

if any, has been cut on any other lands, describing the same; exhibiting at the same time for the inspection of such agent or agents, if required, the books of accounts and measurement of such logs, timber and other lumber under his or their control respectively, and shall, moreover, furnish such agent or agents all required information and facilities to enable him or them to arrive at a satisfactory determination as to the quantity and description of such saw-logs, timber, trees and other lumber made by him or them, or held in his or their possession respectively, on which Government dues are chargeable, and in the event of such agent or agents deeming it expedient to cause such saw-logs, timber and other lumber to be counted or measured, such Licensee or occupier of timber berths and his or their agents or foremen, shall, if required, aid and assist in such count or measurement. Where parties cutting under pretence of this License are cutting on granted or private lands as well, parties so cutting shall have two separate and distinct brows, and shall brow what lumber is cut from Licensed Crown Lands in one brow, and what lumber is cut from granted lands in the other brow, and shall mark such logs coming from the Crown Lands with a separate and distinct mark from those coming from granted lands. In the event of the Licensee, or any operator under him, claiming that the Government scaler has not reported a correct amount of lumber as cut from Crown Lands, it shall be incumbent on the Licensee, or any operator under him, to furnish the Minister of Lands and Mines with a sworn statement as to the total quantity of lumber cut, and also of the quantity cut from granted lands. Should such Licensee or occupier, or his or their agents, fail to comply with these conditions, on notice in writing signed by the Minister of Lands and Mines, or the Deputy Minister of Lands and Mines, and delivered to said Licensee or his assignee personally, or mailed to his address, such Licensee shall forfeit all right to his License and the berth and limits shall become vacant.

7. All applications for Timber Licenses on vacant Crown Lands shall be made by petition, which shall describe the situation thereof, and specify the number of square miles required by the applicant. No petition to be for more than ten nor less than two square miles. Only one application to be received by the Minister of Lands and Mines for the same ground.

8. Every applicant for Timber Licenses on filing his petition, shall deposit with the Provincial Treasurer the sum of twenty dollars upon each square mile applied for; and should the party so depositing become the purchaser at auction, such deposit shall be applied toward the payment of the purchase money; and in case the ground so applied for shall not be purchased at the time advertised for the sale thereof, the deposit so made shall be forfeited; and in case any other person shall become the purchaser and comply with the terms of sale, the amount so deposited shall be forthwith refunded to the party who may have paid the same.

9. All berths applied for shall, if vacant, be advertised in the Royal Gazette, and at least fourteen days' notice of sale given, and unless the whole of the purchase money be paid by the purchaser to the Provincial Treasurer at the time of the sale, such sale shall be void, and the ground shall be forthwith put up again for competition between any other parties, the upset price being in all cases twenty dollars per square mile; and every License for a timber berth shall expire on the first day of the month of August next ensuing after the issue of such License, but subject to renewal as stated in Chapter 11, 3 George V., 1913.

10. All expenses of the survey of the Timber Berth described in any Timber License, to be borne by the Licensee, and should the Minister of Lands and Mines deem it necessary that the bounds of this License should be determined, the Licensee shall employ at his own expense a Deputy Land Surveyor to make such survey, and failure to do so on the request of the Minister of Lands and Mines shall cause the License to be cancelled. Before any survey of this License is made, the Licensee shall obtain from the Minister of Lands and Mines an order to some duly deputized Crown Land Surveyor to survey such License, and no survey of any License shall be made without such order, and such survey must be made in strict accordance with such instructions as may be given by the Minister of Lands and Mines. Immediately after the completion of such survey, the Deputy Crown Land Surveyor employed shall file in the office of the Minister of Lands and Mines a complete plan of such survey, with all necessary field notes of same.

11. All logs, timber, trees or other lumber as aforesaid cut upon unlicensed Crown Lands, or which may be cut by any person beyond the limits of his own berth, shall be seized and forfeited to the use of the Crown, or a penalty charged at the rate of seven dollars and fifty cents per M. superficial feet. Until it shall have been purchased at public auction no timber or lumber shall be cut on any berth applied for.

12. Licenses may be assigned by writing signed by the Licensee, his Executors and Administrators, and the Assignor shall, within reasonable time, give notice of such assignment and its date to the Minister of Lands and Mines. The assignment shall take effect from the date upon which notice thereof shall be received at the Crown Land Office, unless the Minister of Lands and Mines, within ten days thereafter, refuse his assent thereto. The fee for making such assignment shall be four dollars per square mile, and shall be paid to the Provincial Treasurer before such transfer is noted in the Crown Land Office.

13. Until the stumpage is paid or arranged for in the manner provided for by these regulations, all logs or other lumber cut within the limits of any License shall be and remain the property of the Crown, and in no case shall be removed from the berth or brows until payment or security therefor is given to the satisfaction of the Minister of Lands and Mines or his Deputy.

14. Any logs or other lumber cut within the limits of any License by any trespasser, shall, as between the trespasser and Licensee, be deemed the property of the Licensee, and as between the Licensee and the Crown shall be liable to the rates of stumpage payable by the terms of such License, shall be dealt with in the same manner as if the said Licensee, his executors, administrators and assigns, has actually himself or themselves, cut the same, and shall be the property of the Crown until the stumpage is paid or arranged, and shall not be removed until this is done. And the Licensee shall pay or secure the stumpage of any logs or other lumber cut by any trespasser, and may, if he sees fit, bring an action for trespass, trover or replevin, for such trespass-cut logs or other lumber, for his own benefit and behoof.

15. Should the Licensee or his assigns fail to pay or arrange the stumpage payable in respect to any logs, timber or other lumber as aforesaid, cut within the limits of any License at the time by these regulations specified, the Crown shall have the right and power to seize and sell by public auction, for cash, the whole or any part of such logs, timber or other lumber, or anything made therefrom, and the Licensee or his assigns shall be entitled to any balance after deducting stumpage at the rate payable by the License, and all expenses of seizure and sale; and in addition to such failure in the payment of the stumpage, the Minister of Lands and Mines may advertise and offer for sale any and all timber licenses standing in the name of such Licensee or his assigns, until such stumpage dues are satisfied, or shall have the right to absolutely cancel such Licenses.

16. All sums payable on stumpage due shall be paid in cash, to the Provincial Treasurer, Fredericton, on or before the first day of August next, after the cutting of lumber on which such stumpage is due; provided, however, that in all cases where the Minister of Lands and Mines may deem advisable, payments of amounts due may be exacted at any time. Interest will be charged on all overdue accounts.

17. All Timber Licenses shall be subject to the right of the Lieutenant-Governor-in-Council to increase the mileage on Licenses and the stumpage on all classes of lumber when deemed expedient, on due notice thereof being given in the Royal Gazette, such increase to take effect at and after the date of the next following annual renewal, and also to any further regulations that may be made by order of the Lieutenant-Governor-in-Council, for the purpose of expeditiously enforcing the payment or adjustment of stumpage on any logs or other lumber cut within the limit described in any License or otherwise, giving effect to or enforcing the conditions of the License.

18. If any logs or other lumber are removed from the berths or brows without the consent of the Inspector of Scalers, or without the mark which has been furnished to him, all such lumber shall be forfeited and the Licenses cancelled.

19. No sound butted spruce or pine tree shall be cut down by any Licensee smaller than twelve (12) inches in diameter inside the bark; all trees to be cut down at the swell of the roots, with a maximum height not exceeding sixteen (16) inches from the ground; fir nine (9) inch diameter on the stump with the same restrictions. All lumber to be taken out of the log up to a six (6) inch top for fir; spruce same, excepting a heavy bushy top, when seven (7)