



PARLIMEN MALAYSIA



BILL

Group Settlement Areas 1960

D.R.11/1960



Federation of Malaya

HIS MAJESTY'S GOVERNMENT

Gazette

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BILLS
SUPPLEMENT No. 5

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The following Bills introduced into the House of Representatives are published for general information:

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(Presented and read a first time and ordered to be printed, 22nd February, 1960).

A BILL

intituled

An Act for the purpose of ensuring uniformity of law and policy in respect of the establishment of group settlement areas and the conditions of alienation and occupation of land in such areas and for other matters incidental thereto.

[]

BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Ra'ayat in Parliament assembled, and by the authority of the same, as follows:

PART I

PRELIMINARY

1. This Act may be cited as the Group Settlement Areas Act, 1960. Short title.

2. (1) In the application of this Act in a State, words and expressions used in this Act shall, unless the context otherwise requires or it is herein otherwise expressly provided, have the meaning assigned to them by the State land law. Interpretation.

(2) In this Act unless the context otherwise requires—

“appropriate crop” means the crop specified under section 5 or, if no crop is so specified, by the Collector;

“Collector” means any Collector of Land Revenue, Land Officer, District Officer or other officer appointed under the State land law and includes an Assistant Collector, Assistant Land Officer or Assistant District Officer;

“Commissioner” means the Commissioner of Lands and Mines appointed for a State;

“consolidated annual charge” means a consolidated annual charge by way of rent imposed in accordance with the provisions of section 20;

“designated area” means an area declared to be a designated area in accordance with the provisions of section 3;

“group settlement area” means an area declared to be a group settlement area in accordance with the provisions of section 4;

“holder” means a person to whom a holding has been alienated or approved for alienation;

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"holding" means a holding constituted in accordance with the provisions of this Act;

"public authority" means any government in the Federation, a local authority or a statutory authority exercising powers vested in it by Federal or State law;

"register of holdings" means a register of holdings in respect of which no document of title has for the time being been issued under the State land law, maintained in accordance with the provisions of section 12;

"rural holding" means a rural holding constituted in accordance with the provisions of section 7;

"rural settlement area" means an area declared to be a rural settlement area in accordance with the provisions of section 5;

"State land law" means the State law for the time being in force relating to land and the registration of title thereto and the collection of revenue therefrom;

"to alienate" has the meaning assigned to it in the State land law but includes a disposal of State land in accordance with the provisions of this Act in consideration of the obligation to pay a consolidated annual charge by way of rent commencing on a date subsequent to the date of occupation.

"urban holding" means an urban holding constituted in accordance with the provisions of section 7;

"urban settlement area" means an area declared to be an urban settlement area in accordance with the provisions of section 6.

PART II

GROUP SETTLEMENT

Designated
areas.

3. (1) The Ruler in Council may by notification in the *Gazette* declare any area of land within the State to be a designated area for the purposes of this Act.

(2) No State land in a designated area shall be alienated or occupied except in accordance with the provisions of this Act relating to land within a group settlement area or the provisions of any written law for the time being in force relating to mining land.

(3) Nothing in the provisions of sub-section (2) shall prejudice the rights of any person in lawful occupation immediately prior to the coming into operation of a notification under sub-section (1) of State land included in a designated area.

GROUP SETTLEMENT AREAS

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4. The Ruler in Council may by notification in the *Gazette* declare any area of State land, whether or not included in a designated area, to be a group settlement area for the purposes of this Act. Group settlement areas.

5. (1) The Ruler in Council may by notification in the *Gazette* declare any land within a group settlement area to be a rural settlement area for the purposes of this Act. Rural settlement areas.

(2) Any such *Gazette* Notification may specify the appropriate crop to be planted in accordance with the provisions of sub-section (2) (c) of section 25.

6. The Ruler in Council may by notification in the *Gazette* declare any land within a group settlement area to be an urban settlement area for the purposes of this Act. Urban settlement areas.

7. (1) The Commissioner may, in accordance with the provisions of this section, divide any land within a group settlement area into a number of holdings. Holdings.

(2) A rural holding shall be of such area as the Ruler in Council may approve and shall comprise one or more parcels of land within a rural settlement area for occupation by one individual holder and all rural holdings shall, as far as possible, be of equal area:

Provided that there may be included in a rural holding one parcel of land within an urban settlement area for use by the holder for residential purposes exclusively.

(3) An urban holding shall comprise one or more parcels of land in an urban settlement area for occupation by a person, persons or corporation for such one or more of the following purposes as may be specified by the Commissioner with the approval of the Ruler in Council, namely, commercial, industrial or residential purposes or purposes of public utility.

8. The Commissioner may by notification in the *Gazette* reserve any land in a group settlement area which is needed for any public purpose and the provisions of the State land law relating to the reservation of land for public purposes shall apply *mutatis mutandis* to any such reservation. Reservation of land for public purposes.

9. (1) The Ruler in Council may direct that the whole or any part of a group settlement area shall be cleared at the public expense by felling or other means in such manner and to such extent as the Ruler in Council thinks fit. Clearance.

(2) The cost of such clearing shall be paid out of monies provided by the State Legislature and may be recovered from the persons to whom land in the area is alienated and any

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public authorities having control of land within the area which has been reserved for a public purpose in such proportion as the Ruler in Council may direct.

Alienation.

10. (1) Subject to the provisions of this Act, the Collector may, on behalf of the Ruler in Council—

(a) alienate any rural holding; and

(b) permit the occupation of any rural or urban holding in expectation of title.

(2) Subject to the provisions of this Act the Commissioner may, on behalf of the Ruler in Council, alienate any urban holding.

Titles and conditions.

11. (1) The document of title to a holding shall be that which is provided in the State land law in respect of country land not exceeding ten acres in area and such document shall state whether the title is in perpetuity or for a term of years.

(2) In every document of title to a holding there shall be implied the obligations that the holder will duly pay the rent or consolidated annual charge by way of rent reserved in respect of such holding, will preserve all boundary marks and will give immediate notice to the Collector or to the nearest Penghulu if any boundary marks are injured, destroyed or removed.

(3) Express conditions imposed under, and conditions and obligations implied by virtue of the provisions of, this Act shall run with the land and shall bind the holder thereof and shall commence to run from the date of occupation in expectation of title authorised by entry in the register of holdings or from the date of alienation, whichever is the earlier.

(4) There shall by virtue of this section be implied in every document of title to a holding the condition that a breach of or default in the observance of any of the conditions of the said document of title, whether expressed in the document or implied by this Act or by the State land law, shall render the holding liable to re-entry and the title liable to forfeiture in the manner provided in the State land law in respect of such breach or default.

Occupation in expectation of title.

12. (1) Authority to occupy any land within a group settlement area in expectation of title shall be given by an entry in the register of holdings to be maintained by the Collector in the Form A in the Schedule.

(2) Before entering in the register of holdings the name of any person in respect of an urban holding, the Collector may require the payment of all sums due in respect of the holding

GROUP SETTLEMENT AREAS

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whether by way of premium, survey fees or otherwise together with the amount of the rent payable in respect of the first year of occupation.

(3) No person shall by making any payment or deposit of any kind or by being recorded in a register of holdings or in any other way than by occupying a holding with the authority of the Collector in expectation of title be taken or deemed to have acquired any right to registration of title to such holding and such authority may be cancelled by the Collector at any time before title has been registered.

13. (1) The Commissioner, with the approval of the Ruler in Council, may in respect of the occupation or alienation of any land in a group settlement area fix rates of premium, including a proportion of the cost of clearing land reserved for a public purpose within the area, rent, survey and other fees:

Premia,
rent, etc.

Provided that the Ruler in Council may direct that any urban holding shall be alienated by auction.

(2) The first revision of the rent of land in a group settlement area may take place on or after the expiration of a period of.....years from the date upon which such rent was first fixed in accordance with the provisions of subsection (1) or, in the case of a consolidated annual charge by way of rent, after the expiration of the period during which such charge is payable and subsequent revisions may take place at intervals of not less than thirty years.

PART III

RURAL HOLDINGS

14. A rural holding may be alienated only to one individual person qualified in accordance with the provisions of section 19 and no joint ownership of a rural holding shall at any time be permitted.

Restrictions
on alienation
of rural
holdings.

15. (1) No land comprised in a rural holding may at any time be subdivided.

Restriction
of dealings.

(2) No land comprised in a rural holding may be held by way of undivided shares.

(3) No rural holding may be leased or sublet in whole or in part.

16. Where, but for the provisions of section 15 the land comprised in any rural holding would on the death of the holder or proprietor or otherwise be liable to transmission

Transmis-
sion on
death, etc.

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by way of subdivision or in undivided shares, the persons entitled to interests in the holding may assign their interests to a single holder, and, in default of such assignment, the holding shall be disposed of on the order of the Collector and the proceeds of sale of the holding or any interest therein shall be dealt with according to law.

Conditions
and
obligations.

17. There shall by virtue of this section be implied in every document of title to a rural holding the following conditions and obligations—

- (a) the whole area of the holding, other than that part which is used for residential purposes as provided in paragraph (d) shall be brought fully under cultivation with the appropriate crops by the date specified and shall thereafter at all times be maintained and cultivated according to the rules of good husbandry;
- (b) no crops, other than the appropriate crops, shall at any time be planted upon any portion of the holding;
- (c) the holding shall not at any time be used for the erection of any building, other than a building together with the out-buildings and appurtenances thereof used solely as a dwelling house by the holder;
- (d) any such dwelling house shall be erected upon such part of the holding as the Collector may direct and no other part of the holding shall be used for residential purposes.

Rights of
access.

18. (1) The holder of any rural holding which does not have direct access to a public road or access reserve shall have at all times a right of way across intervening holdings.

(2) Such right of way shall extend to the right of carrying agricultural produce and the necessary implements and materials for agricultural purposes by the most direct route between the land and the public road or access reserve but shall not extend to the use of any vehicle other than a bicycle, tricycle or handcart:

Provided that the Collector may determine the situation of any such right of way and his decision shall be final.

(3) Any holder using such right of way across other land shall be liable for any damage directly resulting from such use and, in the event of any dispute, the amount of the damage shall be assessed by the Collector whose decision shall be final.

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PART IV

OCCUPATION OF RURAL HOLDINGS IN
EXPECTATION OF TITLE

19. (1) No person, other than a citizen, shall be eligible to occupy a rural holding so long as such holding continues to be State land.

Qualifications for holding rural holdings.

(2) No person who is a proprietor or co-proprietor of any land other than—

(a) country land not exceeding two acres in area; or

(b) a single plot of town land used solely for his own residential purposes; or

(c) both such country and town land,

shall be eligible to occupy a rural holding so long as such holding continues to be State land:

Provided that, where a group settlement area is established for the purpose of supplementing existing uneconomic small holdings, the Ruler in Council may direct that the maximum of two acres specified in paragraph (a) of this sub-section be increased to not more than six acres:

And provided that for the purposes of this sub-section the expression "co-proprietor" includes a husband or wife, as the case may be, and in calculating the area of country land referred to in sub-section (2) (a) any land held separately by a husband and wife shall be aggregated:

And provided further that any person who is in occupation of a rural holding shall not be disqualified from continuing in occupation by reason only of subsequent acquisition of any land or interest therein by inheritance or gift *inter vivos*.

20. (1) The Commissioner, with the approval of the Ruler in Council, may, in respect of the occupation of a rural holding in expectation of title in place of premium, rent, survey and other fees fixed in accordance with the provisions of sub-section (1) of section 13, impose a consolidated annual charge by way of rent for such period as may be specified.

Consolidated annual charge.

(2) In determining the amount of such consolidated annual charge by way of rent there may be taken into account the cost of any service, material or equipment supplied to the holder together with such charges in respect of interest as may be approved by the Ruler in Council.

(3) The first payment of any such consolidated annual charge may be deferred for such period after the date of alienation as the Commissioner may, with the approval of the Ruler in Council, direct.

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(4) So long as any such consolidated annual charge by way of rent is payable in respect of any holding such holding shall remain State land.

Recovery
of rent.

21. (1) As from the date upon which the payment of any consolidated annual charge shall be due to commence such charge shall be a first charge on the land and in respect of any year shall fall due in full on the first day of January in that year.

(2) Such consolidated annual charge, if not sooner paid, becomes an arrear on the first day of April in the year in respect of which it is due.

(3) It shall be a condition of occupation of a rural holding that default in payment of any consolidated annual charge shall be a breach of the conditions of occupation.

Breach or
default.

22. (1) There shall by virtue of this section be implied in the terms of occupation of any rural holding in expectation of title authorised by entry in the register of holdings the condition that, in case of a breach of or a default in the observance of any of the conditions or obligations of such occupation, whether express or implied, the Commissioner or any officer authorised by him in writing may, on behalf of the Ruler of the State, re-enter upon the land comprising such holding and upon a note thereof being made in the register of holdings all rights in expectation of title of any person shall cease and be extinguished, and the entire property in and control of such land shall vest solely in the Ruler of the State.

(2) Before re-entering on any land as provided by subsection (1) the Commissioner or such officer shall serve or cause to be served on the holder of the land a notice in the form B in the Schedule.

(3) Unless the holder within the period specified in the notice repairs or makes good such breach or default or shows cause to the satisfaction of the Commissioner or such officer why the land should not be re-entered, the Commissioner or such officer shall on the expiration of such period re-enter upon the land.

(4) If a holder refuses service of a notice under subsection (2) or cannot with reasonable diligence be found the notice shall be deemed to have been duly served if a copy is posted on the land and further copies are posted on the Land Office notice board and in such public places in the mukim in which the land is situated as the Commissioner or such officer shall think fit.

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23. (1) Where any rural holding is re-entered in accordance with the provisions of section 22 no compensation shall be payable to the holder except in accordance with the provisions of sub-section (3) of this section. Compensation.

(2) A holder whose holding has been re-entered in accordance with the provisions of section 22 may, if he so desires, with the approval of the Collector, remove a dwelling house which he has erected on the land at his own sole expense.

(3) The Collector shall make a valuation of any dwelling house remaining on any land which has been re-entered in accordance with the provisions of section 22 and shall pay as compensation to the former holder the amount of such valuation after deducting the cost of any material or other service supplied to the holder for the erection of such dwelling house and such sum for expenses as the Collector, with the approval of the Ruler in Council, shall fix.

(4) The amount of any such compensation may be recovered from any subsequent holder who is duly authorised to enter upon the holding in accordance with the provisions of this Act.

24. (1) Subject to the provisions of this Act, a holder in occupation of a rural holding in expectation of title may assign his rights in that holding to any individual person qualified in accordance with the provisions of section 19 and approved by the Collector, unless proceedings for re-entry under section 22 shall have been commenced. Assignment of rights of occupier in expectation of title.

(2) The assignment shall be in the Form C in the Schedule and shall be submitted to the Collector who shall enter the name of the assignee in the register of holdings.

25. (1) There shall be implied in the terms of occupation of any rural holding in expectation of title the conditions and obligations contained in this section. Implied conditions and obligations.

(2) The holder shall, if so required, do all or any of the following things—

- (a) clear the boundaries of the holding in accordance with any directions of a Survey Officer or Settlement Officer or of the Collector;

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- (b) clear the whole or any part of the holding in accordance with any directions of the Collector;
- (c) plant with the appropriate crop the whole or any specified part of the holding at such times and in such manner as the Collector shall from time to time direct;
- (d) from time to time in accordance with any directions of the Collector to carry out any necessary maintenance, fertilising, replanting or other work required on the holding;
- (e) refrain from tapping any rubber planted on the holding until the Collector shall have certified that the rubber is mature.

(3) The Collector may direct that any of the requirements of paragraph (a), (b) or (c) of sub-section (2) shall be carried out by a holder in conjunction with the holders of contiguous holdings or on a co-operative basis of joint working on contiguous holdings.

PART V

URBAN HOLDINGS

Persons to whom urban holdings may be alienated.

26. An urban holding may be alienated to any person, persons or corporation to whom State land may be alienated in accordance with the State land law.

Restriction of use of urban holding.

27. Every document of title to an urban holding shall specify which of the purposes mentioned in sub-section (3) of section 7 shall apply to such holding and there shall be implied in every such document of title the condition that the holding shall be used for no other purpose.

Occupation in expectation of title.

28. Subject to the provisions of section 29, the occupier of an urban holding in expectation of title authorised by entry in the register of holdings shall be deemed for the purposes of the State land law to be in occupation of State land under approved application in expectation of registration of title.

Assignment of rights of occupier in expectation of title.

29. (1) Subject to the provisions of this Act, a holder in occupation of an urban holding in expectation of title may assign his rights in that holding to any person, persons or corporation approved by the Commissioner.

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(2) The assignment shall be in the Form C in the Schedule and shall be submitted to the Collector who shall enter the name of the assignee in the register of holdings.

PART VI

GENERAL

30. (1) Any person who within a designated area or a group settlement area enters upon or occupies any land whether by residing on or by erecting any building or by clearing, enclosing or cultivating any part thereof or cutting timber or produce thereof or by grazing animals or by cutting, digging or taking from any land any product mentioned in paragraph (vi) of sub-section (2) of section 32 without having lawful permission so to do shall be deemed to be in unlawful occupation of such land.

Unlawful
occupation
of land.

(2) Any person who is in unlawful occupation of land within a designated area or a group settlement area shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five hundred dollars.

(3) Without prejudice to any other action which may be taken under this section, the Collector or any police officer may summarily remove from any land in a designated area or a group settlement area any person found to be in unlawful occupation thereof and may enter upon such land and remove or destroy any cultivation or building erected thereon, and where any boundary stone or mark or ditch or other feature marking a boundary line has been removed or displaced may forthwith restore such mark and re-establish the original boundary.

31. The provisions of the State land law as to offences and penalties shall apply *mutatis mutandis* in respect of alienations under this Act.

Other
offences and
penalties.

32. (1) The Commissioner may, with the approval of the Ruler in Council, make rules for carrying out the purposes of this Act and for all matters incidental thereto.

Rules.

(2) Without prejudice to the generality of the foregoing such rules may provide for—

- (i) the manner in which applications shall be made and approved;
- (ii) the temporary occupation or use of land in a designated area or a group settlement area which is unsuitable for cultivation, of unused reserves or portions of reserves and of land in an urban settlement area not immediately required for alienation;

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- (iii) the method of collection of land revenue in respect of holdings occupied in expectation of title;
- (iv) the procedure to be followed under any provision of this Act;
- (v) the powers and duties of officers to whom it may be necessary to entrust duties in connection with the carrying out of the provisions of this Act or of any rules made hereunder;
- (vi) the issuing of licences to dig and remove from any land in a designated area or a group settlement area earth, gravel, stone, coral, shell, sand, loam or clay, or to remove bricks, lime, cement or other commodities manufactured from the said materials provided that no such licence shall be issued in respect of land comprised in a holding which has been alienated except to the holder or with his consent.

Savings.

33. (1) The provisions of this Act shall apply in respect of all land in a designated area or a group settlement area notwithstanding any provision of the State land law or of any other existing law to the contrary and the provisions of the State land law and any other existing law shall have effect in respect of such land only in so far as they are not inconsistent with the provisions of this Act.

(2) Nothing in this Act shall affect the operation of any existing law relating to Malay reservations.

(3) This Act shall not apply to the States of Malacca and Penang.

SCHEDULE

FORM A

(Section 12 (1))

Serial No.....

REGISTER OF HOLDINGS

Parcel	Cultivation or use	Surveyed Lot	Registered Area
(a)			
(b)			
(c)			
(d)			

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RECORD OF CHANGES

	Date	Authority for change
1. Original Holder.....		
2.		
3.		
4.		
5.		
6.		
7.		
8.		

Consolidated annual charge \$.....with effect from 1-1- .

.....
Collector of Land Revenue

Entry exchanged for Title No.....

.....
Collector of Land Revenue

FORM B

(Section 22 (2))

NOTICE PRIOR TO RE-ENTRY OF RURAL HOLDING FOR
BREACH OR DEFAULT

.....
the registered holder of Holding.....

Group Settlement area of.....

Whereas you have committed

a breach of
a default in the observance of the condition or term of occupation specified
hereunder—

Take notice that unless within.....days from the date of this notice you repair or make good the above breach or show cause to my satisfaction why your holding should not be forfeited under the Group Settlement Areas Act, 1960, the holding and all title or rights in expectation of title will cease and be extinct.

.....
Commissioner of Lands/ Authorised Officer

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FORM C

(Sections 24 (2) and 29 (2))

ASSIGNMENT OF RIGHTS IN EXPECTATION OF TITLE

I.....
 the holder of Holding No.....Group Settlement Area
 of.....
 in consideration of.....
 the receipt of which I hereby acknowledge do hereby assign
 to.....
 all my rights in expectation of title to the said holding.

.....
Signature of Assignor

And I.....accept this assignment.

.....
Signature of Assignee

I.....
 approve the above assignment.

.....
*Commissioner of Lands
 Collector*

.....
*Commissioner of Lands
 Collector of Land Revenue*

Dated this.....day of....., 19.....

Noted in the Register of Holdings for Group Settlement Area
Vol.....this.....day of.....
 19.....at.....m.

.....
Collector of Land Revenue

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EXPLANATORY STATEMENT

The purpose of this Bill is to provide new procedures for land alienation intended to facilitate the opening up of new lands by planned and, if necessary, assisted development. The Bill is based upon the land laws in force in the States other than Malacca and Penang and cannot, consequently, operate in the latter. Its provisions can be invoked at the State's discretion within any area or areas in the State. Within such areas the provisions of the Bill would then supersede the provisions of the State land law. The Bill will not be effective in any State unless the State Government invokes its provisions. The Bill will be presented in the form of a Federal law under Article 76 (4) of the Federal Constitution for the purpose of ensuring uniformity of law and policy with respect to group settlement and land tenure in group settlement areas.

2. Specific provisions of a novel kind are embodied in the following clauses:

Clauses 5 and 6 provide for declaration of rural and urban areas within the main Group Settlement Area.

Clause 7 provides for the division of either of such areas into holdings of a pre-determined standard size to be used for specified purposes.

Clause 10 provides for a new summary form for occupation of holdings in expectation of title.

3. The major part of the Bill deals with the conditions of occupation of rural holdings and the methods of subsidising their development, thus—

Clauses 15 and 16 prohibit subdivision, leasing or holding in undivided shares of rural holdings.

Clause 17 provides that a rural holding shall be cultivated with prescribed crops and prohibits the erection of any buildings other than the holder's dwelling house.

Clause 19 provides that no person other than a citizen who substantially has no land of his own is eligible to occupy a rural holding.

Clauses 20 and 21 provide for the waiver of charges at the time of occupation and the provision of financial assistance and for the recovery thereof after the holdings have become productive.

Clause 25 provides powers to ensure the systematic development of holdings.

[AG. FM. 2180.]