

105. You consider that no man should be dismissed from his employment without a justifiable reason?—Yes.

106. And what is a justifiable reason is to be decided by the employee or the union of which he is a member?—Yes, and if the union considers it is not a justifiable reason they can submit the matter to the committee.

107. If an employer discharged a man whom he thought incompetent or who did not do sufficient work, and told him so, would that be a justifiable reason?—Yes; but the union might not consider it a justifiable reason, because it might consider him a competent man who did his work properly. Consequently, in such a case, the matter should be referred to a committee to decide.

108. Then, an employer is not to be the judge of whether a man is a competent workman or not?—If you leave the matter to the employer to decide you give him the whole power, and he can simply say he is dissatisfied with the man's work. You would not uphold that an employee should be discharged simply because an employer said that he was an incompetent man, when you knew that there were other motives.

109. Is it in the interests of an employer to discharge men who are competent and good workers unless there are strong reasons for doing so?—I should not think so.

110. Then why should an employer be found fault with for discharging a man who does not suit his purpose?—Employers are not all alike, neither are employees, and men who make themselves prominent in connection with their union may become obnoxious to their employer, and he may say "I will get rid of them."

111. Do you know of your own knowledge of any man who has been prominent in a union being discharged by an employer because of that?—I do not want you to confuse the employers with their foremen. There are many instances that I know of in my own experience where foremen have not called upon a man to work again, and this man has had to go through his union's secretary to the head manager and make representations to him, and the manager after looking into the matter has had him reinstated.

112. Have you any instance of an employer discharging a man for the reason stated?—I have never dealt directly with an employer.

113. Do you know of any man having been discharged because he was a unionist or promoted matters in connection with his union?—Yes. I know, and it was proved very conclusively, that a person who was most interested in the formation of our union in the Grey, and was one of the most capable workmen we had—who was sober and attentive to his work—received the lowest average of wages of any one who had equal intelligence and diligence. That man did not get a fair share of the work until the manager of the company interfered in his behalf.

114. But was he discharged?—No, but it was almost as bad. He had to eke out a bare existence because he was a member of the union and took an active part in its organization.

115. Have you any other instance?—I have known instances where men have been suddenly dropped for some reason, and have gone out of employment so far as the shipping companies were concerned. These men have picked up work from the Railway Department in the same industry, and were capable, energetic workmen. They were able to make good wages, but only under another department.

116. Do you say it was because they were members of the union, or took some part in connection with the union, that they were discharged?—As no reason was given, I could not say.

117. Then, practically, you know of no instance where a man has been discharged by his employer because he was a member of a union or was promoting any matter connected with his union?—No.

118. *Mr. Hardy.*] I want to know something about the recommendation you made in your evidence in reference to experts sitting with Magistrates and deciding cases of breach of awards?—Yes.

119. I did not altogether catch the reason that you gave for desiring experts to sit with the Magistrate?—I hold that a Magistrate is not conversant with the particular industry in which the dispute has arisen. In connection with our wharf-work, a man must have a practical knowledge of the work in order to enable him to decide what constitutes a breach, and a Magistrate may probably not know the difference between the midship wire, the yard-arm, and the winch-end. Consequently if he had men sitting alongside of him who had practical knowledge, they could make it clear to the Magistrate what the position was; and, furthermore, they could put questions to bring out points which the Magistrate, from want of practical knowledge, could not put.

120. But disputes are of such a nature, I presume, that they should be decided by some impartial body?—Yes.

121. Have you confidence in Magistrates generally?—Certainly, I have.

122. Are you a Magistrate yourself, by the way?—No, not even a J.P.

123. How do Magistrates, as a rule, decide cases?—I cannot quite follow you.

124. Is it not by the evidence that is placed before them?—Yes, I take it; all Judges do that.

125. Then, instead of having experts, who naturally must have a leaning to the side they represent, would it not be better for the expert to give evidence, and then, the Magistrate being an expert in the matter of evidence, he would be called upon to decide?—The issue lies with him in any case, and I say that the experts sitting with him would be able to examine witnesses on any special point that might arise, and make it clear to the Magistrate.

126. Would it not be better for the Magistrate to deal with the matter either by sworn evidence or affirmation, and then decide the case as it occurred to him?—He would be doing that. He would be sitting on the Bench.