

change.

All timber, logs or other lumber cut upon unlicensed Crown Land 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, and no timber or lumber shall be cut on any berth applied for until it shall be purchased at public auction.

No.	Description	Sq. Mls.
20.	Nevers Brook, Branch of Salmon River, South East quarter Block 209, East half Block J. Amos Bishop	3
C. D. RICHARDS,		
Sins.	Minister of Lands and Mines.	

GENERAL TIMBER REGULATIONS

(Issued under Chapter 11, 3 Geo. V., 1913 of New Brunswick. In effect August 1st, 1928.)

1. In these Rules and Regulations the word "License" shall mean Saw Mill License and Pulp and Paper License issued under Chapter 11 of 3-George V., 1913; and the word "Licensee" shall include Licensees under such Saw Mill License and Pulp and Paper License, and also the Licensees' executors, administrators, successors and assigns, and the word "timber" shall have the meaning given to it by Section 1 of Chapter 30 of the Revised Statutes of New Brunswick, 1927.

2. All sums payable for Bonus, Mileage, Stumpage and Fire Tax, shall be payable in cash to the Provincial Treasurer, at Fredericton, and interest at the rate of six per cent per annum, will be charged on all overdue accounts; 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. Until the stumpage is paid or arranged for, all timber 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. Should the Licensee fail to pay or arrange, at or before the date specified in the License, the stumpage payable in respect of any timber cut within the limits of any License, or the bonus, mileage or fire tax in respect of any License, then the Crown shall have the right and power to seize and sell by public auction for cash the whole or any part of the timber, lumber and wood cut within the limits of any licenses held by the Licensee, or anything made therefrom, and the Licensee shall be entitled to any balance after deducting the amount of such unpaid stumpage and or bonus, and or mileage and or fire tax, and all expenses of seizure and sale; and in addition, if such proceeds of sale shall not be sufficient to pay the unpaid stumpage and or bonus, and or mileage and or fire tax, the Minister of Lands and Mines may advertise and offer for sale any and all Licenses standing in the name of the Licensee until such stumpage dues, and or bonus, and or mileage, and or fire tax, are satisfied, or the Lieutenant-Governor-in-Council shall have the right to absolutely cancel such Licenses after due notice in writing to the Licensee.

3. All timber cut under any License shall be scaled in the usual method, according to the scale now in force. Such scaling shall be done by persons appointed by the Minister of Lands and Mines hereinafter termed "Scalers," who shall return to the Minister of Lands and Mines the quantity cut under each license. The scaler and his assistant are to be boarded and lodged at the expense of the Licensee, and should such Licensee refuse to board and lodge such scaler or assistants, he or they shall report the same to the Minister of Lands and Mines, who may thereupon take such means as he sees fit to provide such 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 timber so cut under the License. If the Licensee has any objection to the scale of such scaler, such objection must be made before the timber in question leaves the brow or landing so that the objection may be

investigated before the timber is driven, otherwise no subsequent claim for overcharge of stumpage can be entertained by the Government. If any timber is removed from the berths or brows without the consent of the Inspector of Scalers or without the mark which has been furnished to him, or if any timber is delivered in a stream or lake where it is liable to float down before being scaled by the Government scaler, all such timber shall be subject to a penalty of double stumpage.

4. The Licensee shall, when required, furnish to such agents as the Minister of Lands and Mines may appoint for that purpose and at such time and place as such agents may require, satisfactory proof upon oath as to the exact locality where all the timber in the possession of the Licensee was cut, with the mark or marks thereon, giving the number of pieces and description of the timber cut by the Licensee and others to his knowledge upon each of the timber berths held by the Licensee, designating what quantity, if any, has been cut on any other lands, describing the same, and exhibiting at the same time for the inspection of any such agent, if required, the books of account and measurement of such timber under the control of the Licensee and shall moreover furnish to any such agent all required information and facilities to enable him to arrive at a satisfactory determination as to the quantity and description of the timber cut by the Licensee or others to his knowledge or held in the possession of the Licensee or said others on which Government dues are chargeable. In the event of any such agent of the Department of Lands and Mines deeming it expedient to cause such timber to be counted or measured the Licensee shall, if required, aid and assist in such count or measurement. Where parties cutting under pretense of any License are cutting on granted lands as well, they shall have two separate and distinct brows and shall brow the timber cut from Crown lands in one brow and the timber cut from granted lands in the other brow, and shall mark such timber coming from Crown Lands with a separate and distinct mark from the timber coming from granted lands. Should the Licensee fail to comply with any of the foregoing conditions, the Minister of Lands and Mines may estimate the amount of timber cut by the Licensee and others to his knowledge upon the timber berths held by the Licensee and require payment of double stumpage on such estimated amount. In the event of the Licensee or any operator under him claiming that the Government scaler has not reported a correct amount of timber as cut from Crown Lands, it shall be incumbent on the Licensee or the operator under him, as the case may be, to furnish the Minister of Lands and Mines with a sworn statement as to the total quantity of timber cut and also of the quantity cut from granted lands. All timber 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. For railway ties cut in trespass a charge of 25 cents each shall be made.

5. Any timber cut within the limits of any License by any trespasser shall, as between the trespasser and the 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 Licensee had 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. The Licensee may, if he sees fit, bring an action for trespass, trover or replevin for such trespass-cut timber for his own benefit and behoof.

6. Except with the authorization of the Minister of Lands and Mines, no sound buttressed spruce or red or white pine, smaller than 12 inches in diameter or jack pine smaller than 10 inches in diameter or yellow birch, smaller than 14 inches in diameter, measured inside the bark at a point not less than 12 inches from the ground, shall be cut by any Licensee and all sound buttressed trees shall

be sawn down as low as possible and never higher than 16 inches from the ground, regardless of snow conditions. 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. The Minister of Lands and Mines may, in cases where in his judgment good forestry practice permits, authorize cutting to lower diameters. Permits issued by the authority of the Minister to cut undersized trees on barren lands or thickets will pay the ordinary stumpage rate with the addition of an amount not to exceed fifty cents per thousand for cost of supervision. All wood shall be taken out of a tree up to a top of 6 inches in diameter for spruce, except in a very bushy top 7 inches will be allowed, to 7 inches for white and red pine, to 6 inches for fir and to 9 inches for yellow birch. A penalty of ten dollars per thousand feet will be exacted on all timber left in the woods in contravention of this regulation. The saw will, except where impracticable, be used in felling trees and cutting them into log lengths. If any trees are cut down with an axe, their length for scaling shall be from point to point of scarf, being the extreme length of the log. Six inches will be the maximum allowance for trimming, but if exceeded the scaler will include in his scale the next foot above in length. A penalty of ten dollars per M will be charged on spruce and pine used as skids in the building of roads, bridges, etc. and left in the woods where other species are available, also on the lodged trees left in the woods. The lower limbs of every fallen tree shall be lopped off so that the top will lie flat on the ground to rot. Sleepers or railway ties shall be marked by some distinguishing mark, and marks so to be used shall be furnished to the Deputy Minister of Lands and Mines in each year before the operation is commenced; otherwise any sleepers or ties cut shall be subject to a stumpage of 25 cents each. Ties cut and hauled to the railway or stream shall be piled in a suitable manner where they can be counted. A space of three feet must be allowed between every other two tiers. Pulpwood shall be placed in piles of one cord or more.

7. The Licensee shall have the right to cut and carry away all merchantable timber except as hereinafter provided, upon lots that may have been surveyed within the boundaries of the license, and that have been approved under the provisions of Sections 57 to 65 of Chapter 30 of the Revised Statutes, 1927, for the space of one logging season immediately after such approval in the Royal Gazette, and should such lot or lots be approved after the first of December, the Licensee shall have one year from the first of August next following to remove such timber; provided that such authority shall not extend to the ten per cent contiguous to and including the clearing of the applicant which is reserved for the applicant; provided also that no undersize permit shall be issued with respect to lots so approved and that a minimum stump diameter limit of twelve inches for spruce and nine inches for fir shall apply to all timber cut from such lots.

8. The Licensee may cut and carry away all blown down, burnt and dead timber and all timber affected by insect or disease, all irrespective of size, provided that notice shall be given the Crown Lands Department before operations are commenced to enable a Forest Ranger to inspect the timber before the same is cut and to report to the Department what per centage, if any, of the area intended to be cut shall be classed as blown down, burnt or dead or affected by insect or disease, and provided further that the operations shall be conducted under the Forest Ranger of the District.

9. Subject to the provisions of subsection (1) of Section 22 of Chapter 30 of the Revised Statutes of New Brunswick, 1927, as amended by Chapter 26 of the Acts of 1928, Licenses may be assigned by writing signed by the Licensee, and the assigner shall within reasonable time, give notice of such assignment and its date to the Minister of Lands and