

to the land below such works. A man will get a substantial addition to the value of his land by showing that he has a flax-mill or something else above him. Those people will have to pay a rental in the future. I ought to have added, Mr. Chairman, that this is not a party question at all. The Government are not pressing it as a Government matter.

7. *The Chairman.*] As I understand, the one case that has been tried in regard to flax-mills is Pearce's?—Yes. He brought, I think, five actions, and he got an injunction.

8. In the case of continuing damages, constituting, as you describe it, a rental, what would be the position in the event of a number of people suffering damage and only one person—as in the case of Mr. Pearce—bringing the action?—He would get his damages, and if the other people did not come along—well, the country would be very much changed. We shall have reformed the inhabitants of this country if one man establishes the right and gets compensation and the other men do not follow him. It will be a very extraordinary thing.

9. *Mr. Buick.*] I understand that this Bill actually copes with the damage complained of by the Minister of Marine? You are not allowed to put any solids in at all?—It does not say so. If you put solids in, it is obvious that section 8 would apply.

10. *The Chairman.*] I understood you to say that you did not consider the damage from the flax-mills so important as the damage done by the dairy factories?—Yes, because they really do not do any injury, but they do reduce, to a certain extent, the fitness of the water; and if you let the thing stand as it is, we have no doubt that an injunction must follow in the case of the dairy factories. The reason why I say the flax-mills are not so important is only because I think the flax-mills might avoid a good deal of the injury that they do to begin with, and, secondly, there are not in the case of the flax-mills so many riparian-right owners below; the works are in the swamps, mostly. Take the whole of the Manawatu: there are very few riparian proprietors below, because the mills are adjacent to bog-water, not clean water. I do not think there is so much action to be feared by the flax-mills as by the butter-factories.

11. *Mr. Sykes.*] You say in connection with sawmills that the matter is already dealt with in the Fisheries Act?—Yes. The provision is that a man might complain of loose timber and stuff of that kind getting in and thereby rendering his water less fit. The sawmill refuse goes in—bark, and so on. It might perhaps be burnt; but in most cases the sawmills are not really doing any injury. They are a long way away; and what gets into these small streams does not do any harm in the world, and no one has ever complained except the acclimatization societies. They cannot get at the mills with regard to sawdust, and so they get at them with regard to bark and rough bits of timber. In the Fisheries Act it is already provided that you cannot put sawdust in. The acclimatization societies think that we are going by this Bill to interfere with the regulations under the Fisheries Act. We are not going to do anything of the kind. We are not going to poison the trout with sawdust, though we may poison them with the effluent.

12. *Mr. Buick.*] Would it not be possible to draft a clause absolutely prohibiting the putting of sawdust into a stream?—Yes; I have no objection to that. I think you had better leave it as it is. I would rather not put in anything about solids. If you do that, some ooze will be held by a chemist to be a solid, and the Judges will say it is solid, and injunctions will issue; and this is not intended. Clause 8 covers the whole thing, I think. Clause 8 is the clause which we hope the Committee will see prevents unnecessary pollution.

13. *The Chairman.*] Do you see any objection to eliminating the word "sawmills"?—No, if you like to strike it out.

14. No sawmiller should possess any right whatever to put an ounce of sawdust in a stream, because he has no difficulty in complying with the law?—Very well. I may state that the Government sawmill pours all its sawdust direct into the stream, and poisons all the trout.

15. In endeavouring to give a reason why we should depart from the common law, would the Committee be justified in taking you to really mean this: that whereas non-compliance with the law injured a great many people in England who were thickly planted along the banks of the streams, here the injury would be to only a small number of people, and therefore is not of so serious a character?—It would injure the stock and not the people here, while in England it injured the people and not the stock.

16. *Mr. Buick.*] It is also made clear in the Bill that unless they have other means of watering their stock, farmers can stop the pollution by an injunction?—Yes.

17. *The Chairman.*] I tap a stream a mile from my place. A flax-mill operates a couple of miles from my place along the stream, above my intake. Would clause 8 not compel me to provide a water-supply, if it were available—a fresh water-supply for my household, regardless of cost?—Yes, except that if the water was rendered wholly unfit for your household use you would get an injunction. If it were rendered only partially unfit and you thought you would need pure water you would have to sink a well. I may say that half the water that comes down the streams in their natural condition is unfit for use. It comes from bush, and is unfit for use unless it has drained through gravel. But, apart from that, if you want pure water this Bill certainly prevents you from complaining of something which has made the water less pure, and may drive you to the expense of getting a fresh water-supply. For all I know that may be part of the damage that the Court would award you. I do not think it would; but if you are so particular that you must have the water of particular purity, well, it is like building a palace: you may be compensated if your house is burnt down, but you cannot have it rebuilt in marble. To the reasonable cost that you would be put by reason of the injury you would be entitled to compensation for damage by the mill which had rendered the injury.

18. But my water-supply serves for such purposes as insurance from fire—a high-pressure system?—Well, you would not be allowed that. That is a luxury. You cannot have marble!

19. Protection from fire is a luxury?—Dirty water will do for that. As I said, this is not a party question. We have a great deal of difficulty with the acclimatization people, and, so far as I know, there is no difficulty with anybody else excepting the people that they stir up.