

FOREST LAW NOTES.

It is proposed to make this section a regular feature of the Journal and readers are invited to contribute notes or draw the attention of the Editor to current legal topics of interest to foresters.—Ed.

Fire Damage to Private Plantation.

A claim arising out of the destruction by fire of a plantation of 730 macrocarpa (*Cupressus macrocarpa*) trees was heard in the Supreme Court at Wellington in July, 1937, before a judge and jury of four. The main head of the claim concerned the loss of these trees, although there were a number of other incidental items such as loss of ornamental trees and disfigurement of property. The petitioner claimed for the value of the trees upon the following basis :—

Cost of replacing :

	£	s.	d.
730 two-year-old macrocarpa trees @ 25/- per 100	9	2	6
Planting, handling and heeling	10	0	0
Extra allowance for loss owing to exposed situation	4	15	6
	£23 18 0		
	£23 18 0		

Petitioner also claimed for three years loss of growth on the 5-year-old trees (530) and two years loss of growth on the 4-year-old trees (200) at the rate of 1/- per tree per annum; the total of this claim for loss of growth came to £99 10s. 0d.

Evidence on behalf of the petitioner was given by a prominent valuer in Wellington and also from a practical point of view, by nearby farmers who in their opinion said that 1/- per tree per annum was a very reasonable figure. The basis of this claim of 1/- per tree per annum was, according to the valuer, that a macrocarpa would be mature in 25 to 30 years and would then be worth 25/- to 30/-. The practical farmers in that locality said that actually they would not be matured until about 35 to 40 years old but that they would then be worth 35/- to 40/-, there being a ready market for them at that price.

In evidence for the defence the loss of growth claim was calculated by estimating the yield which a plantation of this kind would bring in when matured, which was computed at about 45,000 superficial feet. Taking on this a royalty figure most favourable to the petitioner, that is to say, 5/- per 100 superficial feet, this came to £113. The present day value, discounting at 5% for 40 years of the whole plantation, would therefore be £16 7s. 0d. It is to be noted that, according to this method of valuation, the present day value was less than the cost of planting.

The Jury did not accept the basis of valuation put forward by the defence and preferred that put forward by the petitioner, but came to the conclusion that the whole of the 730 trees would not mature, probably not more than half, and so, therefore, allowed the petitioner on this head half of his claim of £99 10s. 0d., namely £49 15s. 0d.

Trees and Aviation.

Contending that safety was the main consideration where aviation and aerodromes were concerned, the Magistrate, Mr. J. Miller, dismissed an application made by the Hastings Golf Club against the Hawke's Bay and East Coast Aero Club for the latter to show cause why the Golf Club should cut down certain trees on the property adjoining the aerodrome.

A government aviation expert gave evidence to the effect that the trees in question caused air disturbances which affected the machines and said that, unless the trees were cut down, the aerodrome would not be suitable for commercial purposes.

"The main consideration is safety," said the Magistrate. There was no give and take allowed for. "I can't take any view other than that; the expert evidence and the authorities have made a recommendation and safety must be the first consideration."

"The authorities have satisfied me that the requisition is necessary and reasonable in the interests of safety. It is unfortunate for the Golf Club, which has gone to a lot of trouble with its grounds but the progress of commercial and defence aviation requires that aerodromes should be protected. It is necessary that other parties who have been on adjacent properties for many years previously should put up with certain inconveniences. I have overwhelming evidence that the conditions at the Hastings Aerodrome are not safe, and there is on decision that can be made other than that the requisition is reasonable and in order and must be complied with in the interests of aviation."

(By courtesy of the Editor of "**Wings.**")

(Sections 4 and 5 of the Public Works Amendment Act, 1935, provide for fixing the maximum height of buildings and trees in the vicinity of aerodromes for the protection thereof and for the removal of buildings, trees, etc., which render aerodromes unsafe for aviation purposes.—Ed.)

On the Regeneration of Kauri (*Agathis australis*)

The ability of kauri to produce good crops of young seedlings, saplings, and rickers under certain conditions, is clearly demonstrated by the following figures :—

Kauri Regeneration Count.
Trees per Acre.

Area No.	Seedlings	Saplings.	Rickers	Small Trees	Large Trees	Totals
1	—	200	50	—	—	250
2	20,000	400	180	30	3	20,213
3	15,000	100	150	20	2	15,272
4	3,000	20	30	—	—	3,050
5	20,000	100	60	30	5	20,195
6	100	20	—	—	—	120
7	15,000	500	300	—	—	15,800
8	4,000	300	350	—	—	4,650
9	30,000	1,200	60	—	—	31,260
10	—	—	130	120	—	250
11	—	60	70	50	—	180
12	2,000	100	—	—	—	2,100

Sapling size and upward were counted on 1/10 ac. plots; the figures for seedlings were obtained from a count of 5 plots of 1 square yard each on each 1/10 ac.

In all plots manuka (*Leptospermum spp.*) and associated species, were found in all stages from seedlings to dominant trees, to dead trees. All plots were on spurs or low ridges.

It should be noted that the above figures are from areas where regeneration has been favoured by some particular, but at present unknown combination of circumstances ; they are definitely better than the average.

Growth of Saplings. Measurements of 12 saplings, 6 growing in the open, and 6 in the forest showed that for the growing season ended May, 1937 :—

Saplings in open grew 9.4 inches in height.

Saplings in forest grew 7.0 inches in height.

One sapling in particular, growing in the open, grew 15.6 inches in height. This particular sapling threw out a whorl of branches when it commenced growing in October 1936, another in January, 1937, and another when the new growing season commenced in October, 1937, i.e., two whorls in the year.

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