

absolutely unable to attack for want of means. If a corporation or an individual manufacturer or a set of manufacturers wish to use a stream for the purpose of their waste, they have to get the permission of these Commissioners before they are allowed to do it, and then they are told how much they may put in, if any at all, and what degree of dilution is necessary, because that is the main question. In winter you could put the whole of the wastes of an industry into the stream, and it would not make any difference if it were all fluid; it would all disappear. But in summer when the stream was low very much less could be put in. And that is what these Commissioners have mainly to deal with. I think the main principle upon which they act is that the community are better served by the total loss of a trade if that trade cannot be conducted without menace to public life. And of course it is an axiom that the streams of a country should not be polluted to the detriment of the public. There is a further advantage that they have in dealing with these matters: they deal with them as experts, and if such a matter were to go to the Court after having been handled by the Commissioners it would probably be very easy for the Court to settle it; but it is not nearly so easy for a Court to undertake to settle such a matter in the conflict of expert opinion. It is much easier for the Commissioners to send a case out and dried to the Court. If they have settled it, probably the Court will see that their reasons are good. There is another remedy—an altogether different one—which I suggest is well worth consideration, and that is as to whether a slight enlargement of Lord Cairns's Act would not have met this case entirely. That is more strictly in accord with the apparent object of this Bill. Lord Cairns's Act at present, I believe, deals only with trespass, and it allows a person who is trespassed against to be paid damages if the nature of the trespass is such as in the opinion of the Court it would be unreasonable to ask the trespasser to remove—a very large or lofty building trespassing perhaps an inch or two, say. In that case they would probably give damages and allow the building to remain. If an extension of that Act were adopted here, so that the Court would have absolutely free jurisdiction to deal with the matter, it would be ever so much better than the hampering clauses I have commented on. There, I contend, the Court is not free.

3. *Mr. Buick.*] Is that an English law?—It is a British law—I think it is in force here. It only applies to trespass; it does not apply to a general invasion of private rights such as this Bill set up; this is quite new.

4. *The Chairman.*] Does that finish what you wished to give the Committee in the way of statement?—That is all I have prepared.

5. *Mr. Buxton.*] What is your opinion as to the present position of the flax-millers: do you say that if things remain as they are they cannot possibly go on and risk injunctions?—They cannot do that: it would be dangerous to defy the Court. An injunction is absolutely prohibitive, unless you mend your ways.

6. You mean to say that there must be some amendment of the present condition of affairs?—I think it would be very desirable, because at present there is no authority dealing with rivers. It throws the whole onus of the test on to the private rights of the two parties.

7. Your contention is that something is needed, but this Bill is not the right thing?—I should have no objection whatever to something, because if the degree of pollution were made such that it would not injure anybody, as a lender of money I could not find fault with it. As long, for instance, as a man's stock could freely water at a stream, I would not suppose that a man's property was deteriorated in any way whatever.

8. But if this Bill was passed as it stands you consider that it would very considerably affect it?—Most certainly. We should have to conduct our business on somewhat different lines.

9. Of course, you have no idea how many farmers would be affected?—I should think every dairy-farmer would be affected now or his future position would be in jeopardy. He would have no redress, as far as I can see, against a polluter.

10. You, as a lender, would feel that under this Bill you would have to be very much more careful indeed—you would have probably to reduce your lending limit?—Yes; we should lose a number of clients.

11. That means that, in your opinion, there would be a considerable reduction in the value of all the land that might be affected?—Yes, no doubt. A reduction in value is a particular menace to mortgagees, because they have no redress under the Bill.

12. Your trouble there would be that the money that is already lent on land——?—Would be in jeopardy.

13. *Mr. Field.*] Have you had experience of the effect of flax pollution of streams?—Yes; I was a flax-miller myself once—not for long. I lost all my money in the trade, and then I stopped.

14. What effect does flax-refuse have on small, still-running streams if it is allowed to pour out from the mill without any filtration?—It would certainly make them poisonous in time.

15. Do you know whether it would have any effect on the fish in the streams or on the vegetation along the streams?—If it were very poisonous the fish would not live there. I have known fish killed from that cause, and many others—sawdust, for instance. As a general rule, if fish will not live in water, that shows that it is so depleted of its oxygen that it is not fit for consumption.

16. You say that water badly polluted by flax-refuse which has fermented would be dangerous to the health of human beings?—Yes.

17. It would naturally follow that it would be dangerous to the health of stock also?—It is rotten. The doctrine that is now being accepted in the United States is that stock require as good water as human beings.

18. You have experienced the stench arising from this polluted water, have you not?—Yes.

19. It has a bad smell?—Yes, it smells, and it is very dark.

20. What do you say as to the effect on milk in the near vicinity of a slow-running drain or stream that is badly polluted by flax-refuse?—I have always understood from dairy-farmers—