

dismissal. How long before had it come to your knowledge from the engineer that this man's conduct had been bad?—Two or three days prior to the man being discharged from the ship. I am not quite sure whether it was at Port Chalmers or Dunedin.

23. Well, as a matter of fact, the engineer did make verbal reports to you to the effect of his written report?—Yes, two or three days prior to the man's discharge. As a matter of fact, the engineers, before discharging men, tell me the reason for discharging, and if, in my opinion, there is no right or reason for the engineer discharging a man, I report the matter to the superintending engineer, who is my superior. That is in cases where I feel that a man is not receiving justice. The verbal report given in Graham's case was somewhat to the same effect as the written report made in May—almost a *fac-simile*.

24. *Mr. Fisher.*] What is the distinction, if any, between the terms "inclined to drink" and "sobriety fair"?—I should say that a man had been under the influence of liquor on several occasions, and muddled at his work. I would take that to be the meaning of it.

25. In both cases?—Yes.

26. You say the men know there are reports sent in every month regarding their conduct. They know of the report, but they know nothing of its contents?—No.

27. Does not that imply something of the nature of a secret service?—I do not see that it does, in this way: Where an engineer reports unfavourably upon a man, and he comes to me for further employment, I tell him why he was discharged from his last ship, and I also caution him that if it occurs again we will have to take stringent measures with him.

28. *Hon. Major Steward.*] As a matter of fact, did you tell Graham?—I told him when he came to my office to ask for further employment. I told him that if he had conducted himself properly he could have remained in the ship all his life, or as long as the ship ran. He was only taken back into the service on account of his family. He has a very decent family, and the superintending engineer knows them well, and it was owing to that fact that the man was taken back into the service.

29. *Mr. Fisher.*] Then, do you or do you not think that it indicates a very large power and control over all these seamen employed in New Zealand that a shipping company should have the power to pick and choose among the men in the colony?—I think it is only right and fair that a shipowner should have the right to choose the men whom he thinks fit to go into his vessel.

30. The point in that question is this: Is it or is it not a fact that the Union Company has a monopoly of the steamship trade in New Zealand?—I think that is not a fair question to ask me. It is outside anything before the business of the Commission. I think it is a matter for the Union Company to answer, not for me.

31. *Hon. Major Steward.*] I suppose you have read Graham's evidence?—Yes.

32. You will see that in his declaration made before a witness he says this: "On making application to the company's labour engager for further employment I was told by him that I would receive no further employment from the Union Company because I was too old to join the company's mutual benefit society, and there were numbers of men who were members who would get work before me." That statement is entirely incorrect?—Partly, and I will explain. Graham came to my office in Port Chalmers and said, "Well, what are you going to do for me? Are you going to give me anything to do?" I said, "I do not think so, Graham. You have not behaved yourself. If you had behaved yourself you could have remained in the 'Rotokino' as long as you wished, or as long as the ship ran. But you have misconducted yourself, and I cannot do anything for you." As regards being too old for the society, I was always labouring under the idea that he was not a member of a society. I said, "There are other men ashore who are members of our society"—I meant other societies as well as our own society; in fact, I lean more towards members of other societies than our own, simply to show that we do not wish to clash with them. "Other men," I also said to him, "are waiting for employment who are members of the society, and naturally they have the prior right to employment." So far as that goes, he is quite correct, but I did not know at the time that he was a member of any society, as I have clearly proved by these reports.

33. He is correct in saying the words you have now mentioned, but he is not correct in stating that is the only reason assigned?—That is not the reason assigned.

34. *Mr. Fisher.*] What are we to think, Mr. Kirby, of the statement of witnesses whose evidence diametrically contradicts yours? They are all examined on oath?—The only conclusion I can come to is that they have not been telling the truth. It is not my statement alone you have to take, but the statements of men holding positions which I consider the positions of gentlemen, and they would not lower themselves to put in a report against a man anything that was not true.

35. I am referring to your statement that you preferred men belonging to the society?—No; I said, "lean towards them," to show that we did not clash with the other societies, and to corroborate that statement I can, if you wish, bring forward the first secretary appointed—Mr. Rice—who will, I think, substantiate that part of my statement.

36. If we have evidence that goes to show that a member of the Hibernian Catholic Benefit Society was compelled to join the benefit society although he said he belonged to the Hibernian Society, what do you say?—If he was told that by any official of the Union Company's service the official did what was wrong. You had evidence to the effect that there was a circular sent out pointing out that members of other societies would be exempt from membership. The rules of the society distinctly state that, and I assure you, so far as I am concerned, and so far as the secretary of the society is concerned, that that rule has been carried out to the letter.

37. I am only putting to you the difficulty we will be met with when we come to contradict this contradictory evidence?—Seeing that I was the man who, with Mr. Ness, went on board all the steamers for the purpose of starting this society, and as we distinctly told the men that there