

worm, shall be \$1.25 per M. The percentage of defective lumber to be determined by the Government Scaler after the logs are yarded and subject to the approval of the Inspector of Scalers.

5. All the lumber cut under this License shall be scaled or taken account of in the usual or customary method of scaling and taking account of lumber for stumpage by some person or persons to be appointed by the Minister of Lands and Mines to be hereafter termed scalers who shall return to the Minister of Lands and Mines the quantity cut under this License. The scaler and his assistants are to be boarded and lodged at the expense of the said Licensee, and should such Licensee refuse to board and lodge such scaler or assistants, he or they to report the same to the Minister of Lands and Mines, who may thereupon take such means as he sees fit to provide the said scaler and his assistants with board and lodgings, and the expense thereof shall be paid by the Licensee, and shall, until paid, remain a charge and lien upon all lumber so cut under this License.

6. All Licensees shall, when required, furnish through themselves, their agents and foremen, to such agent or agents as the Minister of Lands and Mines may appoint for that purpose, and at such time and place as such agent or agents may require, satisfactory proof upon oath as to the exact locality where all the saw logs, timber, trees and other lumber as provided by this License, in his or their possession, were cut, with the mark or marks thereof, giving the number of pieces and description of saw-logs, timber, trees and other lumber cut by themselves and others to their knowledge, upon each of the timber berths held or occupied by him or them, respectively, designating what quantity 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 measurements 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.

Every applicant for a Timber License 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 some 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.

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 issue of such license, but subject to renewal as stated in Chapter 11, 3 George V, 1913.

8. 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.

9. 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 double stumpage charged. Railway ties cut in trespass, 25 cents each. Until it shall have been purchased at public auction, no timber or lumber shall be cut on any berth applied for.

10. Licenses may be assigned by writing signed by the Licensee, his Executor and Administrator, 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 twenty dollars per square mile, and shall be paid to the Provincial Treasurer before such transfer is noted in the Crown Land Office. Where licenses are assigned in trust and a declaration to that effect is filed with the Minister showing that no money or stock has changed hands such transfers shall be received and approved upon the payment of a fee of \$1 per license. No transfer to be accepted until all charges against the licenses have been paid.

11. 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, or shipped away until payment or security therefor is given to the satisfaction of the Minister of Lands and Mines or his Deputy.

12. 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 ac-

tion for trespass, trover or replevin, for such trespass-cut logs or other lumber, for his own benefit and behoof.

13. 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 Licensee, and all expenses of seizure and sale; and in addition to such failure in the payment of 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.

14. 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.

15. 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.

16. 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.

17. No sound buttressed tree smaller than the following diameters measured inside the bark, at a point not less than twelve inches from the ground, shall be cut by any Licensee:

Spruce, Red and White Pine—not less than 12 inches. Princess or Jack Pine—not less than 10 inches. Fir—No diameter limit.

If any trees shall be cut in contravention of this regulation, the same may be forfeited or a penalty exacted of fifty cents per tree, in addition to the regular stumpage. All sound buttressed trees shall be sawn down as low as possible, and never higher than sixteen inches from the ground, regardless of snow conditions. A penalty of twenty-five cents per tree, in addition to regular stumpage, will be charged for all trees cut contrary to this regulation. All lumber shall be taken out of a tree up to a top of six inches in diameter for spruce, except in a very bushy top, when seven inches will be allowed; white and red pine, seven inches; fir, six inches. A penalty of \$10 per thousand feet will be exacted on all lumber left in the woods in contravention of this regulation.

18. As a protection to the Government against lands being held under License for speculative purposes, and not operated on, all Licensees of Crown Timber Lands, who have not operated on the same or not operated to the extent of at least 10,000 superficial feet of lumber for each and every square mile of land so held during the term of 12 months ending with the first day of August in any particular year, shall, on being required so to do by the Minister of Lands and Mines pay to the Crown a penalty stumpage at the current rate imposed for said year, on 10,000 superficial feet of spruce for each and every square mile of Crown Land so held under license and not operated on to the required extent. Such penalty shall be a charge against said license and if not paid the said license may be cancelled. Said penalty is due on

the first day of August in each year and is in addition to, and entirely distinct from any stumpage which may accrue by reason of future operations, and can never be credited to payments for such operations.