

worse position than they would be otherwise, that we consented to go on with it to fill up the time. As we were all here met together it seemed a pity to waste time.

*Mr. Lawson* : I have thought seriously over it, and during last night I candidly admit I could not get any rest through it, and I felt impelled by a sense of duty to frame this protest. I have not consulted any legal authority.

*The Chairman* : I do not consider it is a legal point that is raised at all. It is simply a question of what is fair and just.

*Mr. Blair* : I have no sentiments on the subject at all. I should have been glad to have had Mr. Brindley here from the first, but I submit that at this stage of the inquiry it is too late to raise the point. It was raised before and waived.

*Mr. Lawson* : I may say at that stage I did not know what was going to be brought forward—I had not the slightest idea.

*Mr. Blair* : I certainly unfolded my case as amply as I possibly could, and the point might have been raised a second time, and urged more strongly than it was, after I made my statement.

*Mr. Lawson* : So it was. I did urge it afterwards.

*Mr. Blair* : This protest ought to have come in then, before we led the evidence.

*The Chairman* : Of course, if Mr. Lawson's suggestion is carried out it would mean that the inquiry would have to be adjourned till Mr. Brindley arrives.

*Mr. Lawson* : That is what I think should be done.

*Mr. Mountfort* : All the evidence is being taken down—it can be placed before him.

*The Chairman* : That is what was contended at first, but Mr. Lawson seemed to think that was not sufficient.

*Mr. Lawson* : Any one must be aware that to be present at a trial is a most important thing.

*The Chairman* : Yes, but we did not look upon Mr. Brindley as being one of the principals. We always understood, and the evidence at first led us to understand, that Mr. Brindley was your assistant.

*Mr. Lawson* : Here is a letter which the Commissioners may read. I do not put it in just now, but if you will read that you will see wherein I am right in asking that Mr. Brindley should be present.

*Mr. Blair* : If a decision is come to on that, I think I ought to see it.

*The Chairman* : It is a copy of a letter from Mr. Lawson to Mr. Brindley, with regard to directions given him. Mr. Lawson contends that in consequence of the correspondence it is evident Mr. Brindley ought to be present. It is only in support of what he has said just now. As a witness is present we can go on with him, and consider the matter of adjournment subsequently.

DANIEL DODD sworn and examined.

779. *Mr. Blair.*] What are you?—A labourer.

780. Did you put in the pipe-drain at the asylum under Mr. Brindley's direction?—Yes, sir.

781. Did you put a pipe in the north wing where this north wing has shown signs of damage?—No, sir; I put them underneath the foundation.

782. Yes, but you put them in that portion of the foundation?—Yes.

783. Is there a pipe put up the middle of this wing—this colonnade—where the settlement has taken place?—There is a pipe up the centre of the court-way.

784. Did you put that pipe in?—Yes, sir.

785. Was that pipe put in over the foundations, or under the foundations, or through the foundations?—Underneath them.

786. Underneath the whole of them?—Yes.

787. The three walls?—Yes.

788. Fully underneath?—Yes.

789. Did you cut into the wall with the view of laying it in them originally?—No; Mr. Brindley's order was to lay them underneath.

790. Did you cut the wall in any way whatever?—No, sir.

791. Did you cut this drain, or help to cut this drain, along close to the building—No. 1 drain?—On the outside?

792. Yes?—Yes, sir.

793. You met with a slight accident in that drain one day?—Yes.

794. Whereabouts—on the flat on the low ground?—Somewhere about here. About No. 5 on the plan, at the end of the building on the north wing.

795. Was that in a drive, or in an open cutting?—An open cutting.

796. How high was the cutting at the time?—About 4ft. or 5ft., as near as I could tell.

797. How did the slip come in—was it the whole hill-side, or a boulder?—No; a piece seemed to come from a boulder. It may have been about 9ft. or 10ft. long, as near as I could tell.

798. *The Chairman.*] Was the witness working in the drives further up the drain?—Yes, sir.

799. Were you working at both drains?—Yes.

800. There was one point that was not very clear, about the sand in No. 2 drain? Do you remember driving through any bar of sand?—No, sir, I did not do any of the driving. I only sank the shaft, and then left it for them to do the driving themselves.

801. *Mr. Mountfort.*] About this accident: what was the nature of it? He got caught in the stuff?

*Mr. Blair* : It was in an open cut, 5ft. deep.

802. *Mr. Lawson* (to witness).] Which side of the cutting did it fall in from, standing towards the building, looking up the hill?—It fell from the north side of the cutting.

803. That would be the right-hand side?—Yes.

804. *Mr. Skinner.*] The right-hand side looking towards what?—In looking towards the bush—towards the hill.