

15. Are you not aware that Dr. Hector was of opinion that Mr. Binns was right in taking the action he did take?—I have already stated that Dr. Hector expressed to me most strongly the great danger that would result from allowing the mine to be filled with water. He took exception to that altogether.

16. *Mr. Rolleston.*] Did Mr. Binns prevent you from pumping out the water?—Most undoubtedly he did, by ordering the absolute closing of the mine, and the withdrawal of all the men from the submarine workings, and thereby prevented the employment of the necessary men for pumping operations. The closing of the mine is entirely owing to Mr. Binns's refusal to allow the mine to be kept free from water, in accordance with the manager's request.

TUESDAY, 30th SEPTEMBER, 1884.

Mr. Chapman appeared for Mr. Rich, and Mr. Reid for the Mines Department.

*Mr. Chapman:* With reference to the order of proceedings, I understand you will accept the evidence that has been given. I have looked over that; but I see it will be necessary to recall some of the witnesses, because there are some questions that seem to have been omitted. I have the questions I propose to put noted down here, and I propose to put the questions as shortly as possible, and dispose of these witnesses as quickly as possible. With regard to any opening statement, I do not know that that is necessary; because, though I do not know exactly what has been done so far by the Committee, I understand the point in dispute—which is, after all, really the one question—has been pretty clearly put before the Committee already; and I intend, in calling evidence, to direct it to that one point: that point being, the propriety of the action of the Inspector of Mines in causing the mine to be filled with water at the time when he ordered Mr. Williams to withdraw the whole of the men from the seaward workings of this mine. There is one question that I wish particularly to direct the attention of the Committee to, and that is this: In the correspondence with the Government it appears that on more than one occasion, I think, the answer was given to the petitioners that if they had a grievance they might obtain redress by legal process under "The Inspection of Mines Act, 1874:" that their proper course was to insist on a statutory notice in pursuance of that Act, and to proceed to arbitration before the tribunal which that Act constituted for that purpose. The short answer to that is this: In the first place, as I understand the position, this mine was not one within the contemplation of that Act at all. I do not think it was within the jurisdiction of the Inspector of Mines at all. It was a mine beyond any constituted district, and, though the Government seem to have taken up this position, Mr. Binns himself, in his correspondence with the Government, seems to have shown that he was not under that misapprehension—that he clearly apprehended the position. The position of this mine was a peculiar one. It was originally held under license. That license—which has, I think, been before the Committee—was merely, both in the popular and legal sense, a license to mine, and a legal incident of the license was that it was revocable at the will of the grantor, and this is expressed to be revocable at the will of the Government. Then, later, the same gentleman who, under the direction of the Government, granted and signed that license—the Commissioner of Crown Lands at Dunedin—wrote a letter, which I have not seen (the writing of this letter having been originally suggested, I think, by the Inspector of Mines), the substantial effect of which was that the mine was to be worked subject to the approval of the Inspector of Mines. The working having proceeded on the footing of that letter, that letter entered into and must be deemed to be a part of the terms upon which the mine was held; consequently, it is virtually a supplementary license. That being so, the position of the licensees was this: that any breach by them of the conditions under which they held the mine, subject to the terms of the license, would effect the forfeiture of that license: it would not be necessary even to wait for the revocation: it would effect the forfeiture of the license, and they would become virtually trespassers from the moment they committed any breach of it, so that the license would be revoked without any order on the part of the Government; so that the present petitioners were obliged absolutely to work under the orders of the Inspector. And the Inspector fully understood that evidently. Then, there is another misapprehension in the correspondence, apparently, which I wish to clear up once for all. The petitioners are not here complaining of the ultimate action of the Inspector of Mines in finally closing the mine. That is not the subject of complaint, because Mr. Williams, either verbally to Mr. Binns, or by writing, I forget which at this moment, at the time when this original order was given, predicted that it would ultimately necessitate the closing of the mine. The burden of complaint here is that the petitioners were compelled to allow the seaward workings to fill with water. They did not resist the order: they did not contemplate resisting the order to cease getting coal from the seaward workings. If they had been ordered to cease getting coal from there, they would at once have ceased, and they would not—though their position there would have been affected by such an order—have felt themselves in a position to complain in this manner. They might have gone on, as they contemplated, keeping those seaward workings dry, and possibly, upon further inquiry, it might have been found best to go on working them. They do not complain of being compelled to cease getting coal from that portion of the mine; but what they complain of is that they were ordered to withdraw every man from the mine, and they were obliged to allow the seaward workings to fill with water; and that is substantially the burden of their complaint: and to that, and almost solely to that, we propose to direct the evidence before this Committee. As to the effect of that, evidence has been given, and still further evidence will be given; but I will call the attention of the Committee to the fact that originally Mr. Williams pointed out that the effect of that would be disastrous.

*Mr. Reid* asked the Committee if it was their intention to begin *de novo*, or whether they would take it for granted that a great deal of evidence had been heard, and that this was merely supplementary.

*Mr. Chapman* said he had opened briefly, and assumed that a large amount of evidence was