

*The Chairman* : We think that that is quite a convenient course. We feel satisfied that, as counsel has asked for an indulgence—which is an unusual one—we can trust to the honour of counsel to observe the conditions on which the indulgence has been granted.

*Mr. Baxter* : Certainly, sir. I should like to raise the point respecting the subpoenaing of witnesses. By whom are the subpoenas to be issued ?

*The Chairman* : There is a provision in the Act respecting that matter. I think it would be better to deal with that question in Chambers. The only difficulty about the matter is the question of witnesses' expenses, which may concern Mr. Meredith. It is quite obvious, if the procedure is taken which involves the payment of witnesses' expenses, some *prima facie* case will have to be made as to the relevancy of the evidence of the witnesses to be called. However, I think the matter can be conveniently dealt with in Chambers.

*Mr. Baxter* : I have another matter that I should like to bring before the Commission, and it is the question of the proposed *malaga* on the part of the Commission.

*The Chairman* : We could more conveniently deal with that matter in Chambers and come to some arrangement which will be helpful to all parties.

*Mr. Baxter* : Would it be possible to deal with that matter in Chambers this morning ?

*The Chairman* : I doubt whether you will be in a position to deal with the matter, for this reason : we do not know until we hear your opening addresses what evidence you are likely to call in Apia, and how far it will be convenient to make this journey to hear the evidence of witnesses. It seems to me that there can be no urgency about the matter.

*Mr. Baxter* : The question I wish to submit to the Commission is this : You have doubtless heard of the banishment of certain chiefs who are material witnesses to us. The Administration, on our representation, allowed them to come in this week for the purpose of preparing evidence. They are due to return on the 26th—namely, Monday. My reason in raising the question of the *malaga* and the question of the issuing of subpoenas is that I wish to know whether or not there is going to be a *malaga* and whether we will be entitled to call these witnesses before the Commission, although we have no wish that they should be detained in Apia longer than is necessary to enable them to give evidence.

*The Chairman* : Before we decide the question we will hear what Mr. Meredith has to say respecting the matter.

*Mr. Baxter* : I would like to bring under the notice of the Commission the fact that there is a lot of ground to cover ; the witnesses are Samoans, they are difficult, and they take a considerable amount of time, and there are certain documents to be collected and translated. The Prime Minister advised Sir John Pindlay on the 6th instant respecting the order of reference according to my advice. It will be seen, therefore, that we have had a little over fourteen days to prepare our case, which I submit is too short a time to enable us to prepare our brief of this size ; and this must be realized when you consider the scattered nature of the country, the nature of the evidence, and the fact that Mr. Slipper and myself have practically one-man offices. We have given as much time as we could to the subject, but we cannot give our whole time to prepare the evidence. I wish also to point out to the Commission that a very material witness to the Commission on a good many points will be Mr. Nelson, and he does not arrive here until the 1st October. The papers respecting the Samoan petition of inquiry were only made available to us yesterday morning, and necessarily that will take some consideration. We were also, I submit, somewhat led astray by the announcement of the Prime Minister to the effect that the Commission would not sit immediately except for the purpose of taking formal evidence. I quite appreciate that time is valuable, and we propose to assist the Commission in every direction.

*The Chairman* : The statement of the Prime Minister was made at the time when it was assumed that Mr. Nelson would be coming to Samoa by the same steamer as the Commission. The idea was to give him a few days to ascertain the position for himself ; but he did not arrive, and the conditions seem to be substantially altered.

*Mr. Baxter* : They are so far as he is concerned, but they are not so far as counsel is concerned, except for the worse. If he had been here he would have been of some assistance to us. It is extremely difficult to get matters to such a stage as they can be put before this Commission in the way they should be put. We do not wish to delay matters once we commence.

*Mr. Meredith* : In regard to the application for an adjournment, I would like to say that my friend has not indicated how long an adjournment he asks for. So far as the Administration is concerned, the desire is to get the fullest inquiry made into these suggested troubles, and if it were thought that any opposition to an adjournment would militate against the fullest inquiry I would not object, but after careful consideration of the position I feel it impossible to see how my friend can possibly be prejudiced by being asked to proceed at once. As Mr. Baxter admits, they are virtually in the position of having made allegations, and in the ordinary course should proceed with them right away. All the matters which are the subject-matter of this Commission started as far back and prior to October of last year. At that time a Citizens Committee was set up, consisting of Samoan residents, half of them being Europeans and the other half being Samoans, and this committee set up various sub-committees to prepare specific detailed reports of the various matters. The matter was gone into in detail, and it was further gone into for the purpose of a meeting with the Hon. Mr. Nosworthy in June of this year ; and there is a further statement made by Mr. Nelson on that occasion that the matters had been inquired into in detail as far back as September, 1926. It is impossible in the light of these facts, with the whole of the details in support of their allegations, which have been ready and available for at least practically a year, to ask for an adjournment in order to collect evidence. Every one of that committee with the exception of Mr. Nelson and Mr. Smyth is and has been in Samoa, and has been continuously here. The various sub-committees who prepared