

2. That previous to the establishment of this industry the country around was totally unoccupied, being from its barrenness quite unfitted for agricultural or pastoral holdings. 3. That in the year 1895, it being apparent that mining would be carried on for many years to come, His Excellency the Governor was advised by his Executive Council to proclaim the Ohinemuri and Waihou or Thames Rivers watercourses into which tailings and other mining *débris* might be discharged, which, after due notice according to law being given, was done, no objection having been raised. (See *New Zealand Gazette*, 4th April, 1895.) 4. At the time this was gazetted the number of farms fronting on the Ohinemuri River did not exceed six. 5. Since this Proclamation a large amount of tailings has been deposited in the river by the gold-mining companies at Waihi and Karangahake, and a right to recover this material and re-treat it for the percentage of gold therein has been granted by the Warden to a company established for this object. The title to this privilege is as good as the tenure of the Waihi or any other company to its holding, and could not be cancelled without the payment of heavy compensation. 6. That during the month of January, 1907, owing to an unprecedented downfall of rain in the Provincial District of Auckland, large tracts of land throughout the country were flooded to a greater extent than known since the foundation of the colony, traffic on portions of the Waikato Railway being wholly suspended for weeks, and parts of the country laid under water for the first time since the line was built, over thirty years ago. 7. That the low-lying Thames Valley, through which the Ohinemuri and Waihou Rivers find their way to the sea, were also flooded by the overflow of the upper portions of the Waihou River and Te Awaitei Creek, farms fronting the left bank of the Ohinemuri River being thus placed under water. 8. That it is now sought to be proved that the deposition of tailings in the said rivers was the cause of these farms being flooded; whereas the natural conditions are such that had the handiwork of man never been in the country the land in question would have been under water when such weather-conditions prevailed, as the past history of the district abundantly proves. 9. Should the proclamation of the river as a sludge-channel be revoked it would prove a very serious blow to the mining industry, quantities of low-grade ore now worked at a small profit would be left untouched, and a number of men thrown out of employment, forced to leave the district, and compete for work in other centres of the colony. 10. Your petitioners therefore pray that no steps be taken to prevent the gold-mining companies from exercising their legal rights in depositing mining *débris* in the Ohinemuri River, and that a Commission of inquiry be set up to take sworn evidence on the prevailing conditions. And your petitioners will," &c. [Exhibit No. 28.]

11. That is virtually the petition you sent to Wellington, and it contained over five hundred signatures?—Yes.

12. Do you know on what date that was handed in?—The petition was forwarded on the 18th October, 1909.

13. That petition was got up as a result of a public meeting held at Karangahake on the 16th May, 1909?—Yes.

14. Was this petition considered by the Mines Committee?—I do not think so.

15. Who presented it for you?—Mr. Poland, member for Ohinemuri.

16. Have you had any interviews at all with the Silting Association on this question?—Yes, we had one meeting together.

17. Will you tell the Commission the result of that meeting?—We met in Karangahake, and it was agreed at that meeting between the two parties that we hold back our petition for the time being, and that if we could do anything to force the Government to get over the trouble without injuring either the farmer or the miner we would do so.

18. Was that agreement carried out?—No; the Silting Committee broke the agreement the first week. They agreed with us to make no further trouble in the matter. Some expert had been round, and we were to get hold of his expert opinion if we could, and see what he had to say on the matter, and see what scheme could be devised.

19. Did they agree not to ask for the revocation of the Proclamation?—There was really nothing of that mentioned.

20. *The Chairman.*] What did they break?—They were not going to protest. The miners asked for a public battery, and they objected to this public battery putting any tailings into the river. The people out prospecting wanted a public battery in the district to crush their ore, and the Silting people objected to it, and we considered that by doing so they had broken their agreement with us.

21. *Mr. Hanna.*] When did this take place?—It was after our public meeting. We were almost on the point of presenting our petition when they interviewed us. The petition was presented after the application had been made to the Minister of Mines for a public battery.

22. How did the association know that application had been made to the Minister of Mines for a public battery?—It was mentioned in the local Press, I think.

23. *The Chairman.*] As a result of the objections which you believe were lodged by the Silting Association you think the Government never granted permission for a public battery?—That is what we think.

24. *Mr. Hanna.*] At all events you have had no reply from the Minister in regard to the application for a public battery?—It was not sent from the union. It was sent forward by a Waitekauri party. I am only speaking from hearsay.

25. What experience have you had in mining?—Twenty-five years.

26. Has that all been passed in the Ohinemuri district?—I have been ten years between Waihi and Karangahake.

27. Can you state any other cause besides tailings which has silted up the river?—The mullock from the mines and from the Government works. All the material from the big Government tunnel was put into the river, and all the spoil from the cutting up near Owaharoa.