

of the inquiry was—at least, I did not. It is only after the evidence that I am able now to ascertain what really the faults are alleged to have been in connection with the building. I endeavoured to find that out previously in every way I could, but I have not been able till this inquiry to ascertain really what are the alleged faults of the building. I therefore, in the position I am placed in, and which I also feel Mr. Brindley is placed in, at this stage, being the only available and proper stage, because I did not know previously what would be brought forward, say now that it is not proper that the proceedings should go further without Mr. Brindley being present, and that he should have every opportunity of having the evidence gone over again that has already been before us. I do this with the full knowledge—at least, with the full expectation—that you will sympathize with the position in which Mr. Brindley is placed, and I do it in this form: “To the Honourable the Commissioners appointed to inquire into the condition of the Seacliff Lunatic Asylum building: On my own behalf, and on that of any others who may hereto append their signatures, I protest against any further evidence being taken in the matter of the above inquiry in the absence of Alfred T. Brindley, seeing that he is a principal mentioned in the remit from His Excellency the Governor to the said Commissioners, and, that being so, there is therefore a possibility of his being subjected to serious loss and damage because of his absence, or because of any decision which may be given or come to by the said Commissioners from evidence taken in his absence; also for the general reason that it is not fair to try any man in his absence.—Signed this 14th day of February.” If you proceed after this I simply lodge my formal protest against your procedure, and I think that if you have not consulted legal authority you should do so.

*Mr. Gore*, in reply to the Chairman, said he was prepared to call Mr. Forrest, who took certain dimensions for him; Mr. Butcher, his foreman; and some other witnesses.

*Mr. Blair* said he should certainly claim the right of making a final reply.

*Mr. Lawson* contended that such a course would be a clear breach of faith.

*Mr. Gore* supported that view, and urged that the understanding was that after he (*Mr. Gore*) gave his evidence and called his witnesses *Mr. Blair* should have the opportunity of recalling any evidence that he thought might be necessary, and that he and *Mr. Lawson* would have the same opportunity in regard to any new evidence led by *Mr. Blair*.

*The Chairman*: I think that will apply to both sides.

*Mr. Blair*: The understanding under which I went on with the case was clearly this: that *Mr. Gore* and *Mr. Lawson* would go on with their case as far as they could, by making their statements and calling their witnesses, before I called any evidence in rebuttal. I certainly should not have gone on unless that had been the understanding.

*Mr. Skinner*: I certainly think we should go on taking evidence as far as we can.

*Mr. Gore*: All I ask is to summarise and review all the evidence after it has been taken.

*Mr. Blair*: I desire also to review the evidence, and I claim my right to do so last of all. That was the understanding on which the first adjournment was allowed; and if that had not been in our minds—at least, I so understood it—I would not have gone on till the arrival of *Mr. Brindley*.

*Mr. Gore*: I do not care how it goes. I will go first, if the Commissioners like.

*The Chairman*: I do not think it matters much who is first or who last.

*Mr. Blair*: I want *Mr. Gore* and *Mr. Lawson* to finish their case; that then I shall call *Mr. Brindley* and wind up the case.

*The Chairman*: Then you consider yourself in the position of a defendant?

*Mr. Blair*: Certainly.

*The Chairman*: I do not consider you are a defendant any more than the others.

*Mr. Lawson*: We are all defendants.

*Mr. Blair*: I claim that I am in the position of a defendant; and it is a well-known principle of law and justice—

*Mr. Skinner*: We are not bound by rules of law.

*Mr. Blair*: Then, I will say that it is a well-known rule of equity that the man who asserts has to prove, that the man who feels aggrieved takes action. Now, neither the Government nor the Public Works Department felt aggrieved, and, as I have before said, neither takes action in this matter. Let the parties—they are parties outside—who felt aggrieved take action.

*The Chairman*: We have no evidence to prove who took action in this matter.

*Mr. Mountfort*: I think it was stated in the House of Assembly that action would be taken by the Government.

*The Chairman*: Then, it is the act of the Government.

*Mr. Blair*: Action has been taken in consequence of representations made in the House and to the Government; but you may be quite sure that no action was taken by the Civil Service.

*Mr. Lawson*: I certainly will not go on if the claim *Mr. Blair* now makes is upheld.

*The Chairman*: You certainly took that view yourself. We do not intend to come to any conclusion as to your being either plaintiff or defendant.

*Mr. Blair*: I have carefully disclaimed all through being either plaintiff or defendant.

*The Chairman*: I think the Commissioners had better consider the question of who shall have the last word; it can be left over till our next meeting.

*Mr. Blair*: I simply wish to have the opportunity of reviewing the evidence after it has all been taken. *Mr. Lawson* and *Mr. Gore* may make as long speeches as they please: what I want and am contending for is to review the evidence after, and not before, their speeches are made.

After discussion, it was agreed to postpone for the present the determination of the course of procedure to be followed in the matter of addressing the Court.

*The Chairman*: Well, I think on behalf of the Commissioners I can say that our only object is to have the inquiry as fair and as open as possible, and it was only because we were firmly of opinion that going on with the evidence now would neither put *Mr. Brindley* nor anybody else in a