

some measure of control of burning as a farming practice. The difficulties inherent in any such extension of fire-control even over limited areas are fully realized, but it is difficult to believe that the farming community will not in its own interests welcome such a reform as the only practicable and physical solution to the problem of stream regulation and erosion control. Admittedly, overgrazing, deer, and other factors do contribute in some measure to forest devastation, and to erosion, &c., but fire is the paramount agency of destruction, and its control the major reality of forestry and general land use.

Let the public judge for itself. There is hardly a district in New Zealand where this fact is not self evident. Visit North Auckland, Coromandel, Bay of Plenty, Marlborough, Canterbury, everywhere scarred hillsides give mute testimony. Silted harbours and rivers, costly road, rail, and river works add their tale. Still year after year the fires continue, until the degradation of the vegetation cover becomes complete, the soil disappears, and the rocks make their appearance. Must this continue? Or will the public insist that private owners and occupiers recognize the social obligations inherent in the use of land? If so, the nude hills of to-day will be reclothed afresh in productive forests, streams better regulated, and erosion minimized. Both directly and indirectly there will be a national gain and the land as an asset improved rather than despoiled.

How to control fire is a national problem in itself—legally, administratively, and practically. Nothing in recent years has demonstrated this so effectively as did the Victorian disaster of January, 1939, and New Zealand is endeavouring to benefit by this experience in co-ordinating and improving fire-control and fire-fighting activities of all Government and private agencies. But, of necessity, this must be directed immediately to the major objectives of safeguarding life in potentially dangerous areas and of providing maximum protection to the most highly valuable forests.

The legal and administrative aspects are of no less importance and are being given that close study which they merit. Administratively, the basic weakness under existing legislation, &c., is that the onus of proof rests upon the prosecuting authority. As a legal principle the presumption of innocence of accused persons may be, in the words of the learned Judge who, as Royal Commissioner, investigated the disaster mentioned, "one of the ornaments of British law," but because it has been the fundamental protection of indiscriminate burners it is in fact an ornament to land-devastation in every country colonized by English-speaking peoples. It may at first sight appear too drastic to suggest that the position should be reversed and the onus of proof thrown upon the accused, but the possibility appears to be dictated by the basic necessity of holding inviolate the power of the land to produce. It is this fundamental concept which is violated by existing practices and enactments.

The learned Judge already referred to has suggested that a doctrine analogous to that of "recent possession" might be imported. While this does not place any onus on the accused, in the words of the Royal Commissioner, it—

"enables but does not oblige the Court to draw an inference of guilt in the absence of an account (of his possession of goods recently stolen) which may reasonably be true and consistent with innocence. If the account which the accused in the case of prosecution for lighting a fire, might give in respect of his suspected connection with such lighting were such that it might reasonably be true and were consistent with innocence he would be entitled to acquittal. The justification for the importation of such a doctrine would be, as it is in the case of stolen goods, that it is highly improbable that the commission of the offence can ever be proved by the evidence of eye-witnesses. In Victoria the lighting of fire illegally is done furtively, and can seldom be proved except by proof of a confession of guilt made by the accused when interrogated before a prosecution is instituted. The necessity of obtaining a confession is, in all cases, highly undesirable and often leads to the employment of methods which, when