

### JURY SAYS FIRE DUE TO NEGLIGENCE

(Continued from page one.)  
had been in writing, failure to carry out the reports would have shown at once," said Mr. White. In reply to Mr. White, witness said that the shift bosses turn in slips to show requirements in powder for next day. "So there are some written orders?" was Mr. White's question, as he held a couple of the slips in his hand. At this point Mr. White and Mr. Slaght seemed to be searching for a suitable name for the plate or form showing the list of officials from the general manager down to the shift bosses. "Oh, call it a family tree," commented Jurymen McQuarrie. Questioned as to the matter of the dumping of the powder thaw waste, Mr. Emery said that it did not appear to be a matter of very great importance at the time. He never came in contact with it and had never believed it possible that a fire should cause loss of life. "We know more now than before," he said, adding that he had never had any experience with under-

ground fires before, and if he had been asked he would have felt that in case of any trouble the worst that could happen would be a close-down of work for a time if there were a fire. Mr. Emery pointed out that it was impossible for him to see to all the details of every part of the work. Mr. White referred to a rumour that one of the stopes being backfilled had dropped down fifty feet recently. "Not that I know of," replied Mr. Emery. He had not heard of it and did not think it had happened. "Will you make enquiries?" asked Mr. White. "I certainly will," Mr. Emery denied that he had made a statement to the jury when they were inspecting the mine regarding the time when the refuse was dumped in the stope. "It was a surprise to me to see it there. I did not know it," said the witness. "Was it ever called to your attention that the powder house waste was not being properly mixed with current rock?" asked Foreman Asselstine. "It was not," said Mr. Emery.

Mr. Knox, assistant general manager, corroborated Mr. Brigham's evidence as to the duties of officers, etc. He thought that it seemed all right to dispose of the powder house waste with current rock. Asked if he did not feel it his responsibility to enquire to see if the refuse and current waste were being properly mixed Mr. Knox said that he had accepted the method as part of the Hollinger system. "It failed," said Mr. White, who pressed for information as to who was responsible for the failure to carry out orders. Mr. Knox said that the orders went from Emery to the foremen, from the foremen to the shift bosses, and the abuse of the system had apparently made it nobody's business to see that orders were carried out. "Can you conceive of the same in any other order?" asked Mr. White, "if followed up it would be easy to see and easy to stop?" "Yes," Jurymen McQuarrie said: "Of course, we know that you were not aware of the way the waste was dumped, but do you accept your share of the general responsibility?" "Certainly," replied Mr. Knox.

Mr. C. G. Williams, general superintendent since 1920, said that the thaw house waste had been disposed of under the boilers until 1924. The new plan was to mix it with current waste. This seemed a safe plan. "How do you account for the fact that the orders were not carried out," Mr. White asked, and Mr. Williams replied, "Well, it was like a lot of other things; it started all right, went so far, and then slipped." Continuing Mr. Williams went on to explain that Capt. Curtis said he looked after it while he was there, but after that from the evidence it would appear that no one took responsibility. Asked as to where he would place the responsibility for the slipping of the system, Mrs. Williams said: "The responsibility is on the person immediately in charge and then I suppose kicks back to me." "Why not give it another push, back to the general manager," suggested Mr. White, who said that would place the responsibility from the switchman to the general manager. Mr. McQuarrie put the question he had given to Messrs Brigham and Knox, and when Mr. Williams replied that he had just admitted the general responsibility, the jurymen said, "That makes three of them I've got."

At this point the jury retired for twenty minutes, and on their return Mr. White said the jury was ready to consider their verdict. Mr. White referred to one man whom he understood had stated he could give information regarding a stope where there had been considerable subsidence. The man was not present, but the coroner suggested that perhaps somebody from the Hollinger could give the information. Accordingly, Mr. A. N. Young was called. Mr. Young, who is assistant mine superintendent, said that he knew of no stope that had dropped. When stope 88 was named by Mr. White, the witness replied that there had been a subsidence in that stope a year ago but none since the fire. He had been through there four or five days ago and it was all right then. Mr. Young said they had started to pull 53 stope west of 11 and had found that in the 200 tons of material drawn there was only about half a bushel of powder house waste. More would be pulled on Sunday he said.

"What the jury wants to know," said Mr. White, "is whether the mine is safe or not."  
Mr. Young said: "We have a list of the places where the powder house waste was supposed to be dumped, and we have inspected them."  
"Don't you think there should be some concerted survey work?" Mr. White asked, and Mr. Young replied: "I have been to all of them and there is nothing exposed." Mr. Young thought the mine was safe in the matter, and he outlined the precautions taken in regard to danger in drawing the stopes. There was water above and below while the drawing of stopes was going on. There were also watchmen above and below. They were ready at any time to turn on the water in case fire should break out. Mr. Young, in reply to Jurymen McQuarrie, said there was no connection between 55A and 84 stope, and so the latter could have no bearing on the matter. In reply to Mr. White, Mr. Young said he was satisfied that the mine was reasonably safe now so far as powder waste was concerned. He did not know if a survey had been made of the stopes since the fire. "I can give information in regard to that," said Mr. Slaght.

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