

instances owners have been reluctant, on sentimental grounds, to agree to the milling of trees planted by their forbears, but after an explanation of the purpose for which the timber was required they have willingly come to an amicable agreement with a local miller for their disposal. The services of the Timber Controller are also offered to the owner by way of measuring and valuing his trees and of protecting him against reasonably avoidable damage, &c., by the logger or miller to land and fences, &c.

(b) *Native-owned Forest*.—As in the case of privately owned forest, the parties to any transaction for the sale and purchase of Native-owned forest are required, wherever practicable, to negotiate in the ordinary way, but such negotiations in nearly all cases have as their basis a valuation of the timber made by the State Forest Service, as the Native Land Court may not grant any right to cut timber or confirm any instrument of such grant without the consent in writing of the Commissioner of State Forests under the Forests Act, 1921–22, and a Forest Service appraisal is a prerequisite to such consent. Where it is a matter of urgency that log-supplies be made available to keep a sawmill in production, the Timber Emergency Regulations 1939 provide a short cut to the normal procedure, and when there is agreement between the parties the practice is to make a sale by direction notice of sufficient forest to enable a sawmiller to secure only a year's supply of logs at one time. The reasons for this limitation are threefold:—

- (1) It affords sufficient time to complete negotiations, if both parties so desire, to conclude arrangements for further supplies;
- (2) As the war must inevitably terminate sooner or later, the exercise of wartime timber control will also cease, and none of its powers should therefore be projected forward on anything else but a short-term basis;
- (3) It also assists the State Forest Service in coping with a huge volume of appraisal work with a very limited staff.

The soundness of this policy was demonstrated during the year when, under the guise of timber-production, certain millers negotiated with various Native interests, and both Natives and millers jointly requested the Timber Controller to use his powers to make direction sales of many thousands of acres of Native forest. This was regarded as a flagrant attempt to have the powers of the Timber Controller misused for the purpose of circumventing the Native Land Court. Ultimately it developed that the Native negotiators had not been formally authorized by the tribal owners to arrange for a direction sale of even a year's supply, which meantime was in process of being effected, in one case to one of the applicant millers who was short of immediate supplies and in another to an entirely different miller who was similarly placed. After suitable representations, however, to the assembled owners in meeting before their Native Land Court, it was agreed that the two direction sales each for one year's supply should be proceeded with, on the understanding that in all future sales the Office of the Timber Controller agreed to prior consultation with accredited representatives of their tribal council, and this procedure has since been standardized.

Owing to complications which arise from multiple ownership, the Timber Emergency Regulations relating to Native-owned forest prescribe a different legal procedure to that covering privately owned forest. The regulations provide for a Maori Land Board to accept service of a notice requiring timber to be sold to sawmillers nominated by the Timber Controller, and on receipt of a notice the Board is required to take such steps as it thinks fit to advise the owners, who can lodge an objection within twenty-one days. If no objection is received or allowed by the Timber Controller, he is required to execute in his own name on behalf of the owners an instrument of sale and to fix the price payable under the instrument, such price being subject to confirmation by the Native Land Court. Pending the completion of an instrument of sale the Timber Controller may authorize a sawmiller to commence the cutting and removal of timber, but no such authorization is issued until the sawmiller makes a substantial cash deposit. The co-operation received from Native owners and Maori Land Boards in all these transactions has been excellent. During the year four direction notices were issued affecting Native-owned timber, but in one case the immediate urgency passed and the notice was withdrawn, thus allowing the sale to proceed in the ordinary way.

(c) *Exotic Forests*.—Two applications were received for consent to the sale and purchase of exotic-pine forest established for commercial purposes by afforestation companies, while further similar applications are pending. The forests affected are immature—less than twenty years old—but are sufficiently well grown to produce timber, the great demand for which, together with the depletion of shelter-belt supplies, &c., has attracted sawmillers, while, no doubt, the owners see an opportunity of obtaining a monetary return much earlier than recently anticipated.

As it became obvious that there was a danger of such forests being unduly sacrificed to meet the present war emergency, it was deemed advisable in the public interest that consent to the milling of exotic forests in which the public are financially interested should be subject to proper forest-management and fire-protection precautions. Consents given have therefore required the vendor companies to submit for the approval of the Timber Controller a forest working plan setting out reasonable proposals for silvicultural management and re-establishment of the area which will be cut over, together with fire-prevention