

As will be seen by the letter of the 23rd October, 1879, I had previous to that date been with Mr. Lawson on the ground to see into the matter. Mr. Ussher also paid another visit to the ground on the 18th February, 1880, for the same purpose: he was accompanied by Mr. Lawson and Mr. Hume. It was on this occasion that the site of the building was altered. Mr. Lawson's letter of the 29th June, 1880, admits that action had been taken on his first letter in clearing and excavating the site; action was also taken in getting geologists to report on the site.

Dr. Hector made an interim report on the 3rd April, 1880; Mr. Cox, his assistant, after visiting the ground, made a report on the 5th May, 1880; and Dr. Hector himself, after visiting the ground with Mr. Lawson, Mr. Hume, and myself, on the 2nd June, 1880, made a second report dated 9th June, 1880. This visit of Dr. Hector's was in consequence of representations made by me to the Inspector of Asylums on the 20th May, 1880. Dr. Hector's report of the 9th June, 1880, was in due course referred to Mr. Lawson, and his reply is the letter of the 29th June, 1880. In this letter Mr. Lawson embodies and repeats the letters of the 23rd October, 1879, and the 16th January, 1880. The whole document was referred to Dr. Hector, who replied to it on the 19th July, 1880. Mr. Lawson acknowledges the receipt of this reply on the 31st August, 1880, by minuting the papers, "Noted, and will be attended to."

The Commissioners are therefore under a misapprehension in saying that no reply was sent to the Architect's letters about drainage "until the 19th May, 1882, or thirty months after his first letter on the subject was written." The preceding statement clearly shows that the letters were duly answered in writing as well as by the action taken.

As to Responsibility of Public Works Department.

Based on the idea that the Architect's letters were not answered for thirty months, the Commissioners in the next paragraph of their report give a decision as follows: "Whether or not it was the intention of the Public Works Department to take all drainage operations under its charge in the first instance, we have no evidence to show, but the Commissioners consider that this was the case, and therefore are of the opinion that the department cannot be considered free from blame for not paying attention to the repeated applications of the Architect and warnings of Sir James Hector on the subject."

I have just shown that the premises assumed by the Commissioners on the question of answering the Architect's letters are incorrect, consequently the conclusion based thereon falls to the ground, and the department must be held free from blame in the matter. In fact, Mr. Lawson's minute of the 31st August, 1880, shows that he had charged himself with the duty of attending to Dr. Hector's recommendations and warnings.

Cause of Misapprehension.

The misapprehension on the subject of answering letters has evidently arisen from mixing up two sets of correspondence about drainage, which are on the files. The one is about the isolating-drain, and the other about surface-drainage. Up till Dr. Hector's visit to Seacliff on the 2nd and 3rd April, 1881, Mr. Lawson advocated the "isolating-drain." Dr. Hector then thought that the isolating-drain might be postponed, but that surface-drainage was required. From that time till the 12th May, 1884, that is, after the cracks had appeared in the building, Mr. Lawson was perfectly silent on the subject of the isolating-drain. He had, however, in the meantime applied for and got surface-drainage "for preventing probable settlement," the work being carried out to his own plan. My letter of the 19th May, 1882, was an answer to one applying for surface-drainage; it had no reference whatever to the isolating-drain.

As to Opinion by Engineer.

Another result of the mixing up of the correspondence is that I am made to express an opinion adverse to the drainage of the ground generally, whereas such an idea never crossed my mind. Referring to the drainage, the Commissioners in paragraph 1 say, "the Engineer in Charge stated that in his opinion its execution should be deferred until the erection of the building was approaching completion."

Coming as it does immediately after a reference to the isolating-drain, this statement can only be read as an objection by me to that proposal. But I will show that I never made any such objection. The statement is founded solely on the following remark in my letter to Mr. Lawson of the 19th May, 1882: "As you pointed out when I was reporting on Dr. Neill's memorandum, it would not be advisable to put any drains round a building till it is nearly finished." As already stated, this letter referred entirely to surface-drainage; and the drains round the building are surface- and rain-water tile-drains that are apt to be broken by the building operations. Furthermore, my remark at the best is merely a secondhand statement of Mr. Lawson's, too casual to be recorded as an "opinion" by either of us.

My action with reference to Mr. Lawson's last letter on the subject shows clearly that I made no objection to the isolating-drain. The letter is dated the 29th March, 1881; it reached me on the 30th, and on that very day I instructed the District Engineer to put the work in hand without delay, that it "ought to be done before winter." Although it is now proved conclusively that the isolating-drain is of no effect in preventing the settlement of the building, it would have been put in at that time had the Architect's ideas not been modified by Dr. Hector's visit, which took place four days after the letter was written.

Isolating-drains and Insufficient Foundations.

The main question at issue in the inquiry was whether the damage is attributable to the want of the isolating-drain originally proposed, or to insufficient foundations. As the two sides of the question are not brought directly into contrast in the report, I beg to do so here.