

8. Would you think that any other water, if allowed to lie on the grass for a week or so and become stagnant, would have a like effect upon the cattle?—No, I should not say so. It will kill the grass if it is left there long enough, say a fortnight or three weeks. The grass will rot.

9. I mean simply flood-water, that has not been contaminated by any mills, but has come over the surface and gathered a fair amount of vegetation and then been allowed to stand?—The grass would rot.

10. Would it kill your cows?—I have not tested it.

11. You think that the water that has come over your land from the river, after being contaminated, has killed your cows?—It did not come over the bank. They went down and drank it out of the river.

12. You are quite satisfied that that was the cause of the death of the cows?—I have no other proof of it.

13. *The Chairman.*] You did not get a veterinary surgeon to examine these dead cows and ascertain definitely what it was that killed them?—No, only Mr. Scott, the veterinary chemist. He was the handiest man that I could get.

14. Why do you call him a "veterinary chemist"?—He has it over his door that he is a veterinary chemist.

15. He lives at Palmerston North?—Yes.

16. You have had a good deal to do with flax-mills—have you?—Yes. I was six years at one place.

17. Supposing you filled a barrel with the water, just as it comes from the mill laden with the pulp from the strippers, and left that water standing in the barrel, how long would it take before the pulp settled, do you think?—That I could not say. Some of it settles and some does not. I do not know whether some parts would settle. The reddish part of it settles and the greenish part seems to float.

18. What makes you think that some of it would not settle?—Because you see some of it floating, and you can see the other on the bottom of the river.

19. When you noticed it floating was it in a current or in still water?—It was in both.

20. You said that flax-millers could keep their refuse out of the water if they would only try. If opportunity were given of still water that carried this pulp, in your opinion would the pulp settle at the bottom?—It would in time. It gets water-logged, and it sinks down.

21. Is not the pulp green and moist when the flax is put through the strippers?—Yes.

22. Do you not think it would settle straight away if it had an opportunity in still water?—That would get heavier with water than it was without water.

23. How long were these cows of yours bad before they died?—From one milking to another—from, say, half past 5 in the evening till half past 5 in the morning—in fact, one of them died in between that.

24. Did you notice anything the matter with the cow before?—I did. The first one that died looked for all the world like a cow whose milk was pinching it. You would just think that the cow was very anxious to get milked.

25. How long had they calved?—They both calved in August and died in September.

26. There was no chance of its being milk-fever?—No, the symptoms were different altogether.

27. Did they scour?—Not that I know of. No, they did not, but their bowels were open.

28. They did not last long after you saw them ill?—No. There was one that we saved. She had come off the Oroua River. She got half-way from the Oroua to the Manawatu and then she dropped. My neighbour and I had her up on her breast-bone for about four hours, and she was frothing at the mouth and kicking—in fact, she blew up a bit. I put some gin in a drench and drenched her, and we got her right.

29. *Mr. Buick.*] Did they appear to be weak in the loins?—No. It just seemed as if it was a sharp pain.

30. Inclined to stagger?—No, no staggering at all.

31. *The Chairman.*] You never saw anything the matter with your cows once you fenced them off from the stagnant water?—I never had any trouble after that.

GERALD FITZGERALD, Civil Engineer, Wellington, examined. (No. 27.)

1. *The Chairman.*] Would you like to make a statement?—I think I could give the bulk of my evidence more shortly by making a statement. The first observation I desire to make is with regard to the Bill itself. It seems to contemplate that in some circumstances an injunction is possible, but if you take clauses 3 and 4 and invert them it seems to show that no injunction can possibly be obtained, for this reason: under clause 4, before you can get an injunction, you must prove first that the water is unfit for use, and, secondly, that you have no other water-supply. But reverting to clause 3, you will find that you cannot get an injunction at all under any circumstances if the injury can be compensated by money. So you have first got to prove that the water is unfit for use; secondly, that you have no other water; and, thirdly, that your injury is beyond compensation by money. Well, sir, there is no injury we know of that the Compensation Court has ever been called upon to deal with in which money has not been held to be a sufficient compensation. A man will be told in case of total deprivation that money is sufficient compensation. The Compensation Court has held over and over again, not that a sufficient sum of money at ordinary rates of interest producing the income lost is the amount to be paid, but that a sufficient sum of money for the man to take away with him and reinstate himself in some other part of the country is all that he can be paid; and that has been the basis of compensation in very large and important cases. So that total deprivation itself, which is the worst thing you can possibly do to a man, does not entitle him to an injunction under this Bill.