

the Commissioners as to the granting of compensation, as set out hereunder, are given effect to, there will be a definite basis upon which such compensation may be assessed. In compiling such a return it will be desirable, for reasons hereinafter appearing, that all lands situated within an average distance of $1\frac{1}{2}$ chains of the river-bank should be separately scheduled.

Compassionate compensation.

The Commissioners are given to understand that legally the owners and occupiers of land who have been injuriously and permanently affected by the deposit of mining tailings thereon have no claim whatever on the State for compensation; but they are of opinion that, apart from the legal aspect, there is every reason why some compensation should be granted for the permanent damage done to the lands. The landowners at the time of the Proclamation in 1895 could not have foreseen its wide-reaching and disastrous effect. Even had the farmers possessed sufficient prescience to have then estimated the possible effects of the Proclamation, it is fairly certain that they could not have persuaded any Compensation Court that the results which have followed its issue would have occurred, and would not have obtained any compensation commensurate to the loss that has been suffered.

Source of compensation.

The Commissioners are of opinion that, although the compensation, if any, which might have been awarded in 1895 would have been nominally paid by the State, any compensation that may now be given should be chargeable to the district as a portion of the scheme set out hereunder.

Scale of compensation.

The Commissioners recommend that in respect to all lands which may be placed in Class (a), as permanently destroyed (and lying more than 100 feet from the river-bank), there should be paid compensation, as a compassionate allowance, such sum as may be determined by a Stipendiary Magistrate as having been the value of the lands in 1895, together with full compensation for any permanent improvements carried out on the lands since that date.

Scale of compensation, partial loss.

That in respect to lands which may be placed in Class (b), as being seriously affected by the tailings left by floods, there should be paid a compensation of, say, £2 per acre, being a sum sufficient, in the estimation of the Commission, to deep-plough the area affected, and to sow the lands with grasses of a character suited to the condition of the land when the silt is mixed therein.

No compensation, temporary loss.

It is not proposed that any compensation should be made for the damage to lands that may be placed in Class (c), as temporarily affected. The Commissioners recommend that one-half of the proved loss to farmers through the 1907 to 1910 floods be paid as compensation for the loss of, and depreciation of, stock, and for the falling-off in the milk-supply. The Commissioners are of opinion that these losses would to some, though not to the same full, extent have been incurred if the floods had been of a natural character, and not silt-bearing.

The Commission advise that no compensation should be given on lands to any landowner or tenant who took up his lands subsequently to the year 1905, as the Commission is of opinion that any person then taking up land did so with a full knowledge of the risk he ran from the deposit of silt.

Contributory negligence.

The Commissioners are also of opinion that in most cases contributory negligence has been shown by the farmers in not providing their drains with proper flood-gates, in not cutting down the willows, and in not trying, by the erection of stop-banks, to limit the evils of the floods.

The Commissioners recommend that powers should be given to a Stipendiary Magistrate to assess the compensation to be awarded, and to determine what proportion shall be payable to the occupiers, and what to the owners or other interested persons.