

these reports have been and are here ; and I submit with respect that it is difficult to understand how my friends are not ready to proceed at the moment. The only person who is absent is Mr. Nelson, and it is impossible to suggest that they are unable to proceed without him. His absence now is not a matter of misadventure, but was really of his own volition—not to proceed at the same time as the Royal Commission. In any case, Mr. Nelson will be here in ample time to enable him to offer any evidence which he may have to tender to the Commission. Any adjournment means a waste of time and the holding-up of the Commission without any solid or sound reasons. As I said before, if there were any definite reasons I would not object, but after careful consideration of the position it appears that there is no real foundation for any suggested adjournment. My friend raised another matter, about the question of certain witnesses who are under banishment. This, I submit, is a matter that could be discussed in Chambers, except that I might say if in the opinion of the Commission it is advisable or necessary in the interests of my friends' case that they should be kept here for the purpose of consulting with my friends, that they should be given permission to remain by the Administration on the understanding that my friends will notify me, and we will consider each case as it comes up.

*The Chairman :* What have you to say about the suggested *malaga*, Mr. Meredith ?

*Mr. Meredith :* I understood that we were going to discuss that question in Chambers.

*Mr. Baxter :* When my friend said that we had gone into the matter twelve months ago I would like to point out that that was not gone into by the solicitors : we practically briefed no Native evidence at all. My unfortunate position is that I do not know what evidence the Natives are able to give. I wish to say, with respect to the question of banishments, that I am prepared to discuss with my friend this matter, but it will have to be early, because those concerned have to get back on Monday.

*The Chairman :* We are of the opinion that no adequate ground has been made for the application to have an adjournment. As Mr. Meredith has pointed out, the main charges which, under the order of the Commission, we have to investigate are not new charges, but they are charges which have been investigated and reported on for many months at least. The reports were prepared at least towards the end of 1926, and Mr. Nelson has said in a public paper, as mentioned by Mr. Meredith, that his information had proved to be complete. It is impossible for a Commission such as this to be held up for an indefinite period upon the mere suggestion that there has been inadequate time to brief the evidence, and particularly the Native evidence. I venture to say that the less the Native evidence is briefed the better it will be in the interests of truth : so far from that being a disadvantage in the investigation of the truth it appears to me to be a distinct advantage. It appears to us that if we were to grant the adjournment asked for we should render the Commission ineffective and we should bring the Commission into disrepute in the minds of the Natives. At the same time I want to say to both Mr. Baxter and Mr. Slipper that they are not in the least responsible for Mr. Nelson's wilful abstention from taking part in the investigations before the Commission, nor are they responsible for his delay in appearing here. Nevertheless we have a high duty to perform, and that duty requires the prompt and expeditious investigation of this matter. The only assurance that I can give counsel for the petitioners is that we will do all we can to assist them by giving them every opportunity of presenting their case before us. If they find on any particular topic that they have a difficulty they should mention the topic to Mr. Meredith as representing the Administration, and then to us if no arrangement can be come to. That is the utmost that we can do. I may say at once that both my colleague and myself are pleased to have the petitioners represented by counsel in the way they are doing in the present case. With regard to the banishment orders, I propose to accept Mr. Baxter's assurance as to any person who has been the subject of a banishment order and is required by the petitioners as a witness ; and if he intimates to the Secretary of the Commission those Samoans who are the subject of banishment orders and whose attendance he requires as witnesses, that attendance will, I have no doubt, be arranged through Mr. Meredith with his Excellency the Administrator. At the same time I must ask both Mr. Baxter and Mr. Slipper to see that every promptitude is used, because it is obvious that it would make the order a complete farce in the minds of the Natives if the necessity for giving evidence were made a mere excuse for their remaining in Apia. Subject to that condition I do not think it would be necessary for you to submit any names except to the Secretary to the Commission. We are not dealing with irresponsible persons : we are dealing with you as an officer of the Court, and we feel that we are entitled to place reliance upon your sense of duty to your office. I think that is all I need to say at present. Do you propose to open your case on Monday, Mr. Baxter ?

*Mr. Baxter :* We will open on Monday, and we will endeavour to arrange the evidence to be taken for that week.

*The Chairman :* It seems to me desirable, as it is undoubtedly the practice, for the petitioners to formulate charges—specific charges—so that the Commission may deal with the matter. It will be observed that Mr. Hoggard before the Joint Committee intimated his intention of formulating specific charges, but it did not arrive at that stage. I recognize that upon this point both Mr. Slipper and yourself may be placed in a difficulty.

*Mr. Baxter :* The difficulty is that we do not know exactly what complaints will come forward.

*The Chairman :* We will wait until Mr. Nelson arrives, and then you can intimate when you will be able to carry out the wishes of the Commission in this respect. I should like to consult counsel with regard to the hours of the sittings of the Commission. What the Commission proposes is that the sittings commence at 8.15 a.m. and adjourn at 12 noon until 2 p.m., and then resume the sittings until 5 p.m.