

1906.

WESTERN AUSTRALIA.

# ROYAL COMMISSIONER'S REPORT

ON

## CHARGES MADE AGAINST HIGH OFFICIALS

IN THE SERVICE OF

### The Western Australian Government Railways.

LAI'D UPON THE TABLE OF THE LEGISLATIVE ASSEMBLY BY THE HON. THE PREMIER  
ON THURSDAY, THE 4TH OCTOBER, 1906.

*Ordered to be printed.*

PERTH:

BY AUTHORITY: FRED. WM. SIMPSON, GOVERNMENT PRINTER.

1906.

46.

APPROXIMATE COST OF PAPER:  
Printing (300 copies), £32 13s. 9d.

## ROYAL COMMISSION.

WESTERN AUSTRALIA, }  
to wit,  
FRED. G. D. BEDFORD,  
[L.S.]

By His Excellency Admiral Sir FREDERICK GEORGE DENHAM BEDFORD,  
Knight Grand Cross of the Most Honourable Order of the Bath, Governor in  
and over the State of Western Australia and its Dependencies, etc., etc., etc.

To the Honourable ROBERT FURSE McMILLAN, a Judge of the Supreme Court of Western Australia.

### REETING:

WHEREAS it is desirable that a Royal Commission be appointed to examine into and report upon the matters hereinafter mentioned: Now THEREFORE I, Admiral Sir Frederick George Denham Bedford, G.C.B., Governor as aforesaid, do hereby appoint you the said the Honourable ROBERT FURSE McMILLAN to be a Royal Commissioner within the meaning of "The Royal Commissioners' Powers Act, 1902," sitting alone, for the purpose of examining into and reporting upon allegations made in a speech by Harry Edward Bolton, Esquire, M.L.A., in the Legislative Assembly on the twenty-second day of August, 1906, to the following effect:—

1. That Mr. William James George, the Commissioner of Railways, after it had come to his knowledge that certain officials of high standing in the Railway Department had unlawfully and with intent to defraud obtained the services of Government workmen during the hours they were paid for working in the service of the State, had knowingly suppressed such knowledge with intent to shield those guilty of such acts aforesaid contrary to the tenor of his duty.

2. That Mr. William James George, the Commissioner of Railways, after it came to his knowledge that certain high officials had unlawfully and with intent to defraud, procured the services of workmen, whilst engaged in the workshops and during the hours they were paid for working in the service of the State, to make furniture for such high officials for their private houses, and windmills for their gardens and farms, and fittings for their motor and steam launches, had knowingly suppressed such knowledge with intent to shield those guilty of such acts aforesaid contrary to the tenor of his duty.

3. That certain high officials in the Railway Department, meaning thereby Mr. John Tregarthen Short, the Chief Traffic Manager, and Mr. George Alfred Julius, Chief Draftsman, had unlawfully, and with intent to defraud, procured certain workmen whilst engaged in the workshops and during the hours they were paid for working in the service of the State, for the purpose of making furniture for their private houses, and windmills for their gardens and farms, and fittings for their motor and steam launches, and that such high officials had thereby acted illegally and contrary to the tenor of their duty.

Liberty is reserved to the Commissioner to receive evidence in relation to and to inquire into and report upon any other charges against any other person or persons arising out of or being part of the matter of the said speech.

AND I DO HEREBY desire and request that you do, as soon as the same can conveniently be done (using all diligence), report to me, in writing, your proceedings in virtue of this Commission.

Given under my hand and the Public Seal of the said State, at Perth, this fifteenth day of September, One thousand nine hundred and six.

By His Excellency's Command,

NORBERT KEENAN,  
Attorney General.

Judges' Chambers,  
Perth, 4th October, 1906.

To His Excellency Admiral Sir Frederick George Denham Bedford, Knight Grand Cross of the Most Honourable Order of the Bath, Governor in and over the State of Western Australia and its Dependencies, etc., etc.

MAY IT PLEASE YOUR EXCELLENCY,

As the Royal Commissioner appointed on the 15th day of September, 1906, for the purpose of inquiring into and reporting upon allegations made in a Speech by Harry Edward Bolton, Esq., M.L.A., in the Legislative Assembly, on the 22nd day of August, 1906, I have the honour to submit to you the following report:—

1. I held three sittings and took the evidence of 35 witnesses, and a large amount of documentary evidence was tendered. Notes of the evidence taken are appended to this Report, and a list of the documents put in is set out in the Schedule.

I decided to admit the Press, and at the first sitting invited any persons who could give information relevant to the inquiry to communicate with me.

2. Mr. Bolton was present at all the sittings, and gave evidence at the first sitting to the effect that his speech was correctly reported in *Hansard*, and that the high officials against whom the charges were made were:—

Mr. GEORGE, the Commissioner of Railways,

Mr. SHORT, the Chief Traffic Manager, and

Mr. JULIUS, the Chief Draftsman.

He informed me that he knew nothing of his own knowledge about the charges, and that he had given me the names of all those persons who were able to give any evidence in support of them.

He stated that the charge against Mr. George was that he suppressed the knowledge which he had of the misconduct of Mr. Short, of Mr. Julius, and of Foreman Baker.

3. The charges against Mr. Short, as disclosed by the questions put by Mr. Bolton to the witnesses who were called, were that he had had certain repairs done to his launch, and a battery fitted by men who were employed and paid by the Government, and that he had had a dinner wagon made at the Government Workshops.

The witnesses who were called to give evidence as to the dinner wagon denied that they had taken part in the construction of one, or that one had ever been made in the workshops. It appeared from the evidence of the witnesses who were called, and whose testimony was supported by the documentary evidence put in, that the repairs were done by George Vaux and a boy called Cyril Woods in their own time, that the battery was purchased for Mr. Short and fitted by John King, an electrical foreman, in his own time, and that in neither case were any Government tools or material used. Vaux and Woods were paid by Mr. Short, while King did the work in a friendly way.

4. The charges against Mr. Julius were that he had had some ornamental turning done for him for his private use by Carl Siefken in the wood-turning shop; that he had had some furniture painted by Charles Happ, and some furniture polished by Henry Dunstan, two men engaged in the workshops and paid by the Government.

From the evidence it is clear that Siefken had no knowledge of the purpose for which the turnings were required, and that they were in fact used for public purposes. The work done in connection with the furniture was done by the men in their own time and with their own materials, with the exception of paint to the value of 5s. This paint was improperly taken by Happ from the Government workshops; but Mr. Julius believed that it belonged to Happ, and paid him for it.

5. From the conclusions which I have stated, it follows that there was no misconduct on the part of Mr. Short or Mr. Julius the knowledge of which could be suppressed by Mr. George.

As to the Baker case, I am satisfied, after hearing the evidence of the Solicitor General, that he was responsible for the procedure adopted. Although Mr. Sayer's recollection of the nature of the articles taken, and of Baker's length of service, was inaccurate, his evidence is in all material respects fully supported by the documents to be found on the file. Mr. George at once took the necessary steps to ascertain whether there was any truth in the charge against Mr. Julius. He had the matter fully investigated, and Mr. Julius's house was searched. He also used every endeavour to obtain information from persons who were making charges. I find, for instance, from the file in Baker's case, that he wrote four letters to the editor of the *Railway News*, in which a paragraph had appeared on 20th January, 1906, to the effect that higher officials than a foreman were implicated, asking for information. To these letters he received no reply.

6. The only information volunteered in response to my invitation was to the effect that Mr. Evans, the workshop manager, had used the services of men employed in the workshops to collect soot and cart it to his property, and that more would have been taken if Mr. Evans had not found that he was being watched. The evidence showed that there was no truth in the charge.

7. Although some of the witnesses called on this part of the case were, not altogether to be relied on, I am satisfied that there is a certain amount of pilfering by employees. The fact is recognised by the officials, as is shown by the rules and notices dealing with the removal of railway material, and every endeavour is made to prevent it. The files show that a careful inquiry is made when any pilfering is discovered or suspected. After going through many files, I am unable to find anything to support the suggestion that these acts were connived at or condoned by the high officials, or that any men have been dismissed because they have given information. There are cases of dismissal where the charges have been ascertained to be unfounded, and have been attributed to ill-feeling against the person accused.

8. An inquiry into the charges against leading-hand painter Flint is not, in my opinion, within the scope of my Commission; but as they formed a somewhat prominent feature of the inquiry, it is, I think, only fair that I should say that they were not substantiated.

9. After carefully considering the verbal evidence, and reading a mass of documentary evidence, much of which seemed to be quite irrelevant, but which I thought might possibly give me the clue to some material information, I have no hesitation in saying that there is not the slightest foundation for the charges made against Mr. George, Mr. Short, Mr. Julius, or any other high official in the Railway Department.

R. F. McMILLAN.

# SCHEDULE OF DOCUMENTS, etc.

## FILES OF CORRESPONDENCE.

- W.R. 186/06.—W. R. Baker, Carriage Foreman.  
 W.R. 186/06, Part 2.—W. R. Baker, Carriage Foreman.  
 C.M.E. 06/664.—W. R. Baker and W. Fielder, services dispensed with.  
 C.M.E. 842/06.—*Re* J. Flint, Leading-hand Painter, and F. Harrison, Car Builder.  
 W.R. 788/06.—J. Flint, Leading-hand Painter.  
 W.R. 874/06.—F. Harrison, Car Builder.  
 Workshops, W.R. 06/449.—*Re* the Baker case.  
 C.T.M. 6147/04.—G. Vaux, Foreman—Application for leave.  
 C.M.E. 04/1730.—C. Wood, Junior—Application for leave.  
 W.R. 518/04.—John Thomas, Tarpaulin Maker.  
 3824/06.—Donald Scullen, Tarpaulin Maker.  
 C.M.E. 06/3376.—Donald Scullen and John Thomas, Tarpaulin Makers—Charges against.  
 C.T.M. 14543/03.—Conduct of Sheet-hand McCormack, Tarpaulin Shed, Fremantle.  
 D.S. 19718/01.—McCormack—Appeal against Scullen.  
 P.M. 14843/02.—Conduct of D. McCormack, Tarpaulin Shed.  
 P.M. 17376/02.—Question of promotion of Scullen.  
 C.M.E. 06/4242.—Electroplater C. Moore doing private work during hours of duty.  
 C.M.E. 06/2080.—Night Watchman H. Higgs.  
 C.M.E. 06/1936.—Harrison, Edwards, and Dillon—Alleged pilfering from Workshops.  
 C.M.E. 1902/909 }  
 W.R. 3149/06 } E. Hilferty, *ex-Lo*co. employee.  
 C.M.E. 725/06 }  
 W.R. 2612/06 } Allan Mathieson, Machinist, Loco. Branch—Alleged pilfering.  
 C.M.E. 06/3783 }  
 C.M.E., 06/1824.—Repairs and Day Watchman Jacobs.  
 C.M.E., 06/646.—Jacobs—appointment of.  
 C.M.E., 1208/06.—*Re* Branding Government Material.

## JACKSON ORR.

### *Summary of Appeals and précis.*

- W.R., 3521/06 }  
 G.M., 19921/02 } Jackson Orr, late Clerk, Loco. Branch.  
 C.M.E., 01/2847 }  
 W.M., 01/431 }  
 C.M.E., 00/3808 }  
 W.R., 2881/03 }  
 G.M., 4040/00 } Staff changes in the Workshop.  
 W.R., 4413/00 } Manager's Branch.  
 W.R., 243/04 }  
 C.M.E., 01/3363.—Mr. Jackson Orr, *re* Clerk in C.M.E. Office impersonating the Editor of the *Morning Herald*.  
 G.M., 16356/99 } Workshops working five days a week only.  
 C.M.E., 98/7042 }  
 C.M.E., 05/1713.—*Sunday Times re* "One man one job." Pass out chits for Marquand supervising Mr. Kirkbride's house.

## Statements.

- (1.) Charges by Mr. Bolton—Statement showing action taken by the Commissioner in the case of irregularities brought under his notice.
- (2.) Record of instances of theft, etc.
- (3.) Extracts from *Hansard*, with remarks of Commissioner of Railways.
- (4.) Workshops and other Rules and Regulations, including the *Weekly Notice re* removal of railway material.

E.E.L. 5280/06.—D. McSwan. (Personal.)  
 W.R. 4998/06.—D. McSwan.  
 W.R. 5316/06.—R. Bennie.  
 E.E.L. 1697/06.—R. Bennie.  
 G.D. 112/06.—R. Bennie.  
 W.R. 687/05.—Railway Motor Cars.  
 2029/06.—Motors. Construction of one by Resident Engineer at Geraldton.  
 E.E.L. 2178/06.—Motor Car constructed by Resident Engineer.  
 G.D. 639/06.—Motor Car.

*Re CHARGES AGAINST JAMES FLINT (Leading-hand Painter).*

Photo. of Aviary in question.  
 Receipt, Union Stores, Fremantle, for netting.  
 " J. M. Ferguson, Ltd., timber and iron.  
 " Clarke & Siefken, turned pillar and timber, etc.  
 Diaries of Flint, in which entries for paint and varnish appear.  
 Plan of Flint's residence.  
 Duplicate specifications of works *re* above residence.  
 Large bundle of vouchers for materials, including receipts for paint, etc.

*Re CHARGES AGAINST MR. J. T. SHORT.*

Butts of two 30 cheque books showing payments to Vaux and for battery fixing for boat, etc.  
 Receipts in connection with boat repairs, General Electric Engineering Co., Fred. Metters & Co., Guthrie & Co., Ltd., T. R. Hill, Bunning Bros., J. & W. Bateman with invoice. Receipts invoice for freight on carriage of goods.  
 Pay sheet showing Vaux's time and pay in March and April, 1904.  
 Time sheet of C. T. Wood, who assisted Vaux.  
 Charles Marquand's time sheets from 23rd October, 1904, to 30th June, 1905, with pass out chits during that period.  
 JACKSON ORR.—Papers handed into Commission and a statement to the Royal Commissioner.  
 J. A. PENSON.—Specifications, etc., for cottage at Cottesloe. Graves' contract for painting and receipt. Sandover's receipted bill for colour, oil, etc., for painting.  
 Copy *Evening Mail*, Friday, 19th January, 1906.  
 Copy *Evening Mail*, Saturday, 20th January, 1906.  
*Weekly Notice* No. 39 (28th September, 1906), *re* removal of railway material.  
 Letter, Solicitor General to Royal Commissioner of 2nd October, 1906.

## REPORT OF EVIDENCE

TAKEN AT THE

*Royal Commission appointed to inquire into the charges  
against Railway Officials in the Western Australian  
Government Railways.*

24TH SEPTEMBER, 1906.

Commissioner: MR. JUSTICE McMILLAN.

Secretary: R. H. GOODMAN.

SECRETARY reads Commission.

MR. JUSTICE McMILLAN: I am sitting here under the powers conferred upon me by the Commission which has been just read. It is my purpose to inquire into charges which are contained in a speech made by Mr. Bolton in the Legislative Assembly lately. In that speech it is clear that one of the persons whose conduct is complained of is the present Commissioner of Railways, besides whom other high officials were mentioned, and, in the Commission it is alleged that those high officials are Mr. Short and Mr. Julius. The names of the latter two gentlemen are not to be found in the speech of Mr. Bolton, but I wish, however, to ascertain from Mr. Bolton whether they are the officials to whom he referred. If they are not, or if it should be found in the course of this inquiry that there are other officials whose conduct was referred to in that speech by Mr. Bolton, I am in a position to inquire under my Commission into any charges which may be brought against any persons by that speech. I am in a somewhat difficult position, seeing that there is no one who is responsible for presenting the case to me. Mr. Bolton has undertaken to give me any information and any assistance in his power, but if no person is prepared to give any evidence on this matter personally, or to refer me to any persons who have knowledge of the matters with which I am concerned, or to refer to any documents which are material, my position will be more difficult; if there are such persons I shall be very glad of their assistance. I have already had information, and offers of information from various quarters; but it must be remembered that I am not sitting here to inquire into the general working of the Railways Department in Western Australia, my powers being restricted to those definitely expressed in my Commission. I shall, however, be glad to receive any information or evidence which

may either directly or indirectly affect the matters in issue before me. I propose, in the first place, to call Mr. Bolton in order to ascertain from him definitely the persons against whom the charges are made. I shall then hear the evidence of several witnesses who, I am told are, in a position to throw some light upon this matter; and I shall call for various files to which my attention has been drawn; the course of the subsequent proceedings will depend very much upon what happens at to-day's inquiry. If necessary we may have to adjourn over to-day, and I shall, if necessary, be prepared to give an adjournment of sufficient length to give the opportunity of producing persons who may be able by their evidence to assist me in this matter.

MR. GEORGE: I presume it will be competent for me or for any other gentleman concerned in this Commission to ask questions of the various witnesses. If the allegations contained in Mr. Bolton's speech, and more specifically mentioned in your Honour's Commission, are true, neither Mr. Short nor myself are any longer fit to hold our present positions. But however this may be, I think it is only fair that in reply to the grievances mentioned we should be allowed to protect ourselves, and to some extent deal with the witnesses against us and the evidence which they bring forward—we cannot be expected to listen to the allegations made by Mr. Bolton and take no notice of them, seeing that our honour is concerned very seriously in this matter. Personally, I feel the attack more on behalf of the officials who are associated with me than any attack which has been made upon myself; and I think that both I and any or either of those officials should be allowed to cross-examine the witnesses brought to prove the allegations made by Mr. Bolton. Personally, I can only say that whatever the scope of your Honour's

Commission may be I shall be only too pleased to go to any length to assist a thorough investigation of this matter, and I feel sure that both Mr. Short and Mr. Julius will do the same. My only desire is that this matter should be thoroughly thrashed out.

Mr. JUSTICE McMILLAN: Our first duty is to satisfy ourselves as to the identity of the officials attacked. When this has been ascertained, each official will be given full opportunity of asking questions of the people giving evidence against them.

Mr. GEORGE: I take it that I, as Head of the Department, will have the right to concern myself more particularly in this matter.

Mr. JUSTICE McMILLAN: I agree with you that every witness will affect you more or less, seeing that the charge against you is that you suppressed such knowledge as you had. It will therefore be important for us to find out what knowledge they can fit you with, and, therefore, I think you, Mr. George, should be allowed to cross-examine every witness.

Mr. GEORGE: After what your Honour has said, I am quite prepared to leave the matter in your hands.

Mr. JUSTICE McMILLAN: That is satisfactory. If, however, I think there is nothing in the evidence of any witness which requires cross-examination I shall take the liberty of stopping you or anyone else from exercising the powers of cross-examination; and I have no hesitation in saying that cross-examination of witnesses who have been examined to a purpose before me, and whose answers I have heard, will not affect me very much, seeing that I shall take the province of cross-examiner in my own hands to some considerable extent. We will call the first witness.

HARRY EDWARD BOLTON, sworn:

Mr. Justice McMillan: You made a speech in the Legislative Assembly on the 22nd of August this year in connection with a motion put forward by you in regard to the Railway Workshops inquiry?—Yes.

Do you admit that your speech is correctly reported by "Hansard"?—I do.

You have heard the Commission read, and you have noticed in the Commission that two names are given as those of high officials referred to in your speech?—Yes.

Is Mr. J. T. Short one of the officials to whom you referred?—Yes.

Is Mr. Julius another of the officials referred to by you?—Yes.

Have you got a copy of your speech?—Yes. I would like to know what documents have been or are to be handed to you in regard to this matter.

That information will be supplied to you. At the beginning of your speech you say with regard to the Commissioner that he did not take action against the high officials who were to blame in a certain case, but that he was very proud of the action taken against four working men, and that he left the higher officials go in a previous case?—I was then referring to the Baker case.

The Baker case was the one you referred to as having been inquired into last January?—Yes; and in passing, I made reference to the recent case in which some railway men were made to suffer for an alleged stealing of fruit.

What was the "previous case"?—If you read it in the way I intended it to be understood, I meant to say

that in the previous case, meaning the Baker case, the Commissioner did not take action of the officials who were to blame in that case, but that he had taken action in the latter case.

That is sufficient. I was afraid from the reading of the *Hansard* report that there was another case into which I should have to inquire. However, you refer time after time to higher officials, and I should like to know whether there were any other higher officials except Mr. George, Mr. Short, and Mr. Julius to whom you wished to refer in your speech?—There are several others, but they are not in such high positions. The matter was more specially concerning Mr. George, Mr. Short, and Mr. Julius.

Were there any others in your mind at the time whom probably you designated as high officials?—No; the others were only subordinate.

On page 1205 you are reported to have said, "The inquiry was suddenly stopped, and I have it on good authority that at least one high official, a very high official in the Railway Department, was sent for to attend on Mr. George for an interview to explain some evidence that had been forthcoming at the Departmental inquiry. I also have it on the same authority that this gentleman thought it better not to attend, and did not attend, though requested to do so by the Commissioner of Railways." To whom were you referring?—From the information conveyed to me I was referring to Mr. Short.

Before you made this speech I understand you had read the articles in the *Evening Mail*?—Yes.

Did you know at all what authority there had been for these articles?—No. When that was published I was away in the North-West.

You simply took the articles as they came to you in the paper?—Yes.

But apart from that I understand you have received information from certain persons?—Yes.

Do you of your own knowledge know anything at all about the charges which are contained in this speech?—No.

Have you given me the names of all those persons who, in your opinion, are able to give any evidence in connection with this matter?—As far as I know I have; but I expect the number may be added to.

Have you given me the names of all those who were in your mind at the time you made that speech and from whom you have received information since?—The names that I have given you are not necessarily the persons who gave the information to me.

Are they the only persons who are able to give evidence at first hand upon these matters?—Yes.

Do you wish to add anything?—I have nothing to add.

Then I understand the position clearly to be that you are not here to say anything of your own knowledge, and I have now satisfied myself as to the identity of the officials whose conduct is complained of and of whom you have given me all the information at present in your power, and all the information that was in your mind at the time you made the speech?—That is so.

My attention was called to the name of a foreman called Bennett—should that not be Benny?—Possibly. The railway officials will be able to help you.

Mr. GEORGE: I think it is Benny.

Mr. JUSTICE McMILLAN : So far as I can see, Mr. George, there is no need for you to ask any questions, seeing that Mr. Bolton has said that he knows nothing of this matter of his own knowledge, but is simply here, as he was in Parliament, to introduce the matter.

Mr. GEORGE : Only this, that Mr. Bolton said that besides Mr. Short, Mr. Julius, and myself there were other high officials to whom complaints could be made.

Mr. JUSTICE McMILLAN : In subordinate positions.

Mr. GEORGE : We should like to know who they are. I cannot condone offences committed by Mr. Short, Mr. Julius, subordinate officers, or myself. I think it is only fair that, with this attack before me, I should be allowed to go into this matter.

Mr. JUSTICE McMILLAN : You think, perhaps, that the speech made by Mr. Bolton charged you with having suppressed information against subordinate officials, and if so it may be material on that point. Mr. Bolton, could you give us the name of any subordinate officials who you are informed are implicated in this matter, and whom you cannot describe as high officials ?

Mr. BOLTON : I have a reason for not doing so. The evidence which will be brought forward here will possibly mention other officials, but until then, I refuse, with respect, to give any further particulars.

Mr. JUSTICE McMILLAN : Then we may take it, Mr. George, that the only charge against you at present is that you have suppressed matters with regard to the conduct of high officials.

Mr. GEORGE : That may be very well as the matter now stands, your Honour, but this gentleman has made a speech in Parliament, and he has supplemented that here by including other officials to those he said he had in his mind when he made that speech. I do not think that it would be fair to me to allow him now to shield himself in a cloak of silence. There was no cloak of silence assumed by him when he spoke in Parliament.

Mr. JUSTICE McMILLAN : We have been told by Mr. Bolton that at the time he made that speech he knew nothing about these matters, but he has heard something since. What I wish to do is to know something about the matters which were in his mind at the time he made the speech. Let us deal with them first, and every opportunity will be given you to deal with anything else afterwards.

Mr. GEORGE : If, as Commissioner, I make a charge against any man, I am compelled to substantiate that charge before an Appeal Board constituted by Statute. I am now in that position, and this Commission, so far as I am concerned, is really an Appeal Board—indeed higher than an Appeal Board, because it is the highest Court before which I can hope to deal with this matter. Mr. Bolton has not only come here to deal with the charges he made, without due inquiry, in Parliament, but he says that he will go into further charges. If that is to be the position taken up by Mr. Bolton, I do not think he should be allowed to leave the box until he gives you the names of the subordinate people to whom he has referred. It is idle for him to say with one breath that he knows nothing about these things, and with the next breath to say that he is keeping something back of which he may have knowledge. I want to know the whole matter.

Mr. JUSTICE McMILLAN : Do you say, Mr. Bolton, that Mr. George suppressed the knowledge which he had of the misconduct of any officials, whether high or low in connection with the Government Workshops ?

Mr. BOLTON : In connection with the Baker case I do. Mr. George knows that well enough.

Mr. Justice McMillan : Who was the official, high or low, in the Baker case ?—Mr. Julius is specially mentioned upon the file, and I was given to understand that Mr. Short was also mentioned on the file.

Who were the subordinates ?—Baker himself. No private inquiry was ever taken in hand with regard to Baker.

Mr. George wishes to know, and so do I, the names of all the officials whose misdeeds he is accused of having suppressed ?—I know of no others except Mr. Short, Mr. Julius, and Baker.

Mr. GEORGE : In view of what Mr. Bolton has said that will not suit me as Commissioner of Railways. I am the head and representative of some six thousand men, and the reputation of every man in the Service is as dear to me as my own. I want to know now what officials, whether subordinate or otherwise, are accused.

Mr. JUSTICE McMILLAN : I will not be led into a general inquiry of that sort, because if I were I might have to listen to the complaint of every man who has worked for you for years past. My powers under this Commission are limited, and I am only called upon to say whether or not Mr. Bolton's charges are correct.

Mr. GEORGE : Mr. Bolton said he had given the names of all who were in his mind when he made the speech, and of all those who would give evidence at first hand, but that does not get away from the fact that he has reserved to himself the right later on to bring in others. I wish to cross-examine him to know who these others may be.

Mr. JUSTICE McMILLAN : I fear you are going too far, Mr. George. I have no right to sit here and inquire whether Mr. Bolton was right or wrong in making that speech. Unless the people whose names Mr. Bolton has given me can tell us something of their own knowledge they are no use to us. If there are others who may give us information on this matter they must come here. I am going to confine my inquiry to Mr. Bolton's speech and to the evidence which is brought before me by either you or Mr. Bolton. As the matter now stands I can see little or no use in your further cross-examining Mr. Bolton. If necessary Mr. Bolton may be called again, but at the present time I propose to go on with the next witness.

*The witness retired.*

#### GEORGE VICTOR VAUX, SWORN.

Mr. Bolton : I understand you are a bit of an expert boat builder ?—I am able to do boat building, but am not a boat builder. I am foreman of the Goods Sheds.

Did you alter a launch at any time for Mr. Short ?—Yes.

When was that ?—In March, 1904.

What was the nature of the alterations you did ?—A general overhaul.

How long did it take you ?—I think about thirteen days.

Were you in the employ of the Government at the time ?—No, I was on leave.

What leave?—Leave that I applied for. I was not paid by the Railway Department whilst I was employed on Mr. Short's launch.

What leave was it?—I was on extended leave. I have been thirteen years in the service, and I was entitled to fourteen days' leave if I asked for it.

Did you apply for special leave to do this work for Mr. Short?—I applied for special leave for holidays.

When did you resume duty?—At the end of the fortnight.

Would there be a file in the Department showing that you applied for leave to do this work?—There would be a paper in the Department that I applied for fourteen days' leave.

Who allowed you the leave to do the alterations to the boat?—No one knew I was going to do the boat.

Why were you allowed to leave at all?—Because I asked for it.

No one knew for what you got the leave?—No. I was entitled to leave. Anyone in my position could have fourteen days' extended leave. I could have had it to make a boat for myself.

How many days holiday do you get in the year?—Twelve days.

Taken at the one time?—No, every public holiday counts as one of these days.

What leave are you entitled to in addition to public holidays?—Four days good conduct leave.

Does not your annual leave mean fourteen days at one time?—No.

You only get gazetted holidays?—Gazetted holidays and good conduct holidays.

Then these fourteen days were a special extended leave?—No. I could have got that extended leave in case of sickness.

After you completed this boat you resumed duty?—Yes, within a day or two.

Mr. George: Have I ever had anything to do with you before?—I do not think we have ever met.

Have you ever been before me for misconduct or to ask for a rise in wages?—Not that I remember.

You applied for extended leave?—Yes.

You have certain holidays the same as other railway servants have during each year?—Yes.

Whether you get extra leave depends on whether the department can spare you?—Yes.

You applied for fourteen days extended leave without pay?—Yes.

Had you any special reason for asking for that?—I intended to work on Mr. Short's boat when I asked for the leave.

You knew Mr. Short had a boat which wanted repairing?—Yes.

And you, being a good hand at the business, you were applied to to do the work?—Yes, I knew Mr. Short wanted it done.

By whom was the leave granted?—I applied through the proper official to get this leave.

Did you receive any pay from the department during that leave?—None whatever.

Having got this leave the Department would have to pay someone to do your work?—Yes.

Would that result in loss to the Department?—No.

Would it cost the Department any more money to pay a substitute to take your place?—No.

What wages were you getting?—12s.

What did the man get who relieved you?—I believe he got 9s. 6d.

You got this leave for the purpose of going to Guildford to do these repairs to Mr. Short's launch?—Yes.

Did you use any material in the repair of that boat?—Yes.

Where did that material come from?—The copper I used upon the boat came from Guthrie & Co., Fremantle; the timber from Bunning Bros.; the copper nails from Bateman & Co., and the paint came from John Church's at Fremantle.

What tools did you use?—My own personal tools.

No Government tools?—None whatever.

Was any Government material used upon that launch in any way?—None whatever.

Were you paid for your work?—I was paid for my work by Mr. Short by his own cheque, which I endorsed.

Did you ever use any Government timber in doing Mr. Short's work?—No.

With regard to the Regulations as to holidays, is there anything which compels you to spend your holidays in any particular way?—Nothing whatever.

Nothing to prevent you doing just as you like?—Nothing.

Have you known other men apply for extended leave without pay?—Yes.

Is it not arranged between the Commissioner and the employee that extended leave may be granted on these terms?—It is.

If you applied for extended leave without pay and it is refused by your next highest official would you not have the right of appeal?—Yes, if I wanted it very badly I would appeal to the Commissioner.

The Commissioner is supposed to have the power to grant leave where other officials have not the power?—Yes.

Have you ever appealed to the Commissioner in this respect?—I never found it necessary.

Mr. JUSTICE McMILLAN: Does Mr. Short wish to ask any questions?

Mr. SHORT: No, everything the witness has said is correct.

Mr. Justice McMillan: When was this work done?—I think I got the cheque about the 29th March.

What was the amount?—About £12, as far as I remember.

You endorsed the cheque?—Yes.

Mr. Short: My cheque book shows that on the 26th March, 1904, I paid you £12 10s.—I cannot swear to the amount, but that is about correct.

Mr. George: Was that £12 10s. paid you for work done in your own time, or would it include any other time?—I had a young lad assisting me and his time was included in that.

Was it a better rate of pay than you would have got if you worked for the Department?—Yes. My share of that cheque was £9 10s., and had I been working for the Department during that time I should have received £7 4s.

Working on that launch you were practically a skilled man doing skilled work for which Mr. Short paid you accordingly?—Oh, I suppose so. I cannot say that I am a skilled workman.

It was Mr. Short's generosity?—I think he was generous, because I am not a skilled tradesman.

Mr. Bolton: You made reference to an application for extended leave?—Yes.

Was it not special leave?—It was the leave we are entitled to after having been a certain number of years in the service.

Would not you rather call it special leave than extended leave?—You might call it special leave.

Of the £12 10s. you received £9 10s. and the young lad the balance?—Yes.

The material used came from the merchants you have mentioned?—Yes.

How do you know that?—Because I purchased it.

Who paid for it?—Mr. Short. I purchased the paint from Church's, and I think I also purchased one sheet of copper. The other accounts were sent in to him direct.

Mr. Short: I would like to be permitted to mention, your Honour, that my cheque book states, "Services of G. V. Vaux and boy for repairs to boat, £12 10s." I can produce the receipt from Bateman and Bunnings Brothers now, and with regard to the other material I can produce at any time the other receipts.

#### R. B. STOKELD, SWORN.

Mr. Bolton: You were foreman brass moulder some years ago in the Loco. Department?—Yes.

When you were working where did you get your orders from?—They came through the Works Manager's office.

Always?—Yes.

Did you get an order for every job you did?—It was usually brought to me, but it would be found in the Works order box.

Have you never found it necessary to go to the boss for a Works order number?—Yes, because sometimes the order book may not have been entered up.

It has been reported that a dinner wagon was made for Mr. Short some years ago, and that you made the wheels upon which that dinner wagon ran?—To the best of my recollection that is incorrect.

Could you find information of that job in the Works Order book?—If I did anything of that kind it would be in the Works order book.

Why are you so positive?—Because I have no recollection of that kind of thing being done.

If I described the wheels would it help you?—Yes.

They were brass wheels to run upon spindles, grooved for rubber tyres, and were supposed to have been handed by you to another man to finish with the wood work?—I have no recollection of doing such a job. The only wheels I recollect making were made for the blue print frames used in the drawing office.

Would you recognise such wheels if you saw them, having made them?—If they were in the rough.

They would be on the frames now?—More than likely.

Would you be able to recognise them if you saw them?—I do not think so.

Is not that peculiar?—You cannot always tell your own work. If I was shown them I could say whether I recognised them or not, but now I cannot say whether I would recognise them or not.

Have you found it necessary when working for the Government to do what is known as "foreign" orders for the fitters engaged upon certain work. Have you not sometimes had to do work for which you got the order afterwards?—Yes; if you had to do work in a hurry the Works order was not always given you before you did it.

So it would hardly be correct to expect such work to appear in the Works order book?—It would be entered up afterwards.

In every case?—I think so.

You have no recollection of making those wheels?—Not the slightest.

Mr. Bolton: That is all I have to ask this witness until I call a further witness, after which I may have to call this witness again.

Mr. George: You were foreman brass moulder when I took office?—Yes.

You left the Department to better your position?—Yes, I went to work with the General Electrical Engineering Company.

And you remained with that Company for a considerable time at a better salary than you got from us?—Yes.

These wheels about which Mr. Bolton spoke to you were three or four inches in diameter?

MR. BOLTON: No, eight or nine inches.

Mr. George: You would not cast those kind of wheels with a groove?—We would not cast them if we were only making a few, because it would not be worth while to make a cast for them.

It is not usual to cast wheels eight inches in diameter?—That is so.

If you had cast them you would be likely to remember?—Yes.

With regard to the "foreign" orders, does not that rather mean orders for work required in a breakdown affair and when the work is required in a hurry?—Yes.

Where you could not wait for the proper regulations to be attended to?—That is so.

If you made this stuff would there not be some record of it when leaving you?—It would be booked in my book.

And then when you got the Works order you would have a clean sheet?—Yes.

Would it be possible for these wheels to have been made there without your knowledge?—No.

If they had been made by anyone else you would personally have given the orders to the men?—Yes.

If a fitter came over with work of this kind you would look at the pattern?—Yes.

And then you would look for a man who could do the job?—Yes.

And that being so you would be likely to know if you made these wheels or if you gave them to anyone else to make?—Yes.

Whether you made them or not you would know what they were required for?—Not necessarily.

If work of this kind came to you would you not be liable to ask for what it was wanted?—I would have a Works order.

Suppose it was a "foreign" order would you allow that work to be done unless you satisfied yourself it was genuine?—No.

Then the meaning of "foreign" order is an exceptional piece of work or some extraordinary repairing required?—A "foreign" order is more commonly called an "East Indian"—that is work that has been done privately.

That is to say doing a job and not booking it?—Yes.

Either doing it for a fellow workman or for some superior official?—That is, strictly speaking, a "foreign" order.

What is the workshop term for an emergency order?—We call it a rush job, or something like that. If it came in hurriedly like that we should call it a rush job.

Would you allow a rush job of that kind to go out of your shop without making a record?—No.

Supposing a Works order did not come along for some days for such a job as that?—I would have it on my returns and would want to know about it.

How long were you in the Government shop?—A little over ten years.

Whilst there were you cognisant of any robbery done at the works?—No.

Have you heard any chit-chat to that effect?—No.

Have you ever assisted in any robbery or anything of that kind?—No.

*Mr. Justice McMillan:* How did you learn the meaning of the expression "foreign" order?—I can hardly say. I have heard it called that ever since I was a boy.

Have you heard it in other places except the Government shops?—Yes.

Is it a usual expression?—Yes, a "foreign" order or an "East Indian" order.

Did you ever know a "foreign" order being carried out at Fremantle?—Yes. Apprentices when learning their trade generally begin by making an engine, and we would make parts for them.

Do you ever remember carrying out a "foreign" order for an official?—No.

Do you know of any instances where a man has done anything of that kind for an official?—No.

Did you hear "foreign" order talked about in the Railway Workshops?—You hear that in all shops.

You do remember making wheels for the blue print frame?—Yes; but they were only three or four inch wheels.

Could you remember making wheels eight or nine inches in diameter?—Not those described by Mr. Bolton.

Any of that diameter?—Yes.

What would they be used for?—The wheels on the ejectors are about eight inches in diameter, but they are not grooved.

Did you ever hear anything about anyone making a dinner wagon?—Never.

CARL SIEFKEN, sworn.

*Mr. Bolton:* You were foreman turner in the wood turning shop?—Yes.

You were engaged in turning wood?—All kinds of woodwork and mechanical turning was included.

From whom did you get your orders?—From the foreman. When I started, the foreman's name was Whittle; afterwards, Perry was foreman.

Would you get orders from Perry for all the work that came into the shop?—Not necessarily from the foreman. At that time the orders did not always come through the foreman. There were carpenters who came in and gave us their work to do straight away.

Was it possible for foremen of other departments to go direct to the workman without a works order, and without going to that workman's foreman?—Yes.

Did you do any turning for other foremen of other departments?—I remember turning a pair of Indian clubs for Mr. R. B. Campbell.

What wood was used for those Indian clubs?—It belonged to the Government.

What class of wood?—Most likely it would be kauri.

Who was Mr. R. B. Campbell?—He was the Superintendent of the Workshops at that time.

Did you do anything else for Mr. Campbell while he was there?—Not that I remember.

Do you know what became of those Indian clubs?—I only know I got the order to make them direct from Mr. Campbell.

Did you have anything to do with a handsome desk which was made at that time for Mr. Campbell?—I know a desk was supposed to have been made for Mr. Campbell. That was in Whittle's time.

Did you have anything to do with the making of this desk?—That desk was made when Whittle was foreman some nine years ago.

Did you do a little turning job for Mr. Julius?—Yes.

What were they?—Some ornamental 'turnings'.

For what would they be used?—I cannot say; they were something after the style of the small columns on the table.

Corner brackets or anything like that?—Something like that.

Who gave you the order to do the work?—I do not remember. The order may have come from Mr. Perry, or perhaps Mr. Julius gave it to me direct.

Do you remember Mr. Julius coming to you with sketches of anything you had to do?—Yes.

What became of the work that Mr. Julius had handed you the drawings of?—I would send the work off to Mr. Julius' office.

Packed up?—Not necessarily.

Packed up in some instances?—It might be.

Have you any idea what these little turning jobs were for?—I did not know at all.

I suppose you had an idea of your own?—General repairs used to be booked down under a certain number which represented repairs.

What kind of wood did you use for that work?—Mr. Julius bought some sandalwood from Bateman, and a few small columns were turned up there out of that wood.

What articles?—I do not remember exactly. There were some columns.

Uprights for a what-not?—Yes; for a small book shelf or a what-not.

Did you know of your own knowledge that they were for private use?—Well, I thought they were.

Have you been spoken to within the last few days by an official in the Railway Department in regard to this case?—No.

Have you lately had an interview with Mr. Kirkbride?—I went to see Mr. Kirkbride, but he did not interview me.

If not an interview, have you spoken to Mr. Kirkbride during the last few days about this case?—I have spoken to him.

Did he not say to you, "You remember that small turning you did for Mr. Julius, but that was for the drawing office, Carl?" Did that occur within the last few days?—No.

I understand that you have an application in for a situation in the Government service?—I put in an application nine months ago.

What became of that application?—I got it back, saying there was no vacancy.

Have you been told that you will have the first vacancy in that Department at the maximum rate of pay, lately?—No. I was told I would have the first chance, but would have to start at the lower rate for the time being. That is as a wood-working machinist.

When were you told this: lately?—I was told this nine months ago.

Your application was returned in the usual form?—Yes.

Since the last ten days have you been told that you would have the first vacancy?—I was told that they wanted some good tradesmen for some new machinery that was coming out.

Were you told to put in another application?—No; I was told that the old one was good enough. The old one was only sent back with the notification, "No vacancy."

Were you not told that you would be recommended for the maximum pay as you were a good man at this work, and that the Works manager would be told to pay you the maximum rate?—No. I was told I would be sent for, but would have to start at the lower wage, but as soon as it was possible I would get the maximum pay.

Who told you this?—Kirkbride, the foreman of the shop and the mill.

Mr. George: When did you first enter the Government service?—About 1894.

When did you leave it?—About five or six years ago.

Did you know me as Commissioner?—I do not think so.

What did you leave the Department for?—I left in June, 1901, to start in business upon my own account.

Mr. JUSTICE McMILLAN: When did you become Commissioner, Mr. George?

Mr. GEORGE: On the 2nd July, 1902.

Mr. GEORGE: Did you leave the Department owing to any disagreement?—No; to start business upon my own account.

Did the Department treat you well?—They treated me fairly.

Your answer to Mr. Bolton was to the effect that whereas the foreman is supposed to give out the orders to the workmen in his own shop, it was open to the foreman of another place to get a small job done without it going through your foreman?—That is what I understood.

You had a mortising machine?—Yes.

One of the carriage builders might want a mortice cut?—Yes.

And he would bring it straight to you?—Yes.

That sort of work would come in under a number which represented the machine.

Was there anything in the class or style of any work which came under your notice which would lead you to think it was for private use rather than departmental work?—Yes.

What would be the difference?—The same thing might not be in use in the department.

Take the little pillars turned out of sandalwood for Mr. Julius. How do you know that Mr. Julius purchased that sandalwood himself?—Mr. Julius told me that he bought it.

Did he say he wanted them turned for himself personally?—No.

Did it not occur to you as peculiar?—No. At that time Mr. Julius was doing work for himself at home.

Mr. Julius told you that this sandalwood had been bought from Mr. Bateman?—Yes.

And he asked you to turn it up for him?—Yes.

Did the fact that he bought the material convey to your mind that the work must necessarily be private work?—It did, because the Government did not use sandalwood.

And you came to the conclusion that it was done for Mr. Julius privately?—Yes.

What right had you to do that work for Mr. Julius?

—I expect I was told by my foreman to do it.

You received your wages from the Government?—Yes.

Had you any right to do work for private people?—No; but when a man is told to do this kind of thing he does it.

You were afraid if you refused you might make an enemy and get the sack?—Perhaps so.

Mr. Julius said he purchased the sandalwood from Bateman, and wanted it turned into pillars, and you formed the opinion that it was not Government material, but that it was for private work for Mr. Julius in his own house?—Yes.

What right had you to do that work?—I had no right to do it.

Mr. Julius: What year was this?—It was in Perry's time. Just about the time you got married, or just before.

About 1898?—Perhaps about that time.

Did you not turn a lot of columns for test-tube racks?—Yes; a good many for that.

Did I on many occasions instruct you to put some sandalwood in the lathe when people were coming through the works for inspection purposes?—Yes; we have turned up a good many kinds of timber while people were going through. There was some of that work in the office afterwards.

Mr. GEORGE: The last questions asked by Mr. Bolton may leave the impression that Kirkbride intimated to this man that he wanted to see him, and that when seeing him it was held out to this man that he would be shortly employed in the workshops at a maximum rate of pay, contrary to the Regulations, the inference being that this was done to get this man to contradict things which might support Mr. Bolton's allegations and cause trouble.

Mr. BOLTON: That was my inference.

Mr. JUSTICE McMILLAN: I understood that to be so.

Mr. GEORGE: What caused you to go to Mr. Kirkbride?—Because I put in an application some time ago which was sent back saying there was no vacancy, and I afterwards went to Mr. Kirkbride to ask him if there was a vacancy. He said there was not but there would soon be.

Wanting work, you went where you thought you could get it?—Yes.

Was there any intimation given to you that Mr. Kirkbride wanted to see you?—No.

The idea originated in your mind?—Yes.

You went to Mr. Kirkbride's house and he said there was no vacancy then, but that as we were getting out some new machinery there would be a vacancy and you would have a chance?—Yes.

With regard to pay, he said you would start at the minimum rate?—Yes; until it was the proper time to give me the maximum.

As your work increased your remuneration would be increased?—Yes.

Did anything in addition to that pass between you?—No.

Was anything said as to your having done private work?—No. I told Mr. Kirkbride I had been subpoenaed on this case and I would be here to-day.

In the course of your conversation you spoke to Mr. Kirkbride about coming here?—Yes.

What passed between you in that respect?—Nothing particular.

Was the promise of the job given you before you mentioned this case?—Yes. It was only just before I went away that we were talking about this matter.

How long were you talking to him?—I went up to him by one train and came back by the next.

Did you refer to this sandalwood turning?—I mentioned it to Mr. Kirkbride. Of course, he knew nothing about it.

Was he in the service when you did this work?—Yes. I told him I had done this work for Mr. Julius, and I expected I would have to say that I had done it.

You said just now that nothing particular was said "there," have you seen Mr. Kirkbride since?—No.

Have you written to him?—No.

Has any friend of his come to you?—No.

Have you seen any other official of the Department about this matter?—No one has asked me to shut my mouth.

What other persons have you talked this matter over with?—No one.

Then the use of the word "there" has no other meaning?—None. I did not know I used it.

Mr. Bolton: You said you went to see Mr. Kirkbride because you wanted work?—Yes.

You are at present in work?—Yes.

Receiving good wages?—Yes.

Not necessarily looking for work?—I am a resident at Midland Junction, and it is better for me to be employed there.

How long ago was your application returned to you?—I got it back about a couple of months ago.

You only decided to see Mr. Kirkbride within the last three or four days?—No. I have been going to see Mr. Kirkbride for a good while to know why my application was sent back to me.

Did Hutchinson call upon you just before you went to see Kirkbride?—Yes; but he comes to my place occasionally.

Shortly after seeing Hutchinson you went to see Kirkbride at his private house?—Yes.

Mr. George asked you, or Mr. Julius, whether you remember doing work for exhibition purposes when people were being shown over the works?—Yes.

And you said you did that with the exception of the sandalwood work?—Yes.

Have you ever had to turn walking sticks and other things when no people were coming through the works, or have you turned walking sticks without orders from your foreman?—(No answer).

Mr. GEORGE: The witness need not be afraid to answer, because I promise that no one shall be interfered with as a result of his evidence before this Commission.

Mr. BOLTON: I will trust Mr. George in that respect, but I would not trust all his inferior officers.

Mr. GEORGE: I will see that no one is interfered with.

Mr. JUSTICE McMILLAN: If anything of that sort happens I have no doubt it will be brought to my knowledge.

Mr. Bolton: I believe certain walking sticks were turned by you while you were leading machinist?—Yes; I turned some into walking sticks.

The orders for that work would come from Mr. Perry?—Yes.

Could you give me the names of anyone who has such a stick now?—Mr. Parks, who was Works manager at the time, got two made.

Do you know anyone else who has such a walking stick?—Several were made in my time, but I cannot exactly say who has got them. They may have been made for the Government as examples of Western Australian wood.

Mr. GEORGE: Might I at this stage call your Honour's attention to the fact that all this happened eight or ten years ago.

Mr. JUSTICE McMILLAN: This evidence is only brought forward as against Mr. Julius; it is quite clear that the only person connected with this part of the story is Mr. Julius, or whoever was Commissioner at that time.

To Witness: On how many occasions do you remember turning walking sticks?—I can only distinctly remember turning them for Mr. Parks, when he was Works manager.

You turned one for him?—Yes.

Did you know at that time that it was for Mr. Parks?—I think I knew at the time that it was not for the Government. I got my orders from the foreman.

Is that the only time you turned a walking stick for anyone?—All that I remember.

You said just now that you turned two sticks?—Two I remember of. I might have turned one or two more, but I don't remember who they were for.

Were they always done under Park's instructions?—Yes.

Did you ever do one for Mr. Julius?—No.

Did you ever know of one being in Mr. Julius's possession?—I never heard of one.

Did you ever turn one for Mr. Short?—None for Mr. Short.

Can you give me an idea as to how many times you turned out the small ornamental turnings for Mr. Julius?—Upon several occasions—two or three times.

Was there anything unusual in the character of the work?—I would get a pencil drawing of the pattern from Mr. Julius.

Can you remember what the patterns were?—No.

Would you recognise your work if you saw it again?—No, because there may be a lot more of the same thing.

If your attention was called to a particular piece of work, could you recognise it as your work?—I could say it was of a similar pattern.

Are you familiar with the expression "foreign" order?—I know what foreign orders are.

Were there many "foreign" orders carried out in this department?—No. It was done only occasionally, just the same as it is done in any private firm. These things will crop up occasionally.

Have you had much experience in private firms?—Yes; I have travelled a good bit.

Have you always found the practice existing?—It occasionally crops up in all shops.

Did you ever carry out any "foreign" orders at this time except for Mr. Julius?—That is the only time, and during Mr. Campbell's time.

You never did anything for Mr. Short?—Nothing that I knew to be for Mr. Short.

Did you ever see Mr. Short at all?—I do not know Mr. Short.

Did you ever hear of any of your work going to him?—I do not remember any.

What became of those things which were turned out for exhibition purposes?—Some were kept in Mr. R. B. Campbell's office, some in the foreman's office, and some were given away to high Government officials or visitors to show them what could be done with Western Australian timber.

Mr. George: Whom do you mean by high officials?—Anyone Mr. R. B. Campbell would give them to.

CHARLES LEOPOLD HAPPE, sworn.

Mr. Bolton: You are a leading-hand painter?—Not at the present time. At present I am a first grade journeyman painter.

Did you paint Mr. Julius's furniture in his private house?—Some at his private house, some where he was boarding, and some at my own house. I did it in my own time.

You painted some of it at your own home in your own time?—Yes.

In whose time did you paint the furniture at Mr. Julius's house?—In my own time.

What time would that be?—Evenings, Saturday afternoons, and very likely Sundays.

Were you engaged at any time during the day at Mr. Julius's house or where he was staying, painting his furniture?—Yes.

Other than Saturdays and Sundays?—Yes.

Did you get special leave to do that?—Yes; from the then Works manager.

Who was Works manager?—Mr. Holstein on the engine side.

Did you get special leave for this specific purpose?—Yes; personally to do this work for Mr. Julius.

Had your foreman, Mr. Carey, anything to do with this?—No. He may have been standing by when Mr. Julius consulted me about doing it.

What colour did you paint the furniture?—White.

Was there any gold upon it?—A little.

Were you offered a price to do this work for Mr. Julius?—I was not offered a contract price. I did the work for Mr. Julius, and then I told him what I wanted. I did not present any account.

How many days' leave did you get for this work?—There was no day's leave whatever in connection with this work for Mr. Julius.

I understood you to say you got special leave?—To the best of my recollection the amount of time I was away from Government work was only about two hours. That was seven or eight years ago.

I suppose the time books would show that you were absent for that time?—I think they would show I was absent two hours.

Where did you get the paint with which to paint that furniture?—Part was my own, and part I took from the Government shop.

What part was your own?—The gold leaf was my own.

The paint came from the Government shop?—Yes, I took that myself.

By what authority?—My own authority. At that time I was leading hand.

Would you not have to consult Mr. Carey to get that paint?—I did not consult him.

You could get it from labourers?—I did not get it from labourers. At that time I was in charge as a sort of under foreman.

You charged Mr. Julius for the gold leaf?—Yes.

Did you charge him for the paint you took from the Government shop?—Yes.

Do you consider you were fairly well paid by Mr. Julius?—Not out of the way.

You allowed for the gold leaf and the white paint in your charge?—Yes.

The WITNESS: When Mr. Bolton made his speech in the House he laid great stress on the fact that men giving evidence should be guaranteed their job.

Mr. BOLTON: You were not one of the men I referred to.

The WITNESS: I hope not. I would rather be known as a blackleg than an informer. I have been called here as a witness, and I am telling the truth, although it is against myself.

Mr. JUSTICE McMILLAN: I do not think this matter concerns you, Mr. George.

Mr. GEORGE: It does, your Honour, as Manager of the Railways.

(To Witness): Did you apply for permission to do the work for Mr. Julius?—No.

You were away two hours?—About that.

You were paid for that time by Mr. Julius?—Yes, but not by the Government. The time was not booked for me in the Government book whilst I was away.

You took this paint away?—Yes.

You don't want me to believe you are a thief?—I did not have much compunction at the time about taking that paint. There is no doubt, however, that I did wrong.

In plain English, you stole the paint?—Yes.

Did Mr. Julius know anything about that?—He knew nothing about where I got the material.

You have worked both in Government and private shops?—Yes.

And workmen sometimes do not think it very wrong to take a small thing away?—That is so.

You thought the same about this paint?—Yes.

Mr. JUSTICE McMILLAN: Have you any questions to ask, Mr. Julius?

Mr. JULIUS: No.

Mr. BOLTON: Since the Press are here I would like them to take notice that any witness I have here is a willing witness, and not an informer.

Mr. JUSTICE McMILLAN: The witnesses are here because I served them with a subpoena, and they must tell the truth when they are here.

The WITNESS: I have given my evidence as truthfully as I can.

Mr. Justice McMillan: Mr. Bolton only wanted it known that you were brought here under my order. How much paint did you take upon that occasion?—The value of the paint would be about five shillings.

And the gold leaf was your own?—Yes.

Did you say anything to lead Mr. Julius to believe that there was any difference between the gold leaf and the paint?—In no way whatever.

You thought he believed that both belonged to you?—I think he honestly believed that both materials belonged to me.

Have you ever done work for any other official?—This was the only occasion and that happened seven or eight years ago.

#### HENRY DUNSTAN, SWORN.

*Mr. Bolton* : You were engaged by the Government as a trimmer some time ago?—Yes.

You were also engaged to upholster some furniture for Mr. Julius?—No. I did some polishing for him. No upholstering?—No.

Did you do any upholstering of his furniture at any other place except his house?—No.

What polishing did you do?—A cabinet or side-board.

How long were you doing that?—Friday afternoon, Saturday, and Sunday.

Did you get leave from the Department to go down on Friday?—No, this was when we were upon short time, and did not work Fridays. That was eight or nine years ago, when we left work on Friday and did not go back until Monday.

Did you do any other polishing besides the sideboard or cabinet for Mr. Julius?—Nothing more.

Why were you specially asked to go down and polish his furniture?—I was recommended by the foreman or leading hand, Mr. Straughan.

Did he tell you to go down?—I was recommended by him to do this work for Mr. Julius.

What arrangement did you have with Mr. Julius before you went there?—I had a few words with Mr. Julius, and he asked me if I would do this bit of a job. He said "You are on short time, and it will be a few shillings for you." I went on Friday and worked through Saturday and Sunday.

It has been reported to me that you were there three weeks?—That is not so. I was only there a part of three days.

*Mr. Justice McMillan* : You could find out when this was?—Yes.

*Mr. George* : When did you leave the Department?—Six years ago. I left to go to the Midland Company. Was there any friction between you and the officers of the Department?—There was at one time.

Was there when you left?—Yes, between Baker and myself. I was disgraced and put into the paint shop, and when the Midland Company offered me a job I accepted it and left.

The substance of your evidence is that you polished some furniture for Mr. Julius, but you did not upholster any?—Yes.

Where did you get the polish from?—I bought it myself.

Were the rubbers you used your own property?—Yes.

Whether you were there two or three weeks or two or three days is immaterial so far as I am concerned. Who paid you for the work you did for Mr. Julius?—I have not been paid at all yet.

Did you apply to be paid?—I did.

Did you receive any money for that time from the Government?—No. At that time we were only working five days a week, and the time I was working for Mr. Julius was the off Friday and Saturday.

Did you do any work for Mr. Julius during Government hours?—No.

The only work you did was in your own time?—Yes.

Did you in any shape or form get any consideration from the Government because you did this work for Mr. Julius for which you have not been paid and for which you have waited payment some years?—No.

Are you unwilling to tell all you know about this matter?—I am willing to tell everything.

Has anyone been with you to coach you with regard to what has happened?—No.

*Mr. Julius* : I was always under the impression I paid you years ago. How was it you came to me? I fancy I asked Mr. Straughan to recommend me a good polisher?—That is so.

You came along to my house for three days in 1898?—I believe about that time.

The WITNESS : With regard to not having received payment from Mr. Julius, I must say that I do not think it was altogether the fault of Mr. Julius, because I went away just after that happened.

*Mr. Bolton* : Where did you purchase the polish for this furniture?—I cannot say exactly. I bought the spirits of wine from a grocer. I think I bought the shellac from I always made my own polish.

Did you charge Mr. Julius for the polish in addition to your labour?—I intended to.

Have you ever billed Mr. Julius for this work?—Yes.

How much did you charge him for this job?—Something like £1.

You charged him with the polish in addition to your labour?—Yes.

*Mr. Justice McMillan* : You did no upholstering for Mr. Julius?—No.

Have you ever done any of that work for any Government official?—No.

Was this the only occasion upon which you did any polishing for Mr. Julius?—Yes.

Have you done any work of any kind for him?—Not to my knowledge. I cannot say where all the work I got from the foreman went.

You simply took your orders from the foreman?—Yes.

Did you ever go outside during this time to do work for any other Government official?—Not to my knowledge.

Where were you working at this time?—At Fremantle.

#### DONALD SCULLEN, SWORN :

*Mr. Bolton* : I am going to refer now to what I referred to as the "policy of hush" on the part of the Commissioner.

*Mr. Justice McMillan* : Yes. I have finished all the witnesses who have anything to say against Mr. Julius.

*Mr. Bolton* : You were engaged in the Loco Department up to last June?—Yes.

Why did you leave the service?—I was dismissed for reporting the leading hand in my department, it being alleged that I could not support my statement.

What did you report him for?—Theft.

Were there others employees with you at the time you reported him?—Yes; there were four or five witnesses.

What was the name of the leading man whom you reported?—Thomas.

To whom did you report him?—To Mr. Evans, the Works manager.

What came of that report?—There was an inquiry held. I was present at the inquiry, and my chief witness died shortly after having given his evidence.

Were any other witnesses present at the inquiry?—Yes; Jacobson and Johnson who are still working in the shops.

What evidence had you that Thomas had been stealing?—We had seen things go wrong on many occasions, and we took up three or four of the charges and put them into the Department.

Do you know the result of that inquiry?—I never heard the result.

Do you know of anyone else who heard the result of that inquiry?—No.

Have you any recollection of Thomas having been previously charged with theft?—Yes; he was charged at Fremantle at one time, but the report never got a hearing.

Who reported him then?—McCormack.

What was the report for?—Theft.

Of what nature?—There were things going out of the shop during the summer time.

What became of McCormack?—He was dismissed eventually for wrangling, and he died some time afterwards.

Then two men died who made reports?—Yes.

Was an inquiry held with regard to the first report which was put in?—There was no inquiry concerning that report.

To whom was the report sent?—To the head of the branch, Mr. Lord, the Goods Agent.

What were the charges?—I was cited as a witness, and I only knew he was dishonest because I heard his name mentioned with regard to dishonest practices.

Have you any idea what he was to be charged with stealing?—I think some water bags.

Anything else in the first report?—I cannot say. It was a pretty big report.

Was there any mention of linseed oil?—I cannot say. I only knew that it was a charge of theft, and I was told that I was a witness in regard to the charge.

If you were to be called as a witness, McCormack must have known that you knew something, or you must have told him that you knew something?—Yes.

All the most important charges of dishonesty against him had reference to various things.

You say nothing resulted from that first report except that McCormack was dismissed?—Yes, for wrangling.

When was that?—About three weeks after the report.

With regard to the later report, you and several others reported Thomas for stealing?—Yes.

Have you any recollection what the articles were which were alleged to have been stolen?—The first charge was for stealing corrugated iron from the shop.

Anything else?—There was oil which had been given by him to an employee in the bonded stores in exchange for whisky.

Anything else?—We stated generally about seeing him take his bucket out full of stuff. We used to charge him often with those practices. He was going to have me written up in the *Sunday Times*, and threatened to do so and to report me. I asked him to do it quickly. The next day I said to him, "You didn't report me, but I am going to report you."

After he met me one day outside the shop and

begged for mercy, saying, "You won't hound a man down—I have a wife and family." I said, "You are always talking about reporting other people."

Then you intended to report him earlier but let him off?—Yes, once.

Was there any mention of a brush in this last inquiry?—Yes, he gave me a brush for doing a little bit of a job outside. I eventually restored that brush to the Department.

Were you present at this last inquiry?—Part of the time.

Were you present while Thomas was there?—Yes, for a short time.

Did Thomas deny all the charges?—I think he admitted the one in regard to the brush in cross-examination.

Did you refer during this inquiry to the previous report which had been sent in?—Yes. I was asked the reason why I did not report these matters earlier. I said a report had been made before by another person in Fremantle.

After the inquiry had finished what happened to you?—About three weeks afterwards I got a note signifying that I would be dismissed as from the 23rd of June.

Any given reason?—I waited on the Works manager and asked for a reason, and I was told that it was because I could not substantiate my statement. I said during the inquiry that I did not care what was the result of the inquiry.

You were dismissed because you could not substantiate your charges and because you said you did not care for the result?—Yes, I was told that by word of mouth by the Works manager. I was also told that it was not safe for me and the leading man to be in the same shop—that it would not do.

What effect did your dismissal have upon the other men working in the shop at the time?—I think it had a very cooling effect upon them. They knew their evidence was in typewriting in the office and they did not want to say too much about it.

It is said that after McCormack got dismissed he sought an interview with the Commissioner?—I believe he did.

Did he gain that interview?—I understood he was told that the Commissioner would not interview him because his time was expired.

Mr. GEORGE: When was this?

Mr. BOLTON: I think this occurred about two years ago. This man was previously reported for stealing, and I wished to show that although reported a second time, he still holds his position, and I want an answer from Mr. George as to why he still holds that position.

Mr. GEORGE: I will answer that.

Mr. George to witness: Have you ever seen me before?—Not that I would know you.

Mr. GEORGE: I can only say that with regard to this inquiry I have no knowledge except what appears on the file. I was taken ill on the 20th April and left for Colombo on the 21st May, arriving back here on the 27th June, and all this business apparently took place during my absence. The only time between the 20th of April and the 27th June that I was in the office was one morning when I went to open some tenders in connection with the Fremantle Station, when I was there about two hours.

To witness: As far as this man was concerned you got sacked?—Yes.

You didn't like it?—That is so.

To whom did you appeal?—To the Appeal Board. What did the Appeal Board do for you?—Dismissed the appeal; but no witnesses were brought up.

Who represented you at this appeal?—Mr. Casson, the Secretary of the Association.

Do you know what he said at the conclusion of the case?—I do not recollect what Mr. Casson said. Is this correct, "Mr. Casson, on behalf of Scullen, said that although the charges were not true, still as you were a good worker in the department you might be fined as a punishment"?—I suppose he said that. The Board heard Mr. Casson's appeal for you and dismissed the appeal?—Yes.

I suppose you know that the Appeal Board is constituted by Act of Parliament and that the Commissioner has no more to do with it than an unborn child?—That may be.

Have you any accusation against the Commissioner?—No.

Mr. GEORGE: I know nothing about the case. It is just possible that this man McCormack may have wanted to see me some time ago; but after all, I presume a man in my position should be allowed the discretion as to whether he sees a dissatisfied workman or not. I do not see that because I refused to see such a man that I can be accused of following a policy of hush.

Mr. JUSTICE McMILLAN: Would the circumstances connected with this matter appear on the files that have been produced?

Mr. GEORGE: I believe this case was taken before the Appeal Board.

Mr. JUSTICE McMILLAN: Such an inquiry would be held before some Railway official.

Mr. GEORGE: The Appeal Board consists of Mr. Fairbairn, the Resident Magistrate at Fremantle, and a representative of the department, and one on behalf of the society of employees.

Mr. JUSTICE McMILLAN: There will surely be a file showing the particulars of that inquiry, and before whom it was held whilst you were away.

Mr. GEORGE: After the Appeal Board have gone into the case I have not the time to do anything more in the matter.

Mr. JUSTICE McMILLAN: We have the fact that the matter went before the Appeal Board and that the appeal was dismissed.

#### JACKSON ORR, SWORN:

Mr. Bolton: You were Loco. storekeeper in Fremantle some years ago?—Yes.

Whilst storekeeper, and having charge of the timber, did you receive a complaint, or did you complain to the head of your department about the timber being taken away?—Yes; I complained to Mr. Campbell, who was head of the branch.

What course did he take?—He gave me authority by written document to have full control.

What do you mean by full control?—That no other official of the department could deal with the timber without the matter first going through me.

What was the reason for your making that complaint?—Mr. Park, the manager, was in the habit of taking timber from the big store without authority, and piling it up elsewhere.

What for?—I can hardly say what for. I had my suspicions.

Having received authority from the head of the branch to that effect, did anyone dispute your right?—Not so long as I was storekeeper.

What happened whilst you were storekeeper?—First I was suspended, and then retrenched.

When were you suspended?—About the time of the Fremantle strike in 1900.

Were you reinstated again?—Never.

Did you ever have charge of the timber after that?—No.

What became of the document which would prove that you found it necessary to appeal to the head of the Branch to protect you against the timber being taken away without orders?—It was given me by Mr. Campbell, and at a subsequent departmental inquiry I gave it to the then Chief Engineer, Mr. Rotheram, as evidence. Mr. Rotheram suppressed it and would not hand it back to me. I appealed to the then Commissioner, Mr. George, for his ruling as to whether this document should not be returned to me, and Mr. George ruled that Mr. Rotheram was correct in holding that document. I have not got that document yet.

Will you make a statement on oath that it is now in the hands of the Department?—It should be if they have not destroyed it.

You appealed to Mr. George to get your letter back?—Yes.

And he refused?—He upheld the action of the Chief Mechanical Engineer. At that time I also made charges against my then official superior—some thirteen or fourteen charges.

Did you make those complaints to Mr. George?—Yes.

What course did Mr. George adopt?—After the Department had dealt with it for two months Mr. George ignored it. He acknowledged the receipt of it, but practically told me that if I did not keep my eyes open and my mouth closed I would lose my billet.

Mr. GEORGE: Did I say that to you?—I have that practically in a letter at home.

Mr. Bolton: Have you got that letter?—I have got it at home.

Mr. Justice McMILLAN: Have you got a letter to that effect?—I have.

Will you bring it here at 2 o'clock?—I will bring it here later on in the inquiry, but I do not know that I can produce it at 2 o'clock because I live at West Perth.

Mr. Bolton: At all events you made charges against a certain official to the Commissioner and no action was taken?—That is so.

Have you any idea why no action was taken by Mr. George?—I have nothing definite.

During the time you had charge of this timber could you of your own knowledge swear that any of it was used for private purposes?—I could not.

Why did you have reason to complain to the head of the Branch if the foreman was only taking it from one place and putting it in another?—There were various rumours. I had no knowledge where the timber was going.

Mr. GEORGE: When did you lose the position of Loco. storekeeper?—About January, the time of the railway strike in 1900.

Before my appointment as Commissioner?—Yes. You complained about the timber to Mr. Campbell?—Yes.

Who was Commissioner for Railways then?—Mr. Piesse.

Who followed him?—Mr. Holmes, Mr. Wood, and then Mr. Kingsmill; then you were appointed.

You complained to Mr. Campbell, but we don't know where he is now. I wish we could have him here?—(No answer.)

Mr. BOLTON: I know where to find him.

Mr. George: I only wish to show that this complaint was put in a very long time ago. You complained to Mr. Campbell about timber being taken away, for purposes which you thought were not for the benefit of the Department?—That was my opinion.

And as an honest servant of the Department you spoke to your superior officer and suggested that you should be placed in such a position that you could stop it?—Yes.

Afterwards the railway strike took place?—Yes.

I think during that strike you could not hide your light under a bushel and you made reflections upon the management of the Railways, following which action you were suspended for disrespectful conduct?

—I made use of some words which they considered treasonable. They considered that as an official of the Department I had no right to make use of such words, and hence I was suspended.

The men thought they had a grievance and you sympathised with them?—I did not. I knew nothing about the strike two hours before the meeting took place.

Where did you get into the difficulty?—I came up to the Australian Hotel and was called in by some of the people interested and was asked to write out a resolution for the meeting.

You were an official, and you were asked to write out a resolution for the wages men?—Yes. When I first went in to do as I was asked there was no stationery, and in the meantime I found it, and I also found out what they wanted embodied in the resolution. The outcome of that document placed me in the position of being classed as a man who made use of treasonable language.

At that meeting you used language which caused you to be suspended?—I was suspended for about 13 days.

Mr. George: Did they put you back?—Yes; into an inferior position.

Did they reduce your screw?—Yes; to the extent of £50 a year.

Did you appeal against that?—Yes; to the then Chief Commissioner of Railways through my immediate superior.

Who was then Commissioner?—Mr. B. C. Wood.

What did he do for you?—He did not oppose my appeal.

But he was not of your opinion?—No.

What occurred afterwards?—Some one else came along as Commissioner.

You appealed to him?—No; he was against me.

Who came next?—You did, and I appealed to you, and you opposed me.

Mr. GEORGE: This witness spoke of a letter of the 15th October, 1902. This file was put before me, and I wrote to the secretary saying, "The tone of this man's appeal is so absolutely disrespectful that I feel inclined to return it upon that account," etc., etc. (*vide letter*). The letter written to Orr is as follows:—"I have gone through the papers on the matter, and find that you were dismissed for matters which merited dismissal," etc., etc. (*vide letter 15th October, 1902, on file*).

Mr. Justice McMillan (to witness): Is that the letter you referred to?—Probably.

Mr. George (reads letter of 23rd September, 1902, from file): Do you recognise that letter written by you to me in which you commence, "It is with great reluctance I am compelled to lay before you," etc. (*vide letter*)?—That is correct.

Mr. GEORGE: I suppose I shall have an opportunity of going into the box and to show that this letter of Mr. Orr's was gone into most carefully?

Mr. JUSTICE McMILLAN: You will certainly have that opportunity.

Mr. GEORGE (to witness): Did you write this letter to me on the 13th October, 1903, in which you say, "I most respectfully give you notice that I decline to accept the notice given to me," etc., etc. (*vide letter*)?—That is correct; I wrote that letter.

Mr. GEORGE: At this time it was necessary that I should draw the Minister's attention to the retirement of Mr. Orr, and I have here the Ministerial approval of the course I then took. (Memo. produced from file.) I then wrote in reply to Mr. Orr on the 31st October (letter read from file). I also had an interview with Mr. Orr in my office.

(To witness): Will you tell His Honour what the terms were I offered you?—The terms were immediate dismissal without a month's notice and three months' salary in advance.

Were you not told that the position you held was no longer necessary? I was re-organising the staff and retrenching and, in order to assist you to get work elsewhere I offered you three months' full pay and a free pass over all the Government Railways?—No, I got three months' salary. I wish to speak of the extraordinary circumstances under which I got the money from your office. I only got the ordinary fortnight's pass which was afterwards increased to one month, but never to three months. Before the month was up it was re-called because I would not conform to your conditions. I was accused of wrongly using it.

By whom?—By Mr. Hume, I think. The letter was sent by him.

Mr. GEORGE: Mr. Rason was appealed to in October in regard to this matter, and he wrote asking the reason of Orr's dismissal. My answer was that I did not require Mr. Orr amongst other clerks, but that I had given him three months' salary and a free pass to seek fresh employment. So far as I could see, Mr. Orr was satisfied. The minute I wrote was to this effect, "Orr saw me in the office. He did not like leaving the service. I explained to him that I was re-organising the service and I was cutting out what I considered to be unjustified hands. He was very quiet in the office." I said as far as I could judge he was satisfied. As to his family, I understood that most of them were grown up and three or four of them were supporting themselves. I may have been mistaken, but that was my opinion when I wrote that minute. There is a further minute of the 8th September, 1903 (*vide file*), which states that the Commissioner approves of Orr's services being dispensed with. (Reads minute.) The next circumstance is a letter from Orr of the 3rd November addressed to the Commissioner. (Reads letter from file commencing, "I very much regret that my last letter has not met with your approbation," and referring to the death of his wife.)

[Mr. GEORGE then read reply to that letter (*vide file*).]

I then got another letter from him on the 7th November (*vide file*). With regard to continually attending to personal matters of this kind I would remind your Honour of the difficulty the heads of Departments are put to in this respect. We all work more than eight hours at our ordinary duties, and find it impossible to give all our time to employees who consider themselves as not having received attention by correspondence.

*Mr. Justice McMillan:* What were the charges to which you referred in that letter which you say Mr. George ignored?—All those charges against my superior, Mr. Rotheram.

*Mr. GEORGE:* I could not be expected to explain everything I do to any servant who demands it. I offered this man a three months' pass, and if he did not get it I intended he should. I did the same for Mr. Abbott, the present Secretary of the Locomotive Employees' Society.

*Mr. JUSTICE McMILLAN:* I think you had better leave the letters on the file for my perusal. You have read enough to show what the position was; I will read the rest myself.

*Mr. GEORGE:* Do you remember getting a position in Millar's Company in January, 1904?—Yes; about that time.

About that time you came to see me in my office?—Yes.

What took place there?—I wanted the three months' salary that was due to me.

You could have had it before?—Yes; but I would not take it. I thought it would prejudice my claim.

You came to me in January, 1904, for the purpose of getting this money?—Yes.

Were there any scruples about paying you?—Yes; you said you would not pay me a d—d copper.

Was that on the day you were going to Millar's?—That was the day you afterwards sent down a clerk to see if the paymaster was out, and you gave me an order on Millar's to pay me £10.

First of all I said I would not pay you a d—d copper?—Yes.

I fired off at you?—Yes.

I suppose you took it like a lamb?—No; I was quite as good as you.

One row led to another?—Yes.

Perhaps you said you would not take a d—d copper?—I said I would not take anything unless I got the lot.

Was it not a fact that the paymaster had gone home?—Yes; I know you gave me an order to receive £10.

Did I not write to Millar's saying that you were entitled to £35, and that the paymaster had you for the day, and asking them to advance you £10 (reads letter)?—Yes.

I agreed to give you all you were entitled to?—Yes; after trying to get me to take less.

You signed an authority for Millar's to receive what was due to you?—Yes.

Did you eventually get the balance?—Yes; at Karrisdale. I signed those receipts expressly under the condition that if I did not sign I would not get a penny. You refused to give me a single penny unless I signed that receipt. By doing so I was prevented from taking any action against the department in future; and I was compelled to sign in order to get my position with Millar's.

I suppose you know that I am under the Auditor General of the State with regard to expenditure?—Yes.

And I, therefore, had to get a receipt for the money?—There is a great difference between the receipt you made me sign and an ordinary receipt.

[Receipts read from file.]

Do you remember issuing a circular to the W.A. Engineers and Firemen and Cleaners' Association?—Yes.

[Mr. GEORGE reads circular.]

Is that the one you sent?—Yes.

What do you mean by "wires pulled behind the scenes"?—The same as is being done every day.

What wires were you pulling?—I was looking at the wires which were being pulled.

Do you remember the date you issued that circular?—Some time in 1904.

Therefore these bad practices occur as far back as 1900?—Yes.

What malpractices and maladministration took place in the department after I became Commissioner?—If you replied to these charges everything would have been made clear.

The malpractices and maladministration complained of took place prior to September, 1902?—Yes.

What took place in my time to which you refer in your circular?—If you had investigated the charges that I made you would have had the whole thing made clear. Part of that occurred in your time.

What took place in July, 1902, and September, 1902, which would justify you in making use of those words?—I would have to look up my files to see that.

I shall ask His Honour to call upon you to look up your files for proof of what you say there?—I shall try to do so.

What are the gross malpractices and maladministration which took place between July, 1902, and September, 1904, to which you drew my attention?—I did not probably refer to those two years, but I wanted to bring under your notice things which I knew of but about which you would not listen to me.

*Mr. Justice McMillan:* Have you got records of this matter?—I have. There are various other things here which Mr. Hume can prove, and also Mr. Kennedy. I was accused by Mr. Triggs and Mr. Haldane with making false statements. The present Mechanical Engineer charges me with making these mistakes. Mr. Kennedy can prove, if he is brought here, that I am in the right.

*Mr. GEORGE:* In this circular you say you have never hesitated to show up the maladministration and malpractice during those two years?—Yes.

What malpractices occurred?—It would take me some time to make a statement.

You are willing to prove that such has occurred during my term of office—that maladministration and malpractices have occurred during the first two years of my administration?—That is for His Honour to judge.

*Mr. Justice McMillan:* Can he give us facts which will enable us to form an opinion?—Anything I have said I am willing to try to prove.

Could you do it by Wednesday?—I will be prepared to do it by Wednesday.

*Mr. GEORGE:* That is you will bring some evidence of malpractice and maladministration having occurred between July, 1902, and July, 1904?—That is so.

*Mr. Justice McMillan:* Then I think you had better leave the cross examination until we get this. I think he ought to have an opportunity of proving his words. You must come next Wednesday, Mr. Orr, with those facts, and you must then tell us the whole of the story?—I will come here and try to prove my allegations to the best of my ability. I think I shall be able to show you proof of some extraordinary practices that have been carried on in the Department.

*Mr. JUSTICE McMILLAN:* We want particulars of the complaints you referred to as having been justified between 1902 and 1904. Have you, Mr. George, got the file dealing with the tarpaulin maker, Thomas?

*Mr. GEORGE:* If they are not amongst the files in Court they can be produced to-morrow. The Resident Engineer at Geraldton will possibly have a file upon this.

Mr. JUSTICE McMILLAN: Of the inquiry with regard to Mr. Baker?

Mr. BOLTON: Those papers were on the table of the House.

Mr. GEORGE: Would it be possible to let me know the extent to which those charges may be made. I cannot yet discover where the accusation of my having adopted a policy of hush has in any way been justified.

Mr. JUSTICE McMILLAN: I do not think the inquiry will last many days, but as there is a good deal of documentary evidence to go through it may take me a short time after the evidence is finished.

Mr. GEORGE: Except for Mr. Bolton's speech I cannot yet see what the charges are. I would like to know what files are wanted.

Mr. JUSTICE McMILLAN: I think the files already put in are all that I require at present. I shall be able to get through the evidence I have here by Wednesday, but there may be other evidence forthcoming in support of the charges, and I presume the three gentlemen against whom the charges are made would like to go into the box, and I think we should have them there.

Mr. GEORGE: Could I have an opportunity of asking Mr. Bolton the basis of his charges which he made in the House, or is he privileged?

Mr. JUSTICE McMILLAN: It does not really matter upon what basis Mr. Bolton made his charges. So far as I am concerned motives will not affect me. I am sitting here to dispose of a hard question of fact.

Mr. GEORGE: There is one charge here that Mr. Short was sent for by me but refused to come.

Mr. JUSTICE McMILLAN: At present there is no evidence of that.

Mr. GEORGE: Apparently Mr. Bolton has relied upon newspaper extracts and upon conversations he has had generally.

Mr. BOLTON: Mainly upon the newspaper extracts.

Mr. JUSTICE McMILLAN: I cannot say much about the case at present, but I might learn a little more as I go along.

The Commission adjourned till Wednesday, 26th September, 10-30 a.m.

### WEDNESDAY, 26th SEPTEMBER, 1906.

In the absence of Mr. George, the Commissioner. Mr. Short conducted the proceedings, on behalf of himself and Mr. George.

#### JOHN CHARLTON, SWORN:

Mr. Bolton: You were employed in the Government service some time ago?—Yes, as labourer in the paint shop.

Did you notice a report in the papers yesterday with regard to these shops?—Yes.

Did anything come under your notice in regard to paint leaving the Government shops for private use?—Yes.

Can you give us the name of anyone who has obtained paint for private use?—Doing that sort of thing was not looked upon as a crime at all.

Mr. Justice McMillan: Give us as many names as you can?—Mr. Flint, the leading hand in the paint shop.

Mr. Bolton: Any more?—It is a long time since I worked there and I have no dates to corroborate what I say.

Mr. Justice McMillan: I suppose you can remember facts such as this. Give us any circumstances where paint has gone out for private use?—Pinsom, the leading hand in the paint shop, has had paint.

Mr. Bolton: Any others you know of who have got paint for private use?—I could not state any particular person.

How did you know it was for private use?—It was always wrapped up in brown paper for private use, otherwise it would go out in the ordinary way across the counter.

Did you have orders to hand it out for private use? Sometimes it was an order.

Where would you get the order from?—Sometimes the leading hand would make out the orders, and we would wrap it up.

Supposing you had an order to make up paint for private use, would it be from a works order?—In the paint shop there were very few works orders. Sometimes the man was coming for paint for his private use and there was never much argument about giving it to him—sometimes a man might be refused and sometimes he would not.

Who would refuse him—you or the foreman?—Anyone might refuse him.

If the foreman of another shop wanted some paint, would he come to you?—No, he would go to a man of his own standing.

And would the man of his own standing give it to him?—I suppose he would give it to him.

Upon whose orders would you make it up?—Upon the orders of a leading hand.

What would he say to you when he told you to make up this paint?—He would say he wanted a pot of paint of a certain colour, perhaps half a pot or half a gallon.

Would he ask for the paint for anyone by name?—He would know all about that himself.

Where persons taking this paint have personally fetched it, would they take it at knocking off time?—They would come in and get it for themselves during the day.

Do you know of any other name of persons who have got paint for their own private use whilst you were in the shop?—I remember a labourer getting a gallon of paint just before I left.

Mr. Justice McMillan: What did he get it for?—He did not tell us what he did with it, but it was for himself so far as I know.

Mr. Bolton: Do you mean to assert that it was the usual practice to give paint out to anyone who wanted it?—I refused very few who wanted it. It was not looked upon as a crime to give a pint of paint to anyone.

You would not call a pot of paint or a pint of paint a gallon or two?—That is so.

## Cross-Examined by Mr. SHORT:

When did you join the service?—About June, 1897.

When did you leave?—About three years ago next December.

What was the reason for your leaving the service?—I had a bit of an altercation with another labourer. Were you in charge of the paint shop?—No.

Did you usually make up and deliver all the paint which went out?—I assisted.

Was it not the custom to deliver paint without an order?—No, but the men were in and out all day getting paint. A man might come in six or a dozen times a day to get paint. A man might come in twenty times a day.

And simply because it is wrapped up in paper when delivered you would brand the men receiving that paint as thieves?—I don't say anything of the kind. I inferred that it was for private use when wrapped up, because if a man was going to use it upon the works he would not want it wrapped up in paper. I never followed them to see where they would use it.

You thought it sufficient to brand these men as thieves?—I thought that if I had carried out a parcel wrapped up in paper I would have been very quickly asked what I was doing with it.

Do you know that there is a regulation that men could not take anything away without the permit of the works manager?—I did not know of that regulation.

Did you never hear a regulation to the effect that no property of the Government is to be taken out of the works without the authority of the works manager, and if this is done the man is liable to dismissal?—I never heard of that.

Did you not know that these regulations were posted in the shop?—There were books posted about but I never read them.

Was Mr. Flint over you at the time you were there?—Yes; he was leading hand.

He would often come in and get parcels of paint, or order some paint?—Yes, he would come in at times.

How would you particularly mark any special order to know that it was for his own use?—Paint for use in the yard would be taken out in an ordinary paint pot.

I want you to explain to the Commissioner why you came to the conclusion that because paint was wrapped up in paper it was for someone's personal use?—Well, I could not help noticing that at times I was sent to the front store for brown paper to wrap these parcels up in. If they were to be sent up to anyone in the place I would have taken them to the forwarding clerk. I had an order book for that.

You had no order for paint issued to the shop?—No.

You may be right or wrong. Why did you come to the conclusion that it was for the leading hand's personal use simply because it was wrapped up in brown paper?—It was general talk at the time. It was no secret. If a man wanted something for himself no one stopped him.

Do you not think it was your duty to report him?—The large salary I received there did not make me trouble about the matter—whether they took the whole shop away or not.

Mr. Justice McMillan: Did you ever take any paint yourself for your own use. You may refuse to answer that question if you like?—I refuse to answer it.

Did you know personally of Flint making use of the paint?—He was living away from me.

Where did Pinson live?—I think at Cottesloe.

You did not know at all what happened to the paint after it left the shop?—I could not say that they used it for themselves.

You gathered that they wanted it for themselves because it was wrapped up?—Yes.

And from the fact that it was a common practice for men to take paint for their own use?—Yes; they would take anything for their own purposes.

Mr. Bolton: There was no difficulty in getting a bit of paint if you wanted it?—Not in my time.

And when he had used that bit of paint how would he replenish the pot?—He would leave it there and get another pot.

There was no Works order issued if a painter wanted an extra pot of paint?—No; he would leave his old pot and get another one.

Supposing the paint was wanted for private purposes, would you mix it up in one of the pots that had been left by a painter working about the shop?—Certainly, in any pot.

Were there no special pots for private paint?—No. If you wanted to take it away you might bring your own pot.

Has such an order as this been given you by the leading hand, "Just mix up X a gallon of lead colour for to-night"?—What do you mean?

You said you made up paint for private use if the leading hand told you?—Certainly.

And if the leading hand told you to mix X up a pot of paint for to-night?—I never heard that order.

Were you ever present when such an order was given?—Yes.

What leads you to the idea that it was for private use?—Well, if a boiler cleaner or other labourer of that sort came to me for paint, it would be clear to me that he would not be wanting it for Government use. He would not want it to paint his spanners.

When did Flint get this pot of paint that you referred to?—I could not say when. I was not there to watch men or to pimp upon anybody.

Who got the gallon of paint?—A labourer named Morton got a gallon of paint.

When did he get it?—I could not give you any dates. If you look at the files you could find that pretty well for yourself. I can refer to an instance which would lead to that. It was about the time that the new carriages came out before the shops shifted from Fremantle.

The time you speak of there were a number of wagons being painted?—There were a lot of new wagons being painted, and I got orders to knock up a tub of stuff.

## EWEN DEARY, SWORN:

Mr. Bolton: Do you remember offering for sale a bird aviary two years ago?—Yes; about last January twelve months.

Were you working for the Government at the time?—I never worked for the Government; I am a cooper.

Was the aviary owned by you?—No; it was owned by Mr. Flint, a neighbour of mine.

Did you see this aviary in the course of its construction?—No.

Did you see it when it was finished?—Yes. I tried to sell it, and thought I could possibly make a £ or two out of it.

What was it made of?—As far as my memory goes it was an elaborate affair. It is hard to distinguish wood. It appeared to me to be a very nice one.

Was it made entirely of wood?—There was some glass—stained glass, and some turned woodwork about it.

What did you offer for it?—I think it was offered to me at £4 10s., and I thought that I might make a £ or two out of it. I would have asked £6 10s. for it.

Would you make such an aviary for £10?—No; I would want double that sum. Of course that is a question which is out of my line. I am a cooper, and I only work in oak in its natural state.

Was there oak in this aviary?—I could not say what wood was in it.

Did you ever hear any talk in Attfield Street about this aviary, or as to how Flint made it?—Am I compelled to answer that question?

Mr. JUSTICE McMILLAN: You can repeat anything that Flint told you.

Mr. Bolton: Did Flint say that the parts were made in the workshops and put together at his home?—To that question I should say no.

Mr. Justice McMillan: What did he say about the aviary?—The aviary was simply sent to me for sale just previous to Flint leaving for Midland Junction.

Did he say he had made it himself?—Yes.

Did he say when he had made it?—He had just completed it.

Did he say where he had made it?—No; he only said he had made it himself.

Did he say how he made it?—No; it was only offered to me for sale. I have got mixed up in this through no fault of my own, and I don't know whether I have to answer these questions.

Mr. JUSTICE McMILLAN: As you are here, it is your duty to answer all questions to the best of your ability.

Mr. Bolton: I wish to drag the information out of him in some way or another. I am inclined to think he knows more than he pretends. (To witness.) You say you saw this aviary many times?—I would not say I saw it more than three or four times.

Could you identify it if you saw it now?—I think so.

Do you know to whom it was sold?—No. I saw it at the Claremont Show, where I was showing some birds.

Would you care to say what the thing is worth?—That is out of my line altogether.

Mr. Short: Do you know of your own knowledge whether Flint obtained that timber or glass from the Government?—Certainly not.

Do you know of your own knowledge whether he obtained any of it in any other way except by purchasing it honestly?—No.

Mr. Justice McMillan: Did he say where he got the timber from?—No; he simply showed me the aviary.

Did you never speak to him about the timber?—No. Although I was a neighbour of Flint's, we had very few conversations together. I never discussed anything like that with him. All I have to say is that the aviary was offered to me for sale, and that is the whole extent of my knowledge of the affair.

Are you prepared to swear that you never had any conversation with Flint with regard to where the timber came from?—I am.

Or as to any material used in the construction of that aviary?—I never had any conversation with him in regard to any material coming from the workshops.

I mean at the time when the aviary was offered you for sale. Did you ever have any conversation with Flint as to where he got the timber or material

from?—I understood your question, your Honour. I had no conversations with him in that respect.

Did you ever have any talk with him as to when or where he made it?—I had no talk with him as to where he made it.

Mr. Bolton: When visiting Mr. Flint did you ever notice a medicine chest in his house?—I did.

Did you ever discuss where the wood came from, and where it was made?—I never discussed anything like that. I was only told that he had just made the medicine chest.

Did he claim to have made it himself?—Yes.

Did he ever say where he got the wood?—No.

Did he say when it was made?—No.

Did you ever ask him what wood it was made of?

—I never put any questions to Mr. Flint about the material, it was immaterial to me where the material came from.

Would you recognise that chest if it was shown you?—I do not think so.

Mr. Justice McMillan: Were you on very friendly terms with Flint?—We were on friendly terms, but we had very little conversation with each other; both of us would be away during the course of the day.

He was your next door neighbour?—Yes.

How often were you in his house?—I do not think more than twice.

Was your attention drawn to this medicine chest?—I only remember it being just mentioned to me. I happened to go in one morning when one of the youngsters were ill and Mrs. Flint had given the child some chlorodyne, and then Mr. Flint drew my attention to the chest.

#### CHARLES HANKINSON, sworn:

Mr. Bolton: You are engaged in the workshops at Kalgoorlie at present?—Yes.

How long have you been in the Service?—Ten years in December.

You were a carpenter in the service at the time Mr. Campbell was head of the Branch?—Yes.

Can you remember assisting to make a desk for Mr. Campbell at one time?—Not for Mr. Campbell?

For whom?—For the office or for the Department.

How do you know it was for the Department?—Because I worked to a Works order. All these things were made for the office, and I assisted to erect them in Mr. Campbell's office.

You assisted to erect this desk in Mr. Campbell's office?—Yes.

You said you assisted to erect a desk in the office?—I only said that I assisted to erect the desk in a Departmental office.

Who assisted you?—Coulton and McKinna.

Were there any others assisting you?—We three made the desk.

Do you know anyone who did any carving upon it?—No.

Was there any plate upon this desk?—No.

Did you assist to erect anything in the shape of a dinner wagon in this office?—No. Whilst I was there I never saw anything of a dinner wagon.

What is a dinner wagon?—Four pedestals with four shelves on top and four at the bottom to hold your plates.

Were you employed in making trolleys for the blue print frames in the draughtsmen's office?—With the other two men I have mentioned I made the majority of the fittings for the office.

Did you make any of the trolleys or wagons or whatever you call them for the blue print frames?—I did not.

Would you consider that parts of the machine used for blue printing could be used for a dinner wagon?—I would not surmise that for one moment. I do not understand the construction of the trolleys you speak of.

Then you would not know whether or not they might be suitable for a dinner wagon?—That is so.

Did you take any part in the construction of a dinner wagon?—I took no part in the construction of a dinner wagon.

Did you work with Griffiths?—Yes; in the carriage shop.

In the carriage shop did you work upon anything which might be as part of a dinner wagon?—I was doing carriage work then under Mr. Baker and Mr. Whittle. I never saw a dinner wagon in the shop.

Have you seen one elsewhere?—Yes; in a furniture shop. I never saw a dinner wagon made in the workshops whilst I was there.

Do you know why you were brought down to-day?—No. The instructions I received were to proceed to Perth at once; and when I got to Perth I was ordered to come here.

Have you any recollection of seeing anyone make anything which could be used for a dinner wagon?—I have not.

*Mr. Short:* You assisted to make this desk in the shop?—Yes; some nine years ago.

It was erected in the office?—Yes; in Mr. Campbell's office—the Government office.

It did not go out of the works so far as you know?—That is so. I was away from Fremantle before the shops moved, but I was in the office on occasions to receive my orders, and I saw the desk in the office then. I left Fremantle in January, 1900, about the time Mr. Campbell left.

Have you any recollection of any furniture being made for any man in the shop, or any sent to Mr. Campbell's private house?—None whatever.

*Mr. Bolton:* The desk that I refer to is not the desk this man is talking about. Did you see a man named Griffiths make another desk of another kind, which was carved by Sieffen and afterwards sent to Mr. Campbell's house?—Never.

#### CHARLES CUMMINGS, sworn:

*Mr. Bolton:* I understand that you were in the Service some few years ago?—Yes.

You are not in the Service now?—No.

What were you engaged at while in the Service?—The last time was in the Perth yards.

What were you doing?—I was a carpenter.

Who was your foreman?—Donald McSwan.

How long were you under him?—Three months, last time.

Then you were under him before?—Well, I have known him for years. I have worked for him off and on for ten or twelve years.

What do you mean by working for him? Do you mean you have worked in the Department?—No; privately.

What were you doing privately for him?—Building houses.

Where have you built any of them?—The last time was in Cottesloe.

What sort of a house was it?—A five-roomed villa.

Were you the contractor?—I was the sub-contractor. I did the work.

Did you give a price for the work?—Yes.

Did you agree on a price before you took the job on?—Yes; labour only.

You had to find no materials?—No.

Who found the materials?—McSwan.

What did the house consist of?—Brick, wood, and iron.

I suppose the building material would be brought while you were there?—Some was on the ground when I started, and some was brought there after I started.

Did you do all the inside fitting and finishing?—Yes.

Were you ever suspicious that the window fittings, door fittings, fanlight openers, and so on, were brought from the Department direct?—Well, they were on the job when I started. They were all in one large box bundled up together. Where they came from I could not say.

When you started there was not much of the building finished?—No. I put the roof on.

You started with the roof?—Yes.

The walls were ready?—Yes.

And they had the fittings for the windows, fanlights, etc., on the ground before the walls were up?—Yes.

Was this box there all the time the building was going on?—Yes.

What was in the box?—There were a great many things, just like what you would get in a second-hand shop—brass sashes, etc.

*Mr. Justice McMillan:* Were they new or old?—Some new and some old.

*Mr. Bolton:* What part of them were old?—There were some brass taps which were old.

Were any of the fanlight openers old?—Some old and some new.

Was there anything peculiar about them?—Well, no, I can't say that there was. You could purchase them in any shop in Perth—the same quality and the same article.

Did you think when you were putting these fittings into that building that they had been brought there by McSwan from the Government Workshop or the Government Department?—I would not like to say. I don't know where he got them. He may have bought the whole lot in a box second-hand.

So many fanlight openers, so many locks, and so many sash openers?—He might buy a job lot.

Just as many as he required?—He had more than was required, but it might have been a job lot which he might have picked up.

Had you any reason to believe that they were not a job lot?—I would not say.

*Mr. Short:* When did you join the service on the first occasion?—I worked first about 14 years ago at the Fremantle Workshops, doing ornamental work.

How long were you in the service then?—Not long, probably about three months, may be six months. It is about 14 or 15 years ago. I think it was in 1892.

Have you been off and on on several occasions since?—I have been off and on in the Government railways. The last time I was working in them before coming here was between Menzies and Leonora.

For the Locomotive Department or the Permanent Way?—I have been both. I never worked in the Midland Shops.

Those things you referred to as being in the case, have you any idea where they came from?—I have not.

All you can say about them is that they were on the ground when you went to carry out your contract?—Yes. Of course there were a great many more than were required. You could get them in any ironmonger's shop.

Is it not customary when you are putting up a building to send all your window frames, etc., along?—I did not speak of window frames. They came from the timber yard.

There was no timber work in what you mentioned just now?—No.

Simply fittings?—Simply fittings. Part of the woodwork came from the timber yard, I am certain.

Mr. Bolton: Part of it?—The part I had. It might have all come.

Mr. Short: I suppose you could go down to any of these pawnshops to-day and purchase similar articles?—Yes.

But so far as you know about these particular articles?—Personally I don't know where they came from except that they were there when I started.

You have no knowledge either directly or indirectly?—No; I have not the faintest idea where they came from.

Mr. Justice McMillan: What kind of a box were they in?—A big rough pine case.

About what size?—It would probably be about three feet by two feet.

Were there any marks in it?—I could not say. There might have been, but I did not notice any. It was just an ordinary pine case.

What class of fittings were they? Were they more elaborate or not than you would expect to see put in a house of that character?—Well, some were better than the place would require, and some just about ordinary.

Were the better ones new or second-hand?—Both new and second-hand.

Did you have any talks with McSwan while the building operations were going on?—Yes.

Did you ever speak about these fittings?—No. He found everything.

Did he never mention them in any way in talking to you?—Not that I remember.

Mr. Bolton: Where did you have these talks with McSwan?—On the job.

When were you working on the job?—It is two years next January.

But how many hours a day did you work on the job?—Some times as long as I could see and sometimes half a day.

What time in the day would McSwan go down to the building?—He was not then in the Department.

He had left the Department.

Would he be there to supervise the erection of the building all the time?—Sometimes he would be there.

If he was there all the time didn't you think it necessary to have some conversation as to what class of fasteners he would have on certain windows, etc.?—He picked them out and told me what he wanted.

What did he do with the remainder?—I don't know. I left them there.

Mr. Short: McSwan has got other houses?—He did have some.

And those spare articles you spoke of may have been left over from those other buildings?—Yes.

Mr. Justice McMillan: Do you say that McSwan was not working for the Government at that time?—That is so.

How long before that had he left the Government service?—I am speaking of two years next January.

When did McSwan leave?—

Mr. Short: I will get that information.

The SECRETARY: He was dismissed in July, 1904.

#### DAVID ANDERSON, SWORN:

Mr. Bolton: What are you?—A carrier.

I believe you cart for all and sundry at Midland Junction?—Yes; I have done it.

Two years ago were you doing any carting for Edgar & Pringle, contractors?—No.

Were you doing any carting for Edgar? Do you know Edgar?—I know Edgar & Pringle, but I don't know that I have done any carting for them.

Do you remember when they built a house?—Could you tell me where the house was.

I could not tell you the exact spot, but I suppose Edgar could tell you well enough?—Of course, I have done carting for people like them, through others.

In this case you did it directly for Edgar & Pringle?—No; I never did any.

You do not remember having done it?—No.

Mr. Bolton: Is there any other witness called in connection with this?

Mr. JUSTICE McMILLAN: There is another witness, but the police have not been able to find him yet. We can bring this witness back if you want him.

#### ROBERT DEARLE, SWORN:

Mr. Bolton: What is your occupation?—Carpenter and builder.

Do you take contracts?—Yes.

Have you built any house at East Midland Junction, Woodbridge, Guildford, etc.?—Yes.

Give the names of one or two you have built for?—

Mr. Stewart.

Who is he?—I believe he is foreman fitter in the Loco. Department.

Anyone else?—Mr. Day. I think he is leading blacksmith; leading hand blacksmith. He is in the blacksmiths' department, anyway.

Anyone else?—Yes, Mr. Jolly, in the running department.

Have you got plans and specifications of those buildings with you?—I have not.

Could you get them back?—Well, under the Fines Certificate we are supposed to hand them back to the architect.

Mr. Justice McMillan: Did you hand them back?—I did.

Mr. Bolton: Who was the architect for Stewart's house?—Mr. Marquand.

Who is he?—I believe he is a carpenter or something in the Loco. Department. He is in the employ of the Loco. Department, or was at that time.

Were the plans signed by him?—Yes.

Who was architect for Day's house?—Lorrimer.

Who is he?—He is also a carpenter in the Loco. Department.

What is the usual practice in regard to a contractor and architect? Does the architect get a percentage?—It is a recognised thing, I believe.

Who does he get it from?—In certain cases they get a portion from the contractor, and a bigger percentage from the proprietor.

What are the duties of the architect?—Supervision of the job, and to see that we carry out the things as specified.

At what time would you and your men start work on this house?—At 7:20 a.m., and we would knock off at 5 p.m.

All the men?—Yes.

Did this supervisor get any funds from you for supervision of the building?—None whatever.

Did he supervise the building?—Yes.

How?—By coming round and inspecting it at certain periods of the week.

What do you mean by that?—On Mr. Stewart's house he would come in five cases out of six at 11 o'clock and get back to the Midland Shops so as to start at 10 to 1.

Daily?—No.

How often?—Sometimes twice a week, and sometimes he would not trouble me till Saturday.

What would he do then?—He used to knock off about the same time, and then come down and go to Fremantle with me. That is when we only work the half day.

Then the only conversation you had with the architect would be between the hours of 7-20 and 5 as to the supervision of the building?—Yes, except perhaps on one or two occasions when I might go to see him, as he resided at North Fremantle. I might take a trip there and see him.

Did you have any conversation on the job with him outside of the hours mentioned?—Yes; we have had conversations after 5 o'clock on the job.

But that was not the usual practice?—Well, all things being equal, I think there was as much done after 5 as in working hours.

There was as much done in working hours as after working hours?—Perhaps so.

Was this man paid by the Government while he was supervising?—I have not the slightest idea.

Were you responsible for the painting of the building?—Yes, on both jobs, Mr. Day's and Mr. Stewart's.

What was the practice of the architect over Day's house?—It was mostly during the dinner hour that he came there to supervise the work. It was a nearer approach from the Midland Shops.

On Day's house you would be there during the dinner hour?—Yes.

Did any conversation take place between you and the architect over Stewart's house as to the architect getting out to supervise the building?—No.

You looked on it as a matter of course?—Yes; that was not my business.

You did not think it strange at all to see a Government workman out supervising a building two or three times a week?—I did take notice of it myself, but I did not care about passing any remarks, because it is not wise.

Why not wise?—You know, it pays a contractor better, perhaps, to keep his mouth shut on certain occasions.

Did you get a certificate from Mr. Marquand at the finish of the job?—Yes.

Do you hold it now?—No; I handed it back as a receipt for money received.

You have actually got nothing in your possession to show who was the architect and who supervised the erection of the building?—I have nothing to prove it in either case.

But you are prepared to swear that the plans were signed "Charles Marquand"?—Yes.

Mr. Short: I suppose you don't consider it in any way out of place for Marquand or Lorrimer to assist their fellow workmen?—No, not at all.

Quite a natural thing to do?—Yes, most decidedly.

And so far as you are aware Marquand, while inspecting the building was not being paid by the Government?—I don't know anything at all about that part of the business.

Mr. Short: I take it that Mr. Bolton's only object in regard to this is to try and show that these men were being paid by the Government during the time they were supervising this work?

Mr. Bolton: Absolutely.

Mr. Short: I shall be glad to look into the matter.

(To Witness): You say that Lorrimer came after working hours, or during the dinner hour?—Stewart's job, I think, started just two or three days previous to Christmas of 1904, and it ran through till about March, 1905, and from that job I then went on to Day's.

Then it was between Christmas, 1904, and March, 1905?—Yes, just about those dates.

Mr. Justice McMillan: I understand you were the contractor?—Yes.

Did you provide all materials?—Labouring materials.

Mr. Short: I will ascertain what time was paid to this person.

WILLIAM JOHN BROWN, sworn:

Mr. Bolton: You were engaged painting a house for Mr. Stewart?—My firm was.

But you, the part of the firm, engaged on it?—Yes.

What hours of the day were you engaged painting this house?—From 20 past 7 till 5 o'clock.

How many days were you engaged on it, roughly? I suppose about three weeks.

During the time you were engaged painting this house did you see the supervisor of the building?—Yes.

At what hours?—He used to get there just about lunch hour.

Mr. Justice McMillan: What was his name?—Mr. Marquand.

Mr. Bolton: Did you see him there before the lunch hour?—Yes; I have seen him there when I have been working, which is before the lunch hour. It might have been a quarter of an hour or half an hour before.

Walking pretty smartly, how long would it take you to go from the Government workshops to the house being built for Stewart?—I suppose it would take you over half an hour.

Half an hour?—I never tried it, but I should think it would.

Did it never appear strange to you to see Marquand supervising the erection of this house during what appeared to you to be Government hours?—I don't know. It did not matter much to me who supervised the work.

Did the supervisor have to supervise your work?—Yes; he supervised all the work.

Were you responsible to the supervisor or to Dearle?—To Dearle.

Then all you did was to notice the man about the place?—Yes.

FERDINAND CHARLES FARRELL, sworn:

Mr. Bolton: I understand that you were engaged building a house at Woodbridge for Mr. Kirkbride?—Yes.

Were you on the job personally when the house was being built?—Part of the time. I was not there continuously.

Did you have a foreman there continuously?—Yes.

What was his name?—It was my brother.  
Mr. BOLTON: A mistake has been made over this witness. This is the wrong Mr. Farrell.

(To witness): Can you tell us who was the architect to the building?—The person who prepared the plans was Marquand.

Would you know whether he supervised the erection of that house during working hours?—I could not say from my own knowledge, but he was only there very rarely that I know of.

And you were there very rarely too?—I was there practically every day. I used to drive down there every day, but I was not there continuously.

How long would you be there?—I would probably go down there in the morning and have a look round for an hour or half an hour and go back. The next day I might go in the afternoon, as it suited my convenience.

What time would you generally go in the morning?—A little after 8 o'clock.

#### ALBERT JOHN CAMPBELL, SWORN:

Mr. BOLTON: I have never seen this witness in my life before, and I don't know what he is here for. I should like you to examine the witness, as I know nothing about him.

Mr. Justice McMillan: What are you?—A carter. (Witness's signed statement handed to Mr. Bolton.)

Mr. Bolton: Are you engaged in the Stores Department?—Yes.

What annual holidays are you entitled to?—Nine or ten days.

When do you get them?—Christmas time.

What were you doing last Christmas?—Working in the store.

What were you doing?—General work.

Did you do any driving?—Sometimes, if anything had to go out.

Where would it be to generally?—To the station.

During the Christmas holidays did you have to cart any stuff to the private house of Evans, the Works manager?—No; not to his private house. I had instructions from the Chief Railway Storekeeper to cart some stuff.

Where to?—To the Woodbridge bowling green.

What was the stuff?—It seemed like ashes or something.

How many trips did you make?—One.

Was there any more ready to be taken?—I could not say.

You had only had instructions for one trip?—Yes.

I suppose you are not aware that there is a lot there supposed to be waiting to be carted, but they knocked off suddenly?—No.

What was your duty when you arrived at the bowling green?—It looked like a bowling green, but I am not certain. It was a green patch.

I presume you had departmental orders to take this load to a certain place?—Yes; I went by my instructions from the Chief Railway Storekeeper, Mr. Loveridge.

Was it a Government horse and lorry?—It belonged to the Store Department.

Where did you load this stuff up into the trolley?—At the power house.

Were there any other bags lying alongside of where you took your load from, filled up?—I did not notice them.

You did not return that way after you unloaded. You went back to the stable?—I went back to the stable.

Mr. Short: The Storekeeper is your chief?—Yes.

Did you cart it down in the ordinary working hours or outside of working hours?—It was not exactly knocking off time. It was on a Saturday. I arrived back at the stable at a quarter past 1.

Did the department pay you for taking that out there or did someone else pay you?—I got half a crown from Mr. Loveridge.

So he practically paid you himself for taking it down?—Yes.

Mr. Short: I think you will find in one of those files that this soot was given to the bowling green by the Commissioner.

Mr. Bolton: Were you paid short time that week?—No.

No time was docked for taking the ashes away?—No.

How long were you over this job?—Of course, I took my time. I did not trot. I let the horse take his time.

Were you an hour?—I reckon it was about 12 o'clock when I left the Works.

That is an hour and a quarter?—Yes.

The Workshops close at 12 o'clock, so you would be doing it practically in your own time?—Yes.

Mr. Bolton: How long would it take you to load up a load of bag soot into this lorry alone, apart from the time spent in driving?—It all depends. You have to go to certain people to find out where the stuff is.

How long would it take you to see these people?—It all depends. They might be all over the yard.

Did you have any difficulty on this occasion in finding out where the stuff was?—I didn't know exactly where to go and get it at first.

Where did you find it eventually?—I waited until I saw one of the men.

About how long did you have to wait?—About ten minutes.

How long would it take you to load after you found the stuff?—About ten minutes again.

Do you remember how many bags there were?—No; I could not tell you.

Did anybody assist you to load this stuff up?—Yes.

Do you know a man named Bennett?—No. I may have seen him, but I don't know the name.

How far is it from the shop to this bowling green?—It is at Woodbridge. I should say two miles.

You would have to unload it again there?—Yes.

Did you load the stuff yourself?—No.

Don't you think you were engaged on the job rather a short time?—Well, I could not tell exactly what time it took. I know I generally keep my clock a quarter of an hour fast, and I went by my time. I don't know how long it took by any other time.

#### GEORGE VICTOR VAUX, recalled:

Mr. Bolton: You made a statement when you were in the box previously that you received £12 10s. from Mr. Short for alterations to his launch?—Yes.

And that you had a boy working with you?—Yes.

Will you give us the name of the boy and where he resides?—I can give you the name, but I cannot tell you where he resides. I believe he is at Midland. I have not spoken to him since.

What was he engaged at when you took him to assist you?—He was engaged in the Loco.

What was his name?—Cyril Woods.

You gave him £3 of the £12 10s.?—Yes, to the best of my knowledge. Of course it is a long while ago now.

Mr. BOLTON: Would it not be as well while Mr. Jackson Orr is here to see what he has to say, and then we shall know if it is necessary for the Commissioner to cross-examine him?

Mr. JUSTICE McMILLAN: I do not object, if Mr. Short is a consenting party, to see if Mr. Jackson Orr has any statements to make against the Commissioner.

#### JACKSON ORR, recalled.

Mr. Justice McMillan: The adjournment was granted in order that you might prove that between July, 1902, and September, 1904, there was gross maladministration and malpractices on the part of the present Commissioner?—Yes. Mr. George wanted to pin me down to a certain date, and I objected to it.

Any statements with regard to the Commissioner must refer to facts beginning in 1902, when he first came on the scene?—There may be some other statements I am going to make which may not be in his time.

Tell us the facts which you are referring to now?—I have written down a statement, and the whole of the files are here to substantiate my argument.

Does that statement contain all you wish to say in the box?—Some of the charges there are pretty strong.

Against Mr. George?—Against Mr. George and Mr. Hume.

Do you wish to make very strong statements against Mr. George, among others?—I am going to prove gross mismanagement and maladministration.

Of what kind?—Gross mismanagement in dealing with charges I made to prove whether I was making false statements or not.

Charges you made as to something which had happened a long time before Mr. George became Commissioner?—No.

After he became Commissioner?—Yes.

Do you mean to say that you made reports to Mr. George of malpractices after he became Commissioner and he refused to look into them?—A good many of them. I won't say all, but the greater portion of them.

In that case I think Mr. George must be present?—I would prefer it. My object is to show the rotten state of affairs which existed at this time, and that there was no notice taken of complaints which were made, and if you did make a complaint you were probably shut out quick and lively.

You know there are a great many instances which you gave here of what you call maladministration, which I have no power to consider. I see you say that the spark arrester should never have passed the experimental stage. I am not inquiring into the working of the Railways. I am inquiring into definite charges made against Mr. George, and which I stated in my Commission. You have heard the Commission read, and I suppose you have a copy of it. If not, you shall have a copy given you, and you must remember that I am not going to allow you to give any evidence except such as will tend to show that Mr. George has been guilty of the offences with which he has been charged in Mr. Bolton's

speech. You must reconsider your position. The only charge you can make, and the charge I understood you were prepared to make against Mr. George, is that he has committed offences of the character referred to in that speech. Glancing through this statement I should say that nearly the whole of it is quite irrelevant?—Surely when there is a charge made against an official, and that official makes a charge against another one, and they are both condoned on the ground of favouritism, surely that is maladministration.

Mr. JUSTICE McMILLAN: I think we had better have Mr. George here in order to satisfactorily dispose of it, and I must warn you that I shall have to limit you to those matters into which it is my duty to inquire.

Mr. BOLTON: I am not going to be a party to being drawn into an inquiry between the Commissioner of Railways and Jackson Orr. A feeling has grown somehow, though I don't know where it emanated from, that this Commission was granted practically solely at the request of Jackson Orr. I want to give that an emphatic denial.

Mr. JUSTICE McMILLAN: I assure you I am not going to be led into Jackson Orr's case at all. I shall not allow him to carry his mind back to the early history of his case.

WITNESS: I have no desire to introduce any old history in order to prove what Mr. George challenged me on.

Mr. Justice McMillan: Can you give me any further information than that which is contained in the files and in the various documents referred to in those files. Could I not get the whole history for myself from going through these documents?—That is for you to judge.

I think so myself unless you have any further communication than what is set out in those communications of yours which are on the file?—I think there are several charges which the Commissioner would like to combat himself.

You had better reduce those charges into writing, and at the next sitting let me see them. If there is anything material to the issues I have to deal with; you shall have to go into the box?—I disclaim the slightest intention of this having anything to do with myself whatever. If you rule against me with regard to the experimental stage of these spark arresters, that is one of the principle things; it cost the State thousands of pounds.

Mr. JUSTICE McMILLAN: That is not at all what I am sitting here to deal with. I think you had better put anything definite against Mr. George into writing, and have a look at the terms of my Commission, and then if there is anything relevant to the issue you shall go into the box and have an opportunity of making those charges against Mr. George. But if on looking at that writing I come to the conclusion that the statements—even though they might be true—would in no way assist me, I think it would be waste of time for you to go back. Let me have that document by the next sitting, and I will see whether it is necessary to call you or not.

#### H. J. SCOTT, sworn.

Mr. Short: In January, 1906, you were editor of the *Fremantle Mail*?—Yes.

In one of your publications you had a large head line bearing upon "The Railway Scandal"?—Yes.

You mentioned the names of several officials in the Department, including my own?—Yes; the article speaks for itself.

Were you responsible for that article?—As editor I was, seeing that it had to pass through my hands.

How did you obtain the information?—On the 19th January Mr. Handcock came in and brought two men with him into my room. They stated that they had information to give me with regard to the Midland Junction workshops. I thought this might be good copy, and I told Mr. Handcock to interview them, which he did with the result that the matter appeared in that afternoon.

Do you say these two men called upon you?—They called upon Mr. Handcock and Mr. Handcock brought them into me, as editor.

Do you know the names of either of these two men?—No.

You cannot say who they were?—No. I had never seen them before.

Do you take a list of the names of people from whom you take statements?—No.

Would it not be customary before you publish that sort of thing to take the name of your informant?—No. I would leave that to the reporter who undertook the interview. If I had interviewed these men I would have taken their names.

You would not write about a statement without knowing the name of the informant?—These men said they were employees in the Midland Junction workshops, and I took it that as they were so employed we might understand that their information would be reliable.

Do you not insist upon getting the names and addresses?—The editor cannot get the names of everyone who is interviewed.

You were satisfied to leave that to the reporter, Mr. Handcock?—Yes.

Do you know of your own personal knowledge whether the names of those men were recorded in the office or not?—I feel sure that they were not. I trusted to the reporter, who was a reliable man.

Were you present when these charges were made against me?—No. There were certain things said about you upon which I asked Handcock to make inquiry.

What charges?—There was something with regard to a windmill and a launch. I refused to put that in print, and I gave Mr. Handcock instructions to make inquiries in regard to those allegations; giving him sufficient money with which to make inquiry. He told me on the following Monday that he had found out that the charges against you were baseless.

Could you remember the name of the person who made the charge against me?—No. On an evening paper you cannot go into every matter of that kind, but I remember giving instructions that the matter should be thoroughly probed, which it was, with the result that I was of opinion that there was nothing in the matter against yourself. Consequently anything with regard to you was entirely dropped. I wish to emphasise the fact that at first I thought the allegations against you were good copy, with the result that I caused full inquiries to be made by the reporter who would have this matter in hand, and, as I said, the result of his inquiries were that the charges against you were dropped.

The reason you dropped the matter of the charges against me was owing to the personal inquiries made by your man?—Yes. I sent him up to Guildford on Saturday afternoon, and he reported to me on Monday that there was nothing against you, and the matter was dropped.

Mr. Justice McMillan: It would have been the duty of the reporter to take the names of the men he interviewed?—I would have done so.

It would have been his duty?—Yes. When he brought them into me he said that they were residents of Fremantle who were working in the Midland Junction workshops. I referred them to him.

It would be his duty to make reasonable inquiries as to who they were?—Yes; he should have known that they were creditable people and that they were working in the Midland Junction workshops.

Mr. Bolton: You said you remembered the article of the 19th January in which certain names were mentioned?—The *Evening Mail* never mentioned anyone's name.

You had to look after the other people?—We published the article as good copy, but afterwards certain information was given us with regard to Mr. Short which led me to make further inquiries and not to mention Mr. Short's name in the article we published.

After you had published the article in which Mr. Short's name was not mentioned you made inquiries?—We published an article concerning the conduct of the works at Midland Junction, but with regard to the other information we would not put it in print until we had looked further.

You are referring to some information which you received but which you did not publish?—Mr. Short's name is not mentioned in the article.

You are referring to an article which you did not publish, or rather to information which you could not publish?—Not without slandering people.

Who was manager of the paper at that time?—I was editor, not manager.

Who goes through the copy which is brought in by people?—The editor.

You went through the article of the 19th of January before it was published?—Yes.

Did you ask Mr. Handcock whether he got the names of the people who gave him the copy?—No.

I do not you think it was your duty to do so?—You could not do that upon an evening paper. The men rush in with their stuff, and you cannot make every inquiry of that sort before publishing it.

It would be usual for the editor to find out where information of this kind came from?—Yes, if it was brought to him by an outsider.

This information was brought by two outsiders?—Given by them to a member of the staff, who will tell you where and how he got the information.

How do you account for the more sensational article of the 20th?—That referred to the arrest of Baker only. I do not think you will find anything there except with regard to the Court appealing by Mr. Fairbairn.

If my memory serves me right the article of the 20th was more sensational than that of the 19th. You there accused the Government of hushing up this matter?—I have told you that on the 20th I instructed Handcock to go and make inquiries and report to me.

The reporter was asked to make inquiry upon the 20th to prevent a further publication?

Mr. Justice McMillan: That action could not affect the publication upon the former date. The fact is that two articles were published, but that the result of certain information prevented certain things being followed up in the second article.

Mr. Bolton: Who wrote the article of the 20th?—I did.

Were you assisted?—I am not going to answer that.

Did you write the article yourself?—The copy is in my writing with regard to the Police Court proceedings. That was the result of information supplied to me.

Am I to understand that a reporter supplied that information?—He obtained that information and brought it to me.

And you wrote up the article?—Yes.

That was a different method than that you adopted upon the 19th?—Quite so. The one was an interview with two men, and the other was a report of Police Court proceedings.

You mean that one was taken by a reliable member of the staff and one was not?—Both were reliable.

When did you cease working for the *Evening Mail*?—Some time in March.

Were you editor up to March?—I think so.

Who was the reporter who reported the Baker case in the Police Court?—I cannot say, the Court was held at a time when no reporter could be present.

Did you communicate with either of the gentlemen you referred to and tell them there was nothing in their report?—No.

Did you ever communicate with them with regard to the articles of the 19th or 20th?—I have communicated with no one. The only time I communicated with anyone was when I communicated with Mr. Gregory asking him what Mr. George went to Albany for.

What did you publish the article of the 19th of January for?—It was good copy. I take responsibility for everything in the paper.

You published something which had been communicated to you by two gentlemen from the Midland Junction shops?—It was good copy.

After that you arranged for Handcock to make further inquiries?—Yes, he interviewed them, with the result that the information was published on the afternoon of the 19th.

Did Mr. Handcock supply the information for the article of the 20th?—Certainly not.

(The witness retired.)

#### JACKSON ORR, recalled :

Mr. Justice McMillan : I want to ask you a few questions to see whether it is worth while giving you the trouble to write out a statement?—Yes?

Do you know whether during the time that Mr. George was Commissioner any officials of high standing have either obtained the services of Government workmen during Government hours, or have made use of any property belonging to the Government?—Not of my own knowledge.

Do you know of your own knowledge whether the Commissioner has suppressed matters of that kind which have come to his own knowledge?—Only in my own case.

The information with regard to your own case is to be found in the file containing the communication which passed between the Commissioner and yourself. Further than that, is there anything you wish to add to the facts of your case—such facts as were brought to the knowledge of the Commissioner?—You gave me instructions before the last adjournment that I was to put this down in writing.

All you can help me upon is your own case. You can only say that in connection with your own case Mr. George suppressed certain facts which were brought to his notice?—With regard to the spark arresters. It would put me in a difficult position if I could not bring evidence.

I have to inquire into a charge against Mr. George, and I want information from you as to those charges?—Mr. George, as head of the service, is responsible for the conduct of the whole of the department and the action of the officials. That being so, if the late Mr. Rotherham went into experimental work which had not been paid for, my argument is that Mr. George had no right to allow it.

Mr. JUSTICE McMILLAN : Perhaps you had better put it in writing. The only purpose for which I am here is to inquire with regard to Mr. George's conduct amongst others, and you must let me know from your documents what your charges are against Mr. George, particularly with regard to suppressing a knowledge that certain high officials have been making improper use of Government workmen and Government material. After I have gone through your written statement you will be re-called, if necessary.

Mr. BOLTON : I do not propose to call any further evidence, but I would like to know if Edgar has been subpoenaed.

Mr. JUSTICE McMILLAN : I do not wish to undertake that any witness will be called. I only wish you to understand that everything has been done to support your case.

Mr. BOLTON : I do not propose to call Edgar and Anderson.

Mr. JUSTICE McMILLAN : I do not think it is necessary that those witnesses should be called.

Mr. BOLTON : Then that closes my case.

#### E. L. HANDCOCK, sworn :

Mr. Short : Do you recollect the 19th of January last?—Yes.

It what position were you then?—I was reporter on the *Evening Mail*, Fremantle.

Do you recollect two men coming to you and making certain charges about railway officials?—Yes. Two men came in about 12 o'clock and asked for me.

What did you do with those men?—They said they had some important information with regard to the Midland Junction workshops. I took them before Mr. Scott, the editor, and after he instructed me I followed his instructions out.

These men made several serious allegations against different officials?—They did not make precise charges. Their trouble was in connection with the Baker case, and they gave me particulars with regard to Baker.

Did they mention any high officials in the department?—No. Neither of these men did. They said it had been going on, and that Baker had been giving stuff to other persons, and he could give their names. They would give no names.

From the statements of the two individuals you wrote the article of the 19th?—Yes.

Did you see anyone else that day after you had written the article?—After I had written the article I made inquiries from different persons, and I also rang up Midland Junction, and someone said that Baker or the foreman had been arrested.

What were the names of the two persons who gave you this information?—I cannot say. I know I made a note of their names at the time. At the time I thought the editor would have taken their names. I have done my best since to find out the men's names.

Is it the usual practice for the editor to obtain the names of such people as this to satisfy himself before publishing?—I understand it to be so. I understood that the editor would take their names and record them in his diary. It is difficult on an evening paper to do a thing like that.

You could not state from memory who they were?—Honestly I could not.

Later on did you not get information as to other charges with regard to other officials?—Yes; upon the Saturday.

The article mentioned that many officials were implicated?—If I remember rightly the gentleman mentioned was Mr. Julius, who was in the draughting office.

Are you satisfied that my name was not mentioned?—Upon that occasion your name was not mentioned. This article of the 19th specially dealt with what occurred at Midland Junction.

Did you not get some information with reference to me afterwards?—On the 20th, Saturday, I was leaving the Esplanade Hotel and passed the Trades Hall, where three or four people were standing. I spoke to them about this article of the 19th, and the matter was generally brought up. One man said, "Well, we have not got to the bottom of it yet." I began to ask what information they had, and one of them mentioned Mr. Short's launch. He also alluded to a jetty which had been built for the launch. There was a casual remark passed with regard to work being done down the line, but I do not know that that referred to Mr. Short. There was also some mention made with regard to a fence.

Did they not say that the jetty had been made of railway sleepers?—I was given to understand that it had been made of railway sleepers, and that a quantity of railway material had been used in its construction.

Mr. Justice McMillan: Where was this jetty?—It was said to be opposite Mr. Short's house at Guildford.

Mr. Short: As the result of that information, what did you do?—I spoke to the editor of the paper, telling him that I thought I had got some valuable information with regard to the Midland Junction trouble—information which would go to show that Mr. Short was implicated. The editor and I discussed the matter, and we decided that owing to the seriousness of the thing we would make further inquiries, the result being that I went to Guildford and saw Mr. Short's launch. It was apparent to me, as an engineer, that it had not been made in the Government shops. I looked at the motor and saw it was a Brooks' motor. I made other inquiries from one person and another and found that Mr. Short's jetty had been built by a contractor in Guildford. I heard from a person there that it had been done by private contract. I looked at the jetty and found no Government sleepers there, and the information I got with regard to the fence was that it had been put up by contractors. On the Sunday I got some information from a man who was working in the shops at Fremantle that Mr. Short's launch had been in Hall's boatshed down here, and on Monday morning I rang up Saunders and Stuart, who I knew to be the agents for Brooks' motors, and they said they had supplied the motor to Mr. Short. That satisfied me that the charges against Mr. Short were not substantiated, and in consequence I do not think anything more was published with regard to Mr. Short.

With regard to this article of the 19th you say no names were mentioned, but that you inferred that the matter referred to Mr. Julius?—Yes, seeing that the chief draughtsman's name was mentioned.

Who gave you this other information with reference to my launch, fence, and jetty as having been built of Government material?—There were three or four men there, but as to who they were I could not say. I only know one man, Mr. W. Roche.

A checker?—He is on the goods jetty.

Are you referring to Mr. Roche who is President of the Association?—I believe he was.

Are you quite sure it was Mr. Roche?—He was present, and I know he had a good deal to say at the time. I believe when I came back (to the office) I mentioned that matter to the editor.

Mr. Bolton has admitted that he went by the articles in the *Evening Mail*. I want to know who has been giving this information?—I remember distinctly that Roche was one of them.

Mr. Justice McMillan: He was present when this discussion took place?—Yes, and he also made statements.

Are you sure that Mr. Roche was present during the whole of that time and heard everything that was said?—Yes, he was in the mob.

Mr. Short: It was in consequence of what Roche and others said that you went and overhauled my home?—Yes.

Mr. Bolton: You made inquiries, and amongst the inquiries you went to Mr. Short's house where he keeps his launch?—Yes. I visited the jetty.

With your experience could you tell whether anything had been done to that launch in the shop?—If you saw an engine you could say whether it was a home-made affair or whether it was made properly. You could see if an engine of that kind had been made by a tinsmith.

It looked like a proper engine?—It was an expensively made boat.

You made inquiries and found that it had been in Hall's boatshed?—Yes.

Could you say when it was in Hall's boatshed?—No.

With regard to Mr. Roche. I understood you to say that after you wrote the article of the 19th you met these people on the following day as you were going past the Trades Hall?—I went by the Trades Hall.

There was a group of men there?—Yes, as there very often is.

What time was that?—I should think between 2 and 2.30. It was after the lunch hour.

Mr. Bolton: I should like to have Mr. Roche here.

Mr. Justice McMillan: Certainly. I should like to know what Mr. Roche said.

Mr. Bolton: What words did Mr. Roche make use of?—I cannot remember any absolute words made use of by Roche.

Did Mr. Roche make use of words against Mr. Short?—Yes, he did, but in the general conversation.

Did he mention Mr. Short's name?—If he did not mention Mr. Short's name he came very near it.

When you visited Mr. Short's house to overhaul this launch did you mention to Mr. Short the conversation you heard?—I never spoke to Mr. Short until two hours ago.

Did you speak to Mr. Short before you came into this building?—Yes.

Who subpoenaed you to come here?—The Commissioner. By request?

The SECRETARY: I subpoenaed him at the request of Mr. Short.

**Mr. Bolton:** When did you arrive in Perth?—Last Thursday.

Did you come down in connection with this case?—Not entirely.

You were subpoenaed in the middle of the day?—Yes.

You came down in connection with this case?—Yes.

What was your connection with the case?—The Commissioner gave me to understand that I would be required to give evidence in the case.

In writing?—Yes.

Have you that letter?—No, but I could get it.

Did you have a free pass to come down here?—Yes.

And yet you came partly on your own business?—I was coming down on the Thursday in any event.

What is the date of your pass?—It is dated for Wednesday.

Is it a return pass?—A single pass.

**Mr. Short:** I am prepared to admit that the Commissioner sent him a pass to come down here.

**Mr. Justice McMILLAN:** It does not affect me in any way. It is equally open to any party of this inquiry to bring any person here.

**Mr. Bolton:** I was thinking that the Commissioner must have known that this man could give evidence.

**Mr. Short:** It is only three or four days ago that I knew Mr. Handcock knew anything about this case. If I had known before, I would have got him or twelve more Mr. Handcock's down here.

**Mr. Justice McMILLAN:** His evidence only enables us to ascertain the origin of the article. I hoped that we might have found out who was responsible. The only evidence I have got is that according to this gentleman's evidence Mr. Roche is one of the men who gave this information. I am sorry that we cannot get the names of the two men who visited the office.

(*To witness:*) Would you know either of these two men?—I have made every endeavour during the last two days to find those men.

Would you know them if you saw them?—No. I have interviewed so many men, particularly in January, which was a busy month, that I could not say I would know them.

**Mr. Short:** The Commissioner was notified that Handcock knew something about this affair, and since he has been here we have endeavoured to get him to go round and see if he can place these men.

**Mr. Justice McMILLAN:** It is very unfortunate that neither the editor nor the reporter should have taken the names of the men who gave this information. I am not, however, here to discuss how a newspaper should run its work.

**Mr. Bolton:** I think it is peculiar as well as unfortunate.

**Mr. Justice McMILLAN:** I think even in publishing good copy a little care should be taken with regard to the people who give you that good copy. That, however, is not my business.

**Mr. Short:** It will be noticed with regard to the launch that it was fixed up by Hall long after Vaux did the work. I would also draw attention to the fact that Mr. Handcock said that he thought he mentioned to Scott that Roche had made these remarks.

H. J. SCOTT, recalled:

**Mr. Short:** On the 20th of January, do you remember Mr. Handcock giving you this information that he had received from these men with reference

to me?—They came rushing in to me and said they had got some good information following upon what we published on the previous night. Handcock said he had been discussing the matter with some members of the association outside the Trades Hall, and that one of them had said something about your boat and jetty. He said Mr. Roche was one of them. Knowing that Mr. Roche was of the Trades Council, I sent Mr. Handcock off for the afternoon to make all inquiries. Mr. Roche's name was distinctly mentioned to me.

Have you any doubt about that?—No doubt whatever.

Anyone else?—No. When I heard Mr. Roche's name, and knowing him to be one of the Trades and Labour Council, that was sufficient for me, and I would not ask anything else.

**Mr. Bolton:** Where did Handcock go that afternoon?—I know I initialled 12s. for him, and he came back on Monday and reported to me that he had been to Short's house upon the Saturday night and had done a little detective business.

WALTER CAREY, sworn:

**Mr. Short:** What are you?—I am foreman painter in the Loco. Branch at Midland.

How long have you been in the Department?—Since 1887.

What is the procedure with regard to the issue of paint from the shop?—As men require the paint to do the various work they are employed upon, they come to the store and are given the paint from the storeman. They take the paint and return what they do not use to the store.

Do they usually present an order to the paint shop?—Anyone outside the paint shop would present an order.

You would not issue paint to them without such an order?—That is so.

Is it the custom for the men to get paint from the paint shop without an order?—No. The only instance would be where a man wanted a little smudge for smudging timbers. Nothing farther than that.

If a statement has been made here that men could take paint away without any orders at all it would be incorrect so far as your knowledge is concerned?—Yes.

It would be against the regulations?—It would. Have you a copy of the regulations posted up in the shop?—Yes.

I think those regulations strictly forbid any material of any kind being taken away from the shop?—Yes.

I suppose the whole of the men are acquainted with the regulations?—I take it so.

Are the regulations posted up in a prominent position?—Yes.

Suppose you had ten or twelve new wagons to paint, you would get one order?—We would paint them by a works order, which would give us a certain number.

You would not get a separate order for each wagon?—That is so.

The men employed on that work would come in and out during the day and replenish their paint?—That is so.

Would it be necessary at any time to take out paint in any other way except in tins?—I do not see any necessity to wrap it up or hide it in any way.

From your knowledge, can you state a case where proper orders may have been issued and where they have been wrapped up?—I cannot remember any instance of that kind.

Temporary repairs or painting might have been done in Perth?—We often send paint away up the country.

You might send small parcels of paint to other depôts?—Yes.

Would the man in the shop be acquainted with every order issued?—He would know the general running all right, and would know who was going to use that material.

Some two or three years ago were not a number of carriages renovated in Perth?—Yes.

For that purpose was not the paint and varnish sent down from the shop?—Yes.

It has been stated here by an ex-employee in your shop that paint had gone out at different times wrapped up in paper, and in consequence of its being so wrapped up he was under the impression that certain employees were taking it away for their own use. Could you give us a specific instance of where a man would necessarily do this for departmental use?—I cannot give any case where that would be done, or where it would be wrapped up in that fashion. Of course we get instructions to send paint up the country, but that is the only material that would go out of the place in that shape.

Supposing there is an order sent down from an outside depôt for a few pints of paint, would you get a separate order?—I would get an order for paint for that depôt and would forward it.

Have you ever told any of your men to work up a few pints of a certain paint to meet such an order?—I have, but the men would know nothing about the order. Dry paint might be wrapped up in paper if it was to be sent away under order.

Do you know of any instance where paint has been sent away in that way?—Indian red possibly, for marking.

Have you any knowledge of any paint being taken out for the use of the employees?—None whatever.

And if we have heard that parcels of paint have been taken away for the use of employees, that is without your knowledge?—Yes.

Are you satisfied that under the present conditions at Midland Junction such would be impossible?—Yes. I have never found any shortage at all.

Mr. JUSTICE McMILLAN: The witness you are referring to, Mr. Short, left the service some three years ago.

Mr. SHORT: It may be that we can prove that the conditions at Fremantle were such that we could not have a proper check, but that has been rectified since we went to Midland Junction.

(To witness): Have you ever authorised any of the employees to get paint for their own private use?—Yes.

Is this (produced) a copy of the regulations exhibited in the workshops?—Yes.

(Regulations put in.)

JAMES FLINT, SWORN:

Mr. Short: What are you?—Leading-hand painter.

Have you at any time ever had paint out of the workshop for your own private use?—No.

Have you ever given orders for other employees to get paint for their private use?—No.

Has it come to your notice that any have taken paint without reference to you?—I do not remember such a case.

If a statement has been made before this Commission that you took paint out wrapped up in paper for your own private use is that correct?—I should say not.

You deny it?—Certainly.

It is said that you had some paint wrapped up in paper which you took away from the Government workshops?—I never did that at any time.

We understand you once had an aviary?—Yes.

Have you sold it?—I still have one.

A witness here stated that you had an expensive aviary, with stained glass, and built of different sorts of wood; the inference being that some of the material came from the Government shops. I want to know whether any material for that aviary came from the Government shops?—I do not know anything about the aviary.

Mr. Justice McMillan: Do you know Deary?—No.

Mr. Short: He was supposed to have been a next-door neighbour of yours?—I think someone has been pulling someone's leg.

[Deary called forward.]

The Witness: I believe I have seen him before.

Mr. Justice McMillan: Did you live next door to him?—Yes; at Fremantle.

Did any of the material with which that aviary was made come from the Government shops?—No.

Have you had any material from the Government shops of which you have made use for your own private work?—None whatever.

Mr. Short: Have you got a medicine chest?—Yes.

Where did you get the material for this medicine chest?—I do not remember getting any material from the shop.

Do you remember Charlton?—Yes.

What was he dismissed for?—Disobedience of orders.

Mr. Bolton: Would it not be possible for you to get paint for your own private use by getting a boy to pack the paint up and take it outside the shop for you?—It would hardly be possible.

Did any employee ever mix up paint for you and put it in the old water siding ready for you to take home with you?—I never heard of such a thing.

How long were you working in Fremantle?—Nine years.

Did anyone ever place paint in this spot?—No one ever made up paint for me except under Government instructions.

What is the value of your aviary?—7s. 6d. or 8s.

Did you ever possess another one when you lived in A—— Street, Fremantle?—Yes.

Consequently the answer you gave with regard to the stained glass would not apply to the 7s. 6d. one?—I never possessed such an aviary.

Did you sell such an aviary when you left Fremantle?—Yes.

What did you get for it?—I cannot remember.

Did you ever offer it to anyone for sale?—I may have done so.

Do you remember what you offered it for?—I cannot say.

What was the rough value of the aviary you had in Fremantle?—30s. or £2.

What would the glass in that aviary be worth?—I do not remember that there was any glass.

What class of wood was used in it?—I cannot remember.

Who made it?—I did.

Who did the turning?—There was no turning upon it.

Where did you get the wood with which to make it?—I don't remember.

Then you cannot produce any receipts for timber or glass?—I cannot say.

Was there any American oak in this aviary?—I do not remember using any American oak.

What timber did you use in this aviary?—I cannot say.

Did you finish it off yourself?—I made it throughout myself, but as to what timber I used I cannot say. It might have been Oregon or deal, or anything else.

Have you used other timbers?—I have used a lot of timber and have dealt with a good many timber firms. I am satisfied that that aviary was made of Oregon or pine.

To whom did you sell it?—I cannot remember.

Do you know it was exhibited at the Claremont show?—I did not know it.

What timber is your medicine-chest composed of?—I cannot say. It is hardwood.

Who made it?—Mr. Hull.

He was an employee of the Government at one time?—Yes.

You had nothing to do with the making of that medicine chest?—No. I took it over from Mr. Hull's house when his wife died, and I have had it since.

Who built your house?—A contractor, Mr. Cuedale.

Have you got the plans and specifications for that House?—I did have them. I produced them for the Department some time ago, and requested them to be returned, and they were returned to me.

Could you produce them?—I might, but I cannot say. I cannot be supposed to keep these things for years.

I am anxious to have them produced?—Other people were anxious to have them produced, and they got them.

I want to know whether they were the original specifications or not?—The Departmental files will show that they were produced.

How many copies of the specifications were made?—I cannot say.

Mr. BOLTON: I desire these specifications should be produced.

Mr. Justice McMillan: When did you last see them?—I cannot say exactly.

When they were sent back to you?—Yes. After the departmental inquiry which went into that matter, I got them back and then took them home.

Is there any reason to suppose they are not at home?—No.

You had better look for them?—I will.

Mr. BOLTON: If the specifications sent to this man and signed by the contractor can be produced something else will come out.

Mr. Justice McMillan: Have the papers produced at the inquiry got the architect's signature upon them?—I cannot say.

You had better produce those which are signed if you produce any. How long did you live next door to Deary?—Four or five years.

Were you upon intimate terms with him?—No.

Did he ever go to your house?—I do not think he did.

Did you ever speak to him about selling this aviary for you?—I cannot say. I know I wanted to sell it owing to have to shift.

When did you make it?—During my residence in Fremantle.

What year?—Anywhere within the last five years.

Deary says you asked him to sell it about Christmas, 1905?—It was made before that, I think in 1904.

How long before?—During the period I lived in that house I made it. I should say it was during the first year I was there; that would be about three years ago.

Where did you make it?—At home.

Was it all made at home?—Yes.

Was there any timber in your department?—No.

Where was the nearest timber to you in the Government department?—The nearest was in the timber stores at North Fremantle.

Where was your shop?—At East Fremantle.

Had you ever made an aviary before this one?—Yes.

How is it you cannot remember where you got the wood?—I have bought wood at various yards.

Have you ever done any other carpentering work?—Yes; it is a hobby of mine.

Have you done much in that way?—Not much.

Did you sell this aviary yourself or get someone to sell it for you?—I believe my wife sold it.

Perhaps she could say who bought it?—Perhaps she could. With reference to this aviary, if I can produce receipts for the timber I used in making it, I suppose it would be all right.

Mr. JUSTICE McMILLAN: It would be better if you did so.

Mr. SHORT: There are several other witnesses here with regard to building their houses at Woodbridge. The only thing is whether the architect came down and inspected these houses in Government time.

Mr. JUSTICE McMILLAN: Perhaps I had better hear one or two witnesses on that point. I expected to see two.

#### CHARLES MARQUAND, SWORN:

Mr. Short: You are employed in the Government service?—Yes.

Did you act as architect for the houses built by Kirkbride and Stewart?—Yes.

Did you go down and examine the work from time to time?—Yes.

In your own time?—Partly my own time and partly in working hours.

When you went down in working hours did you get permission?—Yes, I got a pass out.

With that pass out did you get your time?—No.

You could not leave the shop without the knowledge of the man at the gate?—That is so.

This applies to both Kirkbride's house and Stewart's house?—Yes.

Upon how many occasions were you away during working hours?—I cannot say. I never expected anything of this kind. I generally went upon Saturday afternoons, or occasions of that kind.

You simply did this as a friendly action?—Yes.

Mr. SHORT: If necessary the department will be able to put in evidence as to the time occupied by this man at this work.

#### ANDREW LORRIMER, SWORN:

Mr. Short: You are employed in the Loco. shops?—Yes.

In a friendly way you acted as architect for Mr. Day?—Yes; I got out a rough sketch of his house for tendering purposes.

After the tenders were accepted, did you in the same friendly way examine the house?—Yes; upon three or four occasions.

In your own time?—Always in my own time.

*Mr. Justice McMillan:* How far was this house from the shop?—In West Midland; about a quarter of an hour's walk from the shops.

*Mr. Bolton:* Did you do any other work of this kind?—Yes, for myself.

And others?—Only giving them a sketch to save them going to architects.

Would tenders be called on your sketches?—Yes.

Did you draw one for Tom Clancy?—No.

Did you do one for Ryan?—Yes, and three or four more.

After having plans of that kind with no specifications, could you leave it to the contractor?—Yes. It all depends upon the contractor. I have known a contractor paid for supervising his own work.

Did you see the contractor over Ryan's house?—He knew what I was going down for.

Would there have been any difficulty for you to get a pass out at working hours?—No.

*Mr. Short:* I have no other evidence except the men who had the houses built.

*Mr. Justice McMillan:* I don't want them.

*Mr. Short:* Perhaps I had better call Mr. Evans, whose name has been mentioned.

#### ERNEST ALFRED EVANS, sworn:

*Mr. Short:* You are Workshops manager?—Yes.

You have occupied that position ever since the shops were removed to Midland Junction?—Yes.

About Christmas time do you recollect some soot being taken down from the workshops to the Bowling Green?—Yes.

At your request?—At my request.

Did you get permission from the head of the Branch?—I had the Commissioner's permission, through the head of the Branch, to have this soot for the Bowling Green.

It was mentioned here this morning that some more bags were filled, but that afterwards something cropped up with regard to the first lot and the latter lot were left at Midland Junction?—I can explain that. I asked permission to have some soot from the works and I told the foreman labourer to load some of it up. He got something ready and sent it, but what he sent was not soot but Collic coal slag. I remarked that it was no good for the purpose. The next I knew of this was that he told me he had some soot ready for me. I said I did not want it then, and it is now lying by the power house because no one has taken the trouble to take it down.

*Mr. Bolton:* It was stated this morning that you got a lot of men who were paid time and a-half to load this soot for your garden, and also that there were still fifty bags waiting to be taken away. How did you arrange to have the soot taken from the

workshops to the Bowling Green?—I had the permission of the Commissioner to take it away. The storekeeper, like myself, was a member of the Bowling Club, and we arranged it between ourselves that this stuff should be sent there.

*Mr. Justice McMillan:* Then that is the whole story about the soot?—Yes; I had permission from the Commissioner to take so much of it for the Bowling Green.

#### MAURICE HENRY MORTON, sworn:

*Mr. Short:* You are employed in the Loco. workshops?—Yes; I am classed as a lifter.

Did you ever get a gallon of paint from the paint shop for your own use?—No. I would not have the d—d impudence to ask for it.

About the time the new carriages came out some time back it is said you got a gallon of paint?—Not to my knowledge.

Have you ever taken any Government paint or Government property?—I have never taken anything I have not paid for.

#### JAMES PENSON, sworn:

*Mr. Short:* You were employed in the Loco. shops?—Yes, as a plumber.

Was any paint ever given you which had been taken out of the shop?—Not at any time.

If such a statement has been made is it true?—No.

Have you ever taken paint at any time for your own private use?—Never.

*Mr. Bolton:* Who built your house?—Taylor.

Who was the architect?—McDougall drew the plans and prepared the specifications.

Have you a copy of the specifications?—I believe I have.

Will you look for them and bring them before the Commission?—Yes.

Was the paint put upon your house supplied by the Government Department?—No.

*Mr. Justice McMillan:* Does Mr. Julius wish to call any witnesses?

*Mr. Julius:* I propose to.

*Mr. Justice McMillan:* The only witnesses we shall require back again will be Flint and Penson to produce their specifications.

Adjourned till Monday, 1st October.

MONDAY, 1ST OCTOBER, 1906.

Mr. BOLTON: Since closing my case the other day additional particulars have been brought before me which necessitate my asking for leave to call three more witnesses.

Mr. JUSTICE McMILLAN: I will allow any witnesses to be called who will throw light upon this matter. Do these witnesses concern the Commissioner at all?

Mr. BOLTON: One witness is in connection with Mr. Short's motor launch, about which I produced no evidence. The other witness is with regard to the *Evening Mail* and Handcock's evidence, by whom I propose to show that Handcock has a very bad memory. The third witness is in connection with the paint used for the houses.

Mr. JUSTICE McMILLAN: I do not think either of those witnesses will affect your position, Mr. George. So far as these witnesses are concerned, I see no reason why you should stay here at all.

Mr. GEORGE: Mr. Orr was supposed to be here this morning.

Mr. JUSTICE McMILLAN: He has furnished me with a statement as to the evidence which he can give, and has referred me to many documents. I find that the documents are to be found upon the files, and that it is unnecessary to put Mr. Orr in the box again.

Mr. GEORGE: Is it permissible for me to make a few remarks upon that matter?

Mr. JUSTICE McMILLAN: I do not think there is any necessity. Since the last meeting I saw Mr. Penson, and he produced the specifications of his house, and he also produced a bill from Sandover's for the paint which was used on his house. He stated on oath that that was the whole of the paint used upon his house.

Mr. GEORGE: I feel quite sure that Mr. Short and Mr. Julius will be able to look after themselves.

(Mr. George then retired.)

#### FLINT re-called:

Mr. Justice McMillan: Do you produce the specifications you were asked for?—Yes (produced). I wish to explain that these specifications, when handed in to the Department at the inquiry held in January last, were a carbon copy. The plan was originally in the Architect's office, and I now produce the two, showing all articles including the paint. Further, I have brought all receipts in connection with the house. I have also documentary evidence to show that it is necessary for railway employees to get receipts for anything they get from the stores even down to a farthing rushlight. That is in reference to the charges made by Mr. Bolton. I now produce receipts for the painting and other matters in connection with the building of my house in West Midland, and I have further brought my wife's diary which shows where she has kept accounts of things she has bought when going to Perth. I would like to explain also that when I came here on the first occasion to give evidence I did not know that any charges had been made against me. I have now an opportunity of putting myself right, and I have evidence here of an instance in 1903 where I paid for a little paint with which to touch up my bicycle.

Have you found out who bought the aviary?—The aviary was made by myself, and I have a photograph

of it, which I produce. Amongst the receipts I now produce you will find there are receipts for the material used in the aviary, which will show I have had nothing from the Department in connection with it and nothing done by the Department.

What about the glass which was used?—There was only a little piece of glass about 6 inches by 4 inches. The only time Mr. Deary saw the aviary was while I was in Midland Junction, and he wanted to exchange a set of ducks for the canaries. He asked my wife if I would sell the aviary, and she told him that I would sell anything if we had to shift. She finally sold the aviary to Mrs. Lebell for £2 10s.

Mr. Bolton: Who painted your house at Midland Junction?—I painted it myself.

Did anyone assist you?—W. Kerr assisted me. He was a painter living at West Midland working in the Loco, Department.

Did you and Kerr do the whole of the painting?—Yes.

Using none of the Government paint?—None. How did you go home at night from the shop?—Through the main entrance, according to the regulations.

Did you always go out at the front gate with your ticket?—Yes. The record will show I did.

Mr. Justice McMillan: Was Kerr working in the workshops at Midland Junction whilst he was helping you to paint your house?—Yes.

When did you do this work?—In September, 1904.

What time of the day would you work upon the painting?—Only in the evenings. We were on duty up to 5 o'clock.

Was all the painting done after 5 o'clock?—Yes; after the contractors had finished.

The contractors did some of the painting?—Yes; and after that Kerr and I did the rest.

Will the specifications show how much was done by the contractors?—Yes.

And the balance was done by you and Kerr?—Yes.

Are you one of the men who is said to have made charges against Mr. Julius?—It is said I did.

That was at the time of the Baker inquiry?—Yes. Did you make these charges at Mr. Baker's house?—Yes.

Did you mention Mr. Julius's house at all in Mr. Baker's house?—No.

Who was there at the time you were there?—F. Harrison. He was working as a carriage builder in the workshops at Midland Junction.

Was anything said about Mr. Julius?—His name was not mentioned.

Will you swear that you never made any charges against Mr. Julius?—I will, absolutely.

Were you very friendly with Baker?—I was on very intimate terms with him.

Did you ever hear any stories about Mr. Julius and his furniture until you saw him upon this occasion?—No.

From no one?—From no one.

You gave evidence upon this matter at the inquiry?—Yes.

Mr. Bolton: Do you say that these receipts are receipts for timber for this aviary?—Yes.

These receipts go from 1902 to 1904, and it would not take two years to build the aviary?—I can only say it was the only one made.

*Mr. Justice McMillan:* When did you commence making this aviary?—In 1902. Later you will see I bought the wire netting. The receipts are for timber in 1902.

Is there a receipt for the wire netting?—Yes.

Is this the only aviary you have ever made?—I have another one made out of a packing case.

Are these the only two aviaries you have made?—Yes. Any expert will tell you that these receipts are just what a tradesman would order to correspond with the measurements of that aviary.

What was the turned pillar used for?—That was not in connection with the aviary.

*Mr. Bolton:* Do you remember Baker getting a receipt from the same firm for turning a set of table legs?—No.

*Mr. Justice McMillan:* When did you start making this aviary?—I believe in December, 1902.

How long did it take you to make it?—I did it in my spare time, and perhaps it took me fourteen or fifteen days.

When was this photograph taken?—It might be twelve months after the aviary was made.

*Mr. Short:* You are a leading-hand painter?—Yes.

You know the practice that exists at the shops in delivering out paint?—Yes.

General orders are received before the paint is delivered out?—Yes.

Are these (produced) similar orders to those you received?—Yes.

Will you explain the procedure adopted at the shops with regard to these orders?—I generally order this material and the foreman signs the order. Afterwards this order is sent across to the storeman. Charlton used to take these orders over to the bulk store and bring back the material to be checked by the storeman. These butts show that we have the material which was sent across. It was sent across in all sorts of packages. Stuff such as putty or other dry stuff would be put in brown paper. Often stuff would be ordered for other branches, and sometimes we had to get stuff from other places. Any stuff going out of the shop would be in accordance with the requisition orders. When I get the order I take it and fulfil it, and it is not necessary for him to explain to me where it is going. The material would be packed up in all sorts of ways. With regard to packing up tins of paint, I have brought with me a tin packed in the way we should adopt when sending out liquid paint. (Witness produces paint tin wrapped up in brown paper.) For this purpose we utilise the old tins, and it is tied up in that way so that the stopper will stay in and the paint will not be spilled. At one time we had twelve men working in Perth renovating carriages, and it was necessary each week to supply them with material. We forwarded anything they were short of, and that material was packed up in all kinds of packages.

*Mr. Bolton:* Was it all booked away?—There might be a case where we have sent it away to an employee at the station.

*Mr. Short:* The general practice was that nothing was sent away without an order?—Yes.

It was always the practice to get an order before sending anything away from the paint shop?—Yes.

Did you have trouble with Charlton whilst he was in the Department?—Yes; I reported him.

What did you report him for?—For obstructing another employee from carrying out my instructions, and for using filthy language.

Was an inquiry held?—Yes. Charlton was taken over to the Works Manager's office, and he was asked to give a statement on the case. He simply turned round and used the same filthy language to the Works Manager, which necessitated no further inquiry, and he was summarily dismissed.

*Mr. Bolton:* Was it possible for painters engaged in the workshops to come back and fill their paint pot without getting a special order?—In all trading concerns it is not necessary for the workman to give a voucher for everything he uses. The foreman is supposed to use his judgment in that matter.

Was the paint which you sent away always sent in response to an order of the Department?—Yes.

Then all the parcels sent away could be traced by requisition orders?—That is so.

#### WILLIAM ROCHE, sworn:

*Mr. Justice McMillan:* Do you know Handcock?—Yes.

Do you remember meeting him on one occasion outside the Trades' Hall?—I have met him on several occasions. I have passed him outside the Trades' Hall.

On the 20th January last?—Yes; I met him on that day.

He says you were standing out there with three or four others?—No.

Do you remembered the occasion to which he referred. It is the day after the publication of the article?—Yes; that is how I fixed the date as being the 20th January.

You did meet him on the 20th?—I did see him.

Tell us exactly what happened?—On 20th January I left Cottesloe Beach by the three minutes to eight train from Cottesloe, and went to Fremantle. I was at that time President of the Trades' Hall Association, and it was my practice to go in there every Saturday night to see if there were any letters. On going round the corner of the Trades' Hall at a little after eight o'clock, Handcock was coming from the Esplanade Hotel. He bumped into me and said, "Did you hear the latest, Roche?" I said, "No." He said, "They have taken the motor out of the launch." I said, "What launch?" He said, "You know, up the river." I said, "I am as wise as ever." He said, "Up the river, Short's launch, they have taken it out." I said, "That looks bad, don't it." He said, "Yes." He made some reference to Mr. Hutchinson and Mr. Baker going up on the Wednesday previous to Mr. George's house at Claremont and giving the whole show away. I went into the Trades' Hall, and it ended there.

Was anyone else there?—No.

Did you make any charge of any sort or kind against Mr. Short?—No. At that time I was not aware that Mr. Short had any launch in his possession, and the only information I have in regard to it is what Handcock said that evening, and what I have seen in the papers since.

Then it is unnecessary to ask you if you heard a conversation?—At no time will I talk in the street of anything that takes place departmentally.

Can you remember any occasion that you may have seen Handcock outside the Trades' Hall in the presence of others?—I read by the paper that I am supposed to have seen him after lunch on the 20th. I may make it plain at once that it would be a matter of impossibility for me to be in the vicinity of the Trades' Hall about that time. I leave work about mid-

day. I believe it was about 12 o'clock on that day that I went home to Cottesloe for my lunch. That is my usual practice on Saturday afternoon, and that is why I am so confident. I was umpire for senior cricket matches through the season, and I have never missed a match during the season. On that date I was on the North Fremantle oval from a quarter past two until late in the evening umpiring the East Fremantle v. Richmond cricket match. On no other occasion than that which I have mentioned have I had words with Handcock of any matters in connection with the Department except when he was employed as baggage agent in Fremantle, and he came to me to ask questions which would concern him as a baggage agent.

That is all you know about the matter?—Yes.

*Mr. Bolton:* Would the Cricket Association's official book show that you were umpiring?—It should. The scoring books of the two clubs on that date would show who were the two umpires.

You assert that it would be impossible for you to be outside the Trades Hall?—I assert that on no Saturday afternoon since the Trades Hall has been built have I been in the vicinity. Since I have been in the Fremantle district I have never yet missed attending either a football or a cricket match on Saturday afternoon.

JOHN WILLIAM DARKER, sworn:

*Mr. Short:* What are you?—Engineer in the Public Works Department.

Do you know Mr. Julius very well?—Yes.

You have often been in his house, I understand?—Yes.

Do you recollect any small turned columns which he has in his house?—Yes.

Do you recollect what they are made of?—Yes.

What kind of wood?—Sandalwood.

Do you know who made them?—As far as I know, he did. I saw him at them. I saw him make some that he has in his house.

He has a lathe there, I believe?—Yes.

You saw Mr. Julius personally make these small sandalwood columns on his own lathe in his own house?—I did.

Have you seen him do any other turning at all in his house?—I have.

From time to time?—Yes.

*Mr. Bolton:* About what date did you see Mr. Julius turning these sandalwood columns?—I cannot give you the exact date.

Roughly?—It was before he was married.

Will you swear that he had a lathe before he was married?—Yes.

Do you know on what date Mr. Julius got this wood-turning lathe?—No.

You only know that he had it before he was married?—Yes.

At what place did you see him making these things?—At the corner of Quarry Street and another street near the East Fremantle Station.

*Mr. Justice McMillan:* What were those columns used for?—I think it was a sideboard or a dinner wagon. I am not sure which it was.

FRANK NEST SHAW, sworn:

*Mr. Short:* Are you employed in the Locomotive Department?—Yes.

How long have you been employed there?—Close upon sixteen years.

You were for several years under Mr. Julius?—Ten years in September next.

For the last ten years you have been under Mr. Julius?—I have; since 1897.

Do you recollect a number of these little columns being turned in the shop for different purposes?—I recollect that in the years 1897 and 1898 there was a good number of fancy W.A. timbers turned, mostly for exhibition purposes in the test room, which was at that stage in its infancy. I believe those columns at the present time are about there still, in different little bits.

Were not a number of them used as a matter of fact in the test room?—At that time the test room was very small, and they were used mostly in such things as test tubes stands. I think in Mr. Julius's office there at the present time there are also small portions.

Was the design left to the turner or would a sketch be put in and instructions issued to him?—A sketch would generally be made by Mr. Julius and handed to me. I think if I remember rightly that in those days Mr. Parkes would be the man I should deal with, and I am not quite certain whether Siefken was the turner. They would be made to sketches given by my superior officer.

Do you know of your own knowledge of any of these pieces of turning being sent out of the shops for the private use of Julius or anyone else?—From my knowledge I know absolutely of nothing being taken out of the shops for Mr. Julius's use, and I don't believe there were. In November of 1897 I was assisting Mr. Julius on several little bits of work, and for a fortnight I was working a lathe for Mr. Julius in my Christmas holidays.

You were working a lathe for him?—I worked the lathe at his house doing different bits of work. He was experimenting there.

*Mr. Justice McMillan:* What year was this?—In November and December, 1897.

*Mr. Short:* So Julius had a lathe in 1897?—The lathe Mr. Julius had then is, to the best of my knowledge, at his workshop at the present time. I might state that in my position in the Railway Workshops in the test room, from time to time it was necessary for me to go to the shop to get various bits of work done which were not going on wagons or locomotives and in most instances these were referred to as foreign orders by men doing the work, and I flatly refused to enlighten the men when they tried to pump me as to what they were for. I might state at the present time that I could bring men who believed the work was being done for private use, and I have never told them different, and the work is now in use in the department for test purposes. Only three months ago a pair of rubber wheels were turned, and a man told me they were for outside work. I did not contradict him. It was simply a matter of pumping, and I refused to be pumped.

*Mr. Bolton:* When you took the sketch handed to you by Julius to Barks or Siefken, would you particularise the wood you required it to be made from?—In each case.

Can you tell me where the sandalwood came from?—There was in the first place great difficulty in getting sandalwood. But I believe it was procured from John Bateman, senior.

By whom?—I could not say.

By the Department?—No.

By Julius?—I was asked myself to try and get some for Julius, but we could not procure it as far as I know in small amounts. I believe that Mr. Julius or someone else arranged to get three or four pieces, a very small amount.

There would not be many sandalwood columns made even for the test room out of three or four pieces of sandalwood?—Not a great number.

Can you tell us what wood was used when you assisted Mr. Julius in 1897 with his lathe?—When I was assisting Mr. Julius with his lathe it was not on turning wood. It was on metal-turning.

It was not a wood-turning lathe at all?—A wood-turning lathe is adapted for either.

You mean that an iron-turning lathe can be adapted for turning wood?—You can put it that way if you wish it.

You have never turned wood?—I have never turned wood in my life.

During your visits to Mr. Julius' house have you seen him turning wood?—Yes. It would be somewhere about the same period. It was while he was living at the intersection of Quarry and another street in East Fremantle.

He turned wood then?—Yes; a great amount. I believe it was prior to his marriage.

What wood would he be using?—I know that one wood he was using at that particular time was kauri.

Did you see sandalwood used there?—Yes; I have seen sandalwood used there.

At Julius' house?—Yes.

Mr. Justice McMillan: Was the lathe he used for turning wood the same lathe he used for metal?—Yes.

And that, you say, was in 1897?—In November and December, 1897.

#### GEORGE JURY, SWORN :

Mr. Short: You are employed in the Locomotive Department?—Yes.

In what capacity?—In the paint shop.

Are you in charge of the stores?—Yes.

What is the practice for delivering paint to the painters in the shop, and what is the practice for sending it away. Do you send it on verbal notice or written order?—The painters come and order a pot of whatever colour they are using and a brush. They get it, and I enter in the book whatever tools I give them to use, and when they fetch that back I scratch the name out.

Is that with regard to the brush or paint, or what?—The brush. We do not take any notice of the paint.

That applies to paint that is used in the shops?—Yes.

Is it your duty to see the brush is returned?—Yes.

What applies with regard to paint which you are sending outside the workshops?—The leading hand comes and says he wants a gallon of paint for Coolgardie or Kalgoorlie, etc., and it is put up and sent away.

Do you get an order?—When he orders it he fetches the order to me.

You get an order?—I have nothing to do with sending it out. I simply make it up and get it ready, and then it is labelled and another man carries it away to the forwarding clerk.

Then the foreman in the shops gives you a verbal order?—Yes.

Then for outside orders you get your verbal instructions from the foreman?—That is for paint going away outside in the department, but for anything going from one department to another, such as to the fitters or boiler-makers, they bring me an order themselves.

For anything in the shops they give you an order?—Yes.

And for orders sent away you get instructions from the foreman?—Yes, or the leading hand. I do not get an order for anything that is going away outside the department.

If a man outside doing any temporary repairs wanted to get paint or anything of that sort he would bring you an order?—Yes.

Similar to these (produced)?—Yes.

And you would not deliver without that?—No.

You only deliver on an order or else on instructions from the foreman?—Yes, that is right.

You would not deliver casually to any labourer who came in the shop and asked you for paint?—Not unless he worked in our department.

Unless he worked in the paint shop?—That is with the exception of the carpenters. They use what they call smudge, that is the refuse of the paint, and they get a bit of that when they want it for painting tenons in the woodwork. We do not call that paint at all. That is the only class of paint that goes out without an order.

Do you know of any paint being sent outside for private use or taken outside?—No.

What was the usual way in which this paint was packed up?—That depended on the class of paint it was. If it was dry colours it was packed up in paper. If it was liquid paint we put it in a tin when we could get a cork, but if we had no corks or anything like that we had to tie it up and make it secure as well as we could.

Paint going outside you would simply make up and hand to someone else?—I would make it up and sometimes label it, but not very often, and one of the labourers would take it away to the forwarding clerk.

You would make up the paint on instructions from the foreman, and then it would go to another person to be taken to the forwarding clerk?—That is right.

Mr. Bolton: You would simply receive an order from the foreman to make it up?—Yes.

Did it matter to you who fetched it or took it away?—When I had an assistant he used to take it away as a rule; but after that any of the labourers would be sent over for it to take it away.

Did your responsibility cease when you made it up?—Yes.

After you made it up you would not be able to trace the paint to see whether it was booked away?—No.

All you would have to do would be to carry out the orders of the leading hand?—That is so.

(Adjourned till 2 p.m.)

#### ARTHUR HENRY SCOTT, SWORN :

Examined by Mr. Short.

Do you know Mr. Julius?—I do.

Have you known him for several years?—Yes; eight or nine years.

You have been in his house?—Yes.

Were you in his house from 1897 to 1898?—Yes.  
Did he have a lathe there, to your knowledge?—He did.

Have you seen him work it?—I have.

Have you seen him turning any wooden columns?—I have.

Do you recollect what kind of wood it was?—I could not swear to the wood.

Do you know whether he has these particular columns in his house now or not?—I don't know. I know he had some about six months ago.

You have seen him working this lathe and turning wood?—Yes.

WILLIAM FREDERIC SAYER, SWORN :

Mr. Justice McMillan: I see from the file that you were consulted in connection with the Baker case?—Yes.

Will you tell me shortly what happened?—My instructions were received from the detective officer employed by the Commissioner of Railways, and I was asked to assist him in laying an information against Baker for stealing railway property from the workshops at Midland Junction. There had been, I believe, a search warrant. In fact, I think the first matter on which I was to advise was as to the obtaining of a search warrant, and I was informed that the result of the execution of the warrant was to discover a few things of comparatively small value, which apparently had belonged to the Railway Department—a few second-hand tools used apparently by Baker in making some article of furniture at his home, and perhaps the material of which it was made might have been taken from the workshops; but as to that there was little, if any, evidence. However, I believe the tools were capable of identification, but the value of them was about £2 or £3, not more, I think. As a result of the warrant, proceedings were to be taken against Baker, and I had to consider whether the information should be laid under that section of the Code relating to the stealing of property belonging to the Government, in which case the accused must necessarily have been committed for trial if the magistrate considered that a *prima facie* case had been made out, or whether I should lay an information for stealing, without regard to the property having belonged to the Government, in which case the maximum penalty being three years penal servitude. On a plea of guilty the magistrate might deal with the case summarily. In view of the value of the articles, and more particularly in view of the antecedents of the case and the fact of the man having been for so many years in the service—I think for 20 years—and having risen to a high position there, and also in view of the fact that he had already been dismissed from the service on these goods being found in his possession, that in itself being a very serious punishment to a man of his years and family, I was anxious that the offence should be that of stealing simply, in order to give him the opportunity of pleading guilty and being dealt with summarily. Therefore I asked the Commissioner of Railways for his sanction to deal with the case in that way.

Was the suggestion your own?—Entirely my own. Indeed I said to the Commissioner, "You do not wish to be vindictive against this man, I suppose." I said that because he was not altogether falling in with my view. It was entirely my own suggestion, and was not conveyed to me in any way by the Commissioner by any suggestion at all. I wanted his

authority to deal with the case as one of simple stealing, to give the man an opportunity of pleading guilty and being dealt with summarily. Nothing was finally settled at the interview, because I had occasion, I remember, to request the officer in charge of the case to wire to Mr. George, who had left for Albany, to give me this authority. I was under the impression a few days ago that I had myself wired, but apparently the wire must have been sent by the detective officer, and I received a reply from Mr. George, which I believe you have, authorising me to take what I think he called the "compassionate course" I had suggested.

Had you heard at this time of any charges against Mr. Short or Mr. Julius?—Yes. Some few days after I had taken this case in hand, and after I had formed my opinion of this case, Mr. George mentioned this Julius charge to me. I was rather shocked at it. He was speaking of his intention to have a search warrant executed, and he gathered from something I said, or my looking at him perhaps, that I was warning him to be cautious. I thought that this charge might be without foundation, perhaps, and that he should move warily in the matter. He was very emphatic in saying that he insisted upon the search warrant being executed in the same way there as in Baker's case, and if he found there was anything in the charge he should proceed without regard to the position Mr. Julius might occupy. I desire to mention that, because it is so contradictory to any suggestion that either he or I was influenced by the Julius matter. On the contrary, he left me expressing the most emphatic determination to prove the charges to the bottom.

I understand that you had formed your opinion as to what was the advisable course to be taken in Baker's case, before you heard of any charge against Julius?—Certainly.

Your advice with regard to Baker was followed, and the case came on before the magistrate?—That advice was followed, but after the Julius incident was mentioned I still felt it was necessary to have a wire sent Mr. George for his consent to deal with the case in this way.

Then you got his consent?—Yes. That telegram your Honour has, which allowed me to take the compassionate course, was in reply to a message I sent after the conversation about Julius. Therefore I had not satisfied my mind up to that moment that I had authority to deal with the case in the way in which I ultimately dealt with it, although from the moment I knew the result of the search warrant I desired to give the man an opportunity of pleading guilty and going away, or of having a comparatively short sentence passed upon him, rather than to bring him up before a jury.

Then I may take it that you were responsible for the shape and form of the proceedings before the magistrate, after having obtained the consent of Mr. George to the course you suggested?—Absolutely.

As to what was done by the magistrate, I suppose you know nothing about it?—I have heard, of course, the result. The charge was framed as one of stealing, the accused pleaded guilty and the magistrate dealt with it as the case of a first offender. I suppose he was required to find sureties to go up for sentence if called upon. He had been dismissed from the service, and he left the State and went back whence he came years ago.

WILLIAM JAMES KERR, SWORN.

Mr. Bolton: I believe you worked for Saunders & Stewart some little time ago?—Yes, I was acting engineer.

Do you know if that firm did some alterations to Mr. Short's launch?—Yes, they put a new motor launch engine in.

What was there before?—A steam engine, made by an English firm.

Did you, on behalf of Saunders & Stewart, put the motor engine into the launch?—Yes.

Did you remove that steam engine?—No.

Who did?—I could not say, I don't know.

Was the engine removed from the launch when you got there to do your work?—Yes, the engine was removed. The boat was lying at Hill's boat shed.

Who was the maker of the engine?—Brooks, Lowestoft, England.

Do you usually have a difficulty in starting these engines?—No, but this engine was the first we had put in of that kind, and it was a little difficult to find the ins and outs of it, and we had a little trouble in starting.

Do you know what means they usually adopt to start a motor?—There are different means. Different makes of engine are fitted with different ignition.

Was there any difficulty with that engine of Mr. Short's?—Yes, there was some difficulty in starting it.

What did the firm do to overcome the difficulty?—We did not do anything. There was a battery put in, either a dry or wet cell battery.

Who put it in?—I could not say who exactly put it in.

Do you know where it was made?—No, it was put in at Midland Junction, but I don't know who it was made by.

Did you visit the launch during the working hours of any working day and see anyone working at the battery or putting it in?—Well, one morning, I was up several times at Guildford, but one morning there was one gentleman working there.

Do you know his name?—Well, I was told by Mr. Saunders that it was a Mr. King.

Was Mr. Saunders there that morning?—Yes, we both went up. Something was wrong with the clutch gear, I think.

Mr. King is electrician in the Loco. Department. Would that be the man?—I don't know. He was an electrical engineer.

You saw the battery being fixed?—Yes.

Where was it fixed?—I think if I remember rightly that it was on the starboard side of the boat, but I am not quite sure.

Would it be under the seat?—It would be under one of the seats.

You are certain that Saunders & Stewart did not supply the battery?—They do not supply batteries.

Neither did they fix it in position?—No.

Or supply the wires for the connection?—No, not that I know of.

Or remove the steam engine from the boat?—No; I did not remove it, and I would have had to remove it. The boat was altered for the motor engine by Hill, at his boat-shed.

And you put the motor engine in entirely yourself?—Yes, and all the connections came from Saunders & Stewart.

Mr. Short: You say this battery was made at Midland Junction?—I did not say it was made at Midland Junction; I said it was put in there.

You mean at Guildford?—Yes, I mean at Mr. Short's place.

The motor engines were put in complete by Saunders & Stewart?—Yes.

And the battery you allude to is quite an addition?—Yes, quite an addition altogether.

In fact it is quite a new idea to have such a thing on?—Yes. We have had it fitted on others since.

With regard to taking out the steam engine, when you first had anything to do with the boat there were no engines at all in it?—No.

So as far as you are aware, Saunders & Stewart or anyone else may have taken out the steam engine?—I know they did not take it out, because I was their engineer at that time, and all work that was done was done under me.

You don't know who took them out?—No. Any other firm may have taken them out for all I know.

ERNEST EDWARD LAMB, SWORN.

Mr. Bolton: Were you manager of the *Evening Mail* in January last?—I think so.

Did you have as Editor a Mr. Scott?—Yes.

And as reporter a Mr. Hancock?—Yes.

Do you remember the articles being written up on the 19th and 20th of that month referring to the railway scandals?—I don't remember the exact date, but I remember the articles.

It has been stated in evidence that Mr. Hancock as reporter received some money for expenses to travel to Guildford to make inquiries. Have you any recollection of having given him some?—None whatever.

Would your cash-book show if you had?—It would.

Would you be allowed to give any money for expenses without booking it?—Certainly not. I would have to pay it out of my own pocket.

Mr. Bolton: I have seen the cash-book, and there is no entry on the 19th or 20th for the expenses of Hancock.

Mr. JUSTICE McMILLAN: I do not think Hancock's position is really very important. He becomes merely a negative witness.

Mr. Bolton: Would you have anything to do with looking over the copy of the reporters?—No; that would go through Scott.

You would not see the articles of the 19th and 20th in your official capacity of manager?—No.

Mr. JUSTICE McMILLAN: What is the application to the case I have to consider of the fact that paint may have been taken by some of the subordinates. What is the use you wish me to make of it.

Mr. BOLTON: I contend that the workmen would not be guilty of these practices unless they had knowledge that no notice would be taken of it if it were found out.

[Mr. Short hands in receipts for material and railage in connection with repairs and renovations of the launch; also cheque butt for the amount paid to Vaux and boy.]

GEORGE ALFRED JULIUS, SWORN.

Mr. Justice McMillan: You have heard the evidence of the witness Carl Siefken to the effect that he did some turning work for you from designs and sketches which you supplied. Did he ever do any work of that kind?—Yes.

What was it?—It was for various purposes. He did work for the test room, work which is under my control, and he very frequently turned columns and rings, etc., and things of that nature, which were used to show when anyone came round. These were turned from various hardwoods. A few were given away, but the bulk of them were lying about the offices for many years, and I believe the bulk of them are lying there now. Sometimes we supplied a sketch, and sometimes we told him we wanted a sample, and he made it according to his own idea.

Would he be told what purpose it was required for?—No. It would be simply a sketch, or else told to make a certain thing. If it was wanted for a definite purpose, then of course he would be given a definite sketch so as to work in with the other employees.

Did he turn any sandalwood for you?—Yes.

Where did that come from?—He did a good many pieces. The marking of the sandalwood is rather better than any other wood obtainable in Western Australia, and at that time there was sandalwood lying all round the workshops in Fremantle, which fell off the trucks as they passed going to the sandalwood dumps. Most of it I think was turned from that.

Do you remember some being bought from Mr. Bateman on one occasion?—I got sandalwood from Bateman on two occasions. On the first occasion I got it through relations, and on the second occasion I applied myself and was given permission to go down to their stack and collect certain pieces of sandalwood, which I did.

What did you do with that?—Most of it I turned myself. Some of it I have at the present time.

Did Siefken ever turn any of the sandalwood you got from Bateman?—I believe, on the first lot I got, I took him down some of the ends after I had turned what I wanted out of them, and told him to turn samples out of them, but I have not got a definite knowledge of that fact. I have a sort of recollection of doing so.

Do you recollect what became of those samples?—No, they would be among those samples which were lying in the office, and probably are lying in the office now. They were lying there for years, but the bulk of those things were destroyed when we transferred our offices from Fremantle to Midland Junction. Some few of them were taken up with us.

Did he ever turn any of this sandalwood which came from Bateman for any private purposes of yours?—Not that I know of.

Did you ever take away any of the stuff he turned?—No, I do not recollect that I did. I have a sort of recollection of his turning a conical shaped piece of wood before someone standing there, and I believe I have that at home, but I am not certain of that fact.

That was simply a sample?—Yes. At that time I took a great many people through the workshops, and I found that they took more interest in watching Siefken work than any of the others. I used to tell Siefken to put a piece of fancy wood in the lathe so that when I brought these people through the Department they could see it. Sometimes they were left where they were, and sometimes he did not finish them. On more than one occasion people asked to be allowed to take the piece as a memento, which was done in many cases.

He never turned out anything for you which could be used or was in fact used as portion of a piece of furniture?—No. The only thing I can recollect at all was this little bit of a sample, and I believe that it was lying there for years. It was never used for any purpose at all.

I see from the file that your house was examined?—Yes.

That was done with your consent?—Yes, unwillingly.

You were consulted?—Yes.

Who went over the house?—Railway Detective Hutchison.

Was that the first time you ever heard of any charge of this kind being made against you?—No; I have heard charges as far back as I can remember—for the last five or six years. Work I have been in charge of for the last eight years necessitates the separation of a great deal of apparatus which cannot be used on railages and carriages. The consequence is that 90 per cent. of it is put down to me. I do not think the men who are working for me bother to enlighten the employees. They simply tell them to do the work, and the work is sent over to the test room. I know on more than one occasion foremen have approached me who have been persuaded into believing that this work was for my own private use, and they wanted to know if it was so. I was generally able to show them that the piece of work was being used in some mechanism or test that was in progress at the time, but on many occasions this has happened.

Have you any pieces of furniture in your house which have been made of Government material or by men who have been paid in Government time while they made it?—No.

Have you ever had any?—No.

Was everything in your house inspected by the railway detective?—Yes; I took very good care when he was there that he saw everything there was. I insisted on it.

When did you first get a lathe?—A friend of mine that I was living with bought the lathe in 1896. I joined the service in July, 1896, and he bought it about November, 1896. When he gave up boarding with me he left the tools which we had jointly purchased in my possession, and he has left the State for six years now. I have that lathe still in my possession, together with another one.

Where you living together the time you bought it?—Yes.

Did you use it from the time you got it?—Yes, right from the start. This lathe is nominally for wood work, but I brought a slide over from New Zealand with me and fitted it on to enable the lathe to be used both for metal work and wood work.

When were you married?—On the 7th December, 1898.

There was one witness who did some painting for you?—Yes, Happ.

Did you have any conversation at all with him as to where the paint came from?—I asked the foreman painter if he could recommend a man who would be glad of the job and he recommended Happ. I arranged with him to supply the material and do the labour in his off time.

The furniture was done in white and gold?—Yes, it is still there now.

He tells us that the gold leaf was his own, but the white came from the workshops. You had no knowledge of that?—I had no knowledge. That is the first I heard of it coming from there.

What was the work that Dunstan did for you?—He polished a cabinet.

He told us he did it on a Friday afternoon, Saturday, and Sunday?—That is correct so far as I know. I know he was there on the Sunday. I cannot remember the others.

Did he ever do anything for you except this polishing?—No.

JOHN KING, sworn.

*Mr. Short:* You are an electrical foreman at Midland Junction?—Yes.

It has been mentioned here that you did something to a battery for my launch?—I did.

Was that done at my special request?—Yes.

Do you remember what passed between us when you first came?—Yes. You said that whatever work I was to do was to be done in my own time, and that any repairs and alterations required I was to get done at the Midland Railway Company's workshops.

All that you did was really in a friendly way?—Yes.

You went out with me on a Saturday or Sunday occasionally?—Yes. I considered it a great pleasure to me and a good outing, and I did the work.

Do you remember that the magneto was not working altogether well?—Yes.

It was the first engine of its kind to arrive in the colony?—Yes.

It was a Brookes' engine?—Yes; something new out here.

And in first starting her they put water in the clutch instead of oil?—That was the reason of her not going at first.

Do you remember suggesting to me after examining the engine that a battery would be a great improvement?—Yes.

So that if anything went wrong with the magneto you would have the battery to fall back on?—Yes.

Did you purchase this battery and cells in Perth?—Yes.

And were they sent out to my address at Guildford?—Yes.

Did you fit the battery in the launch in your own time or in Government time?—Absolutely in my own time. I do not recollect whether I was on my holidays or not, but I know I did the work in my own time. Any time that I required off was given me by the manager, owing to the amount of overtime I had been working, and for which I had not been paid.

Did you ever do anything to my launch during ordinary working hours when you were supposed to be working for the Government and paid by the Government?—Not to my knowledge.

*Mr. Bolton:* Do you remember fixing the battery up for Mr. Short's launch?—Yes, but I cannot give the date.

If you did it before mid-day would you have to get leave to do so?—Yes, or I may have been on my holidays.

When did you have your holidays last year?—I cannot tell you exactly.

Before Christmas?—Before Christmas.

In December?—I do not think so.

It was in December you fitted the battery into Mr. Short's launch, and if that work was done before 12 o'clock it would be necessary for you to get leave for an hour or so?—Yes.

Are you a wages or a salaried man?—A salaried man.

If you had an hour or two off it would not be stepped out of your salary?—No; but I can tell you that in the last couple of months I have worked 26 hours overtime.

If you are a salaried officer, and you are off during the forenoon to fix up Mr. Short's launch, your wages for the month should show that you were docked that time?—Not necessarily, when, as I said just now, if the manager considers a man has put in a lot of overtime during the month, he might give him a little time off without docking him with it.

Is it the practice for a salaried official to have time given him in return for having put in more than ordinary time, so that he may work for a private individual?—I cannot say that, but where a considerable amount of overtime has been worked some little concessions are made.

Did you have to get a pass-out check to go out?—A foreman does not require a pass-out check. All he has to do is to go to the Works Manager.

How did you arrive at this amount of overtime? Supposing you had worked 20 hours overtime that month, would you be within your right in asking the manager to give you that time off to work for a private firm?—I would not ask anything like that.

Did you get off to fix up this battery because you had worked overtime?—It is only that a considerable amount of overtime has been worked that you get such a concession.

You maintain that you had worked overtime during that month, which entitled you to get off during working hours to fix up this battery?—If I was allowed a month or two off for what I have done in overtime during the past twelve months I should only be recouped for my time.

Is it allowable for a salaried official to go out and do a little business for himself?—Certainly. If a man has been tied down from one week's end to another, and he has a bit of business to do during the week, the C.M.E. or the manager will grant him this concession.

Did you ask leave from the C.M.E.?—No; I asked the Works Manager or Mr. Booth, my superior.

Would you have to tell Mr. Booth what you wanted to go for?—Not necessarily.

Did you tell him?—I do not think so.

*Mr. Short:* I do not know what day or what month this battery was put in, but I know I was not in Guildford at the time.

While I was away you had your holidays, and you worked two or three days at the launch?—Yes.

You and I made the little wooden boxes to hold the cells ourselves on a Sunday?—That is so.

GEORGE HENRY CHAMPION, sworn.

*Mr. Bolton:* You were working in the Midland Junction workshops, as painter, some time ago?—Yes.

Have you seen leading hands or foremen taking paint away from the workshops?—Yes.

For their private use?—I have seen them taking it out in a bag. I do not know whether it was for private use or not.

Will you give the name of any?—James Flint was one, and another named Wallie Kerr.

How do you account for these men being able to get out of the workshops with paint?—Well, they could hang their ticket upon the ticket bar and walk out where the engine-shed is. There is no one there to stop them.

Could you have got out that way?—Yes.

We have been told there was no outlet except by the main gate. Will you swear that the employees could get out of the works by any other way?—They could whilst I was engaged there.

Have you seen Flint go through any way except through the ticket office?—Sometimes through the ticket office and sometimes through the back way.

Have you known him of your own knowledge to have had any paint when he went out either through

the back or front way?—I have seen him get some paint and then hang his ticket up and go out the back way.

What sort of paint?—Mixed up in a stone bottle.

Have you seen Flint take a bag away in which there was a stone bottle containing paint?—I have.

Have you seen Kerr do the same?—I have seen Kerr go out through the front way with the paint in his bag.

Mr. Justice McMillan: How came you to leave the Service?—They said I was retrenched.

Had you any dispute with anyone before you left?—None whatever.

You say you saw several men taking paint away?—I did.

You knew they were stealing it?—Yes; I reckoned a man taking a thing out like that was stealing.

Did you ever tell anyone you knew people were stealing paint from the shop?—No.

Why?—It did not interest me that much to tell higher officials about it.

If you saw a man picking another's pocket in the street would you say anything?—If there was a policeman about it would interest me.

If not, you would say nothing?—Perhaps I would not have a chance to say anything.

If you saw a policeman about you would tell him?—Yes.

But you would not tell the unfortunate man whose pocket was being picked?—I would if I got the chance.

Was there anything to prevent you telling your employers that their pockets were being picked?—No; I did not think I should run to the head bosses to tell them that. It was their business, not mine.

Did you see any harm in it?—I reckon there was a good deal of harm in it.

Still you did nothing?—I did not say anything to the higher officials about it.

Did you take any out yourself?—I did not.

Adjourned *sine die*.