

123. You might be a fair-minded man, but leaving the personal element out of the matter, can you not see that probably the principal result of an appeal might be to force upon the owners of a tramway a man who, in their opinion, would be incompetent?—No, I think the tramway management would select a good man, and the union would select a good man, and if they did not agree as to their Chairman the Government would also select a good man.

124. Are you speaking of the present *personnel* of the Government or of any Government that might be in power?—I should say any Government that might be in power.

125. You say that a man named Veart was disrated, and that, in your opinion, he would not have been disrated if there had been an Appeal Board?—That is my opinion.

126. Do you know that Veart was disrated not for one accident only, but for two or three accidents within a very short time?—Of my own knowledge I do not know, but I would not dispute it.

127. Supposing he had had two or three accidents within a very short time, would that alter your opinion that he should not have been disrated?—No, because all the accidents Veart had must have been of a trivial nature.

128. Do you not see that, at all events, the management of the company thought that for a time, at least, Veart should not be allowed to be a motorman?—Yes.

129. Do you not see, therefore, that if your view is right that an Appeal Board would not have allowed him to be disrated, the man would have been forced upon the company—a man who, in their opinion, should not be allowed to hold a certain position?—My answer to that is this. The company, as far as I can see, takes likes and dislikes, and if they take a dislike to a man that man cannot do anything that is right, whereas a man they take to can do anything.

130. Supposing Veart had been reinstated by an Appeal Board, and had had an accident, the company would have been responsible if Veart had been negligent?—Yes.

131. Do you think, honestly, that is a fair position in which employers should be placed?—My contention is that there are men with worse records than Veart, and the company would accept their explanations smilingly.

132. When it is a matter of responsibility, whatever you may think as to whether the company is right or wrong, they are the people liable, and must be allowed to be the best judges?—No. My reason for saying this is that, as Mr Walklate has taken up an extraordinary position by saying a very bad conductor and a very bad motorman can make a very good inspector, and when you come to think that these inspectors can report men indiscriminately and get them dismissed, then I say they should not have that right.

133. Have you not had cases in Auckland where, after a careful and impartial inquiry, the management has come to the conclusion that the inspector has been wrong and the man reported was right, and the inspector was discharged?—We have. In two cases the directors settled the questions. The general manager unquestionably was very adverse to that decision.

134. And the directors overruled him?—Yes, in those two cases.

135. So you must, on behalf of the union, see that the men get fair play?—Yes; but it was not before there was very strong feeling expressed and very serious remarks were current throughout the whole service, and the men had determined that these two men had to go, and if they did not go there was a likelihood of the same trouble that happened in 1906 and 1908.

136. Take the case of Buckley, of whom you have spoken: you say he was disrated, and would not have been disrated by an Appeal Board?—In my opinion I do not think he would.

137. Taking the facts that you have given in evidence to Mr Rosser: if there had been an accident under those circumstances through which death had resulted, Buckley would have been guilty of manslaughter?—It would have been an utter impossibility for anything more serious to happen than what actually occurred.

138. Supposing somebody had been walking on the road and got jammed between the two cars—that was remotely possible?—Yes.

139. If such a thing had happened Buckley would have been guilty of manslaughter?—Yes.

140. Whatever you may think the accident was, I suppose you will admit this: that Buckley showed gross carelessness?—I would not say "gross carelessness," and while saying that I think he should have made sure the dog of the brake was in. But there is also the consideration of the time-table in this particular case. The man was pressed for time, and was doing his utmost to get back to town on his correct or schedule running-time.

141. Whether a man shows carelessness or gross carelessness, seeing that the owners are the people responsible, do you not think they should be the judges whether the man who has shown carelessness should be continued in the position he held?—I think there should be the equal representation that is provided in this Bill, and also that the Chairman should be appointed by an amicable arrangement or by the Government. Then I should say all would get fair treatment.

142. Why are you so strong on the appointment of the Chairman by the Government?—I say that in the event of no amicable settlement. I should hope for an amicable selection.

143. But you would not expect it very often?—I should hope, but I could not say what I should expect.

144. With regard to promotions, do you suggest, as I gather from your remarks about Bartlett, Buckley, and Neate, that promotions should be by seniority?—We have a clause in our agreement that seniority, suitability, capability, and record should be taken into account.

145. Do you not think the managers, by having these men under constant supervision, are the best judges?—My practical knowledge teaches me that they are not.

146. You think the unions are the better judges?—No.

147. You say that the employers are not the best judges, and the unions are not the best judges: I want to know who are the best judges?—In promotions the employers, as a rule, do not make the selections at all. The selection in Auckland is practically made by a chief inspector, and eventually the general manager generally gives his consent.