

28. The Board then made no recommendation?—The Board made no recommendation, but left it in the hands of the Minister of Railways to deal with, and the Minister of Railways dealt with it. The effect of that was that if the Minister considered that the Department had done an injustice to the man, then the Board left it to the Minister to adjust, but the Board evidently was not of the opinion that an injustice had been done, otherwise they would have said so.

29. And did you communicate that to McKenzie?—McKenzie was told definitely, by direction of the Hon. Mr. Pitt, who was then Minister of Railways.

30. When was that?—Almost immediately—within a short time of the decision being given, and he was told many times subsequently.

31. But did not McKenzie lodge an appeal against the Department's action in not giving effect to the decision?—Not that I am aware of, but in any case the position had been settled by the Minister. The Minister in effect said the Department was right and he was not going to make any alteration; and as the case had been settled, whether a second appeal came in or not, what was the good of it. I do not know that an appeal was lodged—I am not admitting that.

32. Now, in regard to Harrington's case, I understood you to say that this man had not obtained the usual recommendation every year?—I said that Harrington had not been recommended for an increase for some years past, and that is a fact.

33. And was the reason stated by the head of the branch of the Department at Wellington?—We got every year, "Harrington not recommended," and we got that for many years.

34. And was no reason furnished?—The Department took the recommendation of the District Officer and the head of the branch, the same as it takes a recommendation in cases where the recommendation is favourable to a man. In Harrington's case we knew years ago from inquiries then made that Harrington and another man at Lyttelton who was in the same box were not satisfactory—that is, they were not worth more money than they were getting.

35. When this man was not recommended, then you would inquire into the reason, would you not?—When a man is not recommended year after year for a period of years and you know at the outset the reason, then you do not make any subsequent inquiries. If a man had been recommended and subsequently not recommended, then we would make inquiries to see in what way the man had fallen away from grace.

36. You said you knew at the outset the reason?—I said we knew years ago that a man was not regarded as being altogether satisfactory—that is, he was not worth more money than he was getting.

37. Was that the only reason?—As far as I know, it was.

38. But when that reason was given that he was not capable of earning or not worth more money, did you not inquire into it?—You are asking me to go back about twenty-four years, and I cannot do that.

39. You stated that the reason the man was dismissed was on account of drunkenness?—The man was dismissed because he was under the influence of liquor—he was drunk on duty.

40. Had he been drinking for years past?—I do not know about years past, but evidently the Stationmaster was not satisfied with him for some time past, and he cautioned the men in the shed that unless they reported the next case that came under their notice he would take the matter up against them.

41. Do you mean the first case of drunkenness?—I have already stated quite clearly what the position was.

42. I want to know whether the Department knew the man was drinking or not prior to this?—As far as the Head Office was concerned, we had nothing on record, although we knew the man was not worth more money than he was getting.

43. In this particular case, when it was found out by the Department that he had been drinking, and it was for that reason he was dismissed, was he actually dismissed from the service or suspended?—I think he was suspended and an inquiry held, and then he was dismissed, or he was suspended and admitted the offence, and was then dismissed.

44. Do you mean dismissed by the Punishment Board?—Dismissed by the Department, with approval of the Minister, in terms of the Act.

45. Is that after the decision was given by the Appeal Board?—The decision of the Appeal Board is not given until after the Department has taken action. A man has no ground for appeal until the Department has taken action, and that gives him the ground for appeal.

46. What is the exact point of time at which he was actually dismissed?—I cannot tell you to a minute when he was dismissed, but the fact remains that he was dismissed, and I think that is quite sufficient.

47. I want to know whether he was absolutely dismissed or only suspended. If he was suspended only, then section 64, subsection (b), does not apply; if he is dismissed, then it might apply?—Well, Mr. Ramsay, you are a solicitor and I am a layman, but if it comes to a question of reading this clause I will back my opinion against yours, and I say that until such time as the Department took action and dismissed that man, and he was dismissed, he could not have appealed.

48. *Mr. Ross.*] I should like to know, Mr. McVilly, if every man who desires to has a right to appeal?—In certain cases. Do you mean in trivial cases?

49. Assuming that a person feels he has a right to appeal, has he a right to do so?—Yes, the Department has never contended otherwise. At times men have said they would like to appeal because of so-and-so, and it has been pointed out to them from time to time that no appeal could lie, because they had no ground.

50. So that the Department takes upon itself to say whether a man has a right or not?—No. If a man thinks he has a right we invariably give him the right. There have only been one or two cases in which a man has been told that there is no good of his going on with an appeal.

51. So, in other words, the Department can prevent any man from appealing?—Well, the Department does not do it where a good and sufficient reason can be shown. The Department has