

or replevin from such trespass-cut timber for his own benefit and behoof.

6. Except with the authorization of the Minister of Lands and Mines, no sound butt 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 butt 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 mill, 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 Section 57 to 65 of Chapter 39 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 sub-section (1) of Section 22 of Chapter 39 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 Mines subject to the provisions of said sub-section (1), the assignment shall take effect as of the date upon which approval thereof shall be given by the Minister of Lands and Mines, the fee provided for in said sub-section (1) shall be paid to the Provincial Treasurer before such transfer is noted in the Department of Lands and Mines. No transfer shall be approved until all charges against the license have been paid.

10. All licenses shall be subject to "The Manufacturing Conditions" as authorized by Section 1 of Schedule A to Chapter 39 of the Revised Statutes of New Brunswick, 1927.

11. Licensees shall, on or before the first day of May in each year, file in the Department of Lands and Mines a return showing the kinds and quantities of timber cut by them during the previous logging season in compliance with Sections 14 and 15 of Chapter 39 of the Revised Statutes of New Brunswick, 1927.

12. Should the Minister of Lands and Mines deem it necessary that the bounds of any license be determined the Licensee shall employ, at his own expense, a Deputy Land Surveyor, to make such survey, and if he shall fail to do so on the request of the Minister of Lands and Mines, then the Minister of Lands and Mines may cause such survey to be made and charge the expense thereof to the Licensee. Before any survey of any license shall be 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 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. Any line so surveyed shall not be recognized by the Minister of Lands and Mines until such plan of survey and field notes shall be filed with the Department of Lands and Mines and approved by the Minister.

13. 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.

14. Any person indebted to the Department of Lands and Mines for any sums as stumpage dues shall be debarred from making any application for a Timber License, from bidding on the sale of any Timber License, or from having any Timber License issued to him by transfer or otherwise.

15. No saw mill will be set up on Crown Land without first obtaining a

License from the Department of Lands and Mines.

16. The Licensee, on or before the first day of August next after cutting shall pay to the Province on all timber, lumber and wood cut, stumpage at the following rates:

For Spruce, Fir Pine Hemlock and Cedar saw logs per M. superficial feet	\$3.00
For Spruce and Fir Logs when used for pulpwood per M. superficial feet	3.50
For Hemlock Logs per M. superficial feet	2.50
For Hardwood Logs, per M. superficial feet	2.00
For Poplar and Hardwood when used for Pulpwood per cord	.90
For White Birch Spoolwood, per M. superficial feet	2.00
For Railway Ties, Pine, Cedar and Hemlock, 8 feet in length (ends included) each	.12
For Telegraph Poles, 20 to 29 feet, per lineal ft.	.02
For Telegraph Poles, 30 to 39 ft., per lineal ft.	.02½
For Telegraph Poles, 40 ft. and over, per lineal ft.	.03
For Piling 20 to 29 ft., per lineal ft.	.02
For Piling 30 to 39 ft., per lineal ft.	.03
For Piling, 40 ft. and over, per lineal ft.	.05
For Fuelwood, Hardwood, per cord	.60

Where permission has been secured from the Licensee by any person, giving him the right to cut fuelwood for his own use, and not for resale, the amount to be collected from the said person by the Licensee shall not exceed \$1.00 per cord, which amount includes the \$.60 per cord stumpage to be paid to the Crown. In all cases where such permission is given, the Licensee shall immediately notify the Department of Lands and Mines, giving the name and address of the person receiving the permit and the number of cords he is authorized to cut.

For all other descriptions of timber, lumber and wood not specified above, the stumpage rate shall be 15 per cent. of the market value thereof at the mill, place of shipment or place of consumption in the Province.

In cases where pulpwood is measured in cords, the stumpage payable for a cord of wood 8 feet x 4 feet x 4 feet 4 inches with the bark on and 8 feet x 4 feet x 4 feet with the bark off will be half the price above per thousand feet.

For trees killed by insect, disease, fire or other cause the rate of stumpage shall be half the above rates.

For lumber cut in the Blue Bell Tract the rate of stumpage shall be the above rates.

17. 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 or 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