

PART 5.—LENGTH OF SITTING.

The Commission, after a formal opening on Thursday, the 4th August, adjourned until 10 a.m. the next day, spending the remainder of the 4th August in a study of the topography and geography of the district and the existing state of the harbour-works. Beginning on Friday, the 5th August, at 10 o'clock, we sat continuously until Tuesday, the 13th September, at 5 p.m., when we formally adjourned the sittings to 2 p.m. on Monday, the 19th September, 1927, at the Conference-room of the Dominion Farmers' Institute at Wellington. At this time and place the evidence of two witnesses was taken, and Mr. A. Gray, K.C., for the Harbour Board, and Mr. H. B. Lusk for the Marine Department, addressed us on matters of law arising out of the order of reference and of the question of the incidence of the costs of the whole proceedings. We set out in Table B in the appendix a detailed list of the days and hours on which we sat at Napier and Wellington.

PART 6.—NUMBER OF WITNESSES, FORM OF EVIDENCE.

We heard in all forty-seven witnesses; we set out in Table C in the appendix hereto a list of these witnesses, giving opposite the name of each the representative capacity in which he appeared. Several of these witnesses were recalled subsequently to their first appearance, some of them being called more than twice. It is obvious that to preserve logical sequence it would have been better if this recalling could have been avoided, but in the very nature of the case and in the circumstances under which we sat it was unavoidable. Much of the evidence was highly technical, and most of this evidence was put forward by witnesses whose minds were made up in support of one or other of the rival harbour schemes. This meant that when such evidence was tendered one or other of the counsel engaged would require to cross-examine, and, in preparation for such cross-examination, to consult with his own expert witnesses. Furthermore, the engineering member of the Board of Commissioners required time to read and re-read the evidence of engineering witnesses and consider this evidence before considering himself able effectively to question such witnesses. We were anxious to avoid delay in unduly prolonging the hearing, and we therefore filled in the intervals by calling other witnesses. Further, many witnesses were called from Wellington, and they attended at Napier in answer to the Chairman's summons. It was not possible to time their arrivals with the stage of the proceedings where their evidence could be best fitted in to preserve logical sequence, whilst, on the other hand, we were strongly desirous of saving the expenditure of public money as much as possible by taking their evidence soon after their arrivals, and releasing them. Furthermore, as the case developed and more and more engineering and navigational evidence was brought out, the necessity of calling rebutting evidence arose, and counsel desirous of tendering this rebutting evidence had to rely on witnesses who had already appeared in the witness-box. These facts account for the admittedly disjointed record presented by the official record of the evidence, and it has undoubtedly added to our difficulty in grasping and assimilating the evidence, but it was in all the circumstances unavoidable. The official record of the evidence is contained on 626 typewritten sheets, and there was tendered in support of this evidence 177 exhibits, some of them being of a composite nature. A list of these exhibits appears as Table D in the appendix hereto.

The form of some of the evidence calls for a further explanation at this stage. After the Commission sat for a little over a fortnight it became apparent that the sittings would last much longer than was at first contemplated, and we therefore discussed the question of ways and means of hastening the process of taking evidence without running the risk of lessening its reliability and value. We therefore wrote to all public bodies who had notified us of their desire to be represented by witnesses at the hearing, and we framed and submitted to them questionnaires, endeavouring to direct the attention of these bodies and their witnesses to the points on which we particularly required information. We further requested that their answers to our questions should be set out in a typed form that would allow it to be incorporated, as originally typed, in our notes of evidence. By arrangement with counsel these typed statements were, as far as possible, accepted, and thus when these witnesses were called a few preliminary questions were put to them, and they then produced, read, and submitted their typewritten statements, and on these they were cross-examined and their answers recorded in the ordinary way. This proceeding involved members of the Commission in a great deal of evening work in framing questions, and in corresponding with prospective witnesses, but it had the advantage of keeping the attention of witnesses concentrated on the precise points at issue, and in saving a great deal of time when the witness was actually in the box.

PART 7.—STATUS OF ENGINEERING REPORTS.

Your Excellency's order of reference directed us in seeking an answer to the questions submitted to us to take into account published reports as well as oral evidence during our investigations, and we did so. The reports dealing with the various aspects of harbour problems and harbour-construction in Napier are very numerous, and they are spread in time over a period of half a century. We set out in Table E of the appendix a list of these reports, showing in each case the name and qualifications of the writer and the approximate date of his report. A complete set of these reports accompanies this report in the form of a single bound volume, identified by the endorsement "Commission's Exhibit No. 1." It will be seen from a perusal of the contents of this volume that we were faced with the task of studying and assimilating a large body of printed matter. This had to be read not once or twice, but, as the evidence tendered before the Commission threw new light on the subject-matter before us, introduced new factors, and opened up fresh points of view, it became necessary for us over and over again to go back to these reports and to make a prolonged study of them. This work had to be undertaken during the period in which we were sitting and receiving and recording evidence, and necessitated our working during practically the whole of our waking hours in the six weeks we were at Napier.