

we should proceed and take the evidence in reference to certain defects in certain portions of the building. If Mr. Lawson does not feel disposed to give evidence now, then, as these defects have been shown, Mr. Blair should, I think, give evidence in regard to the defects that have appeared in the building.

*The Chairman* : What you mean is that we shall proceed, and take Mr. Blair's evidence first. I should agree with Mr. Skinner if Mr. Brindley were only a witness, but it is hardly correct to go on without him if he is a principal.

*Mr. Skinner* pointed out that Mr. Brindley could be furnished with a copy of all the evidence taken in his absence.

*Mr. Lawson* : I maintain that there is a great difference between the position of a witness and a principal, and the Commissioner ought to know that difference.

*Mr. Skinner* : But it is not a case that will be settled in a day or two.

*Mr. Lawson* : But is this man to be prejudiced? We know that he has been sent for, and that he is coming. We have that from Mr. Blair. He is as much a principal in this case as any of us.

*Mr. Skinner* : I cannot agree with you in that sense.

*Mr. Lawson* : Certainly he is not an ordinary witness.

*Mr. Skinner* : Assuming that he is a principal—and I believe he is—it is unnecessary to stop the whole Commission for the sake of one principal who is absent.

*Mr. Lawson* : To go on in his absence is like hanging a man first and trying him afterwards.

*Mr. Skinner* : In this case all the evidence will be taken down, and copies of the evidence can be furnished to Mr. Brindley. If there is anything in that evidence which is contrary to fact—that is not true—he will have every opportunity given to him to rebut it. I, as one of the Commissioners, say that if Mr. Blair is prepared with any evidence in reference to the defects in the asylum we should proceed.

*Mr. Lawson* : It is for the Commissioners to decide. I have no wish whatever to hinder matters.

*Mr. Blair* : The only objection I have to the course that has been suggested is that it quite reverses the thing. This inquiry, I may say, is held neither at the instigation, suggestion, nor wish of the Public Works Department. We have satisfied ourselves on a certain point that previously we were not satisfied with; and, that being so, we are practically in the position of a defendant, and a defendant is never asked to begin a case.

*Mr. Skinner* : If you, Mr. Blair, refuse to proceed, and Mr. Lawson and his friends refuse to proceed, we are in this position: we cannot go on, and the Government will be looking to us to report.

*Mr. Blair* : I do not refuse to proceed—I am entirely in the hands of the Commission; but I submit that by the proposed course of procedure you are putting myself and the Public Works Department in a position that we ought not to occupy.

*Mr. James Gore* : I entirely deny that Mr. Blair is brought here as a defendant. Certain allegations have been made and obtained publication in the Parliament of the colony. Mr. Blair cannot deny this: that allegations have been publicly made of such a strong nature as to cause the Minister for Public Works to say in his place in Parliament that if these allegations are proved he will hold the Contractor responsible. That is a fact which is clearly established. There is no doubt of these statements having been made. Therefore it is I who am the defendant, as I am the party against whom these statements were made.

*The Chairman* : That is an open question. I do not think we can determine that very well.

*Mr. Blair* : I do not say, and have never said, that I am the defendant. I do not know that there is either a plaintiff or a defendant in the case. But, so far as the conduct of this inquiry is concerned, if I am asked to go on now I am put in the position of making out a case for the plaintiff, whereas, as we all know, it is the man who feels aggrieved who takes action. But the Public Works Department does not feel aggrieved, and therefore takes no action. We have neither asked for nor wish this inquiry; it has been forced on us. Consequently we ought to be in the position of the defendant. We should come in second at this inquiry.

*Mr. James Gore* : I certainly feel that I am the defendant in this case. I will read you Mr. Mitchelson's own words: "It was his intention to cause an inquiry to be made, and, if it was found that the Contractor was legally liable to make the work good, the Government would take action." I hold distinctly from that that I am on my trial. It is a matter which may involve thousands of pounds to me.

*Mr. Skinner* : This Commission have laid no charge, but wish to get what information we can in reference to the construction of the building—to ascertain whether the defects have been caused by the Contractor or whether they were beyond his control. That is what the Commission has been appointed to find out.

*Mr. Gore* : Exactly. And on the findings of this Commission the Government may take action against me or not, as the case may be.

*Mr. Lawson* : Then there is the matter of the slip, which, I maintain, is the only matter, as will be proved, to be inquired into.

*Mr. Gore* : I distinctly say that I ought to know what charges are to be made against me. My own evidence will not take more than five minutes, possibly. But, as I am in the position of defendant, I should like to know what evidence is to be brought against me, so that I may have the opportunity of bringing rebutting evidence.

*Mr. Skinner* : There is no charge laid against you or any one in particular. The Commissioners have nothing to do with the paragraph you have just read.

*Mr. Gore* : But it is the official head of the Public Works Department who has distinctly