze did not come in where we started on a level.
 1806. You say that, when the crush took place two years ago, you timbered up to the backs in the stope;—was there any winze then in existence in this spot where the fall took place on the 24th May? No; nowhere within 50 feet.
 1807. Was that the only timber;—was there not timber to support the backs? Yes; the whole stope was "close" timbered.
 1808. There was no timber in the winze that a man might mistake for the back? When I say winze, I mean you would work up two or three sets for a special purpose, then get the slack away, so as to carry on your stope.
 1809. Was there any winze anywhere near the spot where the fall occurred on the 24th May? No.
 1810. What timber was there, was simply a beam carried up to the backs? Yes.
 1811. What height was it between the floor of that drive and the backs where the timber was standing? About two and a half sets.
 1812. Say 16 feet? Something like that.
 1813. Would the level of that drive be about the same level as the spot where the men who lost their lives were working? No; it was one floor below that. It may have been three and a half sets from where they were to the back.
 1814. Where they were killed? Yes.
 1815. That would be about 25 feet? 21 feet or 22 feet.
 1816. And in the open space, between the standing timber and the breast, was not the cavity caused by the fall of the 24th above the level of the backs over the standing timber? Now it is.
 1817. You are quite clear about this; that at the time the crush took place two years ago, there was not more than 14 feet between the filled-in ground in the stope and the backs? That is all. The fact is, we were continually filling in at that time as we went along.
 1818. At the time of the crush, were you actually working in filling up that stope, or had you stopped work? We were filling up before the crush.
 1819. I mean at the time the crush took place two years ago;—were you in the act of filling up the timbers with mullock? Yes.
 1820. You had not got to a certain point and then left it? No; as we were working we were filling up, and when the crush came we stopped till all was again quiet.
 1821. I suppose that there is no doubt that the smaller the space is between the filled-up ground and the backs, the more solid the support becomes? If you are filled up to within one set, that is as much as you can fill up, and then a big portion of the ground giving way would bring down the timber all the same.
 1822. To the extent of that one set? Yes. You could not put timber in there in some places. I have seen a crush carry it away when it was up to within 3 feet.
 1823. If it was timbered up to any height? It all depends on the crush.
 1824. Take the ground in this part of the stope that we have been referring to? Well, it did not stand.
 1825. Is it not a notorious fact that if you rely on timber alone it is not sufficient support? No; not in some ground.
 1826. Would timber alone be a sufficient support in this particular stope? No; it would when we filled it in.

Daniel Cockburn, called in, sworn, and examined:—

1827. *Commissioner.*] What is your name? Daniel Cockburn.
 1828. What is your occupation? A miner.
 1829. Are you employed in the Broken Hill South mine? Yes.
 1830. How long have you been working there? About seven months this last time.
 1831. Did you know the stope at the 500-foot level where the men were killed on 24th May? Yes.
 1832. Did you ever work there? Yes; I was there for a shift and a half.
 1833. How long before the 24th May would that be? The last half shift I worked was on the Friday before the men were killed.
 1834. Just a week before? Yes.
 1835. When were you there before that, the previous day? No, about a fortnight before.
 1836. What work were you doing? I was carrying timber into the stope; I was helping Mason to carry it in.
 1837. On both occasions? The first time I did nothing at all; on the last half shift the shift boss came along after "crib," and took me away into another place.
 1838. You remember, I suppose, the open space between the timber and the breast? Yes.
 1839. Where the fall of earth took place? Yes.
 1840. Were you actually in that open space yourself? No.
 1841. How far were you away from it? It was about two sets away where I was working.
 1842. Did you see a man named Lawson there at all? Yes; he was there the last half shift I was there.
 1843. When, on the Friday? Yes.
 1844. What was he doing that day, what work? He was sitting with me under the timber till "crib" time, when the shift boss came along and shifted me.
 1845. Did you have any conversation while there about this open space? No, there was not a word spoken about it between us.
 1846. Did you know anything about a crack in the back? No.
 1847. You did not see it, of course? No.
 1848. And you did not hear anything about it? No; I heard nothing of it till the accident happened.
 1849. Did you hear of a crack being there then? No.

S. Mayne.

2 July, 1901.

D. Cockburn.

2 July, 1901.

1850.

- D. Cockburn. 1850. You never heard at any time of a crack in the back? No.
 2 July, 1901. 1851. Do you know a man named Weser? Yes.
 1852. Was he working with you or near you? No, not on any occasion while I was there.
 1853. What was Mason doing that day, did you notice? He was filling the ore into a chute the last half shift I was there.
 1854. Where was the ore? Just under the timber, from the back of the stope; he was throwing it into a chute.
 1855. Was anyone working in where the crush took place? No, no one at all.
 1856. What shift were you on? Day-shift, on a similar shift to when the accident occurred.

William Weser called in, sworn, and examined:—

- W. Weser. 1857. *Commissioner.*] What is your name? William Weser.
 2 July, 1901. 1858. What is your occupation? A trucker.
 1859. Are you employed in the Broken Hill South mine? Yes.
 1860. How long have you been employed there? About eighteen months.
 1861. Do you know the stope in the South mine where the men were killed on the 24th May? Yes.
 1862. Had you ever been in there? Yes; I was working there the Saturday before the accident—not where the men were killed, but where Thomas and O'Neill were working.
 1863. That was some distance away from the spot where the fall occurred? Yes.
 1864. How far away was it? About four or five sets.
 1865. Is that the only time you were there? No; I was there for two or three shifts.
 1866. But about the time of the accident? Yes; I was up there about twelve months ago.
 1867. Where were you working twelve months ago—under the timber? No; somewhere about the place where the men were killed.
 1868. Right out in the open? Yes.
 1869. Who was there at that time? Mason is the only one I can recollect being there at the time.
 1870. There were others there also? Yes.
 1871. What was your work then—a trucker? Yes.
 1872. What were they doing—preparing to put in sets? No; there had been a crush, and we were getting the stuff away to put in the timber.
 1873. Can you recollect whether any examination of the place had been made before you started work? That I could not say.
 1874. Did you notice any dribbling there? Yes; I noticed a slight dribble the last couple of times I was there.
 1875. What days would that be, can you remember? Saturday, and either the Friday or the Thursday.
 1876. Previous to the 24th May? Yes.
 1877. Do you mean to say the day before the accident or the week before? Yes.
 1878. Where did the dribbling come from, did you notice? I could not see very well. I was working under the timber; I could hear a stone dropping now and again.
 1879. Were men at work at the time in this open space? Yes.
 1880. Did you see a man named Lawson there? I did.
 1881. What day was that? On the Thursday or the Friday; I am not certain.
 1882. Where was he working, do you remember? With me.
 1883. Where was that, about the open space? Yes.
 1884. Did your work take you close to him on that day? No; I was not working where he was; I was working with Thomas.
 1885. Did you see him at all at "crib" time? Yes; we were all together.
 1886. Did you have any conversation about the condition of the roof? There was.
 1887. Who spoke? Lawson.
 1888. What did he say? He said he did not like the look of the place, and he did not care much about working there.
 1889. To whom did he address his remarks? Just to the party.
 1890. Did you hear Thomas say anything? Thomas said, "Yes, it's not very nice to work there," or words to that effect. Mason reckoned it was all right.
 1891. The question of the condition of the open space was, however, being discussed? Yes.
 1892. Did you hear anyone make any reference to a crack in the back? No.
 1893. Can you say what time that would be on the Friday? About 12 o'clock or a little after.
 1894. Was it on day-shift? Yes.
 1895. Did you see Lawson again after that during the shift? I saw him at knock-off time.
 1896. Did you all go up the shaft together? Yes; we went down to the 600-foot, and then went up.
 1897. Both Thomas and yourself? Yes.
 1898. Was there no further conversation about this part of the stope? No, I do not think so; not that I can remember.
 1899. Did you hear any reference to or any statement of any kind made then as to the crack in the backs? No; I heard nothing like that. It could have been said, and I might not have noticed it; but whilst I was present there was nothing of the kind mentioned.
 1900. Do you know Lawson? Yes.
 1901. How long have you known him? I have known him since he first came to the "Hill." He boarded at the same place as I did.
 1902. Are you on pretty friendly terms with him? Yes.
 1903. How long is it since you first boarded together? Close on two years at the end of this month.
 1904. *Mr. Edwards.*] Did you know Mason well? Yes. The first time I went to work in the South Mine I worked in the same stope with him, at the 400-foot level.
 1905. He was a good miner, was he not? Yes; he had the name of it.
 1906. He was a good timber man? That I could not say.
 1907. You were only a trucker? Yes.

W. Weser.
2 July, 1901.

1908. There was nothing said in your presence at any time about a crack in the backs? No.
1909. Did Thomas ever point you out a crack? No.
1910. I suppose the men working in the South Mine are treated fairly well? Yes.
1911. And the shift-bosses are very attentive? Yes.
1912. Are the men afraid of the shift-bosses? No.
1913. Supposing you were working in a dangerous place, would you have any hesitation in telling them that you did not care to work there? If I was working in such a place I would tell the shift-boss when he came round. They generally take the miner's word wherever he is working, and if I did not consider it was all right I would tell him.
1914. Have you ever known a man to be ordered up the shaft for refusing to work in a dangerous place? No.
1915. When a shift-boss was told that a man did not like working in a certain place, what would he do? He makes the miners examine it again, and if the shift-boss reckons it is not good enough he will put you in another stope.
1916. Do you know if any suggestion was made at any time that this place should be pointed out to the shift-boss as being dangerous? I never heard anything of it.
1917. Mason was referred to, and he thought it was perfectly safe? Yes.
1918. Was Prideaux there? Not on our shift; he was on another shift.
1919. *Commissioner.*] Has such a position as this ever arisen: A man might consider a place dangerous, and the shift-boss would tell him it was all right;—what happened then? Such a position has never arisen to my knowledge.

The Commissioner asked the various representatives present if there was any person they might suggest that should be called to give further evidence, and no names having been handed in, the inquiry was declared closed.

**ROYAL COMMISSION APPOINTED TO INQUIRE INTO FATAL ACCIDENT
AT THE BROKEN HILL SOUTH MINE.**

APPENDIX.

Exhibit B.

BROKEN HILL SOUTH S.M. COMPANY (NO-LIABILITY).

Rules and Regulations to be observed (in conjunction with the Government Mining Regulations of New South Wales) by all underground workmen, including bracedmen, brace-truckers, winding engine-drivers, and all other men employed in or about the shafts on the surface, who are connected with the Underground Department.

1. All workmen connected with the Underground Department shall work shifts of eight hours less twenty minutes for crib.
2. Any workman arriving late will lose one shift.
3. No workman shall be permitted to enter or remain on the mine while in a state of intoxication, or to bring intoxicating liquor on the mine.
4. Lowering and Hoisting Men, &c.—No workman shall enter a cage under any circumstances till the signals, specified on the signal code, have been given and received. When a cage, resting on chairs, requires to be lowered below that level, the engine-driver, after receiving the signal to lower, shall, before lowering, raise the cage about 3 inches to allow the chairs to be withdrawn. Brace and platmen, and any who may be authorised from time to time to attend to this matter, are strictly forbidden to withdraw the chairs till the cage has been raised as above stated. When both cages are in gear, the engine-driver shall not move either cage before receiving signals for both of them. Shift-bosses on duty when shifts are changing shall remain at the plats underground and at surface brace until this operation is completed. No signal shall be given to the engine-driver affecting any cage, unless such cage is at the level from which the signal is to be given.
5. All workmen are prohibited from entering any place throughout the mine where not absolutely required by duty to be at the time.
6. Workmen shall not remove or interfere with any precaution for the safety of the underground employees, such as coverings over, or guard rails around, shafts on surface, winzes, or shoots, or other dangerous places, and shall keep all such places in the vicinity of their work as it proceeds, properly covered or railed off. As a matter of common safety any workman who shall observe, or come to the knowledge of, any damage to, or deficiency in, any part of the workings, any defect or flaw in the cages, chains, ropes, or chairs, or in any part of the engine, machinery, gearing, or plant used in or about the mine, whereby the safety of workmen or others may be impaired, shall be bound forthwith to communicate same to the shift-boss or foreman. Workmen are prohibited from tampering with any marks which may be made in any part of the workings for the guidance of the workmen or the management; or interfering without authority with any part of the machinery, gearing, or plant, in any way whatever. If in the various mining operations underground, the workmen notice any undue pressure on the timbers, or any movement or disturbance in the ground which might be in any way considered dangerous, they shall immediately convey information of such to their shift-boss, who shall at once advise the foreman. It will be the duty of the shift-boss, whose attention has been directed to such matters, to fully explain (before he leaves the mine) to the shift-boss who relieves him, the nature of the movement in the ground, or anything else which may require special attention, and the relieving shift-boss having been so informed, shall notify the workmen under his charge of any danger or indication of same. If at any time a movement in the underground workings should occur which would be at all likely to cause a subsidence on the surface, it will be the duty of the shift-boss in charge of that particular section of the mine to immediately notify his foreman about it, and the foreman shall, without delay, inform the contractor, the contractor's foreman, or anyone in charge of the surface work immediately over where the movement underground is taking place, so that the men may be withdrawn from the open cuts or other surface work. If the shift-boss cannot quickly find his foreman he must himself convey the information to those in charge of the surface work.
7. Blasting Underground.—Before the fuse in a charged hole is lighted due notice must be given by the man or men in charge of the blasting by calling out in a loud voice not less than three times the word "Fire," the number of holes charged, and the number of the floor on, and the direction in, which the holes are, as for example: two holes, seventh floor north end, or three holes fifth floor south end, or four holes ninth floor east side, or five holes tenth floor west side. After the fuses are lighted the men in charge of the blasting must guard the passages leading to where the blasting is being carried on, and they must prevent anyone from going dangerously near to the holes. If a hole has missed fire, the place where the missed hole is must not be approached in less than one hour and a half from the time that the fuse in such missed hole was lighted, danger notices must be put up in conspicuous places warning persons to keep away, and a man must be left to guard the place. A charge of explosive of any kind which has missed fire shall not be unrammed, and a fresh hole shall not be drilled within an unsafe distance of the missed hole. When blasting in the square set timbering where the material to be blown out by the blast will fall upon the plank flooring of the square sets, such flooring must be protected by laying loose planks or timbers across the regular floors, and the flooring must be further protected by a sufficient mass of loose ore or mullock laid upon the floors which are likely to be affected by the material blown out by the blast.
8. Smoking is strictly prohibited underground and during working hours on the surface.
9. Shift bosses are fully empowered to discharge or suspend workmen under their charge for neglect of work, idleness, or insubordination.
10. All tools (hammers, gads, picks, &c.) shall be left at the face on quitting work, and the "planting" or secreting of tools of any kind is strictly forbidden. All blunt tools shall be collected and delivered at the plats by the workmen using them.
11. Any employee or any other person, or persons, found removing from the mine specimens of ore, tools, candles, or any other property belonging to the Company will be liable to criminal prosecution.
12. Pay day is on alternate Fridays, the Company retaining six days' pay.

The above rules are framed for the purpose of facilitating the work in the mine and for the safety and benefit of all workmen on contract or otherwise. As it is impossible in print to provide a rule for everything, employees are required, under pain of dismissal, to strictly comply with any rules or instructions which may be made and given verbally by the management from time to time, and are further required personally and individually to exercise every care to prevent accidents to themselves or to their fellow workmen.