

We have before us the report of the commission and nowhere in it can we discover such finding as stated in the above extract. Indeed in the report occur these words:—"Our duty appeared to us to be to determine in what part of the mine the explosion occurred, what was the cause of the explosion, and to suggest such recommendations as would make for greater safety in the future."

In summing up, the commission reports:—

"In view of the evidence touching this lamentable accident, we beg to submit the following recommendation, and trust that your honorable Government will, in the interests of the safety of life, approve of the issuing of instructions or the enactments of legislation that will give these recommendations effect.

"Where balances, cross-cuts or other single places are driven, we recommend that to prevent accumulations of gas a more effective means of directing the air to the faces should be adopted than the practice we found in some cases obtaining in No. 12 Colliery.

"The Deputy Inspectors should be instructed to accompany as often as necessary mine examiners on their regular examination rounds to satisfy themselves that such examinations are made within the time required by the Coal Mines Regulation Act and that the reports of such examinations are in strict accordance with the facts as found.

"The Coal Mines Regulation Act should be so amended that the examiners shall be required to state the approximate quantity of gas when found in any of the places they have examined."

The only grounds the framers of the resolution have for the statement that "the method of mining made impracticable the airing of that mine," is the recommendation of the commission that "a more effective means of directing the air to the working faces should be adopted." We do not think that there is any justification for reading into these words the view that the method of ventilation was impracticable or, in plain terms, reprehensible. Possibly it may be assumed, from what the commission said, that the method of ventilation was not wholly modern, but it may not be inferred from their recommendation that any shortcomings were wholly heinous. The Record may not say the methods of ventilation were not faulty; we are ready, however, to maintain that the commission has not declared that they were so bad as to justify the demand for the removal of the officials without permitting them a word in their own defence.

The resolution not only asks the Dominion Coal Coy. to remove these men but for the moment to cancel their certificates. Surely, of leaders of a miners' union, it may be expected that they are at least a little familiar with the Coal Mines Regulation Act. The Act lays down a course of procedure in such cases as the one being dealt with. For the Department of Mines to dismiss any mine manager summarily without a full, free and fair trial would be for the Department to fly in the face of the Act for which it is chiefly, if not wholly, responsible. To make this clear let the sections of the Coal Mine Regulation Act bearing on cancellations, be quoted:

"6. If at any time representation is made to the Commissioner by the Inspector or any other person that any manager, underground manager, overman

or mine examiner, holding a certificate under this Chapter, is by reason of incompetency, drunkenness or gross negligence unfit to discharge his duty, or has been convicted of an offence against this Chapter the Commissioner may, if he thinks fit, inquire into the conduct of such manager, underground manager, overman or mine examiner; and with respect to such inquiry the following provisions shall have effect:

- (a) The inquiry shall be public, and shall be held at such place as the Commissioner directs;
- (b) The Commissioner shall, before the commencement of the inquiry, furnish the person into whose conduct the inquiry is to be made, with a statement of the case upon which the inquiry is instituted;
- (c) The person into whose conduct the inquiry is to be made may attend the inquiry by himself, his solicitor or agent, and may, if he thinks fit, be sworn and examined as a witness in the case;
- (d) The Commissioner shall have the power to cancel or suspend the certificate of the person into whose conduct the inquiry has been made if he finds that he is, by reason of incompetency, drunkenness or gross negligence, unfit to discharge his duty, or has been convicted of an offence against this Chapter;
- (e) The Commissioner may, if he thinks fit, require the person into whose conduct the inquiry is to be made to deliver up his certificate, and if such person fails without sufficient cause to the satisfaction of the Commissioner to comply with such requisition, he shall be guilty of an offence against this Chapter. The Commissioner shall hold the certificate so delivered up until the conclusion of the inquiry, and shall then either restore, cancel or suspend the same according to his judgment in the case;
- (f) The Commissioner may also by summons under his hand require the attendance of all such persons as he thinks fit to call before him and examine for the purpose of the inquiry, and every person so summoned shall be allowed to be a witness attending on a subpoena before the Supreme Court."

These sections are evidence that the "demand" on the Government to cancel certificates cannot for a moment be entertained, until a stated procedure is complied with. A shipmaster casts his vessel on the rocks. The owners of the vessel may summarily dismiss him, but his master's certificate can neither be suspended nor cancelled until after a full and fair trial before the Board instituted for the purpose of dealing with such cases.

The demand for the dismissal of the Deputy Inspector is not open to the objections that may be put forward against cancellation of certificates for the simple reason that the Government Council may at any time send a deputy about his business, but if that indefinable body did such a thing, on the immediate demand of any person or any body of men, it would leave itself open to a charge of the sorriest kind of pusillanimity. To the Record it looks as if the demand for the dismissal of the Deputy means at the same time a demand that the officials of the Department of Mines, from the Deputy Commission up vigorously pull their own noses. Will they do this?