

DIGEST OF LAND LAWS.

Since 1908, when the laws of the Dominion were consolidated, there have been continuous amendments thereof, and it was found increasingly difficult to ascertain the law relating to any particular question that might be under consideration. To obviate this difficulty, and to show the present law in a simple manner, the Chief Clerk of the Department (Mr. W. R. Jourdain), who is a solicitor of the Supreme Court, prepared a Digest, under alphabetical headings, of the whole of the provisions of the Land Act, 1908; the Land for Settlements Act, 1908; the Land Laws Amendments Acts of 1912, 1913, 1914, 1915, 1917, 1918, and 1919; the Land for Settlements Administration Act, 1909; the Land Settlement Finance Act, 1909, and amendment of 1910; the Discharged Soldiers Settlement Act of 1915, and amendments of 1916, 1917, and 1919; the War Legislation Act (Part II), 1916; War Legislation Act (Part I), 1917 and 1918; the Public Reserves and Domains Act, 1908, and amendments of 1911, 1912, and 1914; the Education Reserves Act, 1908, and amendments of 1910, 1911, 1913, 1914, and 1915; the State Forests Act, 1908, and amendments; the Scenery Preservation Act, 1908, and amendments; together with references to numerous sections in thirty-eight other statutes. Nearly a hundred law cases are cited in the Digest as bearing upon the provisions of the Acts summarized, and many references and notes are given so as to elucidate the meaning of the sections quoted.

The Conference of Commissioners of Crown Lands considered the matter and were unanimously in favour of its publication. The Government therefore decided to purchase the copyright of the Digest, and it is now printed and available for circulation and sale.

The Digest will be of great service to solicitors, local bodies, returned soldiers' associations, Crown tenants, and the public generally, as forming a ready and complete compendium of the law relating to Crown land, endowments, reserves, and forests.

AGGREGATION OF LAND.

One of the questions that is frequently discussed and is of general interest is whether the lands of the Dominion are being aggregated in a way prejudicial to the public interests. In order that the position may be readily understood it is first necessary to give a brief *résumé* of the legislation in force relating to the subject. The law at present is as follows:—

1. *Aggregation of Crown Land* is prohibited by section 97 of the Land Act, 1908, which limits the area of Crown land that may be acquired under Parts III and IV of the Land Act, 1908, to 5,000 acres of third-class land, or the equivalent of first- or second-class land, including area already held by the applicant. These equivalent areas of more valuable land are 666 acres of first class, or 2,000 acres of second class. In cases where occupied lands have not been classified under any Land Act the class is determined by its unimproved value (not including value of standing timber) as follows: Lands of which the unimproved value is upwards of £8 per acre is deemed to be first-class, between £4 and £8 per acre second-class, and less than £4 per acre third-class land.

2. *Aggregation of Crown leaseholds* is prevented by many provisions of the Land Act, which prohibits a Crown tenant of rural land from becoming the licensee or lessee of a second license or lease unless the land comprised in the several licenses or leases adjoin each other, or until he has fulfilled during a period of three years from the date thereof the conditions of the first license. The holding of more than one small-grazing-run lease is also prohibited except under special conditions which include the recommendation of the Land Board and the approval of the Minister, and holding of more than one pastoral license is similarly prohibited.

3. *Aggregation of settlement land* is dealt with by the provisions of the Land for Settlements Act, 1908, and no selector is allowed to occupy more than one allotment unless the area held by him is too limited for the sufficient maintenance of himself and family, whilst an amendment of the Act prevents any person from becoming the owner in fee-simple of more than 3,000 acres of third-class settlement and other land, or the equivalent of 400 acres of first-class or 1,200 acres of second-class land.

4. *Aggregation of private (or freehold) land* is dealt with in Part XIII of the Land Act, 1908, as amended, and it is there provided that all Crown land sold in freehold after the 20th November, 1907, is subject to limitations. These prohibit any person acquiring an interest in land subject to Part XIII if such land together with that he may already hold exceeds the total area of 5,000 acres calculated as provided in the Land Act and as indicated in paragraph 1. An amendment to the Act provides that land held by a company of less than twenty shareholders shall be deemed to be held in common by every member, and land held by any member of the company shall be deemed to be held by the company. Certain interests are excepted from the operations of Part XIII, comprising the acquisition of interests by way of mortgage, or by a trustee, executor, &c.; interests acquired in trust for religious, educational, charitable, or public purposes, and certain interests acquired by way of exchange or as compensation in connection with the taking of roads.

As the above provisions were found not to sufficiently restrict undue aggregation of land, special provisions were passed in 1913, and amended in 1918 and in 1919, which apply to land acquired by any person who is already the owner of other land. As, however, it frequently happens that such acquisition is not detrimental to public interests, it is provided that when such second area is acquired it is not affected by the Act and is not resumed by the Crown unless the Land Purchase Board reports that such aggregation is contrary to the public interests in respect to the close settlement of land, and that the land or any part thereof is suitable for acquisition by the Crown. Any land so acquired is subject to the provisions of the Land for Settlements Act and is dealt with thereunder. Although many cases of alleged aggregation have been reported to the Government and have been investigated as provided in the Act, no case has yet been found where the Board is in the position to make the statutory recommendation, and consequently no action has yet been taken. It is probable that the passing of the legislation has largely put a stop to undue aggregation, and it has been found that in many cases investigated, although one person is supposed to own large areas of land in excess of what is deemed reasonable, yet the areas are frequently held by different members of the family, or relatives, &c., in such a manner that the quota of land which the person is legally entitled to acquire does not exceed the total amount that has been purchased and is held by them. Moreover, trusts