

180. But can they as a society take action?—I presume somebody can.

181. It is not like a joint-stock company, which has powers to sue and be sued, or like a friendly society: what position can it possibly take up?—I do not know the nice distinctions of law, but I see by the opinion of Mr. Sim that the society has a legal standing.

182. *Mr. Fisher.*] Mr. Sim's opinion is *ex parte*: he gives a reply to questions as they were put to him?—If the society has a legal status there must be some way to move the machinery.

183. *The Chairman.*] A receipt perhaps is given by the treasurer for your subscription as a member of the society. In your opinion, speaking as a layman, what power have you to recover that money if he refuses to acknowledge it. Mr. Sim stated that Mr. Fisher was wrong in saying the receipt was wholly valueless. Well, my opinion also is that it would be wrong to say the receipt was valueless—that is to say, it would have some value as a receipt given by you to me in the ordinary way. But do you consider the receipt is of value as a society document?—I do not think of it at all. I am quite satisfied with the receipt I get. I do not follow out anything that might happen to it.

184. Here is a man on a vessel, and a purser on that vessel gives him a receipt for his contribution. There is no doubt that receipt is not valueless as between purser and man. But what action do you think the sailor could take to make the society recognise he has paid that money supposing the purser did not pay it over?—Well, the purser is agent for the society in the collection of the men's contributions, and the purser would be responsible.

185. The purser is responsible to the man without any doubt?—The society would look to the matter, because the purser acts as their agent. The secretary is resident here, and cannot travel about, so the pursers of the various vessels collect the contributions, and they are handed over.

*The Chairman:* Questions have been asked witnesses as to whether they preferred the society registered or unregistered. Now, let me show the advantage of a registered society above all others. The Private Friendly Societies Act gives certain machinery by which a very easy process at law for the recovery of moneys, or fixing the financial status of any part of a society, can be arrived at. In the case of a private club, where three or four people come together and call themselves a society, which seems very much the position of the Union Company's mutual benefit society, that society would have only the ordinary legal process to go through, consisting first of an injunction to the Supreme Court to prevent the money from being put to a different use than was intended. For instance, say there is a case of expulsion, and a sailor wishes to justify his position as a member of the society, and will not regard his expulsion as valid: he would then have to move the Supreme Court before he could do anything: he would have to deposit £25, and go through a process which would be cumbersome and expensive to the last degree and beyond his means.

*Witness:* What do you mean by expulsion?

187. *Mr. Fisher.*] Suppose he does not keep his payments up, and the society strikes him off its books, and he objects on the ground that the purser has his money?—There would be no question about it if he has his receipt.

188. Suppose some other process in regard to this society has to take place, and the ordinary process of law has to be gone through: one person is trying to establish his rights in the ordinary law-courts at his own expense, and in the other case the committee or trustees have his funds to fight him with?—I do not see how the case could occur. If a man is in possession of his receipt that receipt is his warrant. If a man produces his receipt from the purser the society will be satisfied.

189. But what proof is there of such a thing? Suppose the committee should not do so?—Until you find the committee do not do so I do not think it is worth while considering what they may do.

190. *The Chairman.*] You will notice that there has been a great deal of evidence given to the effect that witnesses considered or did not consider that there is an unfair representation on the committee, because the Union Company have seven representatives and the men have only six, the casting-vote being in the hands of the chairman. No one has said that Mr. Mills would exercise his casting-vote, or ever has exercised his casting-vote, wrongly; but what we want to know is whether the power may be so exercised. Is it not a fact that such a state of things exists? I am trying to get out not what the company ever has done, but what the company could do if they chose?—Yes; but it is quite an assumption, I think, to say there are seven men on the one side and six on the other—I mean, the company's representatives are not in any way antagonistic to the men's representatives. Quite the reverse. The majority of the company's representatives are working-men themselves. When the society was originally started, and required organizing and putting into proper working-order, the Union Company nominated its officials for the committee, as these men were *au fait* with that sort of work; and they assisted very largely in putting the society on a good working basis. But as soon as it could run alone, so to speak, because it was purely in the business management that the nominees of the company took any interest, they withdrew from any active part. I myself and two other heads of departments were on the committee at first, but when all the clerical and office work was arranged we withdrew, and we were not re-nominated. Men on the wharf and men who would be more likely to be in touch with the seafaring and other men belonging to the society were appointed instead. So a majority of the Union Company's representatives on the committee are working-men like the seamen, firemen, and others.

191. Yes; we fully recognise that, and there has been no evidence given that of late years the working of the society has been influenced or coerced in any way by the direction of the Union Company. What we are trying to arrive at is that in the constitution of these rules the company has such an enormous preponderance of power. In the case of a crucial question arising between the men and the company, would not the company be able to settle all the matters of the society entirely from their point of view, whether the men liked it or not?—I do not think so.