

*The Chairman:* That being so, and Mr. Malloy wishing it too, we will administer the oath to Mr. Malloy.

[At this stage Mr. Malloy was sworn, and the reporter read out the evidence already given by Mr. Malloy.]

19. *The Chairman.*] You have heard the evidence read over by the shorthand-writer before you were sworn, Mr. Malloy?—Yes.

20. Is that correct and true?—Quite true.

21. *Mr. McLean.*] Who was Henry Baghurst? What was his occupation at the time?—He was underground manager for McLean and Sons.

22. Do you know that he was underground manager?—I do, from his own statement.

23. You do not know yourself that he was underground manager?—From the fact of his admitting—

24. But you do not know yourself?—I only know from his own statement in the Arbitration Court.

25. Was he president of the local union at the time?—Yes, at one time he was. I would not say he was at this particular time.

26. He was a member of the union at the time?—Yes.

27. You yourself do not know whether he was underground manager or not?—No.

28. Who was the other gentleman that you refer to as confirming the statement?—John J. Jack.

29. What was he?—I could not tell you. He was in your employ.

30. Was he a member of the union?—Yes, he was.

31. You do not know what he was or anything about him?—I do not know what position he occupied in your employ.

32. You knew that he was in our employ?—I understood that he was. I knew that he was working somewhere in the tunnel.

33. Are these the only two sources that you obtained that information from?—Yes.

34. John J. Jack and Henry Baghurst?—Yes.

35. Will you tell the Committee just exactly what Baghurst said—his exact words?—When Mr. Baghurst was giving the information with regard to the wages question he mentioned to me a private conversation with Mr. McLean when they were exchanging opinions with regard to the tunnel. He said, "Mr. McLean has in view the question of approaching Parliament to have his contract cancelled in the event of his encountering the same quantity of water at the Bealey end as we are now encountering at the Otira side. He says that if he can succeed it will enable him to get an additional £100,000, and also the right to drive the tunnel from the Otira end, which will give him his own time in which to complete it." Those were the exact words used to me.

36. Will you state exactly what Mr. J. J. Jack said?—He confirmed that.

37. In the same words?—Practically the same. I read it out to him.

38. *The Chairman.*] You say that you read it to him?—Yes. I had taken it down at the time for the purpose of picking out what I required in the Arbitration Court. I said, "Do you know anything about this, Mr. Jack?" And he said, "Yes, this is the plan disclosed by Mr. McLean." Beyond that I know nothing.

39. *Mr. McLean.*] Disclosed by me to whom?—I could not tell you. He said, "This is the plan disclosed by Mr. McLean." I presume he meant, disclosed to Mr. Baghurst.

40. Did he say, disclosed to himself?—Oh, no.

41. *The Chairman.*] From what Mr. Jack told you, he might have got his information from Mr. Baghurst?—I assumed at the time that it was a statement made by Baghurst outlining Mr. McLean's future plans, and that he could only confirm it from the fact of Baghurst stating it.

42. Do you know of any one else stating that Mr. McLean had disclosed his intentions—any one except Baghurst?—No, I do not. Those were the only ones I waited upon to get information from; and this, of course, did not bear on the question I had to deal with at the time, and so I did not follow it up.

43. *Mr. Nosworthy.*] You declined to give the name of your higher authority until you were put on oath. What reason have you to believe that Mr. Jack was a high authority? What was his position?—He was only a workman, but at the same time he was particularly honourable and straightforward.

44. I understood you to say that when you were put on oath you would quote some one in high authority in connection with the work at the tunnel?—Oh, no. The reason why I did not wish to disclose his name was that at the time he confirmed the statement he said, "Don't bring my name in," for the reason that he was occupying, I believe, a fair position with Mr. McLean.

45. How do you confirm the statement, then?—He simply confirmed it by stating that it was an absolute fact.

46. But where is the confirmation?—That I could not tell you.

47. That is what the Committee would like to know?—As I said before, it was simply a statement that Mr. Baghurst had made to him disclosing Mr. McLean's plans, and he at the time was occupying a fair position with Mr. McLean. I am not in a position to say whether he had secured his information from Mr. Baghurst, or whether it was disclosed to him by Mr. McLean. I promised him at the time that I would not disclose his name in the Arbitration Court, for the reason that for his living he depended on what he was receiving from Mr. McLean.

48. Practically you are assuming the whole thing, seeing that you are not in a position to state accurately the position that Baghurst was in with regard to McLean Bros.: you are not able to say exactly what his position was with them?—I knew that he was an underground manager; that I knew.