

## ADMISSIBILITY OF EVIDENCE.

From time to time during this inquiry Mr. Lysnar endeavoured to induce your Commissioners to inquire into—as he put it on one occasion—“the general question of trusts as to the danger to the Empire”; and on the same page he is quoted as saying, “If we cannot deal with the danger of trusts of this kind then the Commission is of no use.”

Mr. Lysnar also, at one stage, contended that we were directed to inquire into and report upon the administration of the Government and the working of the existing laws relating to slaughtering, meat-export control, and commercial trusts; and your Commissioners had more than once to point out to him that we were directed to inquire into the “following questions arising out of.”

Mr. Lysnar, notwithstanding the pronouncements of the Commission regarding these matters in the early part of the proceedings, later on intimated that he desired to call a Mr. Duxfield, and he said that it was “mainly on the main question that we want him.”

The views of respective counsel were at a very considerable length placed before your Commissioners regarding the admissibility of evidence against trusts generally, and the matter was fully ventilated.

In the course of Mr. Lysnar’s final address, as is shown on page 1808 of the notes, he complained that the Commission had refused to admit certain evidence which he desired to lead before it. He stated that in consequence of such refusal they (presumably Mr. Johnston and himself) had seriously considered the advisability of taking no further part in the proceedings. Mr. Lysnar’s attention, after this complaint, was drawn to what had happened at the conclusion of Mr. Duxfield’s evidence. The following appears on page 2116 of the notes of the proceedings:—

*The Chairman*: I was looking up to see if I could find that part of Mr. Duxfield’s evidence about which there seems to be some difference of opinion, and I find this on page 261, which is just at the end of Mr. Duxfield’s evidence:—

“*Mr. Lysnar*: There are other witnesses in Wellington, but in view of your ruling I do not propose to bring them forward.

“*The Chairman*: The ruling is, Mr. Lysnar, in connection with trusts generally—and the gentlemen on the other side of the table are not objecting to your bringing any evidence regarding the operations of Vestey’s—that the Commissioners want to make it clear that they do not desire to prevent any evidence being brought forward which would help them to prepare a proper report on the question.

“*Mr. Lysnar*: Yes.”

A complaint of this sort, if well founded, might create some doubt as to the value of our report, and we therefore append an extract from the notes of the proceedings which we think fully sets out how the matter arose, the argument of counsel on both sides, and the decision of your Commissioners regarding the admissibility of evidence as to resolutions on the evils of trusts generally.

Mr. Lysnar may possibly have been disappointed in Mr. Duxfield’s evidence: he may have thought before he called him that Mr. Duxfield’s evidence when given would have supported Mr. Lysnar’s main charges against Vestey’s operations in New Zealand more fully than appears to have been the case, and possibly this may have had something to do with Mr. Lysnar’s decision not to bring forward the other witnesses.

Mr. Duxfield’s evidence is so closely connected with the question generally, and the matter of Mr. Lysnar’s complaint, that we have also made it part of the extract which is attached as an appendix (see Appendix V).

Various applications have been made asking us to make orders under the provisions of section 11 of the Commissions of Inquiry Act, 1908, against certain respective parties relative to the payment of costs. We do not consider that the case is one where the jurisdiction conferred by that section should be exercised in the manner suggested by any of the applicants.

We have the honour to forward a transcript of the shorthand report of the evidence taken, and also the several exhibits produced by the witnesses.

In witness whereof we have hereunto set our hands and seals, this 9th day of July, 1925.

JOHN ALEXANDER.  
GERALD FITZGERALD.  
A. MACINTOSH.