

171. Then there was no such trouble as to cause you, as Town Clerk, or the Engineer, or any one in charge, to investigate the matter?—No; it was not my business.

172. So long as the Waihi Borough only got rid of the stuff and got the duty, then their business did not extend any further?—I have pointed out that the Waihi Borough have nothing to do with the silt. They do not deposit it in the river.

173. Can you tell us how the gold duty could be produced without depositing the tailings and silt?—It could not be produced.

174. You say you have nothing to do with the deposit of the silt?—I say that the Waihi Borough Council as a public body has nothing to do with the disposition of the silt.

175. *The Chairman.*] There is no provision in the Municipal Corporations Act in reference to a Borough Council preventing the deposition of tailings in a river?—No.

176. *Mr. Cotter.*] Do I understand the position taken up by the Waihi Borough Council to be this: Assume for the purpose of my argument that the stream from the point where the tailings were put in to the point where they do damage was actually in the Waihi Borough, that the Waihi Borough would then have nothing whatever to do with it?—The borough does not deposit the tailings or silt, and therefore takes no responsibility in connection with the matter. The aspect you have put before me is an unusual one, and has not yet arisen.

177. *The Chairman.*] There is no flooding in the low-lying land in the town by the action of the mining *débris*?—None whatever that I know of.

178. *Mr. Vickerman.*] The tailings of the Union and Grand Junction travel through the borough?—Yes.

179. Do you mean to say you have no control over them?—I do.

180. *The Chairman.*] We saw where certain tailings had run over the land at the foot of Wellington Street, inside the borough?—Yes, I remember that. That trouble was caused by the raising of the dam.

181. But, although that is a deposit of silt in the borough, you think you have no control over it?—We certainly have no control. I do not know what our duty is, but I know what the power is.

182. *Mr. Cotter.*] When the Chairman put it to you that you have no control, did you include "and no responsibility"?—If there is no control there is no responsibility.

183. In fact, to complete your previous answer to me, is this the contention of the borough: that because the Government issued this Proclamation, therefore the Government should pay any damage and remedy any evils inside or outside the boundaries of the borough that have been caused by the issue of the Proclamation?—Exactly.

184. Then your borough does not consider that the mining companies who cause the damage should be in any way responsible for that, because a Proclamation has been issued giving them that right?—Yes.

185. And what will your answer be in regard to the farmers who have sustained damage thereby?—If they have a right to compensation, it is from the Government.

186. And the Government only?—Yes.

187. So far as the Waihi Borough is concerned, is it not interested in keeping the Waihou River open as a navigable channel?—Yes.

188. Why do you say the Waihi Borough is interested in keeping the Waihou River open a navigable length?—Because there is a certain amount of goods carried on the river that come to Waihi.

189. Is it not a fact that almost the whole of the goods received from Auckland for Waihi come by river?—I have no knowledge on the subject, but probably the bulk of the goods come by steamer, and then by rail.

190. And with regard to the passenger traffic?—I think it is probable there is a fair division of it.

191. Would it be fair to put it this way: that both with regard to the goods and passenger traffic Waihi is equally interested, at any rate, with the Ohinemuri County in keeping the river open?—I would not say equally with the Ohinemuri County, but I would say equally with Paeroa, if you like.

192. Therefore if you take the county, you are more largely interested. There are parts of the county that are not so interested in keeping the river open as Paeroa, are there not?—Oh, yes!

193. With regard to mining machinery, is it not a fact that almost all of that comes by river?—Yes.

194. Then, that being so, anything done by the Ohinemuri County Council as a River Board that prevented wharfage being charged also benefited Waihi?—I always understood that the River Board had done nothing.

195. Were you not in Court when it was stated that practically the reason for the River Board being formed was to prevent the imposition of a wharfage rate?—Yes, that is right; I heard that.

196. That benefited the Waihi Borough as much as it did the other part of the county?—It benefited Waihi.

197. Waihi subsequently became a borough, and after that it benefited the inhabitants of the borough?—Yes; other local authorities benefited too—the Piako County Council.

198. Is it not a fact that goods also come up the river even to go up to Te Aroha and Hamilton?—Yes, but I do not know to what extent.

199. So far as the Waihi Borough is concerned, is it not a fact that after the result of the last flood the borough itself had to use the county road?—Yes, for a few days.

200. As a means of access to and from your borough?—Yes. Might I add that a very heavy flood—one of the heaviest floods seen in Waihi—was on the date I mentioned—29th March, 1909.

201. Was that also an abnormal, or phenomenal, or unexpected flood?—My description of it was that it was the heaviest flood that we have had in Waihi that I have seen.