

2. In my humble opinion, it is not only "expedient," but absolutely necessary, to legislate on the subject for the Colony at large, as it is most probable cases of the same kind as that which has engaged public attention in the Province of Auckland, may occur from time to time, if not prevented by legislation.

3. The present Bill, even in the absence of any improvement, will have my support. I will, however, as suggested, point out, at the conclusion of this report to your honorable Committee, such amendments as in my opinion will make the Bill more practically useful towards the end aimed at, without damage to private interests.

4. In reference to my opinion of what I have seen of the evidence that has already been taken before your honorable Committee on the Timber Floating Bill, I need not refer much to any of it, except that of Mr. C. A. Harris, jun., which is now in print before me. In my opinion, Mr. Harris has been unfortunate in taking the laws of Nova Scotia and Canada to his aid, for these laws on the subject are in direct variance to the sentiments he shows forth in the first and second clauses of his printed evidence, and the whole tenor of his evidence throughout is contrary to the spirit and intent of the Canadian and Nova Scotian Acts.

The law of Nova Scotia, with which I am more practically acquainted than the Canadian, is not made to protect private property from the timber driver, although laws are added to respect it, for the evident purpose of both Acts is to protect that industry from the unreasonable and unscrupulous demands of owners of private property. The Nova Scotian Act is framed for two different purposes; first, that no mill-dams offer obstructions to taking logs down streams; that they must be provided with sluices having a clear passage for the timber; and although the private property should have been bought for one hundred and fifty years, the law is equally operative as if bought after the Act passed, Mr. C. A. Harris junior's theory to the contrary notwithstanding.

The second object of the Nova Scotian Act is to secure at all dams, at certain seasons of the year, a free passage for fish going up the streams to spawn. Mr. Harris, in saying that logs may at times be scattered over the flats, reminds one of Mark Twain's story of one farm slipping down on top of a neighbouring one: how the question of compensation was settled by the owners, I forget; perhaps we might get a precedent from it. If a man care for nothing else but self, and be altogether indifferent to another's loss, a shower of kauri logs would not be a thing to be dreaded, as the owner of the land could pay himself for the damage done to his flat fields.

I see no difference between timber-driving in New Zealand and in Nova Scotia, only that the logs here are larger; the floods of the latter rise as high as they do in this country, the waters have an equal rapidity and force in both, and the rivers of Nova Scotia along which timber was floated, ran along well-cultivated flats, there called "intervals," and very easily damaged; yet, although thousand on thousand tons of timber had been taken down, I never heard a complaint, or damages claimed. To show reasons from my own experience in that country why I should be anxious to see a law of this kind enacted in New Zealand, I submit the following circumstance:—A man in Nova Scotia (no matter who) contracted with a party to supply a large quantity of hard wood squared timber. The timber was cut on a small branch stream, about fifteen miles from the sea, and to be delivered in a boom convenient for shipment. When the workmen got the timber half-way down, it was stopped by a settler who owed some ill-will to the purchaser, for although the main river was legally open, this branch tributary was not. The merchant at once appealed to the session of the peace for the county, who declared the stream legally open for the passage of lumber. In the meantime the water had subsided for the season, and it was twelve months before the timber could be shipped and sent to market, besides the inconvenience and loss in not having it down in time for the ship intended, all caused by the revengeful disposition of one person, who, although he (dog-in-the-manger like) was gaining nothing himself, was causing great loss to all concerned.

No doubt incidents of the same kind will occur in New Zealand, unless prevented by legislation; and although I have no personal interest directly or indirectly, nor do I expect to have in the short space of time that may still be allotted me of life, yet I should much desire to see a law passed that would open all the rivers and streams of the country, and make convenient, without interruption, to every one engaged in that laborious and useful industry, the lumber trade, which is only yet in its infancy.

I would suggest that some alteration be made in the last clause of the Bill, which would simplify it, and allow it to be more conveniently put in operation, divested of the usual circumrotation from Governor to, perhaps, a careless or partial vice-regal Superintendent of a Province, the usual process reminding one forcibly "of what comes over a certain gentleman's back having to pass again under his belly." Let the administration of the Bill, as soon as it has received the Royal assent, be intrusted to the Petty Sessions or Road Boards of the districts, empowering them to open any stream or creek within their bounds, and award damages to the amount of real actual damage, without expenses (the chance of any claims, a figment), as the Bill already wisely provides. The hue and cry making against the passing of so reasonable and necessary a Bill as the one in question, I have no doubt your honorable Committee will understand, although I do not. However, in conclusion, I have only the wish that your honorable Committee will recommend the Timber Floating Bill to the House, and that it will soon become law in the land.

The Honorable Chairman of the Timber Floating Bill Committee.

I am, &c.,
JOHN MUNRO.