

REPORT of ENQUIRY re alleged breach of the Rules & Regulations by Conductor BENNETT (Prahran & Malvern) held at the Head Office of the Tramways Board, 673 Bourke Street Melbourne, 26th October 1921, at 10.30 a.m. Mr. H. S. Dix, Chief Manager, in the Chair.

Mr. BARNES in opening the enquiry, stated that Conductor Bennett was charged with having committed a breach of Rule 294 relating to lost property, but would ask that the charge be amended and Clause 4 of the By-Laws and Regulations substituted.

Mr. ABFALTER : That particular By-law has not been in circulation so far as the employees are concerned.

Mr. DIX : You don't say that the employees do not know the Regulations ? This Rule has been published.

Mr. BARNES : The first intimation we have of the breach of this Regulation is a letter received from the Lost Property Officer, dated 18/10/21, on a complaint from Mrs. Relph, of Mont Albert Road Canterbury, which relates that about 8.10 p.m. on 12th October her daughter left her purse containing one £5, one £1, two 10/- notes, and some silver in a tram. Mrs. Relph advertised in the newspaper (Mr. Barnes here read the advertisement in "The Argus") and a Mr. Banks telephoned and said he was on the same tram about 8 o'clock and had picked up a purse which he handed to the conductor. This purse had not been handed in at the Depot in accordance with the Regulations. Mr. Banks also got into touch with the Depot, and gave the number of the tram he travelled on.

Mr. HILTON was then called as witness. In reply to Mr. Barnes he produced the Journal of 12th October, and handed it to Mr. Dix, and gave the number of the car - 77. Drew attention that the Conductor's badge was not on the Journal.

Mr. BARNES : You know that a purse was reported to have been lost by Miss Relph ? - Yes.

Did you make enquiries ? - I got into touch with Mrs. Relph, and made an appointment with Mr. Banks at the Malvern Depot and had Conductor Bennett there with four other conductors. I asked Mr. Banks if he could identify the conductor to whom he handed the purse, and he picked Bennett. I asked Mr. Banks if he was satisfied that it was Conductor Bennett, and he said "Yes."

Enquiries were made, and the purse had not been handed in ? - Yes.

Did Conductor Bennett tell you that he knew nothing of the purse ? - Yes.

Mr. ABFALTER : There is no evidence that Conductor Bennett received the purse. Did Mr. Banks say that he was prepared to swear that it was Bennett who received the purse ? - No.

(Witness withdrew).

Mr. BANKS was invited as witness.

Said that he remembered the 12th October. He was a passenger on a tram which was due to leave Gardner at 8.5 p.m. He knew the time because it was a cold wet night, and he and his wife had hurried to catch a tram leaving at 5 to 8 and had missed it, and the tram they went by reached Orrong Road at 8.15. It may have been a minute or so late. They came to Glenferrie Road. Nothing happened, and after they started he noticed a purse on the floor of

Mr. BANKS (cont.)

the tram, and picked it up. They were riding just inside the front saloon. He inspected the purse for a few minutes, and asked his wife what they should do with it, and gave it to the conductor.

Mr. BARNES : (Indicating Cond. Bennett) Is that the conductor ?  
Mr. Banks : I am not prepared to swear that he is.

He could not say whether there were other conductors on the tram, there may have been but he did not see any. He did not open the purse. He got off the tram at Orrong Road. Prior to getting off the tram he tried to see the conductor's number but could not do so ; he looked for it on the conductor's cap. He took the number of the car : it was 77 - reaching Orrong Road at 8.15 p.m. The purse was bulky and a little heavy. He saw the advertisement in the paper and rang up Mrs. Relph. He received several communications from the Tramways Board, and telephoned the Depot giving them particulars as to what he had done, and the Depot rang him up - he thought it was the Malvern Superintendent - asking for a few particulars and whether he could identify the conductor. He went to the Tram Sheds and four or five men were brought in. He was pretty confident that Cond. Bennett was the same man, and said to the Officer-in-Charge "That is the conductor." He was quite certain that 77 was the number of the tram. There were several other people in the tram, and just after the tram had stopped he noticed a young lady get out and he saw the purse on the floor. He picked it up and held it up to two ladies who had got in thinking it may have belonged to them but they shook their heads. He really did not know what to do - keep it and hand it in at the Depot or give it to the conductor. He discussed it with his wife and decided to give it to the conductor as they thought it was the best plan to do so. He had since learned that that was the correct thing to do with lost property.

Replying to Mr. Abfalter : The car was full, and there were a number of people on the platform. He was sitting just inside - it was an ordinary car. He did not notice any other conductors on the tram : there may have been, it was possible. He knew that the man who collected his fare was the man to whom he handed the purse. He would not swear that Cond. Bennett was the conductor. The men he saw at Malvern were all in uniform, and all looked something alike. The reason he would not swear to Cond. Bennett as the conductor is that it is quite possible for him to be mistaken by a face. He did not take the conductor's number on the tram. He was a daily passenger on the trams, and did not keep the ticket issued on this particular trip. He just threw it away. He knew the seriousness of the case.

Mr. DIX : With regard to identification, you might not in a court of law be able to swear to Cond. Bennett, but you have no reasonable doubt that the conductor you picked out of the five men at Malvern is that man ? - No.

Replying to Mr. Barnes : The conductor put the purse in his right hand coat pocket.

Mr. DIX : Thank you very much Mr. Banks. This is an important matter, and we cannot compel people to attend here. It is a public duty.

(Mr. Banks withdrew)

Miss RELPH was next witness.      Replying to Mr. Barnes:

Said she remembered 12th October. She was going to St. Kilda that night and was a passenger in a tram seated inside. There were a number of people in the car. She was sitting with a book, umbrella, and purse. The conductor collected her fare: she gave him 2/- which she took out of her purse, and dropped the change back into it.

Mr. BARNES : Would you know the conductor ? - I would not swear to it.

Is he in this room ? - No.

The conductor was inclined to be fair. She just paid her fare and left the tram at Glenferrie Road. She was just getting into the next tram when she noticed she had lost her purse. It was too late to go back to the tram she had left as it had started, and was about ~~about~~ three times the width of this (The Board) room away. The purse was on her knee and must have fallen down when she stood up. There were one £1 one £5 two 10/- notes and some silver in her purse besides some lollies. It was a little black bag with a turnover flap. She advertised in the paper for it, and Mr. Banks rang up and said he was willing to help, and said he had picked up a purse which he gave to the conductor. The number of the car was 77. Would not recognise the conductor because she only glanced at him when paying her fare.

Replying to Mr. Abfalter : She first noticed that she had lost her purse when she got into the next tram, and she did not mention it to the conductor of the next tram. she did nothing till next morning.

Mr. ABFALTER : Am I the conductor ? - I am not dead certain. I know the conductor was fair.

Would you call me fair ? - Yes.

(Miss Relph withdrew)

Mr. BARNES : That is the conclusion of the evidence.

Mr. DIX : (To Cond. Bennett) Did you or did you not receive the purse ? - I did not receive the purse.

Mr. ABFALTER said that Cond. Bennett's record should be taken into consideration. Bennett had been commended and had also received a reward from a passenger for returning a lost article. No one less than a lunatic would receive a purse in a loaded car, and expect that the purse would not be noticed. After all, it was one man's word against another, and a dishonest person could say that he picked up a bag and gave it to a conductor. It is possible that there is a doubt in Mr. Banks' mind. There may have been other conductors in uniform on the tram, either going to or coming from work, and Mr. Banks may have given the purse to one of these. Cond. Bennett should be judged by his record which shows that he has been rewarded for handing in lost property.

Mr. BARNES : I would like to say that the whole trend of events leading up to this business appears to be very clear. In the first place we have the evidence of the Journal showing that Cond. Bennett was in charge of car 77. Miss Relph states that she lost her purse in that car, and the conductor did not hand this property in. Mr. Banks identified the conductor out of five men, without any hesitation, as the man who received the purse. There is not the slightest doubt in the whole thing. The conductor denies he received the purse. The young lady only had a momentary glance

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at the conductor when collecting her fare, and she would not be able to identify him. All the events would lead me to suppose that this is the conductor.

Mr. DIX : I see no escape from it. The whole of the evidence, I know, rests on Mr. Banks. He has no axe to grind, and as a witness is unwilling. He is afraid to be too sure, and is quite disinterested. I am convinced on the evidence that the conductor was Cond. Bennett, and that he did receive the purse.

Mr. ABFALTER : I take quite the opposite opinion and will have to take the protection of the Appeal Board. Our delegate is firmly of the belief that Bennett did not receive the purse.

Cond. BENNETT: May I speak ? When Mr. Banks pointed me out as the conductor to whom he handed the purse, I said to him "Am I the man you gave the purse to," he said "Oh, well" and before he could say any more Mr. Hilton sent me out of the room, and said "You will have a further opportunity to ask questions."

Mr. DIX : (To Cond. Bennett) I see no reason to alter my opinion and therefore I shall discharge you. *(from the service of the Board)*

Mr. ABFALTER : I am sorry you have taken that attitude. I could board a tram and say that I found a purse and gave it to the conductor. You have got to take into consideration the conductor's record. You know more about the conductor than the witness.

Mr. DIX : There is no other course for me to adopt. It is the only way to act.

The enquiry closed at 11.25 a.m.