EDITORIAL

Mining Rights in State Forests.

"A forest ordinance should provide for power to commute rights in forests if their exercise would prevent rational management of the forests." The quotation has a familiar, ancient ring about it; we learned and accepted it with our elements of forest policy. It was so obvious and platitudinous to us then that we accepted it as we accepted the decalogue in even earlier days; and with later experience, we probably transgressed it through force of circumstances as we very probably transgressed the decalogue: even later we may have forgotten the text of the one as we did that of the other. But always, if the question were put in so many words, we implicitly believed and accepted it. Only when the green leaf of field forestry has faded to the sere and yellow of administrative inactivity do we fully appreciate the fundamental nature of the precept: and the fundamental difficulty of achieving adherence to it. To many of us in newer democratic countries, the mere form of the words, the yoking of "rights and servitudes," appeared once on a day to limit their application to old-world forests, to intrinsically valueless heritages from a murky feudal past: and our colleagues of the older forest lands, by the same token, are even now apt to believe us to be unburdened by irksome, though picturesque, survivals from past eras. But democracy's "rights," with a mere half-century of tradition behind them, have a knack of becoming as encrusted in written statute as are older rights in profitable custom, and any attempt to commute them, let alone to extinguish them, raises at once the medish cry of "Beware bureaucracy!"

It is therefore with keen gratification that we proffer our congratulations to the Forest Service on the enactment during the last Parliamentary session of Clause 3 of the Mining Amendment Act, 1935. At least since the middle nineties it has been the New Zealand Mining law that the holder of a miner's right had the right to free timber from unalienated Crown Land "for his own domestic purposes, "or for the purpose of erecting any building or fence on any mining "privilege . . . . . or for the carrying on of his mining operations." Designed in the dire depression days of the nineties, to assist the individual fossicking miner, this law with the growth of the mining
industry led to gigantic losses of timber revenues. Large and wealthy companies operated in free timber without let or hindrance; they could secure free pit props; with free firewood they "roasted their concentrates"; with stumpage free logs they supplied sawmills and cut lumber to build whole townships for employees, who in turn secured free fuel from Crown Lands, whether State Forest or not.

Fortunately for forestry, the full force of the right was never clearly defined by judicial rulings; and not all mining companies exercised their rights. Certain clauses in the Forests Act of 1921, and particularly Section 24 of the Act, were known to limit the freedom of action of miners: and some of the largest companies, rather than be faced with legal and administrative delays and doubts about their timber supplies, had always followed the policy of purchasing timber areas. Section 22 of the Mining Act of 1926 seemed to be in direct conflict with the 1921 Forests Act. Finally, in one case, eight years of indecisive discussion subsequent to the passing of the 1926 Forest Amendment Act culminated last year in Court action, with a complete decision in favour of the Forest Service. Then the Full Court of Appeal reversed this decision and gave rulings which vindicated the mining rights completely and set forth in unequivocal terms the position that State Forest is unalienated Crown Land; and that any holder of a miner's right (including commercial companies) could cut, free of charge, any State Forest timber for mining purposes, the sole limiting factors being that only the right holder in person or his wages-men could cut such timber, and that the Mining Warden could in each individual case reserve any particular trees from the operation of the right. The loss of revenue to the Crown resulting from such freedom of action is obvious. From a forestry management viewpoint, the less obvious but more serious objection is that management is impossible. The most sought after mining timber is second-growth beech (Nothofagus spp.), of which there are large areas naturally regenerated on the scene of the earliest gold exploitation in Westland. The veteran seed trees have gone 30 to 50 years ago. The pole crop is not yet seed-producing; but it will provide up to 1,200 or 1,500 pit props per acre. This free pit-prop crop will be its last crop; after clear felling and probably burning, the land will revert to useless scrub and fern. On a much smaller scale the same position obtains in some of the direkect kauri areas in the North Island, where young kauri rickers are the most sought-after pit-prop for small operations.

The Mining Amendment legislation just passed to which reference has been made above, ameliorates the position by the exclusion of "bodies corporate" from enjoyment of this right. This is but half a loaf, but it is distinctly better than no bread. The timber may still be cut and management is impossible: but at least the largest users will contribute to the forest revenue. We venture to suggest that, if the Mining Wardens can be induced to exercise their powers of reservation over large areas of good second-growth beech, the beginnings of management may even yet be possible before it is too
late. We fail to see, however, how the admirable precept which we quoted as our text can be operated. How commute a right which is so full in its privileges, that there is nothing tempting left to offer in exchange? Limitation, if not total extinction, is the only course to pursue: and we wish the Forest Service every success in its endeavours to proceed beyond the small initial step it has now achieved. We are further gratified to find that its endeavours have had the active support of the Dominion Federated Sawmillers’ Association and of the New Zealand Forestry League. This union of forest forces on a matter which strikes deep into the foundations of forestry practice is the happiest of auguries for ultimate success.

FOREST PROTECTION AGAINST PASTORALISTS’ FIRES.

By C. M. SMITH and A. W. WASTNEY.

In 1928, the New Zealand Journal of Agriculture published several articles on useful species of grasses for hill pasture. Reference was naturally made by the author to the usual and necessary practice of maintaining an established Dactyloctonious pasture, and of improving a partially established one, by periodical burning (1). Similarly in the article on “Rat’s tail grass” (Sporobolus capensis) reference was again made to burning off the pasture (2). To the pastoralist and the agricultural investigator, interest in the matter largely ceases at this point. Certain pasture grasses are maintained or improved, certain weeds suppressed, or eliminated by the aid of a good burn at the proper season. “Dactyloctonious carries a fire perhaps better than any other grass” (3).

That same good burn is an annual source of anxiety to the forester who has to protect the adjacent milling forest, or young plantation. Too often the conflict of agricultural and silvicultural interests leads to acrimony—and it is to be feared that the majority of pastoralists who adjoin unalienated forest lands regard the forest officer as an unnecessary affliction with no knowledge of agricultural needs; whilst it is quite certain the all forest officers agree that the most fruitful line of research open to their confreres of the Agricultural Department would be towards discovery of a satisfactory substitute for the periodical secondary burns. For some obscure reason—probably psychological—the primary burn is handled as a rule in more amicable fashion. The settler is perhaps at that stage in a more sanguine mood than he is after a decade’s struggle with weeds and second growth; the forest officer sees more clearly the need, has had some months of warning and can anticipate more accurately when the danger will arise. One good fire at this stage and the danger is over for the season. Whatever be the reason there are certainly fewer silvico-agricultural disputes over primary burns than over secondary and subsequent burns.