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THE ADMINISTRATIVE DETERMINATION OF PUBLIC
LAND CONTROVERSIES

By HENRY L. McCLINTOCK*

II. ORGANIZATION

CONSIDERED as an instrument for the determination of controversies, the land office is composed of tribunals of original jurisdiction, the district, or local land offices, of which there are now eighty-five, each in the charge of a register and receiver,⁹⁵ and two appellate tribunals, the commissioner of the General Land Office and the secretary of the interior. All of these officers are appointed by the president, with the consent of the Senate so as not to be dependent on each other for their tenure, but the registers and receivers are subject to the supervision of the commissioner, and he in turn to that of the secretary. Thus there is an organization approximating that of a single court with its original and appellate branches, which has been advocated as a substitute for our present organization of separate courts.

Before considering the organization of these separate branches, it is well to note some of the duties imposed upon them in addition to the determination of controversies and which may affect their fitness to perform their judicial functions. Probably the ordinary administrative duties of surveying, recording, accounting, etc., that are required have no effect if sufficient clerical assistance is available so that proper time can be given to the study of the cases and of the law governing them. But all of these officers are charged directly or indirectly with the duty of protecting the public lands and thus, in a sense, are representing the government in all land proceedings and, therefore, to a certain extent, occupy the position of both party and judge.

⁹⁵Continued from 9 MINNESOTA LAW REVIEW 420.

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⁹⁶Except where other authority is given, this and the following subdivisions are based on information obtained by a visit to the General Land Office, and by subsequent correspondence with the office.

⁹⁷In a few districts where the volume of business is small, one person performs the duties of both register and receiver.

The registers and receivers are charged generally with the duty of protecting the public domain, as against fraudulent claims, which, in many cases, may bring them into conflict with applicants, whose claims they must later pass upon. By rules of the office,⁹⁶ they are required to ascertain all the facts in cases brought before them and to this end are required, if necessary, personally to interrogate, or direct the examination of, a witness. But the decisions of these officers are always subject to review by the commissioner, even when no appeal is taken, and the commissioner is much more directly involved in the prosecution of the cases he must later decide. He has charge of the special agents of the field service, organized to determine whether the claimants under the public land laws comply with the law, to investigate trespasses and depredations on the public domain, to prosecute mislocating settlers, and to assist United States attorneys in prosecutions under the land laws.⁹⁷ That this situation has its influence is shown by the annual report of the commissioner for 1911,⁹⁸ in which he says that he, himself

"prepares the charge on which the action is based, agents acting under his direction collect the evidence and present it at the hearing which he orders, and officers subordinate and answerable to him preside at the trial, find the facts and declare the law. Finally, upon the entire record of the cause so presented, the Commissioner or Assistant Commissioner must pass judgment. The duty of sitting as a judge to determine the question which he, as prosecuting attorney, presents, and the facts which he, as jury, found or may find, is frequently embarrassing."

There is little apparent evidence, however, that the land tribunals have been prejudiced against claimants. Under President Cleveland's first administration, Commissioner Sparks, convinced there were great frauds in the claims to public lands, and attempting to detect the frauds, allowed the undisposed claims to accumulate to such an extent as to become a campaign issue, so that the Republicans, when returned to power under President Harrison, declared they had a mandate from the people to expedite the business of the land office.⁹⁹ On the other hand there have been severe attacks, directed chiefly at the secretaries of the interior, on the ground that they were not properly protecting the public domain, for example the attack on Secretary Ballinger in the administration

⁹⁶Rules of Practice, rules 34-36.

⁹⁷Conover, General Land Office 91.

⁹⁸Page 10.

⁹⁹White, Administration of the General Land Office 72.

of President Taft and that upon Secretary Fall, lately occupying the newspapers.

Aside from the feeling we have, or at least had during the nineteenth century, that the judge should be only an umpire between contending parties, there seems to be no good reason why the supervision of the special agents should embarrass the commissioner in deciding a case prepared by them. He is not considering a controversy between parties whose interests are necessarily conflicting. It is not the government's policy to retain its lands against all claimants, but to see that it is fairly distributed among those entitled to it under the laws. The object of the special agents, and of the commissioner as well, ought to be merely to see that the facts are fully developed, and no attempt should be made to judge the efficiency of the former by the number of claims defended. The fact that the commissioner does pass on the cases prepared and presented by the agents gives him an opportunity to judge of their work on the basis of their efficiency in developing the true facts. In addition to this consideration, the machinery within the office for the preparation of the decision¹⁰⁰ ought to be a strong protection against any influence on the decision because of the commissioner's relation to the prosecuting agents.

As a general thing the registers and receivers are able personally to attend to all cases brought before them. In most of the offices, they have clerical assistance, and in eighteen there are land law clerks.¹⁰¹ The registers and receivers each receive \$3,000 a year and the pay of the land law clerks ranges from \$1,140 to \$1,620 a year.

In the General Land Office, it is the duty of the commissioner or assistant commissioner to decide all cases, but it is manifestly impossible for them to do so, personally. To handle these cases, there must be a large force of assistants, and such a force has been developed during the history of the Land Office. The office at Washington is divided into fourteen divisions, each with its specific functions, though these are arranged by the Commissioner with the approval of the secretary, and are subject to change.¹⁰² The divisions principally concerned with the adjudication of claims, are: A, the Chief Clerk's Office; C, the Homestead and

¹⁰⁰See *infra*.

¹⁰¹Conover, *General Land Office* 95, 97, 113-124.

¹⁰²Conover, *General Land Office* 83.

Timber and Stone Division; G, Land Grants to States and Corporations; M, Accounts; H, Contest Division; K, Indian Lands Division, and N, Mineral Lands Division. All decisions in contested cases are prepared in Division H.¹⁰³ Division A has control of the examination of the records of attorneys and agents who are admitted to practice before the office, and also includes the Board of Law Review, which consists of a chief counsel, six associates counsel and a secretary-librarian. Each division is directed by a chief, and the larger ones are divided into sections, each directed by a chief of section.

The commissioner receives a salary of \$5,000 a year; the assistant commissioner, \$3,500; chief clerk, \$3,000; chief law clerk, \$2,500; two other law clerks, \$2,200 each; chiefs of division, from \$2,000 to \$2,750 each; law examiners, \$1,600 to \$2,000 each.¹⁰⁴ All of those receiving less than \$2,750 share in the additional compensation allowed to civil employees by act of March 4, 1923, which gives all receiving \$2,500 or less, \$240 additional compensation.

When a case is appealed to the secretary of the interior, the decision may be rendered by him or by one of his assistants, generally it is by the first assistant secretary. These cases are first examined in the office of the solicitor for the Interior Department, an officer of the department of justice assigned to the Interior Department, in which there are three members of the board of appeal, who are appointed by the secretary. This board was created in 1913¹⁰⁵ to act in an advisory capacity to the secretary. In the solicitor's office are twenty-five assistant attorneys. The decisions prepared by the latter are all reviewed by the board of appeal, before presentation to the assistant secretary for adoption. The sec-

¹⁰³By departmental order June 15, 1922, mineral contests, theretofore handled in Mineral Division, were assigned to the Contest Division, which will hereafter have charge of all litigated cases, both mining and agricultural that have come before the office for decision . . . It is the special province of the Contest Division to handle such cases (of conflicting interests) in accordance with the rules of procedure, decisions of the courts and the department that come before the office on appeal or review from the district land offices, where hearings have been had and testimony submitted. It is believed that the centralizing of all contests in one division gives assurance of uniformity of action and greater expedition in the disposition of the work.—Report of Commissioner, G. L. O., June 30, 1922.

¹⁰⁴Act of Jan. 24, 1923, making appropriations for the Department of the Interior for the fiscal year ending June 30, 1924.

¹⁰⁵For a discussion of the purpose and work of the board of appeal by a member of it, see Finney, Board of Appeals, Dept. of Int., 10 Am. Pol. Sci. Rev. 290.

retary receives an annual salary of \$12,000, the first assistant receives \$5,000, each member of the board of appeal, \$4,000, and the assistant attorneys, from \$2,000 to \$3,000 each, salaries which are not excessive, when it is considered that the duties they have to perform are fairly comparable to those of the highest court of a state.

All of these officers, except the secretary, the commissioner and their assistants and the members of the board of appeal, are under the civil service, so as to constitute a permanent force, not subject to change, with the change of administrations.

Most of the commissioners have been lawyers, many of them having held other offices, either before or after, their terms as commissioners. One of them became a Justice of the Supreme Court, Justice McLean. Up to 1911, there had been 18 lawyers, 1 physician, 2 surveyors, 1 soldier, 3 former civil service employees and 6 whose profession was not stated. Since 1860, there had been 11 lawyers, 1 surveyor, 2 civil service employees, one of whom had worked up through the General Land Office, and 2 whose profession was not stated.¹⁰⁶

The report of the commissioner for the year 1911,¹⁰⁷ stated that, of the 526 employees in the office, 131 were graduate lawyers, and about 150 others were qualified by their experience to pass on matters of quasi judicial character.

III. PROCEDURE

In hearing and determining cases, the Land Department is governed almost exclusively by its own rules and regulations, and unwritten customs. Only in a few matters has Congress undertaken to regulate by provisions in the several acts under which lands may be claimed, the procedure by which the right is to be established, except in the most general terms. Examples of such provisions are those in the original pre-emption act, requiring the affidavits of the claimant and the corroborating affidavits of two others, and giving a right of appeal from the register and receiver to the secretary of the treasury.

If the claim is not opposed, the proof is submitted in the form

¹⁰⁶White, Administration of the General Land Office, appendix 1.

¹⁰⁷Page 21, cited in White Administration of General Land Office 218. In the report for that year the commissioner was urging the creation of a board of review to decide the cases. Current reports do not give similar data as to the present force in the office.

of affidavits. Originally, these affidavits had to be made in the presence of the district officers, and the final proof made before them, but, in 1864, Congress enacted¹⁰⁸ that homestead entrymen prevented by cause from personal attendance at the district land office might make affidavit before a clerk of court in the county in which the land was situated. This statute has been often amended, and now permits affidavits to be made before any United States Court Commissioner, or before a judge or clerk of any court of record in the county or land district.¹⁰⁹ Of course, this operated to deprive the register and receiver of any opportunity to cross-examine the witnesses or to develop the facts at all; they had to content themselves with merely passing on the sufficiency of the ex parte proof submitted. The opportunities for fraud thereby afforded necessitated the development of some investigating force, and resulted in the organization of the field service. Now the district officers are required to notify a special agent whenever an applicant gives notice of intention to submit final proof, whether the proof is to be made before the local officers or before some commissioner or court official. The agents may then, insofar as time permits, personally investigate the claim, and appear at the time of taking the final proof, to see that all the facts are brought out.

Adverse proceedings may be instituted either by protest or by contest. A protest may be made by a private individual, who makes no claim to a preference right to enter the land, if the entry attacked is cancelled, though he may claim some adverse interest therein, or by an officer of the government, generally one of the special agents. A contest is instituted by an individual, who desires to obtain the preference right of entry offered to those who successfully contest entries by act of May 14, 1880, section 2, as amended by act of July 26, 1892.¹¹⁰ A contestant is required to pay the costs of the contest, except those of the contestee and his witnesses. If he defaults or fails to pay the costs, the contest may be continued as a protest, in which case no preference right will be granted. When an ex parte application is rejected on a dispute as to the proofs filed, it is thereafter treated as an adverse proceeding.

¹⁰⁸Act of March 21, 1864, 13 Stat. at L. 35, sec. 3.

¹⁰⁹Revised Statutes sec. 2294, as amended U. S. Comp. Stats. 1916, sec. 4546.

¹¹⁰21 Stat. at L. 141, 27 Stat. at L. 270.

The procedure in adverse proceedings is regulated by the Rules of Practice, promulgated by the Land Department.¹¹¹ The first of these rules provides that any application to contest, or protest, shall be forthwith referred to the chief of field division, who will investigate and recommend appropriate action, so that even in these cases the interests of the public are represented. Rule 3 requires that an application to contest must be corroborated by the affidavit of at least one witness having personal knowledge of facts which, if proven, are sufficient to warrant cancellation of the contested entry, and rules 5-11 provide that, if the application to contest is allowed, notice must be served on all parties adversely interested which service may be personal, including service by registered mail, or by publication; notice must also be posted on the land affected. Defect in the service of the notice is not ground for abatement of the contest where a copy is shown to have been received by the person to be served, but in such cases the time to answer may be extended (rule 12). By Rule 13, the contestee has 30 days in which to answer and on his failure to do so, the allegations of the contest will be taken as confessed, the case forwarded to the General Land Office and the parties notified by registered mail of the action taken (rule 14). Upon the filing of the answer and proof of service, the time for trial shall be fixed forthwith and the parties notified by registered mail not less than 20 days in advance. Provision is made by rules 17-19 for continuances, and by rules 20-32 for depositions and interrogatories. Rule 37 allows due opportunity to opposing claimants to cross-examine witnesses. Rule 38 provides that objections to evidence will be duly noted, but not ruled upon by the register and receiver, and such objections will be considered by the commissioner.

Until 1903, the officers and parties had to rely on the voluntary appearance of witnesses. Ordinarily the parties could find some witnesses whom they could induce to attend, but the special agents found it very difficult to secure the attendance of those from whom they secured information which they desired to present. By the act of June 31, 1903,¹¹² the register and receiver were authorized to compel the attendance of witnesses before them, and by section 4 of that act depositions of witnesses residing out of the county where the hearing was to be held could be taken.

¹¹¹References here are to the Rules of Practice approved Dec. 9, 1910, effective Feb. 9, 1911, reprinted with amendments July 13, 1921.

¹¹²32 Stat. at L. 790.

Rule 40 permits demurrers to the evidence and provides that upon the completion of the evidence, the register and receiver will render a joint report and opinion thereon. This rule makes no provision for taking the defendant's evidence if the demurrer is sustained by the register and receiver, so that, if the commissioner overrules the demurrer, it is necessary for the parties to bring their witnesses again and present the evidence for the defendant, or to decide against him without hearing his evidence, either of which imposes an unnecessary hardship. Rule 41 provides for notice to the parties of the decision, and of their right to move for a new trial within 15 days, which motion can be based only on newly discovered evidence, or to appeal to the commissioner in 30 days. Even if no appeal is taken the action of the register and receiver must be reviewed by the commissioner, but in that event his decision is not appealable to the secretary. The appeal is taken by serving and filing a notice (rules 47-50). Rule 50 provides that if the appeal is taken for insufficiency of the evidence, the particulars of the insufficiency must be specifically set forth in the notice, and if error of law is urged as ground for such appeal, the alleged error must likewise be specified. Unless there is a motion for a new trial or an appeal, the decision is final as to the party except in the case of fraud or gross irregularity, or disagreement between the register and receiver (rule 51). Rule 64 provides for appeals from the action of the local officers in rejecting applications to file, enter, or locate on the public lands.

On the hearing of the appeal, no new evidence will be received unless by stipulation of the parties, or in support of a mineral application or protest, but the commissioner may order further investigation made or evidence submitted upon particular matters (rule 68). He is given by rule 71 discretion to permit oral argument upon notice to opposing counsel, but in ordinary cases where the cost of such argument would be disproportionate to the value of the land, it will not be allowed.

When the record is received at the General Land Office, it is sent to the proper division and there assigned to some one of the law examiners for the preparation of the commissioner's decision. If no oral argument is allowed, the examiner studies the record and the briefs, if any have been filed, and from them he writes the decision, which he submits to the chief of division for approval. The case then goes to the board of law review for consideration, which may result in a conference before a final conclusion is reached.

In case an oral argument is allowed, the commissioner or assistant commissioner will arrange to have present at the argument the examiner to whom the case has been referred, the chief of division, and one or more members of the board of law review, so that the argument will be heard by all of those who will participate in preparing the decision. After the argument, the ordinary procedure may be followed in preparing the decision, or those hearing the argument may confer at its conclusion and reach an informal agreement which the law examiner will follow in his written opinion.

Appeals from the commissioner to the secretary are regulated by rules 74-82. Under them the commissioner has authority to decide whether the case is appealable, subject to an order of the secretary directing him to certify the record in a case in which he has denied the right to appeal. The appellant is allowed 20 days after service of notice of appeal within which to serve and file brief and specifications of error, and the other party 20 days thereafter in which to reply. Oral argument is subject to a rule similar to that governing such argument before the Commissioner.

When the case reaches the secretary, it is referred to one of the twenty-five associates counsel in the solicitor's office for preparation of opinion. It is then reviewed by the board of appeals before adoption as the decision of the department.

The power of the secretary on appeal from the commissioner extends to a complete review, including questions of fact as well as of law. But as a matter of practice the findings of fact made in the Land Office are generally adopted, especially if they agree with the findings of the register and receiver.

Rule 72 prohibits any motion for a rehearing of any decision of the commissioner. Rule 83 provides for rehearings, on motion, after decision of the secretary. The motion must be made within 30 days after receipt of the notice of decision. Rule 84 abolishes motions for review and rereview. This was to do away with the possibility of a secretary or his assistant reviewing and reversing a decision of his predecessor after the time for rehearing had elapsed, a practice not uncommon at one time.

In addition to review by appeal the secretary may control the commissioner by the exercise of his supervisory power. Rule 85 provides that motion for the exercise of that power will be considered only when accompanied by positive showing of extraordinary emergency. Rule 86 provides that none of the rules shall

be construed to deprive the secretary of any direct or supervisory power conferred on him by law.

Rules 87-92 relate to attorneys. By act of July 4, 1884, section 5,¹¹³ the department was authorized to regulate those practicing before it as attorneys, and it has regular rules for the admission to such practice. Attorneys at law from outside the District of Columbia, who appear to represent a party, are admitted, practically as a matter of course, upon a showing of their admission to the regular bar. Rule 90 expressly provides that attorneys appearing in any case shall have full opportunity to consult the records therein, together with the abstracts, field notes, tract books and correspondence which is not deemed confidential. This provision deals with the question involved in the much discussed case of *Local Government Board v. Arlidge*,¹¹⁴ where the House of Lords held that the Local Government Board need not reveal to an appellant the report of its inspector before whom the local public inquiry was held. The question of confidential correspondence has been twice considered in the Land Decisions. *In re Horton*¹¹⁵ an attorney applied for information as to the specific charges of fraud in certain claims, contained in the report of a field agent, on the strength of which a letter had been prepared in the General Land Office recommending proceedings to annul the patents. The department held that after final action had been taken on such report there was no apparent objection to allowing an inspection, but that before such final action the report was clearly confidential, and in this case the action was not final as yet, inasmuch as the letter had not yet been approved by the commissioner. *In re Clark, Prentiss & Clark*,¹¹⁶ involved an application by attorneys for certified copies of reports made by special agents and of correspondence between the office and its agents. These were refused on the ground that such correspondence and reports were confidential and that to reveal their contents would seriously hamper the work of protecting the public domain. It called attention to a regulation of Aug. 23, 1897, that papers on file in the Field Service Division or related to any matter pending in such division, except such papers as were technically a part of the application or entry, or part of the pleadings, should not be subject to inspec-

¹¹³23 Stat. at L. 101.

¹¹⁴[1915] A. C. 120.

¹¹⁵(1897) 24 Land Dec. 379.

¹¹⁶(1908) 38 Land Dec. 464.

tion. This order was regarded as changing the rule announced in the prior case. Such reports are not part of the evidence on which the subsequent decision is based, but are merely the means of obtaining the evidence. There has apparently been no charge that in deciding the case on the record as made before the register and receiver, those who prepare the decisions consult these confidential reports, which would create the situation that gave rise to the *Arlidge Case*. The possibility of such consultation in an important case is another reason for objecting to the decision of a case by the same office which prosecuted it. The probability of such consultation, in view of the specialized functions of the divisions within the office, is not great enough to give very great weight to this reason.

There are no complete reports published showing the volume of controversies determined by the Land Department, nor as to the ratio of affirmances to reversals. The report of the commissioner for the year 1911, in connection with recommendations for the establishment of a board of review with power to decide, subject to an appeal to the commissioner, stated that during the fiscal year which ended June 30, 1911, more than 7,000 cases came to the General Land Office on appeal, of which more than 60% were settled finally in that office.¹¹⁷

Conover says¹¹⁸ that the office decides several hundred cases a month and about 90% of the decisions are final. On the appeals to the secretary, the commissioner is upheld in about 60% of the cases. Of the cases which reach the United States Supreme Court the land office is upheld in about 85%.

"Between June 30, 1913, and March 21, 1921, the Supreme Court decided sixty public land cases of major importance; in fifty-one of these it upheld the government."

In his report for the year ending June 30, 1923, the commissioner, under the heading "Homestead and Kindred Entries," states that appeals from local officers acted on numbered 7,263 as against 7,404 the previous year.¹¹⁹ Under the heading "Contests Involving Land Titles" he states that it is the special province of the contest division to handle generally all cases that involve adverse and conflicting interests and that during the year the office has disposed of 782 litigated cases and 1,438 unappealed cases, and that the work is practically current.¹²⁰

¹¹⁷Page 20, cited in White, Admin. of G. L. O. 218.

¹¹⁸Conover, G. L. O. 66.

¹¹⁹Page 6. ¹²⁰Page 25.

The report of the secretary of the interior for the year 1917 shows that in the solicitor's office there were pending July 1, 1916, 825 public land appealed cases, 1,704 more were received to June 30, 1917, and 2,040 were disposed of. Four hundred and seventy-two applications for rehearing were also disposed of. In addition to public land cases, the solicitor's office disposed of 715 pension cases and 10,893 miscellaneous cases, which included opinions, Indian matters, contracts, etc. No information is given as to the ratio of affirmances to reversals.¹²¹

A count of the cases in the last three volumes of the Land Decisions¹²² shows that in cases appealed to the secretary, as reported there, the decision of the commissioner was affirmed in 140, reversed in 107, and modified in 40. Other decisions reported were on rehearing, requests for instructions, etc. No attempt was made to classify the modifications, they range all the way from minor changes of form to substantial reversals on the vital issues. The decision of the commissioner was affirmed in 56% of the opinions in which there was a direct affirmance or reversal. But these three volumes cover a period of more than five years, February, 1917, to April, 1922, and the cases reported therein form only a small part of the 2,500 appealed cases decided annually by the solicitor's office. In volumes 43 and 44 of the Land Decisions are tables of unreported decisions. A count of two hundred of these cases, selected at random, shows 88 affirmances and 30 reversals, the rest being decisions of motions for rehearing, answers to requests for instruction, modifications of the commissioner's decision, or cases simply remanded, without any indication of the reason. This supports what might reasonably be inferred, that a greater proportion of cases in which there were reversals, than of those in which there were affirmances, are reported.

The department of the interior is, of course, subject to the control of the president. If he could exercise his control in no other way, he could remove the commissioner and the secretary and appoint those who would act as he desired in certain matters. Attempts have been made to secure a more direct control. The act reorganizing the General Land Office made that office subject to the supervision of the commissioner, under the direction of the president.¹²³ In President Cleveland's first administration,

¹²¹Abridgment of Messages and Documents, 1917, page 695.

¹²²Volumes 46-48.

¹²³Act of July 4, 1836, 5 Stat. at L. 107.

Secretary Lamar submitted to him a controversy between settlers and a railroad having land grants. The president in reply stated the legal questions had been settled in the railroad's favor by the opinions of the attorney general but suggested the secretary review the cases indulging every presumption in the settler's favor and if the corporation was entitled to select any more lands that he direct it to select other lands in lieu of those on which there were settlers.¹²⁴ During President Taft's administration, the chief of the division of field service appealed to the president over the head of Secretary Ballinger in the matter of the Cunningham claims to coal lands in Alaska. The president considered the matter and came to the conclusion there was no reason for his interference.¹²⁵ *In re Honolulu Consolidated Oil Co.*,¹²⁶ was a petition for the exercise of supervisory power and authority by the secretary for the issuance of seventeen placer claims patents for oil lands. Two other companies and the United States asserted title to the lands, the latter on behalf of the Navy Department. Secretary Fall in his opinion states that after an order "clearlisting" petitioner's claims had been revoked, as appeared from the records of the department, pursuant to the suggestion of the president, the case was again heard before the commissioner and on appeal, by Secretary Lane, who reported to the president he could see no way to decide it consistently with the law and facts except in favor of the Honolulu Company.

"However, by a most unique intervention of the chief executive, Mr. Lane was prevented from putting his conclusion into effect. He resigned from office without promulgating a decision. Mr. Lane's successor, Secretary Payne, ordered a reargument of the case, and, on June 17, 1920, reversed the commissioner's decision."¹²⁷

Apparently the decisions of the Department are subject to the control of the chief executive when he sees fit to exercise his power.

(To be concluded.)

¹²⁴White, *Admin. of G. L. O.* pp. 132, 133.

¹²⁵*Ibid.*, pages 133, 134.

¹²⁶(1921) 48 Land Dec. 303.

¹²⁷(1921) 48 Land Dec. 303, 306.