

represented to the Committee, that until quite lately, it has always been supposed, in the Auckland Province, that people were free to use the creeks, being liable only for the absolute damage that might be done by driving, and that they could not be prevented by injunction from using the creeks. Further, it has been represented to the Committee, that if a holder upon the lower part of a creek can, as appears to be the case, by injunction, prevent holders on the upper part from using the creek for timber floating, an immense injury may be done to a very large and useful industry—that it may, in fact, be entirely paralyzed. Again, it has been represented to us, that no such result would follow from preventing floatage, because, in all important cases, tramways could be used with greater general advantage and less waste than is possible in driving. That is an outline of the conflicting evidence put before us; and the Committee will be glad if you will give your opinion upon the several points involved? I can speak as far as my own experience goes. There were three creeks leading to my forest. I had land on both sides of the creeks—bought it on purpose, in fact, so as not to be prevented from driving from my own forests. But I believe now, from all I know, that, if I had to begin the thing again, I would not drive timber by the creeks. For this reason—the only really valuable portions of my land are on the banks of the creeks—in small bottoms, and little patches on points. To allow timber to be driven now, in any other way than by natural freshes, involves the risk of the best land being carried away. At the time I speak of, when I used to drive, there were no cultivations at all near the streams, and what was done did not matter much to anybody. But I can see the effect of it now. The main creek is three times wider than it was, so that a vast quantity of land must be carried away, or have been carried away. Where driving is confined to natural freshes, there is less risk of damage than where dams are used. Because, when a dam is filled, and there is, perhaps, a large lot of timber which has been lying in the creek for months, and a fall of rain commences, to avail of such there is a great temptation to let everything go at once, and to take the chance whether or not a great deal of damage is done below.

89. Then are there no creeks upon which you would consider it desirable still to allow the driving of timber? It would be desirable in many cases, so long as the parties are agreed. On my creeks I could have stopped it possibly, but I did not do it. I didn't want to stand in the way of prosecuting an industry. I would stand in the way now, though, because I will not have the risk of injury to property.

90. Do you think it right that a lower holder on a creek should be able absolutely to prohibit the use of the stream by upper holders, if he chooses to do so? It has been a right hitherto. You might legislate for the future and make it conditional.

91. If an upper holder were willing to pay for any damage he might do by driving, would you allow any lower holder to say, "You shall not drive?" I don't think anybody would really stand in the way.

92. But that is the whole point. I wish to know whether you think there should be an absolute power, by an injunction, to stop driving, or whether you think it would be enough if persons so using a creek were compelled to pay for any damage done? The difficulty is, Who would pay for damage? The real owner of the timber by which it was done, or which was coming down when it was done, you might not be able to reach.

93. But we propose to allow creeks to be used only by licensed persons, and that they shall deposit ample security for the payment of damages. Would that meet the case? That would: or getting some responsible persons to enter into bonds.

94. That is proposed: that there shall be substantial bonds given. Those who use creeks must be licensed, and they would be answerable for the consequences of the acts of their servants? Yes. But, still, I must say that if I had to begin again, I would not drive timber. I think it is the least profitable way of doing the thing.

95. Would you say that that applied to all creeks? To all I have seen.

96. Mr. Macfarlane told us that he had, in one case, to send timber down thirty or forty miles. Would what you say apply there? Thirty or forty miles. I think that's a stretch. I don't know of any timber creek that length, where you would have to float timber that distance.

97. *Major Atkinson.*] How would you get timber down, if not by driving? By tramways.

98. *Mr. McGlashan.*] Could tramways be made available in all cases? I think so. Ours was as rough a bit of bush as there is in the country, probably. We had tramways.

99. To get the timber out of the bush? Yes; but there would be no great difficulty that I see, in extending the tramway to salt water.

100. What is the comparative value of the land destroyed, and of the timber taken off the land, say in the case of your mill? Well, I don't know that any land has been absolutely destroyed—except what has been carried away. As to value, that would entirely depend upon what is on the land. There may be £20,000 worth of property on the land, and there may not be £20 worth. There is this danger, that if logs weighing two or three tons, as I have seen them, are coming down stream, and there is a mill on the banks, things connected with the mill, or the mill itself, may be struck by the logs and carried away. We had a fresh in our own creek that swept away living trees, booms, dam, and very nearly the mill. On that occasion, some 500 or 600 logs were swept out to sea; and had it not been that a large tree got across the dam before it gave way, nothing could have stopped the mill being swept off. It's a very difficult question to deal with. On the one hand, it would be a great pity to stop such an industry by the liability to have driving prevented; but, on the other hand, I would never drive timber in creeks myself now. You see there are so many disadvantages that are only known by experience. In the first instance, you have to get timber ready in the creek for a fresh, or something to fill the dam; and there it may lay for months, or for years, just rotting. By cutting timber in the bush as you want it, and bringing it out by tramways, you get it to market fresh, and so much the more valuable. In our creek we cannot get any length of timber down; and when timber is long, it is worth perhaps twice as much as if it was short.

101. *Mr. O'Connor.*] I understand you to say that the loss on floatage of timber is very great, even on what is absolutely floated down? Yes.

Mr. Henderson.
5th Sept., 1873.