

26. You think that this Bill will have the effect of allowing them to disregard that injunction?—Yes, undoubtedly. It applies, if you notice, to Mr. Pearce's action. It has been made retrospective to apply to Mr. Pearce's action. We do not object to that if it is the Bill that we suggest. If the millers have to prove that they have taken every reasonable precaution, we do not mind it applying to the past action.

27. *Hon. Mr. Buddo.*] What do you consider is the general damage to the residents on the Oroua River?—The land there that I am particularly concerned with will carry over two thousand dairy cows, and the dairying industry is impossible with the river in its present condition.

28. Have they any other means of obtaining suitable drinking-water for the stock?—None.

29. *Mr. Buick.*] Not even artesian water?—They might by expending money on artesian bores, and as likely as not if you do not strike a good artesian flow you will get a very bad drinking-water; and secondly, the artesian in that district are found to "peter out" in the summer, when they are most necessary.

30. *Hon. Mr. Buddo.*] Are there any complaints in the district with regard to the odour of the river during the hot months of the year?—Yes; the residents say the smell is insufferable.

31. Have you of your own knowledge any information with regard to it affecting the health of the residents?—No.

32. Is there any objection to the odour by individuals?—Enormous objection.

33. The district is generally dissatisfied with the existing conditions?—Yes, so far as the district is not connected with the flax-milling industry, which is a large industry there.

34. Have you any experience with regard to a suitable method for preventing this wastage finding its way into the river?—I suggested that the water should be run over a considerable length of wire-netting fluming, with a finer mesh under that, so that the bulk of the stuff would be caught by one or other of the flumings, and that the final water should be run through a filter. That would satisfy us entirely.

35. You think there would be no damage to stock or disadvantage to the district if the water was filtered before being run into the river?—Effectively filtered, none.

36. Those personally interested in stock in the district do not object to the water, after being filtered, going into the river?—No, so long as it is effectively filtered.

37. *The Chairman.*] What you mean by "filtering" is taking the pulp out?—Taking out the whole of the pulp, or practically the whole; taking every reasonable precaution that the Government Departments advise.

38. *Hon. Mr. Buddo.*] You do not object to the water finding its way into the river after the pulp is taken out?—No; we do not think that would do us sufficient harm.

39. Is the present law sufficient for you to obtain that relief that you think you are entitled to?—Yes. The present law is the law that has obtained for generations in England. At present if you prove pollution you can stop the nuisance, but you must prove material pollution. That is sufficient for us.

40. Would you suggest any alteration in the existing law?—Yes, I have suggested it in this way: "In any action relating to the pollution of water by waste products, as defined by the Bill, the Court shall, in lieu of granting an injunction, award damages, provided that the defendant shall prove to the satisfaction of the Court that the defendant has adopted every method calculated to effectually prevent or diminish such pollution."

41. Is that in lieu of clause 8?—In lieu of every clause in the Bill. "Proof that the defendant has adopted the methods, if any, prescribed by the Department of Public Health, and the Department of Stock and Agriculture, and the Public Works Department, shall be conclusive evidence that the defendant has adopted every method calculated to effectually prevent or diminish such pollution." If regulations are framed and a man can show that he has complied with them, the Court is not able to give an injunction against him—only damage, if any damage is proved.

42. Are you aware of any tests being made with a view to utilizing the pulp?—No, but I should think the millers would probably find, when they had to keep it out of the river, that it was a very useful by-product.

43. *The Chairman.*] With regard to your suggested clause, would not the effect of that clause be to virtually constitute those three Departments you have mentioned a Court of law—judges of the question whether the flax-millers had done all that was possible?—In one respect, and in the same respect as Dr. Mason has pointed out, the Public Health Department is the judge at the present time. I say, Yes, the Department would be constituted judge as to what were reasonable and proper precautions to be taken. The idea is to get an independent body to say what are effectual steps.

44. What is your evidence to the Committee that you are authorized to make the statement on behalf of the people interested that you have done?—The person who was actual plaintiff, who was what is called *dominus litis*, is in the room, and applauded when I made the statement. He is going to give evidence, and he will confirm what I say.

45. What is your knowledge of the detrimental effect on cows and horses of this effluent?—My own practical knowledge is nil, except from having been counsel in the case.

46. Can you give us an explanation of the fact that after £200 has been spent in obtaining an injunction, no further steps have been taken to enforce that injunction, although your evidence is to the effect that if anything the damage is greater than it was before the injunction was applied for?—I can only repeat what I said before: the people I am acting for think that the industry should have a fair run and a fair chance of putting the matter right before any further steps are taken.

47. Is it from your own knowledge that you tell the Committee that a flax-miller lower down than another had intended to get an injunction if Mr. Pearce had not done so?—Mr. Tennant, the flax-miller in question, told me so, not privately, but publicly, with Mr. Pearce, in Palmerston North.