

than it was when the injunction was granted. I was present on three occasions, with Mr. Gerald FitzGerald, the engineer, Mr. Laing-Meason, the engineer, and Mr. Rankin, when we inspected these mills and took photographs for the purposes of the case. Jarvis's mill was not running. The next is Smith and Seifert's mill. There the fibre was being discharged into the river in considerable quantities. The end of the bank shown in this photograph [produced] was continually breaking away, as a sufficient accumulation of the stuff collected.

7. Whereabouts was this photograph taken?—Exactly at Smith and Seifert's mill. You will see there how much narrower the river is. This shows the same bank taken from the top [photograph produced]. All down the river the willows were coated with fibre, and all those sandbanks and bars which had formed, when you dug them, were full of fibre. There were snags in the river which had collected the fibre and were forming regular islands. The result of these islands in cases was the erosion of the banks, as you see in the photograph [produced]. That is below Smith and Seifert's mill again, and is shown more completely in other photographs. We were tempted at these mills to obtain bottles of the effluent—that is to say, the solution of pulp—and it was almost impossible to collect it without the bottle becoming choked with the small portions of fibre and strips. Coming down the stream, the next mill was Tennant's mill, and unquestionably at Tennant's mill the state of affairs was not so bad as at the upper mill. Mr. Tennant very frankly told me and Mr. Pearce, within the last fortnight, that he himself had suffered so much, as a flax-miller, from the two mills above him that if Mr. Pearce had not taken action he would have been forced to do so in his own protection. Very well. We then went down to Mr. Levien's mill, which was in many respects the worst of the lot, as far as we could see. There was a shorter discharge-pipe; there was more material coming away; and the erosion on the opposite bank to Mr. Pearce's is, as can be seen by any one who goes there now, of a very serious nature. To you gentlemen who are farmers, the significance of the erosion will be evident when you know that the banks of all these rivers that we have there are higher up against the river than they are lower down, and as the bank is eroded away into the river so is the bank effectively lowered, with the result that the floods very much more easily break into the land. Mr. Pearce will give you a few instances of loss of stock on his part. I said before that we are not anxious in any way to hamper an industry. I am coming to what we suggest is the maximum that the industries concerned should require. We object entirely to the form of the Bill from the point of view of the farmers' interests. The Bill is framed first of all to take away a right which every one of us has—the right to pure water. It is framed also to take away from us a right which we all have, if we can satisfy the Court that we are suffering material injury from the pollution of water—the right to stop that pollution. It is taking away both those rights. That being the case, one would expect that it would have been compulsory on the persons polluting the water to show that they were taking every reasonable step to obviate the nuisance. The Bill provides, in section 8, that they need only adopt the methods which are usually and properly adopted in New Zealand in an industry of the like nature. That is to say, if the other flax-millers are careless, you are excused by their carelessness. I am suggesting an amending Bill, and perhaps I may explain it. If the law is to be altered at all in favour of these industries: that is to say, if the welfare of these industries is sufficiently important to override the importance of pure water, then we suggest that the method which Mr. Nathan frankly agreed would meet his point of view as a representative of the dairy factories, and which Mr. Prouse agreed, as representing the sawmillers, would meet their point of view, should in fairness also meet the views of the flax-millers. The proposition is this: that in any action which is brought to stop a man polluting the water, the Judge must refuse to give an injunction, and must instead give only damages, as long as the people who are polluting can show that they have taken every reasonable and proper precaution—not the precautions used in their trade, but the precautions that the Government, as represented by the Public Health Department and the Stock Department and the Public Works Department, think are fair. The Government are independent. If the flax-millers will filter their stuff to the satisfaction of the Government, I will undertake, on behalf of the whole of these people, that no more will ever be heard of this injunction. But the Bill makes every farmer whose water is polluted have to prove in a Court of law—prove conclusively—first, that the pollution does him irreparable damage—that is to say, that in no way in the world can that damage be avoided: in no way can it be compensated; and, secondly, he has to prove that he has no other available source of water. Take any person here who is a farmer and has a stream of water, and take somebody polluting that water; you have to show that you have no other available means of water. Why, you are at once met with this, as we were in the flax-mill case: "Oh, put your hand in your pocket and sink an artesian. There you have an available means of water." Consequently, you do not come within the protection of this Bill. They have spoilt the whole of your only real source of water, because artesian water in many cases is quite useless for stock purposes. You have to prove first of all that it is irreparable damage; secondly, you have to prove that you have no other available source of water; and thirdly, you have to prove that the water is unfit for the use of human beings or animals. You have got to prove those three things, although you are the man whose water they are taking away. So much for that part of the Bill. With regard to the assessing of damages for future injury, I have nothing to say about that. It would be, I should think, a difficult matter for a jury to arrive at; but that is not for the Committee and not for myself. One of the greatest dangers that we suffer from the flax-mill industry we could never get an injunction for under this Bill, and that is with respect to this fibre, because we cannot suggest that putting clean fibre or dry fibre in the water renders the water unfit for use by human beings or stock. That only destroys, for effective purposes, the bed of the stream. So that under this Bill flax-millers could put any quantity of dry material, any quantity of fibre, into the river, and under no circumstances could you get an injunction to stop them. I do not think that was contemplated;