

SESS. II.—1897.
NEW ZEALAND.

RAILWAY SERVICE BOARDS OF APPEAL

(RETURNS RELATIVE TO APPEALS BEFORE THE).

Return to an Order of the House of Representatives dated the 28th day of September, 1897.

Ordered, "That there be laid before this House a return giving—(1) A list of the cases heard by the Railway Service Boards of Appeal from their formation to the 30th June, 1897; (2) the dates of lodgment of each appeal, and (3) of hearing; (4) the ground of appeal in each case; (5) the costs; (6) the names of those constituting the Court before which each case was heard; and (7) the various decisions."—(MR. TANNER.)

RETURN of Cases dealt with by Railway Boards of Appeal from their Formation to 30th June, 1897.

List of Cases.	Date of Lodgment of Appeal.	Date of Hearing.	Grounds of Appeal.	Costs.	Names of those constituting the Court.	Decisions.
Keen, J. Leaman, H.	19th Nov., 1895 25th Nov., 1895	27th Jan., 1896	Not stated	£ s. d. 18 2 10	His Honour Judge Ward and Messrs. H. Baxter and D. Handisides.	(Appeal dismissed. Leaman reinstated on recommendation of Board. (Carter reinstated on recommendation of Board. Appeal upheld.
Carter, J.	25th Nov., 1895					
Burtenshaw, W.	23rd Nov., 1895	27th Jan., 1896	That reason given for reduction was incorrect	12 8 4	Messrs. J. C. Martin, S.M., H. Davidson, and T. Wilson	Appeal dismissed.
Stubbs, A.	26th Nov., 1895	27th Jan., 1896	See statement A attached	5 10 3	Messrs. J. C. Martin, S.M., H. Davidson, and T. Wilson	Appeal dismissed.
Harrison, W.	2nd Dec., 1895	4th Feb., 1896...	Did not consider he was responsible for damage to the planing machinery	0 7 4	His Honour Judge Ward and Messrs. H. Baxter and D. Handisides	Appeal dismissed.
Patten, E. E.	12th Dec., 1895	27th Jan., 1896	Not stated	5 8 3	His Honour Judge Ward and Messrs. H. Baxter and D. Handisides	Appeal dismissed.
Skinner, C. J. D.	18th March, 1896	28th March, 1896	Not stated	8 15 6	Messrs. J. C. Martin, S.M., H. Davidson, and T. Wilson	Appeal dismissed.
Fowler, J.	7th April, 1896	7th July, 1896...	See statement B attached	6 15 6	His Honour Judge Ward and Messrs. H. Baxter and D. Handisides	Appeal dismissed.
Coker, R.	28th April, 1896	7th July, 1896...	Not stated			
Bray, R. P.	30th April, 1896	7th July, 1896...	See statement C attached			
Wingham, J.	18th May, 1896	7th July, 1896	That decision was contrary to the evidence and the rules and regulations of the Railway service	41 15 6	His Honour Judge Ward and Messrs. H. Baxter and D. Handisides	Appeals dismissed.
Hughes, J. A. B.	18th May, 1896	7th July, 1896	Not stated			
Ory, J.	22nd June, 1896	15th July, 1896	Not stated	55 10 9	Messrs. J. C. Martin, S.M., and H. Davidson and T. Wilson	Appeal dismissed.
Tangney, T.	29th June, 1896	8th July, 1896...	See statement D attached	14 17 2	His Honour Judge Ward and Messrs. H. Baxter and D. Handisides	Appeal dismissed.
Smaller, W.	25th Feb., 1897	18th May, 1897	Not stated	18 12 9	Messrs. H. Eyre-Kenny, S.M., H. Davidson, and T. Wilson	Fine reduced to 30s.
Bradbury, M. C.	13th May, 1897	18th May, 1897	Not stated	12 4 10	Messrs. H. Eyre-Kenny, S.M., H. Davidson, and T. Wilson	Appeal dismissed.
Craven, H.	29th May, 1897	30th June, 1897	That the responsibility for putting up protection signals rests with the ganger	2 6 1	Messrs. H. Eyre-Kenny, S.M., H. Davidson, and T. Wilson	Appeal dismissed.
			Total	£202 15 1	exclusive of salaries and wages of members attending hearings.	

A.—(A. STUBBS.)

1. That Driver Wellings's complaint that the drain in question was affecting his well has not been substantiated.

2. Doctor Godfrey, of Waipukurau, condemned the well long before the drain was laid—viz., in February, 1894—at the time that a member of Fireman Seymour's family was suffering from typhoid fever, and gave it as his opinion that the well was polluted by drainage from Wellings's fowlhouse and other adjoining offices.

3. That Wellings now admits that it is more likely that the pollution of his well was caused through surface drainage in the immediate locality of the well.

4. That it would be impossible for any leakage from the new drain to find its way to the well, as it would have to filter through a bed of cement shingle a chain wide before reaching the well.

5. That it was unnecessary to have taken up a portion of the drain to determine whether any leakage was affecting the well. It would have been sufficient to have cut a short trench parallel to the drain at the turntable cesspit, the nearest point to the well.

6. That the fact of the inlet-pipe being slightly below the outlet-pipe at the above cesspit is not detrimental to the working of the drain.

7. That the very inferior pipes used in this portion of the drain would account for the slight leakage discovered, and also give the drain a crooked appearance.

8. That Mason Fee was off duty (ill) during the time this portion of the drain was laid, and the work had to be done by Labourer Nelson and Casual-labourer Hone.

9. That owing to the extraordinary amount of work being done on the section at this time, and the fact of my district being much enlarged—viz., by adding on the Manawatu Gorge length and the Foxton branch—it necessitated my being almost constantly away from head-quarters—a fact my diary for 1894 amply proves.

10. That during the time of Mason Fee's illness and my absence from head-quarters a carpenter was left in charge of the work, whose duty it was to put in the concrete-boxings for forming the cesspits and to generally supervise the work.

11. That the fact that this work being at head-quarters would not enable me to give the work extra supervision (but the reverse), owing to the small amount of time at my disposal being taken up with arrears of office-work, giving instructions to workmen, &c.

12. That the charge made against me of gross carelessness in carrying out the work is unjust, and that my application to review the correspondence referring to the complaints has not been acceded to, thereby placing me at a disadvantage in defending my character against the charges brought against me.

B.—(J. FOWLER.)

1. That I was not under the influence of drink as alleged.

2. That in any event I had no drink during working-hours, as alleged.

3. That the decision of the said officer at Invercargill is unjust and wrong, and against the weight of evidence.

4. That I was not guilty of any misconduct on the date alleged whereby I deserved or merited suspension or reduction in grade.

C.—(R. P. BRAY.)

1. That extra traffic during the holiday season was on.

2. The grain season was in full swing.

3. I am rated as a clerk and not as Stationmaster.

4. The assumption of the duties of Stationmaster with the carrying out of other ordinary daily duties was as much as ought to have been expected from me.

5. That under the circumstances it must be admitted that a great, and, as it proved, too great, a strain was put upon me by the presence of the auditor when the station was minus the head officer.

6. The long hours I had been on duty immediately preceding the accident.

7. I am twenty-two years of age, and if I had been appointed to the charge of a station it would have been, in the ordinary course of events, a third-class one.

8. Three other parties besides myself are implicated in the trouble.

D.—(T. TANGNEY.)

1. The decision is due to an inquiry held at Thornbury, Southland; such inquiry was not called to consider whether I was giving satisfaction to the department.

2. The inquiry was called by departmental notice on account of one Williams, then in my gang, complaining that on a particular date I was neglecting duty by being within a hotel during working-hours, and so keeping him twenty-five minutes behind the usual hour of knocking off. (I was instructed to delay the surface-men when necessary to suit casual hands at ballast train).

3. The complaint of Williams was, I maintain, not substantiated by evidence at the inquiry, as I was allowed to be present during the whole of the proceedings.

4. If the department was of opinion that the evidence at the inquiry convicted me, I received no notice on what part, if any, of that evidence I had been found guilty.

5. I was never charged at the inquiry "with failing to give satisfaction as ganger," although disrated and removed as the result of such inquiry.

6. If the department based the inquiry on the pretext of my not giving satisfaction, I received no previous official information of neglect of duty.

7. If I have actually not given satisfaction of late it is alone due to being called away from the regular surface work to labour for railway carpenters, masons, and ballast; or other members of the gang have been called away to do similar work, as departmental instructions show.

8. I have had fifteen years' experience on the length as ganger, and I maintain that the part under my charge at the time of disrating and removal was in good running order and equal to any in the western District of Southland.

9. I complain that the complaint of Williams should have been entirely severed from the question whether I was giving satisfaction to the department.

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